

## EXTRADITION

*Convention signed at Washington July 12, 1889, supplementing article X of treaty of August 9, 1842*

*Senate advice and consent to ratification, with amendments, February 18, 1890*<sup>1</sup>

*Ratified by the President of the United States, with amendments, February 25, 1890*<sup>1</sup>

*Ratified by the United Kingdom March 8, 1890*

*Ratifications exchanged at London March 11, 1890*

*Proclaimed by the President of the United States March 25, 1890*

*Entered into force April 4, 1890*

*Supplemented by agreements of December 13, 1900;*<sup>2</sup> *April 12, 1905;*<sup>3</sup> *May 15, 1922;*<sup>4</sup> *and January 8, 1925*<sup>5</sup>

*Terminated June 24, 1935, by treaty of December 22, 1931,*<sup>6</sup> *except as to Canada, the Irish Free State, New Zealand, and South Africa*<sup>7</sup>

26 Stat. 1508; Treaty Series 139

### EXTRADITION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY, SUPPLEMENTARY TO THE TENTH ARTICLE OF THE TREATY, CONCLUDED BETWEEN THE SAME HIGH CONTRACTING PARTIES ON THE NINTH DAY OF AUGUST, 1842

Whereas by the Tenth Article of the Treaty concluded between the United States of America and Her Britannic Majesty on the ninth day of August, 1842,<sup>8</sup> provision is made for the extradition of persons charged with certain crimes;

And Whereas it is now desired by the High Contracting Parties that the provisions of the said Article should embrace certain crimes not therein speci-

<sup>1</sup> The U.S. amendments called for addition of the phrase "when voluntary" after the word "Manslaughter" in art. I, para. 1, and deletion of the phrase "obtaining money, goods, or valuable securities by false pretenses" after the word "larceny" in art. I, para. 3.

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> TS 391, *post*, p. 256.

<sup>3</sup> TS 458, *post*, p. 272.

<sup>4</sup> TS 666, *post*, p. 392.

<sup>5</sup> TS 719, *ante*, vol. 6, p. 5, CANADA.

<sup>6</sup> TS 849, *post*, p. 482.

<sup>7</sup> Terminated for South Africa Apr. 30, 1951, by treaty of Dec. 18, 1947 (TIAS 2243, *ante*, vol. 11, p. 512, SOUTH AFRICA).

<sup>8</sup> TS 119, *ante*, p. 82.

fied, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention;

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

#### ARTICLE I<sup>3</sup>

The provisions of the said Tenth Article are hereby made applicable to the following additional crimes:

1. Manslaughter, when voluntary.
2. Counterfeiting or altering money; uttering or bringing into circulation counterfeit or altered money.
3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained.
4. Fraud by a bailee, banker, agent, factor, trustee, or director or member or officer of any company, made criminal by the laws of both countries.
5. Perjury, or subornation of perjury.
6. Rape; abduction; child-stealing; kidnapping.
7. Burglary; house-breaking or shop-breaking.
8. Piracy by the law of nations.
9. Revolt, or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm.
10. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

<sup>3</sup>For additions to list of crimes, see treaty of Dec. 13, 1900 (TS 391), *post*, p. 256; convention of Apr. 12, 1905 (TS 458), *post*, p. 272; and conventions of May 15, 1922 (TS 666, *post*, p. 392), and Jan. 8, 1925 (TS 719, *ante*, vol. 6, p. 5, CANADA), with respect to Canada.

Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Tenth Article, provided such participation be punishable by the laws of both countries.

#### ARTICLE II

A fugitive criminal shall not be surrendered; if the offence in respect of which his surrender is demanded be one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government in whose jurisdiction the fugitive shall be at the time shall be final.

#### ARTICLE III

No person surrendered by or to either of the High Contracting Parties shall be triable or be tried for any crime or offence, committed prior to his extradition, other than the offence for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered.

#### ARTICLE IV

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and if the competent authority of the state applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

#### ARTICLE V

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to that state whose demand is first received.

The provisions of this Article and also of Articles II to IV, inclusive, of the present Convention, shall apply to surrender for offences specified in the aforesaid Tenth Article, as well as to surrender for offences specified in this Convention.

## ARTICLE VI

The extradition of fugitives under the provisions of this Convention and of the said Tenth Article shall be carried out in the United States and in Her Majesty's dominions, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering state.

## ARTICLE VII

The provisions of the said Tenth Article and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

In case of a fugitive criminal alleged to have been convicted of the crime for which his surrender is asked, a copy of the record of the conviction and of the sentence of the court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

## ARTICLE VIII

The present Convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

## ARTICLE IX

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting Parties shall signify its wish to terminate it, and no longer.

In witness whereof, the undersigned have signed the same and have affixed thereto their seals.

Done in duplicate at the city of Washington, this twelfth day of July, 1889.

JAMES G. BLAINE [SEAL]  
JULIAN PAUNCEFOTE [SEAL]