

January 6, 1902.

Treaty between the United States and the Kingdom of Denmark for the extradition of fugitives from justice. Signed at Washington, January 6, 1902; ratification advised by the Senate, January 30, 1902; ratified by the President, February 26, 1902; ratified by Denmark, March 8, 1902; ratifications exchanged at Washington, April 16, 1902; proclaimed, April 17, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas a Treaty between the United States of America and the Kingdom of Denmark providing for the extradition of criminals was concluded and signed by their respective Plenipotentiaries at Washington on the 6th day of January, one thousand nine hundred and two, the original of which Treaty, being in the English and Danish languages, is word for word as follows:

Contracting parties.

The United States of America and his Majesty the King of Denmark, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, and have appointed for that purpose the following plenipotentiaries:

Da de amerikanske Forenede Stater og Hans Majestæt Kongen af Danmark ønske at befæste de mellem dem bestaaende venskabelige Forhold samt fremme Retfærdighedens Sag, have de besluttet at afslutte en Traktat angaaende Udlevering af bortrømte Forbrydere og i dette Øjemed udnævnt til deres Befuldmægtigede

Plenipotentiaries.

The President of the United States of America, John Hay, Secretary of State of the United States; and His Majesty the King of Denmark, Mr. Constantin Brun, Commander of the Order of Dannebrog and decorated with the Cross of Honor of the same Order, His Majesty's Chamberlain and Envoy Extraordinary and Minister Plenipotentiary at Washington; 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:

Præsidenten i de amerikanske Forenede Stater, John Hay, de Forenede Staters Statssecretar; og Hans Majestæt Kongen af Danmark, Hr. Constantin Brun, Kommandør af Dannebrog og Dannebrogsmænd, Hans Majestæts Kammerherre og overordentlige Gesandt og befuldmægtigede Minister i Washington; hvilke, efter at have meddelt hinanden deres respektive Fuldmagter, der befandt sig i god og rigtig Form, ere komne overens om og have vedtaget følgende Artikler:

ARTICLE I.

ARTIKEL I.

Reciprocal delivery of persons charged with crime.

The Government of the United States and the Government of Denmark mutually agree to deliver up

De amerikanske Forenede Staters Regering og den Kgl. Danske Regering ere enige om gensidigt

persons who, having been charged with or convicted of any of the crimes and offenses 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 or offense had been there committed.

ARTICLE II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Denmark as manslaughter.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary, also house-breaking or shopbreaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money whether coin or paper, or of instruments of debt created by national, state, provincial or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons

at udlevere Personer, som ere sigtede for eller kendte skyldige i nogen af de i næste Artikel opregnede Forbrydelser og Forseelser, begaaede indenfor den ene af de kontraherende Parters Jurisdiktion, og som søge Tilflugt eller blive antrufne indenfor den andens Territorium, forudsat at der foreligger et saadant Bevis for Skyld, at der, ifølge Lovene paa det Sted, hvor den Bortrømte eller Anklagede antræffes, deri vilde indeholdes tilstrækkelig Hjemmel til at paagribe denne og stille ham eller hende for Retten, hvis Forbrydelsen eller Forseelsen var begaaet der.

ARTIKEL II.

Udlevering skal indrømmes for følgende Forbrydelser og Forseelser:

1. Mord, deri indbefattet Snigmord, Forældremord, Barnemord og Giftmord; Forsøg paa Mord; Ombringelse af et menneskeligt Væsen, naar saadan Handling er strafbar i de Forenede Stater som forsætligt Drab og i Danmark som Drab.

2. Brandstiftelse.

3. Røveri, bestemt som den Handling, hvorved Nogen i ond Hensigt og med Magt berøver en Anden Penge eller Ejendele, det være sig ved Anvendelse af Vold eller ved at indgyde ham Frygt; Indbrudstyveri.

4. Dokumentfalsk eller svigagtig Brug af falske Dokumenter; Eftergørelse eller Forfalskning af Regeringens, offentlige Myndigheders eller Domstoles officielle Aktstykker, eller svigagtig Brug af det saaledes Eftergjorte eller Forfalskede.

5. Eftergørelse, Forfalskning eller Forandring af Penge, det være sig Mønt eller Papirpenge eller af Gældsfor skrivinger udstedte af nationale Stats- Proviins- eller Kommunal-myndigheder eller af dertil hørende Kupons, eller af Banknoter, eller Udgivelse eller Sætten i Omløb af saadanne; eller Eftergørelse, Forfalskning eller Forandring af Statens Segl.

