

Germany (Prussia and Germanic Confederation)

EXTRADITION

Convention signed at Washington June 16, 1852;¹ additional article signed at Washington November 16, 1852

Senate advice and consent to ratification March 15, 1853

Ratified by Prussia April 25, 1853

Ratified by the President of the United States May 27, 1853

Ratifications exchanged at Washington May 30, 1853

Entered into force May 30, 1853

Proclaimed by the President of the United States October 15, 1853

Not revived after World War I²

10 Stat. 964; Treaty Series 296³

CONVENTION FOR THE MUTUAL DELIVERY OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE UNITED STATES, ON THE ONE PART, AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, ON THE OTHER PART

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and Constitution of Prussia, and of the other German States, parties to this Convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the Conven-

¹ The Prussian Minister Resident at Washington signed for Prussia and for other states of the Germanic Confederation as listed in the preamble of the convention.

² See art. 289 of Treaty of Versailles (*ante*, vol. 2, p. 173), the benefits of which were secured to the United States by the treaty restoring friendly relations dated Aug. 25, 1921 (TS 658, *post*, p. 145).

³ For a detailed study of this convention, see 6 Miller 3.

tion strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part, the United States of America, and on the other part, His Majesty the King of Prussia, in His own name as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince of Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention—that is to say:

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in His own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in, or which may hereafter accede to this Convention, shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall 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 apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the

end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II

The stipulations of this Convention shall be applied to any other State of the Germanic Confederation, which may hereafter declare its accession thereto.⁴

ARTICLE III

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

ARTICLE IV

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V

The present Convention shall continue in force until the 1st of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said 1st day of January, 1858.

ARTICLE VI

The present Convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Prussia, and the ratifications, shall be exchanged at Washington within six months from the date hereof, or sooner if possible.⁵

⁴ For declarations of accession by Bremen, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Württemberg, see TS 37, *ante*, p. 17; TS 200, *ante*, p. 63; TS 201, *ante*, p. 65; TS 264, *ante*, p. 76; TS 318, *post*, p. 112; and TS 374, *post*, p. 116.

⁵ For an extension of the period for exchange of ratifications, see additional article, p. 108.

In faith whereof, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed our seals.

Done in triplicate at Washington the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

DAN¹ WEBSTER [SEAL]

FR. V. GEROLT [SEAL]

ADDITIONAL ARTICLE TO THE CONVENTION FOR THE MUTUAL DELIVERY OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE UNITED STATES, ON THE ONE PART, AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, ON THE OTHER PART, AT WASHINGTON, THE 16TH DAY OF JUNE, ONE THOUSAND EIGHT HUNDRED AND FIFTY-TWO

Whereas it may not be practicable for the ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other States of the Germanic Confederation, signed at Washington on the 16th day of June 1852, to be exchanged within the time stipulated in said Convention; and whereas both parties are desirous that it should be carried into full and complete effect, the President of the United States of America has fully empowered on his part Edward Everett, Secretary of State of the United States, and His Majesty the King of Prussia, in His own name, as well as in the name of the other German Sovereigns enumerated in the aforesaid Convention, has likewise fully empowered Frederick Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who have agreed to and signed the following article:

The ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner, should it be possible.

The present additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof, we, the respective Plenipotentiaries, have signed this agreement and have hereunto affixed our seals.

Done at Washington, this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the Independence of the United States.

EDWARD EVERETT [SEAL]

FR. VON GEROLT [SEAL]