

EXTRADITION

Convention signed at Washington March 19, 1874
Senate advice and consent to ratification March 27, 1874
Ratified by the President of the United States March 31, 1874
Ratified by Belgium April 16, 1874
Ratifications exchanged at Brussels April 30, 1874
Proclaimed by the President of the United States May 1, 1874
Entered into force May 20, 1874
Superseded December 18, 1882, by convention of June 13, 1882¹

18 Stat. 804; Treaty Series 27

The United States of America and His Majesty the King of the Belgians having judged it expedient with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries; the President of the United States of America, Hamilton Fish, Secretary of State of the United States, and His Majesty the King of the Belgians, Maurice Delfosse, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following Articles, to wit:

ARTICLE I

The Government of the United States and the Government of Belgium mutually agree to deliver up persons, who having been convicted of or charged with any of the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum, or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

¹ TS 30, *post*, p. 501.

ARTICLE II

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this Convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Belgian penal code by the terms of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.
3. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel.
4. The crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or putting him in fear, and the corresponding crimes punished by the Belgian laws under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly; and thefts committed with violence or by means of threats.
5. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign or government acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, bank notes, obligations, or, in general, anything being a title or instrument of credit; the counterfeiting of seals, dies, stamps and marks of state and public administrations, and the utterance thereof.
7. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.
8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

ARTICLE III

The provisions of this Treaty shall not apply to any crime or offence of a political character, nor to any crime or offence committed prior to the date of this treaty, except the crimes of murder and arson, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any crime committed previously to that for which his or their surrender is asked.

ARTICLE IV

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

ARTICLE V

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE VI

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior Consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Belgium, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Belgium, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that according to the law and the evidence, the extradition is due pursuant to the Treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE VII

The expenses of the arrest, detention and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ARTICLE VIII

This Convention shall take effect twenty days after the day of the date of the exchange of ratifications, and shall continue in force during five years from the day of such exchange; but if neither party shall have given to the other six months' previous notice of its intention to terminate the same, the Convention shall remain in force five years longer, and so on.

The present Convention shall be ratified, and the ratifications exchanged at Brussels so soon thereafter as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the city of Washington, the 19th day of March, anno Domini one thousand eight hundred and seventy-four.

HAMILTON FISH [SEAL]

MAURICE DELFOSSE [SEAL]