

7. After section one hundred and seventy-four of the Army Act, 1881, the following section shall be inserted and numbered 174A:—

A.D. 1889.
Recreation rooms.

Notwithstanding anything in the Act of the twenty-fifth year of the reign of His Majesty King George the Second, chapter thirty-six, intituled "An Act for the better preventing theft and robberies and for regulating places of public entertainment and punishing persons keeping disorderly houses," or in the Act of the session held in the sixth and seventh years of Her Majesty, chapter sixty-eight, intituled "An Act for regulating theatres," where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

SCHEDULE.

| Accommodation to be provided. | Maximum Price. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Lodging and attendance for soldier where hot meal furnished | Twopence halfpenny per night. |
| Hot meal as specified in Part I. of the Second Schedule to the Army Act, 1881. | One shilling and one penny half-penny each. |
| Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat. | Fourpence per day. |
| Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse. | One shilling and ninepence per day. |
| Lodging and attendance for officer | Two shillings per night. |

Note.—An Officer shall pay for his food.

GOVERNMENT NOTIFICATION.--No. 274.

The following Circular Despatch, and its enclosure, is published for general information.

By Command,

FREDERICK STEWART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 15th June, 1889.

CIRCULAR.

DOWNING STREET,
24th April, 1889.

SIR,—I have the honour to transmit to you, for publication in the Colony under your Government, a copy of an Order of Her Majesty in Council, dated the 6th instant, for giving effect to the Treaty between Her Majesty and the President of the United States of Mexico for the mutual extradition of Fugitive Criminals, signed at Mexico on the 7th of September, 1886, the ratifications of which were exchanged at Mexico on the 22nd of January, 1889.

The Treaty will come into operation on the 19th instant, in conformity with Article XVIII.

I have the honour to be,

Sir,

Your most obedient humble Servant,

KNUTSFORD.

The Officer Administering the Government of

HONGKONG.

At the Court at *Windsor*, the 6th day of *April*, 1889.

PRESENT,

The QUEEN's Most Excellent Majesty.

Lord President.
Duke of Rutland.

Earl of Limerick.
Viscount Lewisham.

WHEREAS by the Extradition Acts, 1870 and 1873, it was amongst other things enacted, that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient: and that if, by any law made after the passing of the Act of 1870 by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying the said Acts in the case of any foreign State, or by any subsequent Order, suspend the operation within any such British possession of the said Acts, or of any part thereof, so far as it relates to such foreign State, and so long as such Law continues in force there and no longer:

And whereas by an Act of the Parliament of Canada passed in 1886, and entitled "An Act respecting the Extradition of Fugitive Criminals," provision is made for carrying into effect within the Dominion the surrender of fugitive criminals:

And whereas by an Order of Her Majesty the Queen in Council, dated the seventeenth day of November, one thousand eight hundred and eighty-eight, it was directed that the operation of the Extradition Acts 1870 and 1873 should be suspended within the Dominion of Canada so long as the provision of the said Act of the Parliament of Canada of 1886 should continue in force and no longer:

And whereas a Treaty was concluded on the seventh day of September, one thousand eight hundred and eighty-six, between Her Majesty and the President of the United States of Mexico, for the Mutual Extradition of Fugitive Criminals, which Treaty is in the terms following:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the United States of Mexico, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty (that is to say):

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Spenser St. John, Knight Commander of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty in Mexico;

And his Excellency the President of the United States of Mexico, Señor Licenciado Don Emilio Velasco, ex-Minister Plenipotentiary of Mexico in France, &c., &c.;

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, under the circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences:—

1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Carnal knowledge, or any attempt to have carnal knowledge, of a girl under 16 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties.
6. Indecent assault.
7. Kidnapping and false imprisonment, child-stealing.
8. Abduction.
9. Bigamy.
10. Maliciously wounding or inflicting grievous bodily harm.

11. Assault occasioning actual bodily harm.
12. Threats, by letter or otherwise, with intent to extort money or other things of value.
13. Perjury or subornation of perjury.
14. Arson.
15. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.
16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company, made criminal by any law for the time being in force.
17. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
18. (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
- (b.) Forgery, or counterfeiting or altering, or uttering what is forged, counterfeited, or altered.
- (c.) Knowingly making, without lawful authority, any instrument, tool, or engine, adapted and intended for the counterfeiting of coin of the realm.
19. Crimes against Bankruptcy Law.
20. Any malicious act done with intent to endanger the safety of any person travelling or being upon a railway.
21. Malicious injury to property, if such offence be indictable.
22. Crimes committed at sea :—
- (a.) Piracy by the law of nations.
- (b.) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
- (c.) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
- (d.) Assault on board a ship on the high seas with intent to destroy life, or to do grievous bodily harm.
23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States.

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

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

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 on the part of Her Majesty's Government, or the person claimed on the part of the Government of Mexico, has already been tried and discharged or punished, or is still under trial in the territory of Mexico or in the United Kingdom respectively for the crime for which his extradition is demanded.

If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Mexico, should be under examination for any other crime in the territory of Mexico or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

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 has 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 an 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.

A fugitive criminal may be apprehended, under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction: provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. In the Republic of Mexico the Government will decide on the extradition by administrative procedure, until a judicial procedure be established by law, when the accused will be delivered as soon as possible to the Judge designated by law. The criminal shall, in accordance with this Article, be discharged, as well in Mexico as in the United Kingdom, if within the term of thirty days a requisition for extradition shall not have been made by the Diplomatic Agent of his country in accordance with the stipulations of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

ARTICLE XI.

The extradition shall take place only if 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 same 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; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

ARTICLE XII.

In the examinations which they will have to make in accordance with the foregoing stipulations, the authorities of the State applied to for said extradition shall admit as valid evidence the depositions or statements of witnesses taken in the other State, under oath or under solemn affirmation to tell the truth, according as its legislation may provide, or the copies of these depositions or statements, and likewise the warrants issued and sentences pronounced in the State which demands the extradition, the certificates of the fact of the condemnation, or the judicial documents which prove it, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or Officer of the other State.
2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or Officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or a judicial document stating the fact of a conviction must purport to be certified by a Judge, Magistrate, or Officer of the other State.
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 some other Minister of the other State; but any other mode of authentication for the time being permitted by law in the State where the examination is taken may be substituted for the foregoing.

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 of such articles, 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 shall be made to the Governor or chief authority of such Colony or possession by the Chief Consular Officer of the Republic of Mexico in such Colony or possession.

Such requisition 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 Mexican criminals 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 by a notice not exceeding one year and not less than six months.

The Treaty, after receiving the approval of the Congress of Mexico, shall be ratified, and the ratifications shall be exchanged at Mexico 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 two originals, at the city of Mexico, the 7th day of September, in the year one thousand eight hundred and eighty-six.

(L.S.) SPENSER ST. JOHN.

(L.S.) EMILIO VELASCO.

And whereas the ratifications of the said Treaty were exchanged at Mexico on the twenty-second day of January, one thousand eight hundred and eighty-nine:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Acts, doth order, and it is hereby ordered, that from and after the nineteenth day of April, one thousand eight hundred and eighty-nine, the said Acts shall apply in the case of Mexico, and of the said Treaty with the President of the United States of Mexico.

Provided always, and it is hereby further ordered that the operation of the said Acts shall be suspended within the Dominion of Canada so far as relates to the United States of Mexico and to the said Treaty, and so long as the provisions of the Canadian Act aforesaid of 1886 continue in force, and no longer.

C. L. Peel.