

ARTICLE V

An accused person shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause according to the laws of the requesting country, he is exempt from prosecution or punishment for the crime or offense for which the surrender is asked.

ARTICLE VI

Extradition shall not take place if the person claimed has already been tried and discharged or punished, or is being punished, or is still under trial in the territories of the requested country, for the crime or offense for which his extradition is requested.

If the accused person be actually under prosecution, out on bail or in custody, for a crime or offense committed in the requested country, or shall have been convicted thereof, his extradition may be deferred until such proceedings be ended, and until he shall have been set at liberty in due course of law.

ARTICLE VII

No person shall be tried for any crime or offense committed prior to his extradition, other than that for which he was surrendered, unless for one month after trial or, in case of conviction, for one month after having suffered his punishment, or having been pardoned, he has been at liberty to leave the country.

ARTICLE VIII

The arrest and extradition of persons under the provisions of this treaty shall be carried out in Canada and in the United States of America, respectively, in conformity with the laws regulating extradition for the time being in force in the requested country.

Pertinent statutes of the requesting country shall be regarded as sufficiently proved for the purposes of extradition if they are certified by a principal law officer of such country or a sub-division thereof.

Requisition for the surrender of accused persons shall be made by the diplomatic agent of the requesting country. In the event of the absence of such agent from the country, requisition may be made by a consular officer.

ARTICLE IX

Extradition shall take place if the evidence be found sufficient to justify committal for trial for a crime or offense against the laws of the requesting country. In determining the sufficiency of such evidence, the courts of the requested country may apply the laws of the requested country with regard to the sufficiency of evidence to justify committal for trial in criminal causes. It shall not be essential to produce evidence sufficient to convict the accused person of the crime or offense charged were he placed on trial therefor, and it shall not be essential to establish that the crime or offense would be a crime or offense under the laws of the requested country.

If the person claimed shall have been convicted of the crime or offense for which his surrender is asked, it shall be sufficient to prove that he is the identical person so convicted in the courts of the requesting country and to produce a duly authenticated copy of the sentence of the court before which such conviction took place.