

No. 1436

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
ROMANIA**

Note by which the Government of the United Kingdom of Great Britain and Northern Ireland, in pursuance of article 10 of the Treaty of Peace with Romania, notified the Romanian Government of those pre-war bilateral treaties between the two countries which the United Kingdom desires to keep in force or revive. Bucharest, 13 March 1948

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 27 September 1951.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ROUMANIE**

Note par laquelle le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a notifié au Gouvernement roumain, conformément à l'article 10 du Traité de paix avec la Roumanie, les traités bilatéraux conclus entre les deux pays avant la guerre, dont le Royaume-Uni désire le maintien ou la remise en vigueur. Bucarest, 13 mars 1948

Texte officiel anglais.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 27 septembre 1951.

No. 1436. NOTE¹ BY WHICH THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, IN PURSUANCE OF ARTICLE 10 OF THE TREATY OF PEACE² WITH ROMANIA, NOTIFIED THE ROMANIAN GOVERNMENT OF THOSE PRE-WAR BILATERAL TREATIES BETWEEN THE TWO COUNTRIES WHICH THE UNITED KINGDOM DESIRES TO KEEP IN FORCE OR REVIVE.³ BUCHAREST, 13 MARCH 1948

*His Majesty's Legation at Bucharest to the Roumanian Minister
for Foreign Affairs*

His Majesty's Legation presents its compliments to the Ministry for Foreign Affairs and, on instructions from His Majesty's Principal Secretary of State for Foreign Affairs and with reference to Article 10 of the Treaty of Peace signed at Paris on the 10th February, 1947, between Roumania and the Allied and Associated Powers, has the honour to notify the Roumanian Government that His Majesty's Government in the United Kingdom desires to keep in force or revive the following pre-war bilateral treaties and agreements in respect of the United Kingdom of Great Britain, Northern Ireland and those other territories for which His Majesty's Government in the United Kingdom are internationally responsible and to which the under-mentioned bilateral treaties and agreements respectively applied at the time of the outbreak of war:—

1. London	1.iv.1893	Convention	False indication of Origin on Goods ⁴
2. Bucharest	21.iii.1893	Treaty and	Extradition ⁵
3. Bucharest	13.iii.1894	Protocol ⁶	Regarding Article II of Extradition Treaty of 21.iii.1893
4. Bucharest	12.i.1929	Exchange of Notes ⁷	Application to Mandated Territories of Extradition Treaty of 1893

¹ Came into force on 13 March 1948, date of the said note.

² United Nations, *Treaty Series*, Vol. 42, p. 3.

³ The texts of treaties and agreements which have been kept in force or revived by the above note are published herein unless previously registered with the League of Nations. In respect of treaties so registered, references are made in footnotes to the relevant volumes of the League of Nations *Treaty Series*.

⁴ See p. 122 of this volume.

⁵ See p. 132 of this volume.

⁶ See p. 154 of this volume.

⁷ League of Nations, *Treaty Series*, Vol. LXXXIII, p. 483.

5.	London . . . 17.iii.1930	}	Agreement	Money Orders ¹	
	Bucharest . . . 2.iv.1930				
6.	London . . . 6.viii.1930	}	Treaty	Commerce and Navigation ²	
7.	Bucharest . . . 25.ix.1933		Exchange of	Notes	Reciprocal Waiver of Consular fees on Certificates of Origin ³
8.	Bucharest . . . 24.v.1934		Exchange of	Notes ⁴	Extension to Malay States of Extradition Treaty of 1893
9.	Bucharest . . . 13.ii.1937	}	Exchange of	Extension to Zanzibar and Solomon Islands of Extradition Treaty of 1893	
	29.vii.1937		Exchange of		Notes ⁵
10.	London . . . 6.xii.1937		Exchange of	Reciprocal Recognition of Seamen's Discharge Books in lieu of Passports ⁶	
			Notes		

2. It is His Majesty's Government's understanding that the notification of the above list under the terms of the Treaty of Peace in no way prejudices the right of either of the two Governments to propose revisions in any of the treaties or agreements mentioned in the above list. It is also understood that any of the provisions in the treaties and other agreements in the above list which may be found not to be in conformity with the Treaty of Peace shall be considered to have been deleted so far as the application of the Treaty of Peace is concerned, but shall be regarded as being in full force with regard to matters not covered by the Treaty of Peace.