6. Tilegnelse af betroet Gods begaaet af offentlige Embedsmænd;

Extraditable crimes.

Murder, etc.

Arson.

Robbery, etc.

Forgery.

Counterfeiting, etc.

Embezzlement, larceny, etc.

hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities, or other property, knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than \$200. or Kroner 740.

Tilegnelse af betroet Gods begaaet af lejede eller lønnede Personer til Skade for dem, i hvis Tjeneste de staa; Tyveri; Tilvendelse ved falske Foregivender af Penge, Værdipapirer eller andre Ejendele, eller Modtagelse af Penge, Værdipapirer eller andre Ejendele med Vidende om, at det Modtagne er erholdt ved Tyveri, Tilegnelse af betroet Gods eller andet bedragerisk Forhold, forsaavidt Handlingen er strafbar efter begge Landes Love og Pengebeløbet eller Værdien af de svigagtigt tilvendte eller modtagne Ejendele ikke er under \$ 200 eller Kroner 740.

Breach of trust, etc. 7. Fraud, or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of the countries, and the amount of money or the value of the property misappropriated is not less than \$200. or Kroner 740.

7. Svigagtige Handlinger eller Brud paa Tillid, der begaaes af en Depositarius, Bankier, Agent, Factor, Værge, Kurator eller anden Person, der handler som Fiduciarius, eller af en Bestyrer, et Medlem eller en Embedsmand i et Selskab, forsaavidt Handlingen er strafbar efter begge Landes Love, og Pengebeløbet eller Værdien af de uretmæssigt tilvendte Ejendele ikke er under \$200. eller Kroner 740.

Perjury. 8. Perjury; subornation of perjury.

8. Mened; Forledelse til Mened.

Rape, etc. 9. Rape; abduction; kidnapping.

9. Voldtægt; Bortførelse; Barnerov.

Injuries to railroads, etc. 10. Malicious destruction of, or attempt to destroy, railways, trains or cars, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

10. Forsætlig Odølggelse eller Forsøg paa Odølggelse af Skinneveje, Sporvogne eller Vagnogoner, Broer, Vaaninger, offentlige Bygninger eller andre Bygninger, naar Handlingen medfører Fare for Menneskeliv.

Crimes committed at sea. 11. Crimes committed at sea:

11. Forbrydelser begaaede til Søs;

Piracy. (a) Piracy, by statute or by the law of nations.

a) Søroveri, efter Loven eller Folkeretten;

Revolt, etc. (b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

b) Mytteri ombord paa et Skib i rum Søs mod Skibsførerens Myndighed, eller derpaa rettet Sammenrottelse af to eller flere Personer;

Destroying vessels, etc. (c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

c) Uretmæssig Sænkning eller Tilintetgørelse af et Skib i Søs eller herpaa rettet Forsøg;

Assaults on ship-board. (d) Assault on board a ship on the high seas with intent to do grievous bodily harm.

d) Voldsgjerninger ombord paa et Skib i rum Søs udøvede i den Hensigt at tilføje en større Legemsbeskadigelse.

Slave trading, etc. 12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

12. Forbrydelser og Forseelser mod begge Landes Love betræffende Undertrykkelse af Slaveri og Slavehandel.

13. Procuring abortion.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Denmark by imprisonment at hard labor.

13. Fosterfordrivelse.

Udlevering skal ligeledes finde Sted for Meddelagtighed i nogen af de i denne Traktat nævnte Forbrydelser og Forseelser, forudsat at saadan Meddelagtighed i de Forenede Stater straffes som "felony" og i Danmark kan medføre Straf af Strafarbejde.

Procuring abortion.
Complicity.

ARTICLE III.

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

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Denmark respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV.

When the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proofs, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Danish Government before a judge or other magistrate authorized to issue warrants of arrest in extradition cases.

ARTIKEL III.

Udleveringsbegæringen skal fremsættes af de contraherende Parters diplomatiske Agenter, men kan, hvis saadanne ikke findes i Landet eller paa det Sted, hvor Regeringen har sit Sæde, ogsaa fremsættes af de overordnede Konsulats-Embedsmænd.

