

GOVERNMENT NOTIFICATION.—No. 607.

The following Circular despatch from the Right Honourable the Secretary of State for the Colonies, and its enclosure, are published.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 14th October, 1901.

CIRCULAR.

DOWNING STREET,
23rd August, 1901.

SIR,—I have the honour to transmit to you, for publication in the Colony under your Government, a copy of an Order of His Majesty the King in Council, dated the 15th of June, 1901, for giving effect to the Treaty between Her late Majesty Queen Victoria and His Majesty the King of Servia for the mutual extradition of fugitive criminals, signed at Belgrade on the 6th December, 1900, the 23rd November, ratifications of which were exchanged at that City on the 13th March, 1901.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

J. CHAMBERLAIN.

The Officer Administering the Government of
HONGKONG.

ORDER IN COUNCIL.

EXTRADITION TREATY—SERVIA.

Saint James's, 15th June, 1901.

At the Court at *Saint James's*, the 15th day of *June*, 1901.

PRESENT.

The KING's Most Excellent Majesty.

Lord Privy Seal.	Earl Brownlow.
Duke of Richmond and Gordon.	Lord Currie.
Duke of Rutland.	Mr. Gerard Noel.
Earl Waldegrave.	Sir Dighton Probyn.

WHEREAS by the Extradition Acts, 1870 to 1895, it is, 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, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His 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 His 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 whereas a Treaty was concluded on the sixth day of December, one thousand nine hundred between Her late Majesty Queen Victoria and His Majesty the King of Servia 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, Empress of India, and His Majesty the King of Servia, 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, Sir George Francis Bonham, a Baronet of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Servia:

And His Majesty the King of Servia, His Excellency Monsieur Alexa S. Jovanorić, His President of the Council of Ministers, Minister for Foreign Affairs, Member of the Council of State, Grand Officer of the Order of Milosh the Great, Grand Cross of the Order of Takovo, Officer of the Order of the White Eagle, Commander of the Order of St. Sava, Grand Cross of the Order of Osmanieh, &c. &c. ;

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 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 Servia, 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 Servia.

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 Servia, 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 Servia.

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 Servia; 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 Servian Government the extradition shall take place as follows in Servia:—

The Minister, or other Diplomatic Agent of Her Britannic Majesty in Servia, 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 Servian 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 Servia, 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 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 Servia.

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 Servia 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 possessions 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 Belgrade 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 Belgrade, the ^{6 December}_{23 November} 1900.

(L.S.) G. F. BONHAM.

(L.S.) ALEXA S. JOVANOVIĆ.

And whereas the ratifications of the said Treaty were exchanged at Belgrade on the thirteenth day of March, one thousand nine hundred and one.

Now, therefore, His Majesty by and with the advice of His Privy Council, and in virtue of the authority committed to Him by the said recited Acts, doth order, and it is hereby ordered, that from and after the thirteenth day of August, one thousand nine hundred and one the said Acts shall apply in the case of Servia, and of the said Treaty with Servia.

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada passed in one thousand eight hundred and eighty-six, and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

A. W. FitzRoy.

GOVERNMENT NOTIFICATION.—No. 608.

His Excellency the Governor has been pleased to accept the resignation of Lieutenant-Colonel Sir JOHN W. CARRINGTON, Kt., C.M.G., of the post of Commandant, Hongkong Volunteer Corps, and has permitted him to retain his rank and wear the uniform of the Corps.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 17th October, 1901.

GOVERNMENT NOTIFICATION.—No. 609.

It is hereby notified that an examination open to all qualified natural-born British subjects, for appointments in the Civil Service of India, will take place in London commencing on the 1st August, 1902, and that copies of the Regulations, syllabus of subjects of examination and forms of application to be filled up by Candidates may be obtained on application at this Office.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 16th October, 1901.

GOVERNMENT NOTIFICATION.—No. 610.

Information has been received from the French Consul that the Government of Indo-China has removed all restrictions against arrivals from Hongkong.

By Command,

J. H. STEWART LOCKHART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 16th October, 1901.