3. In accordance with paragraph 2 of Article 10 of the Treaty of Peace, His Majesty's Government will register with the Secretariat of the United Nations the bilateral treaties and other agreements which are to be kept in force or revived.

4. In the absence of separate representation in Bucharest of His Majesty's Government in Ceylon, His Majesty's Legation is instructed, at the instance of His Majesty's Government in Ceylon, to notify their desire to bring into force or revive those above-mentioned treaties and agreements which applied to Ceylon at the outbreak of war and to inform the Roumanian Government that His Majesty's Government in Ceylon wishes to reserve the right to open negotiations with a view to altering or revoking any of these treaties or agreements since they were signed prior to the attainment of independence by Ceylon.

His Majesty's Legation takes, &c.

Bucharest, 13th March, 1948.

¹ League of Nations, *Treaty Series*, Vol. CV, p. 235.

² League of Nations, *Treaty Series*, Vol. CXXIII, p. 307.

³ League of Nations, *Treaty Series*, Vol. CXLIX, p. 425.

⁴ League of Nations, *Treaty Series*, Vol. CLVI, p. 338.

⁵ League of Nations, *Treaty Series*, Vol. CLXXXI, p. 480.

⁶ League of Nations, *Treaty Series*, Vol. CLXXXIV, p. 467.

CONVENTION¹ BETWEEN GREAT BRITAIN AND ROMANIA RESPECTING FALSE INDICATIONS OF ORIGIN ON GOODS. SIGNED AT BUCHAREST, ON 20 MARCH (1 APRIL) 1893

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Roumania, being mutually desirous of concluding a Convention relating to the suppression of false indications of origin on goods, have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Honourable Charles Hardinge, Her Britannic Majesty's Chargé d'Affaires at Bucharest, &c., &c., &c.;

And His Majesty the King of Roumania, M. Alexandre N. Lahovari, Grand Cross of the Royal Order of the Crown of Roumania, &c., &c., &c., his Minister Secretary of State for Foreign Affairs;

Who, having communicated to each other their Full Powers, found in good and due form, have agreed upon the following Articles :—

Article I

All goods bearing a false indication of origin, in which one of the Contracting States or a place situated in one of them shall be directly or indirectly indicated as being the country or place of origin, shall be seized on importation into either of the two States.

The seizure may also be effected in the State where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

If the legislation of either of the two States does not sanction seizure on importation, such seizure shall be replaced by prohibition of importation.

If the legislation of either of the two States does not permit seizure in the interior, such seizure shall be replaced by the remedies assured in such case to natives by the law of that State.

Article II

The seizure shall be effected either at the request of the proper Government Department, or of an interested party, whether individual or Society, in conformity with the domestic legislation of each State.

¹ The ratifications were exchanged at Bucharest on 1 March (13 March) 1894.

Article III

The authorities are not bound to effect the seizure of goods in transit.

Article IV

The present stipulations do not prevent the vendor from putting his name or address upon goods coming from a country other than that where the sale takes place; but in such case the name or address must be accompanied by a clear indication in legible characters of the country or of the place of manufacture or production.

Article V

The Tribunals of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of the present Convention; regional appellations concerning the origin of products of the vine being, however, not comprised in the reserve provided for by the present Article.

Article VI

The stipulations of the present Convention shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to :

India.
The Dominion of Canada.
Newfoundland.
The Cape of Good Hope.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Convention shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of His Majesty the King of Roumania within one year from the date of the exchange of ratifications of the present Convention.

Article VII

The present Convention shall be ratified, and the ratifications shall be exchanged at Bucharest as soon as possible.

