

EXTRADITION

Treaty signed at México December 11, 1861

*Senate advice and consent to ratification, with an amendment, April 9, 1862*¹

*Ratified by the President of the United States, with an amendment, April 11, 1862*¹

Ratified by Mexico May 20, 1862

Ratifications exchanged at México May 20, 1862

Entered into force May 20, 1862

Proclaimed by the President of the United States June 20, 1862

*Terminated January 24, 1899*²

12 Stat. 1199; Treaty Series 209³

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES FOR THE EXTRADITION OF CRIMINALS

The United States of America and the United Mexican States, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say:

The President of the United States of America has appointed Thomas Corwin, a citizen of the United States and their Envoy Extraordinary and Minister Plenipotentiary near the Mexican Government; and

The President of the United Mexican States has appointed Sebastian Lerdo de Tejada, a citizen of the said States and a Deputy of the Congress of the Union.

¹ The United States amendment reads as follows:

“Strike out of Article Third, the following words: ‘or embezzlement by any person or persons hired or salaried to the detriment of their employers.’”

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

² Pursuant to notice of termination given by Mexico Jan. 24, 1898.

³ For a detailed study of this treaty, see 8 Miller 647.

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

It is agreed that the contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in article third of the present Treaty, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other.

Provided, that this shall be done only when the fact of the commission of the crime shall be so established, as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II

In the case of crimes committed in the frontier States or Territories of the two contracting parties, requisitions may be made through their respective diplomatic agents, or through the chief civil authority of said States or Territories, or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when from any cause the civil authority of such State or territory shall be suspended, through the chief military officer in command of such State or Territory.

ARTICLE III

Persons shall be so delivered up who shall be charged, according to the provisions of this Treaty, with any of the following crimes, whether as principals, accessories or accomplices, to wit: Murder (including assassination, parricide, infanticide and poisoning): assault with intent to commit murder: mutilation: piracy: arson: rape: kidnapping, defining the same to be the taking and carrying away of a free person by force or deception: forgery, including the forging or making, or knowingly passing, or putting in circulation counterfeit coin or bank notes, or other paper current as money with intent to defraud any person or persons: the introduction or making of instruments for the fabrication of counterfeit coin or bank notes, or other paper current as money: embezzlement of public moneys: robbery, defining the same to be the felonious and forcible taking from the person of another of goods or money to any value, by violence or putting him in fear: burglary, defining the same to be breaking and entering into the house of another with intent to commit felony; and the crime of larceny of cattle, or other goods and chattels, of the value of twenty five dollars, or more, when the same is committed within the frontier States or Territories of the contracting parties.

ARTICLE IV

On the part of each country the surrender of fugitives from justice shall be made only by the authority of the Executive thereof, except in the case of crimes committed within the limits of the frontier States or Territories, in which latter case the surrender may be made by the chief civil authority thereof, or such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or if from any cause the civil authority of such State or Territory shall be suspended, then such surrender may be made by the chief military officer in command of such State or Territory.

ARTICLE V

All expenses whatever of detention and delivery effected in virtue of the preceding provisions, shall be borne and defrayed by the Government, or authority of the frontier State or Territory, in whose name the requisition shall have been made.

ARTICLE VI

The provisions of the present Treaty shall not be applied in any manner to any crime or offence of a purely political character; nor shall it embrace the return of fugitive slaves, nor the delivery of criminals who, when the offence was committed, shall have been held in the place where the offence was committed in the condition of slaves, the same being expressly forbidden by the Constitution of Mexico; nor shall the provisions of the present Treaty be applied in any manner to the crimes enumerated in the third article committed anterior to the date of the exchange of the ratifications hereof.

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

ARTICLE VII

This Treaty shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give twelve months previous notice.

ARTICLE VIII

The present Treaty shall be ratified in conformity with the Constitutions of the two countries, and the ratifications shall be exchanged at the City of Mexico within six months from the date hereof, or earlier if possible.

In witness whereof, we, the Plenipotentiaries of the United States of America and of the United Mexican States, have signed and sealed these presents.

Done in the City of Mexico on the eleventh day of December in the year of our Lord One Thousand Eight hundred and sixty one; the Eighty sixth of the Independence of the United States of America, and the forty first of that of the United Mexican States.

THOS. CORWIN [SEAL]

SEBⁿ LERDO DE TEJADA [SEAL]