



PROTOCOL ANNEXED TO THE TREATY FOR THE EXTRADITION OF
CRIMINALS BETWEEN CANADA AND THE UNITED STATES
OF AMERICA WHICH WAS SIGNED AT WASHINGTON
APRIL 29, 1942

The undersigned, having been duly authorized to conclude a Protocol to be annexed to, and to form a part of, the Treaty for the Extradition of Criminals between Canada and the United States of America which was signed at Washington on April 29, 1942:

Considering that it is desired that the provisions of Items 26, 31 and 32 of Article 3 of the Treaty should not extend to the extradition of persons engaged in lawful business transactions in the requested country, unless the activities of such persons involve fraud, as defined by the laws of both countries, or wilful and knowing violation of the laws of the requesting country; and

Considering that it is desired that said provisions should not extend to the extradition of a publisher or vendor of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country; and

Considering that it is desired that all doubt should be removed as to the retroactive effect of any provisions of Article 3 of the Treaty which make extradition possible for an offence which was not previously an extraditable offence:

have accordingly agreed as follows:

1. No person dealing in securities in the requested country in the ordinary course of business and in compliance with the laws of the requested country shall be subject to extradition in respect of any matter involving an offence under Items 26, 31 or 32 of Article 3 of the Treaty, unless the offence involves—

- (a) fraud, as defined by the laws of both countries, or
- (b) wilful and knowing violation of the laws of the requesting country.

2. No person shall be subject to extradition for the sale and circulation in the requesting country of a lawful publication in the requested country which is primarily intended for sale and circulation in that country, the circulation of which in the requesting country is only incidental to the ordinary course of publication and sale in the requested country.

3. No person shall be subject to extradition by reason of any offence committed at a date prior to that on which the present Treaty comes into effect which was not an extraditable offence at the time when it was committed.

4. The terms of this declaration shall be deemed to have equal force and effect as the Treaty itself and to form an integral part thereof.

IN FAITH WHEREOF, the undersigned have signed the present Protocol and have affixed thereto their respective seals.

DONE in Ottawa this third day of October, one thousand nine hundred and forty-five.

RAY ATHERTON,
*Ambassador Extraordinary and Plenipotentiary of
the United States of America.*

LOUIS S. ST. LAURENT,
Acting Secretary of State for External Affairs.