Hvis den Person, hvis Udlevering begæres, er bleven dømt for en Forbrydelse eller Forseelse, skal der fremlægges en tilbørligt bekræftet Genpart af den Dom, ved hvilken han er kendt skyldig, eller, dersom den Bortrømte kun er sigtet for en Forbrydelse, en tilbørligt bekræftet Genpart af den Fængslingskendelse, der er udstedt i det Land, hvor Forbrydelsen er begaaet, samt af de retslige Forklaringer eller andre Bevisligheder, i Henhold til hvilke saadan Kendelse er udstedt.

Udlevering af bortrømte Forbrydere i Henhold til denne Traktats Bestemmelser skal foregaa henholdsvis i de Forenede Stater, og Danmark, overensstemmende med de Love angaaende Udlevering, som paa den Tid ere gældende i den Stat, hos hvilken Udleveringen begæres.

ARTIKEL IV.

Naar en bortrømt Forbryders Paagribelse og Fængsling begæres i de Forenede Stater ad telegrafisk Vej eller gennem anden Meddelelse, forinden de formelige Beviser fremlægges, skal en beediget Klage, saaledes som fastsat i de Forenede Staters Lovgivning, afgives af en Repræsentant for den danske Regering for en Dommer eller anden Övringsperson, der er bemyndiget til at udfærdige Arrestordrer i Udleveringstilfælde.

Requisitions.

Copy of sentence or warrant.

Proceedings.

Applications for provisional arrest in the United States.

In Denmark.

In the Kingdom of Denmark the diplomatic or consular officer of the United States shall apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

Discharge on failure to make formal requisition within two months.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Convention, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither country bound to deliver its own citizens.

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

ARTICLE VI.

No surrender for political offenses.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be 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 offense of a political character.

Political offenses prior to extradition.

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 offense, or for any act connected therewith, committed previously to his extradition.

Attempt on life of rulers, etc., not considered a political offense.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such offense.

Decision.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the gov-

I Kongeriget Danmark skal de Forenede Staters diplomatiske eller konsulære Embedsmand henvende sig til Udenrigsministeriet, der ufortøvet vil foranledige at der foretages de nødvendige Skridt for at sikre den Bortrømtes foreløbige Paagribelse og Fængsling.

Den foreløbige Fængsling af en undvegen Forbryder skal ophøre og den Fængslede løslades, dersom der ikke inden to Maaneder fra Dagen for hans foreløbige Paagribelse eller Fængsling overensstemmende med denne Traktats Bestemmelser er tilvejebragt en formelig Begæring om hans Udlevering, ledsaget af det nødvendige Bevis for hans Skyld.

ARTIKEL V.

Ingen af de contraherende Parter skal være forpligtet til i Henhold til denne Traktats Bestemmelser at udlevere sine egne Borgere, indfødte eller naturaliserede.

ARTIKEL VI.

En bortrømt Forbryder skal ikke udleveres, dersom den Overtrædelse, for hvis Skyld hans Udlevering er begæret, er af politisk Art, eller hvis han godtgør at Begæringen om hans Udlevering i Virkeligheden er fremsat i den Hensigt at tiltale eller straffe ham for en Overtrædelse af politisk Art.

Ingen, der er udleveret af den ene af de høje contraherende Parter til den anden, skal kunne tiltales, dømmes eller straffes for en politisk Forbrydelse eller Overtrædelse eller for en med en saadan forbunden Handling, naar denne er begaaet før hans Udlevering.

Et Anslag mod en af de to Regeringers Overhoveds Liv eller mod et af hans Families Medlemmers Liv skal, naar dette Anslag indbefatter enten Mord eller Snigmord eller Forgivelse, ikke betragtes som en politisk Overtrædelse eller som en med en saadan forbunden Handling.

Hvis der opstaar Spørgsmaal om, hvorvidt en Sag hører ind under Bestemmelserne i denne Artikel, skal den Afgørelse være endelig, der træffes af den Regerings

ernment on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall without his consent, freely granted and publicly declared by him, be triable or tried, or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand

Myndigheder, for hvilken Udleveringsbegæringen er fremsat eller som maatte have indrømmet Udleveringen.

ARTIKEL VII.