It shall come into operation one month after the exchange of ratifications, and shall remain in force until the expiration of one year from the day on which either of the two High Contracting Parties may give notice of its intention to terminate the same.

IN WITNESS WHEREOF the Undersigned have signed the same, and have affixed thereto the seal of their arms.

DONE in duplicate at Bucharest, the first day of April (the twentieth day of March), in the year of our Lord one thousand eight hundred and ninety-three.

[L.S.]

Charles HARDINGE

[L.S.]

Al. LAHOVARI

LIST OF BRITISH COLONIES WHICH HAVE ACCEDED TO THE ABOVE CONVENTION UNDER
ARTICLE VI

1. Newfoundland	August 10, 1894.
2. Victoria	August 27, 1894.
3. Queensland	September 9, 1894.
4. South Australia	September 9, 1894.

THE FOLLOWING BRITISH COLONIES AND FOREIGN POSSESSIONS HAVE NOT ACCEDED TO
THE CONVENTION

- | | |
|-----------------------|---------------------------|
| 1. India. | 5. The Cape of Good Hope. |
| 2. Tasmania. | 6. Natal. |
| 3. Western Australia. | 7. Canada. |
| 4. New Zealand. | 8. New South Wales. |

TREATY BETWEEN GREAT BRITAIN AND ROMANIA FOR THE
MUTUAL SURRENDER OF FUGITIVE CRIMINALS. SIGNED
AT BUCHAREST, ON 21 MARCH (9 MARCH) 1893

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,
EMPRESS OF INDIA,

and

HIS MAJESTY THE KING OF ROUMANIA

having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice should, under certain circumstances, be reciprocally delivered up; the said High Contracting Parties have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,
EMPRESS OF INDIA,

the Honourable Charles Hardinge, Her Britannic Majesty's Chargé d'Affaires at Bucharest, etc., etc.;

And

HIS MAJESTY THE KING OF ROUMANIA,

M. Alexandre N. Lahovari, Grand Cross of His Order of the Crown of Roumania, etc., etc., etc., His Minister Secretary of State for Foreign Affairs;

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

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

Article II

The crimes or offences for which the extradition is to be granted are the following :

- 1) Murder, or attempt, or conspiracy to murder.
- 2) Manslaughter.
- 3) Assault occasioning actual bodily harm. Maliciously wounding or inflicting grievous bodily harm.
- 4) Counterfeiting or altering money, or uttering counterfeit or altered money.
- 5) Knowingly making any instrument, tool, or engine adapted and intended for counterfeiting coin.
- 6) Forgery, counterfeiting, or altering or uttering what is forged, or counterfeited, or altered.
- 7) Embezzlement or larceny.
- 8) Malicious injury to property, by explosives or otherwise, if the offence be indictable.

- 9) Obtaining money, goods, or valuable securities by false pretences.
- 10) Receiving money, valuable security, or other property knowing the same to have been stolen, embezzled, or unlawfully obtained.
- 11) Crimes against bankruptcy law.
- 12) Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any Company, made criminal by any law for the time being in force.
- 13) Perjury, or subornation of perjury.
- 14) Rape.
- 15) Carnal knowledge or any attempt to have carnal knowledge, of a girl under 14 years of age.
- 16) Indecent assault.
- 17) Procuring miscarriage, administering drugs or using instruments with intent to procure the miscarriage of a woman.
- 18) Abduction.
- 19) Child stealing.
- 20) Abandoning children, exposing or unlawfully detaining them.
- 21) Kidnapping and false imprisonment.
- 22) Burglary or housebreaking.

- 23) Arson.
- 24) Robbery with violence.

25) Any malicious act done with intent to endanger the safety of any person in a railway train.

26) Threats by letter or otherwise, with intent to extort.

27) Piracy by law of nations.

28) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

29) Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.

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

31) Dealing in slaves.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Article III

Either Government may, in its absolute discretion, refuse to deliver up its own subjects to the other Government.

Article IV

The extradition shall not take place if the person claimed has already been tried and discharged or punished, or is still under trial, within the territories of the two High Contracting Parties respectively, for the crime for which his extradition is demanded.

