

B A D E N .

BADEN, 1857.

EXTRADITION CONVENTION WITH BADEN, CONCLUDED AT BERLIN, JANUARY 30, 1857; RATIFICATION ADVISED BY SENATE MARCH 12, 1857; RATIFIED BY PRESIDENT MARCH 23, 1857; RATIFICATIONS EXCHANGED AT BERLIN APRIL 21, 1857; PROCLAIMED MAY 19, 1857. January 30, 1857.

Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and the Grand Duchy of Baden 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 Baden do not allow its Government to surrender its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention 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 Royal Highness the Grand Duke of Baden, 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, Peter D. Vroom, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; and his Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, His said Royal Highness' Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, &c., &c., &c.;

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 Baden 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 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 evi-

Preamble.

Contracting parties.

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Extradition of criminals.

Evidence of criminality.

dence 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.

Expense of arrest and delivery.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

Political offenses not included.

Nothing in this article contained shall be construed to extend to crimes of a political character.

ARTICLE II.

Neither party to surrender its own citizens.

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

ARTICLE III.

Retention of accused person to answer for local offenses.

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 IV.

Duration of convention.

The present convention shall continue in force until the 1st of January, one thousand eight hundred and sixty, (1860;) 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, one thousand eight hundred and sixty, (1860.)

[See Article III, treaty of 1868, p. 39.]

ARTICLE V.

Ratifications.

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 Baden; and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

Signatures.

In faith whereof the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Date.

Done in duplicate, at Berlin, the thirtieth day of January, one thousand eight hundred and fifty-seven, (1857,) and the eighty-first year of the independence of the United States.

[L. S.]

P. D. VROOM.

ADOLPH BAR. MARSCHALL

[L. S.]

DE BIEBERSTEIN.

BADEN, 1868.

July 19, 1868.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF BADEN RELATIVE TO NATURALIZATION, CONCLUDED AT CARLSRUHE JULY 19, 1868; RATIFICATION ADVISED BY SENATE APRIL 12, 1869; RATIFIED BY PRESIDENT APRIL 18, 1869; RATIFICATIONS EXCHANGED AT BERLIN DECEMBER 7, 1869; PROCLAIMED JANUARY 10, 1870.

Contracting parties,

The President of the United States of America and His Royal Highness the Grand Duke of Baden, led by the wish to regulate the citizen-

slip of those persons who emigrate from Baden to the United States of America, and from the United States of America to the territory of the Grand Duchy, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries, that is to say :

The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the Grand Duke of Baden ; and His Royal Highness the Grand Duke of Baden, his President of the Ministry of the Grand-Ducal House and of Foreign Affairs and Chamberlain, Rudolph von Freydorf ;

Who have agreed to and signed the following articles :

Negotiators.

ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become or shall become naturalized citizens of the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America who have resided uninterruptedly within the Grand Duchy of Baden, five years, and before, during, or after that time have become or shall become naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

Who to be deemed naturalized citizens.

Effect of declaration of intention.

ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfilment of military duty—

Offenses committed before emigration.

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

Violation of military laws.

2. If he has emigrated whilst he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfilment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfilment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

Convention of 1857 remains in force.
[See pp. 37, 38.]

ARTICLE IV.

Renunciation of naturalization The emigrant from the one State who, according to the first article, is to be held as a citizen of the other State, shall not on his return to his original country be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

Recovery of original citizenship.

ARTICLE V.

Duration of convention. The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

ARTICLE VI.

Ratifications. The present convention shall be ratified by His Royal Highness the Grand Duke of Baden, and by the President, by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Carlsruhe as soon as possible.

Signatures. In faith whereof the Plenipotentiaries have signed and sealed this convention.

Date. CARLSRUHE, *the 19th July, 1868.*

[L. S.]
[L. S.]

GEORGE BANCROFT.
v. FREYDORF.