

DESPATCHES FROM THE SECRETARY OF STATE.

No. 39.

CIRCULAR.

DOWNING STREET,
30th December, 1909.

SIR,—With reference to Circular despatches of the 30th of May, 1878, and 27th of May, 1890, respecting the Treaty of Extradition between Great Britain and France of 14th August, 1876, and its extension to Tunis, I have the honour to transmit to you, for publication in the Colony under your Government, a copy of an Order of the King in Council, dated the 2nd December, 1909, for carrying into effect a Convention signed on the 17th of October, 1908, and a further Agreement concluded on the 20th of July, 1909, modifying the Treaty as regards the surrender of nationals.

You will observe that the amended arrangements take effect from the 13th instant.

I have, &c.,

CREWE.

The Officer Administering the Government of
HONGKONG.

EXTRADITION (FRANCE AND TUNIS) ORDER IN COUNCIL, 1909.

AT THE COURT AT SANDRINGHAM,
THE 2ND DAY OF DECEMBER, 1909.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT. LORD PRIVY SEAL.

SIR DIGHTON PROBYN.

WHEREAS by the Extradition Acts, 1870 to 1906, 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, 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 fourteenth day of August, one thousand eight hundred and seventy-six, between Her late Majesty Queen Victoria and the President of the French Republic, for the mutual extradition of fugitive criminals, and supplemented by a Convention concluded on the thirteenth day of February, one thousand eight hundred and ninety-six, in the case of which Treaty and Convention the Extradition Acts, 1870-1895, were applied by Order in Council of the twenty-second February, one thousand eight hundred and ninety-six:

And whereas a further Convention was concluded on the seventeenth October, one thousand nine hundred and eight, between Us and the President of the French Republic, the ratifications of which were exchanged at Paris on the twenty-ninth July, one thousand nine hundred and nine, which Convention is in the terms following:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, being desirous of amending the provisions of Article II of the Treaty between Great Britain and France of the 14th August, 1876, for the mutual extradition of fugitive criminals, have named as their respective Plenipotentiaries for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India :

His Excellency the Right Honourable Sir Francis Bertie, His Ambassador extraordinary and plenipotentiary to the French Republic, etc. ;

And the President of the French Republic :

M. Stephen Pichon, Senator, Minister of Foreign Affairs ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :

ARTICLE 1.

Article II of the Extradition Treaty of August 14th, 1876, is modified as follows :

“ Each of the two High contracting Parties shall be at liberty to refuse to the other the extradition of its own nationals. In the case, however, of a person who, since the commission of the crime or offence of which he is accused, or for which he has been convicted, has become naturalized in the country whence the surrender is sought, such naturalization shall not prevent the pursuit, arrest and extradition of such person, in conformity with the stipulations of the present Treaty.”

ARTICLE 2.

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

It shall come into force ten days after its publication in the manner prescribed by law in the respective countries, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done, in duplicate, at Paris, on the 17th October, 1908.

(L.S.) FRANCIS BERTIE.

(L.S.) S. PICHON.

And whereas an Agreement was concluded on the 31st day of December, 1889, between the Government of Her late Britannic Majesty and the Government of the French Republic, acting in the name of the Government of His Highness the Bey of Tunis, for extending the provisions of the aforesaid Treaty of the 14th August, 1876, to Tunis, in the case of which Agreement the Extradition Acts, 1870 and 1873, were applied by Order in Council of the 1st May, 1890 :

And whereas a further Agreement was concluded on the 29th July, 1909, between Our Government and the Government of the French Republic, acting in its own name and in that of the Government of His Highness the Bey of Tunis, which Agreement is in the terms following :—

The Government of His Britannic Majesty, on the one part,

And the Government of the French Republic, acting in its own name and in that of the Government of His Highness the Bey of Tunis, on the other part,

Having regard to the Agreement of December 31st, 1889, which extends the provisions of the Anglo-French Extradition Treaty of August 14th, 1876, to Tunis, have agreed as follows :

The provisions of the Anglo-French Extradition Convention of October 17th, 1908, modifying Article 2 of the Anglo-French Extradition Convention of August 14th, 1876, shall apply to Tunis.

The present Agreement shall come into force at the same time as the aforesaid Convention of October 17th, 1908, and shall have the same duration.

In witness whereof, the undersigned, His Excellency the Right Honourable Sir Francis Bertie, His Britannic Majesty's Ambassador at Paris, and His Excellency M. Stephen Pichon, Senator, Minister for Foreign Affairs of the French Republic, have concluded the present Agreement, and have affixed thereto their seals.

Done in duplicate at Paris, on the 29th July, 1909.

(L.S.) FRANCIS BERTIE.

(L.S.) S. PICHON.

Now, therefore, His Majesty, by and with the advice of His Privy Council, and in virtue of the authority committed to Him by the Extradition Acts, 1870-1906, doth order, and it is hereby ordered, that from and after the thirteenth day of December, one thousand nine hundred and nine, the said Acts shall apply in the case of France under and in accordance with the said Treaty of the fourteenth August, one thousand eight hundred and seventy-six, as supplemented by the Additional Conventions of the thirteenth February, one thousand eight hundred and ninety-six, and seventeenth October, one thousand nine hundred and eight; and in the case of Tunis under and in accordance with the said Agreements of the thirty-first December, one thousand eight hundred and eighty-nine, and twenty-ninth July, one thousand nine hundred and nine:

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, being Part I of chapter one hundred and fifty-five of "The Revised Statutes of Canada 1906," and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

ALMERIC FITZROY.

LEGISLATIVE COUNCIL.

No. 40.—His Majesty the King has not been advised to exercise his power of disallowance with respect to the following Ordinance:—

Ordinance No. 23 of 1909, entitled—An Ordinance to amend and consolidate the Laws relating to Opium and its Compounds.

C. CLEMENTI,
Clerk of Councils.

COUNCIL CHAMBER,
2nd February, 1910.

APPOINTMENTS, &c.

No. 41.—His Excellency the Governor has been pleased to appoint under Section 4 of the Weights and Measures Ordinance, 1885, (Ordinance No. 2 of 1885), Police Sergeant GEORGE SIM and Lance Sergeant GEORGE FOWLER to be Examiners of Weights and Measures in the New Territories.

1st February, 1910.