If the person claimed should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal or on expiration of his sentence, or otherwise.

Article V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

Article VI

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Article VII

A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

Article VIII

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of the accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

Article IX

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

Article X

If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in Roumania, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows :

1) A warrant must purport to be signed by a Judge, Magistrate, or Judicial Officer of Police of Roumania.

2) Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or Judicial Officer of Police of Roumania, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3) A certificate of or judicial document stating the fact of a conviction must purport to be certified by a Judge, Magistrate, or Judicial Officer of Police of Roumania.

4) In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or of Foreign Affairs of Roumania; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken, may be substituted for the foregoing.

Article XI

On the part of the Roumanian Government, the extradition shall take place as follows in Roumania :

The Minister, or other Diplomatic Agent of Her Britannic Majesty in Roumania, shall send to the Minister for Foreign Affairs, in support of each demand for extradition, an authentic and duly legalized copy either of a certificate of condemnation, or of a warrant of arrest against an incriminated or accused person, showing clearly the nature of the crime or offence on account of which proceedings are being taken against the fugitive. The judicial document so produced shall be accompanied by a description and other particulars serving to establish the identity of the person whose extradition is claimed.

In case the documents produced by the British Government to establish the identity, and the particulars gathered by the Roumanian police authorities for the same purpose, should be deemed to be insufficient, notice thereof shall forthwith be given to the Minister or other Diplomatic Agent of Her Britannic Majesty in Roumania, and the individual whose extradition is desired, if he has been arrested, shall remain in detention until the British Government has produced new elements of proof to establish his identity, or to clear up any other difficulties arising in the examination.

Article XII

The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. In

Her Britannic Majesty's dominions the fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Article XIII

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

Article XIV

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof shall direct, the fugitive shall be set at liberty.

Article XV

All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place, and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

Article XVI

All expenses connected with extradition shall be borne by the demanding State.

Article XVII

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions may be made to the Governor or chief authority of such Colony or possession by any person authorized to act in such Colony or possession as a Consular officer of Roumania.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of criminals from Roumania who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of Her Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

Article XVIII

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified, and the ratifications shall be exchanged at Bucharest as soon as possible.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

DONE in duplicate at Bucharest, the twenty-first (ninth) day of March, in the year of our Lord one thousand eight hundred and ninety three.

Charles HARDINGE
[L.S.]

P R O T O C O L

At the moment of proceeding to the signature of the Treaty of Extradition concluded this day, the undersigned Plenipotentiaries of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and of His Majesty the King of Roumania, have agreed upon the following declaration :—

The Roumanian Government may in its absolute discretion refuse to deliver up any person charged with a crime punishable with death.

This Protocol shall have the same force and the same duration as the Treaty of Extradition signed today.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

DONE in duplicate at Bucharest, the 21st/9th March 1893.

Charles HARDINGE
[L.S.]

PROTOCOL EXPLANATORY OF § 21 OF ARTICLE II OF THE TREATY
OF EXTRADITION BETWEEN GREAT BRITAIN AND ROMANIA.
SIGNED AT BUCHAREST, ON 13 MARCH (1 MARCH) 1894

In order to avoid the possibility of any misunderstanding arising from the present text of § 21 of Article II of the Treaty of Extradition concluded between Great Britain and Roumania on the 21st (9th) of March 1893, the undersigned Plenipotentiaries, duly authorized thereto by their respective Governments, have agreed as follows :

The fact of having kidnapped or falsely imprisoned one or more persons will not admit of a requisition for extradition being made unless the act shall have been committed by private individuals. No such requisition can be made as against Public Functionaries who may have been guilty of the act in question while in the performance of their duties.

The present Protocol shall be considered as approved and sanctioned by the respective Governments without any special ratification, by the sole fact of the exchange of the ratifications of the Treaty to which it refers.

DONE in duplicate at Bucharest the thirteenth (first) day of March, in the year of our Lord, one thousand eight hundred and ninety-four.

John WALSHAM
[L.S.]