Udlevering skal ikke indrømmes i Medfør af denne Traktats Bestemmelser, saafremt der med Hensyn til Paatale af eller Straf for den Handling, der er begaaet af den reklamerede Person, er indtraadt Forældelse overensstemmende med Lovene i det Land, til hvilket Begæringen er rettet.

No delivery if trial barred by limitations.

ARTIKEL VIII.

Ingen, der er udleveret af den ene af de høje kontraherende Parter til den anden, maa uden hans eget frivillige og offentlig afgivne Samtykke tiltales, dømmes eller straffes for nogen anden Forbrydelse eller Forseelse, der er begaaet før hans Udlevering, end den, for hvilken han er bleven udleveret, forinden han har haft Løjlighed til at vende tilbage til det Land, fra hvilket han blev udleveret.

Trials to be only for offenses for which extradited.

ARTIKEL IX.

Alle i Forvaring tagne Genstande, som vare i den Persons Besiddelse, som skal udleveres, paa den Tid, da han blev paagreben, hvad enten de ere Udbytte af den Forbrydelse eller Forseelse, hvorfor han er anklaget, eller de ere af Betydning som Bevismateriale for dens Forøvelse, skulle saa vidt görligt og i Overensstemmelse med de respektive Landes Love udleveres samtidigt med den Paagældende. Dog skulle Trediemands Rettigheder med Hensyn til saadanne Genstande tilbørligt respekteres.

Disposition of articles seized with person.

ARTIKEL X.

Hvis den Person, der er begæret udleveret af en af de høje kontraherende Parter i Henhold til nærværende Traktat, ligeledes begæres udleveret af en eller flere andre Magter paa Grund af Forbrydelser eller Forseelser begaaede i deres respektive Jurisdiktioner, skal hans Udlevering indrømmes den

Persons claimed by two or more countries.

is first received: Provided, that the Government from which extradition is sought is not bound by treaty to give preference otherwise.

Stat, hvis Begæring er modtaget først, forudsat at ikke den Regering, hos hvilken Udlevering er forlangt, ved Traktat er forpligtet til paa anden Maade at give Nogen Fortrinet.

ARTICLE XI.

Expenses.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and Provided that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTIKEL XI.

De Udgifter, der ere forarsagede ved bortrømte Forbryderes Paagribelse, Arrest, Afhøring og Udlevering i Henhold til denne Traktat, skulle bæres af den Stat, i hvis Navn Udleveringen er begæret; dog skal den reklamerende Regering ikke tvinges til at yde nogen Betaling for Tjenester ydede af saadanne offentlige Embedsmænd under den Regering, hos hvilken Udlevering begæres, som oppebære fast Lønning; heller ikke skal Betalingen for Tjenester ydede af saadanne offentlige Embedsmænd, der alene oppebære Gebyrer eller Sportler, overstige deres sædvanlige Godtgørelse for de af dem udførte Tjenestehandlinger, saafremt disse havde været udførte under en almindelig kriminel Retsforfølgning efter Lovene i det Land, hvis Embedsmænd de ere.

ARTICLE XII.

Effect.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively.

ARTIKEL XII.

Nærværende Traktat skal træde i Kraft paa den 30' Dag efter Ratifikationernes Udvexling og skal ikke have tilbagevirkende Kraft.

Exchange of ratifications.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

Ratifikationerne vedkommende nærværende Traktat skulle udvexles i Washington saa snart som muligt, og den skal forblive i Kraft i et Tidsrum af 6 Maaneder efter at en af de contraherende Regeringer har tilkendegivet sin Hensigt at ophæve samme.

Signatures.

In witness whereof, the respective plenipotentiaries have signed the above articles, both in the English and the Danish languages and have hereunto affixed their seals.

Til Bekræftelse heraf have de respektive Befuldmægtigede undertegnet foranstaaende Artikler baade i det engelske og i det danske Sprog samt herunder sat deres Segl.

Done in duplicate, at the City of Washington, this sixth day of January nineteen hundred and two.

Givet i dobbelt Udfærdigelse i Staden Washington den sjette Dag af Januar Nitten Hundrede og to.

JOHN HAY. [SEAL.]
C. BRUN. [SEAL.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the 16th day of April, one thousand nine hundred and two;

Ratification.

Now therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

[SEAL.] Done at the City of Washington, this seventeenth day of April in the year of Our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty-sixth.

THEODORE ROOSEVELT

By the President:

JOHN HAY,

Secretary of State.