

S. Vicente, a Counsellor of State, Dignitary of the Order of the Rose, Senator and Grandee of the Empire;

Who, 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.

The High Contracting Parties engage to deliver up, reciprocally, those persons who, being accused or convicted of having committed crime in the territory of the one Party, shall be found within the territory of the other, under the circumstances and conditions that are laid down in the present Treaty.

#### ARTICLE II.

The crimes for which the extradition shall be granted are the following:—

1. Murder, or attempt to murder.
2. Manslaughter.
3. Illegal fabrication, counterfeiting, or falsification, uttering or bringing into circulation counterfeit or falsified money.
4. Forgery, or imitation, counterfeiting or falsification, of any document or paper (comprising the crimes designated in the criminal code of Brazil as imitation, counterfeiting, or falsification of paper money, notes of banks, or other securities public or private, as well as the intentional use or the bringing into circulation of any papers imitated, counterfeited, or falsified.)
5. The purloining, or embezzlement, of moneys or effects, public or private, by abuse of confidence.
6. Frauds, or false or fraudulent pretences, to obtain moneys or effects from another.
7. Bankruptcies subject to criminal prosecution, according to the laws applicable thereunto.
8. Malversation, or fraud, committed by a bailee, banker, agent, factor, trustee, or director, or member, or officer of any Company, made criminal by any law in force.
9. Rape, by force or threats.
10. Abduction.
11. Child-stealing.
12. House-breaking, with intent to steal, or to commit other crimes.
13. Crimes resulting from the act of wilfully setting fire to a house, or to buildings connected therewith, to the prejudice of another.
14. Robbery with violence.
15. Piracy according to the law of nations.
16. Sinking or destroying a vessel on the high seas, or the attempt to perpetrate such acts.
17. Crimes arising from assault on board a ship on the high seas, with intent to cause death or grievous bodily injuries.
18. Crimes arising from the revolt of two or more persons on board a ship on the high seas, against the authority of the captain.
19. Extradition will also take place for participation in any of the above named crimes, provided that such participation shall be punishable by the laws of both the States of the High Contracting Powers.

#### ARTICLE III.

No British subject shall be delivered up by the Government or authorities of the United Kingdom to the Government or authorities of the Empire; and in like manner, no Brazilian subject shall be delivered up by the Government or authorities of the Empire to the Government or authorities of the United Kingdom.

If, however, the person who has taken refuge in the territory of the other High Contracting Party shall have become naturalized there after the perpetration of the crime, such naturalization shall not be an obstacle to his extradition according to the stipulations of this Treaty.

#### ARTICLE IV.

The extradition shall not take place if the person claimed has already been tried and acquitted, or punished, or if he is under trial, for the same crime for which extradition is asked. If he should be under trial for any other crime, his extradition shall be deferred until the conclusion of the trial, and the fulfilment of the punishment, when such may have been awarded.

#### ARTICLE V.

The extradition shall also not take place if, after the perpetration of the crime, or the institution of the penal prosecution, or the conviction thereon, the refugee shall have acquired exemption from prosecution or punishment by lapse of time, according to the laws of the State appealed to.

#### ARTICLE VI.

The person claimed shall not be delivered up for crimes of a political character, and when he shall have been delivered up on other grounds he shall not be punished for anterior political crimes. He shall not, moreover, be delivered up if he can clearly prove that the requisition is made with the object of trying him or of punishing him, for a political crime.

#### ARTICLE VII.

A person surrendered cannot be kept in prison, or brought to trial, in the State to which the surrender is made, for any other crime, or on account of any other matters, than those for which the extradition has been granted. This statement is not applicable to crimes committed after the extradition.

#### ARTICLE VIII.

If the person whose extradition is demanded by one of the High Contracting Parties shall be also claimed by one or more other Governments, on account of crimes committed in their respective territories, the following rule shall be observed:

If he shall be a subject of the High Contracting Party who claims him, the surrender shall be made to it. If he be not so, the other High Contracting Party shall have the power of delivering him up to the reclaiming Government which in the case in question may appear to the former best entitled to the preference.

#### ARTICLE IX.

A requisition for extradition shall be made through the respective Diplomatic Agents of the High Contracting Powers.

When it relates to a person accused only, it must be accompanied by the warrant of arrest, issued by the competent authority of the State applying for it, and by such evidence as according to the laws of the place where the accused is found, would justify the arrest if the crime was there committed.

If the extradition refers to a person already convicted, the application must be accompanied by a copy of the sentence of condemnation passed against him, given by a competent Tribunal of the State making the requisition.

The requisition cannot, however, be founded on a sentence passed *in contumaciam*, that is to say, when the delinquent has not been personally cited to defend himself.

#### ARTICLE X.

If the requisition has been in conformity with the foregoing stipulations, the competent authorities of the State to which it has been addressed shall proceed to the capture of the refugee. The prisoner shall be brought before a competent authority, who is to examine him and conduct the preliminary investigations of the case just as if the apprehension had taken place for the crime committed in the same country.

#### ARTICLE XI.

The extradition shall in no case take place before the expiration of fifteen days counted from the apprehension, and after delay it shall only be carried out when the evidence has been found sufficient according to the laws of the country applied to either for subjecting the prisoner to trial if the crime had been there committed, or to prove the identity of the person convicted and condemned by the Tribunals of the State making the requisition.

#### ARTICLE XII.

In the examinations which are to be made in conformity with the foregoing stipulations, the authorities of the State to which application is made, shall admit as valid evidence the sworn depositions or declarations of witnesses, which were taken in the other State, or the respective copies thereof, as well as the judicial documents, warrants, or sentences, transmitted therefrom, provided they are signed or certified by the hand of the judge, magistrate, or public