

and all other powers thereto me enabling DO HEREBY ORDER AND DIRECT that the said graves be removed to the satisfaction of the Director of Public Works either by the Public Works Department or by the Tung Wah Hospital should the Board of Direction desire to undertake the work and that the remains removed from such graves shall be re-interred or disposed of in such manner as the Secretary for Chinese Affairs in consultation with the Head of the Sanitary Department and the Board of Direction of the Tung Wah Hospital shall think fit and that all reasonable expenses in connection with such removal, re-interment and disposal shall be defrayed out of the public revenue of the Colony.

Given under my hand this 16th day of August, 1933.

W. PEEL,
Governor.

GOVERNMENT HOUSE,
HONG KONG.

No. 566

COLONIAL SECRETARY'S DEPARTMENT.

The following Order of His Majesty in Council is published for general information.

D. W. TRATMAN,
Colonial Secretary.

18th August, 1933.

AT THE COURT AT BUCKINGHAM PALACE,
THE 26TH DAY OF JUNE, 1933.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT. LORD IRWIN.
EARL OF DESART. MR. DOUGLAS HACKING.
SIR DENNIS HERBERT.

WHEREAS by the Extradition Acts, 1870 (33 and 34 Vict. c. 52) to 1906 (6 Edw. VII. c. 15), 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 signed on the 17th day of October, 1892, and was subsequently ratified, between Her late Majesty Queen Victoria and His late Majesty the King of Portugal for the mutual extradition of fugitive criminals:

And whereas a further Convention was signed on the 20th January, 1932, between His Majesty and the President of the Portuguese Republic, which Convention is in the terms following:—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Portuguese Republic,

Being desirous of amending Article 3 of the Treaty for the Extradition of Fugitive Criminals which was signed at Lisbon on the 17th October, 1892,

Have resolved to conclude a supplementary Convention for that purpose and to that end have appointed as their plenipotentiaries:

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

for Great Britain and Northern Ireland, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Commonwealth of Australia, His Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Dominion of New Zealand, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Union of South Africa, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

SUA Majestade o Rei da Gran Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da India, e o Presidente da República Portuguesa,

Animados do desejo de modificar o Artigo 3 do Tratado de Extradicação de criminosos foragidos da justiça assinado em Lisboa em 17 de Outubro de 1892,

Resolveram para esse efeito concluir uma convenção suplementar e com esse fim nomearam seus Plenipotenciarios:

Sua Majestade o Rei da Gran Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da India,

pela Gran Bretanha e Irlanda do Norte, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa;

pelo Commonwealth da Australia, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa;

pelo Dominio da Nova Zelandia, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa;

pela União Sul Africana, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa;

for India, His Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

The President of the Portuguese Republic,

His Excellency Commander Fernando Augusto Branco, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1.

Article 3 of the Extradition Treaty of the 17th October, 1892, is hereby cancelled and the following provisions are substituted in lieu thereof:—

“The High Contracting Parties shall not in any case or under any pretext be compelled to surrender their own subjects or citizens, whether by birth or by naturalisation, provided that the naturalisation took place previous to the commission of the crime or offence giving rise to the application for extradition.”

ARTICLE 2.

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

It shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties, 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.

pela India, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Magestade junto da Republica Portuguesa;

O Presidente da Republica Portuguesa.

Sua Excelencia o Senhor Comandante Fernando Augusto Branco, Ministro dos Negocios Estrangeiros:

Os quais tendo trocado os respectivos Plenos Poderes, que acharam em boa e devida forma, convieram no seguinte:

ARTIGO 1.

Fica pelo presente Acôrdo revogado o Artigo 3 do Tratado de Extradicao de 17 de Outubro de 1892, o qual é substituido pelas seguintes disposicoes:

“As Altas Partes Contratantes não serão, em caso algum nem com qualquer fundamento obrigadas a fazer entrega dos seus proprios nacionais quer estes o sejam por nascimento quer por naturalisação se esta fôr anterior ao crime ou delito que serve de fundamento ao pedido de extradicao.”

ARTIGO 2.

A presente Convenção será ratificada e a troca das ratificacoes realizar-se-há em Lisboa o mais brevemente possivel.

A Convenção entrará em vigor dez dias depois da sua publicação feita de harmonia com as formas prescritas pelas leis de cada uma das Altas Partes Contratantes, e terá a mesma validade e duração que o Tratado a que diz respeito.

Em testemunho do que os respectivos Plenipotenciarios assinaram a presente Convenção e lhe apuzeram os seus selos.

Done in duplicate at Lisbon, the 20th day of January, 1932.	Feito em duplicado em Lisbôa, em 20 de Janeiro de 1932.
---	---

For Great Britain and Northern Ireland :	Pela Gran Bretanha e Irlanda do Norte :
---	--

CLAUD RUSSELL.

For the Commonwealth of Australia :	Pelo Commonwealth da Australia :
--	-------------------------------------

CLAUD RUSSELL.

For the Dominion of New Zealand :	Pelo Dominio da Nova Zelandia :
--------------------------------------	------------------------------------

CLAUD RUSSELL.

For the Union of South Africa :	Pela União Sul Africana :
------------------------------------	---------------------------

CLAUD RUSSELL.

For India :	Pela India :
-------------	--------------

CLAUD RUSSELL.

For Portugal :	Por Portugal :
----------------	----------------

FERNANDO AUGUSTO BRANCO.

And whereas the ratifications of the said Convention were exchanged at Lisbon on the 29th day of December, 1932 :

And whereas His Majesty has ratified the said Convention in respect of, and the said Convention thereby extends to, the United Kingdom of Great Britain and Northern Ireland (including for this purpose the Channel Islands and the Isle of Man), and all British Colonies, and also the following Dominions, to wit: the Commonwealth of Australia, New Zealand, the Union of South Africa, and Newfoundland; and India.

And whereas His Majesty has been advised by His Ministers in the aforementioned Dominions to take the necessary steps to cause the said recited Acts to be applied in the case of Portugal in respect of the aforementioned Dominions in accordance with the said Treaty as modified by the said Convention :

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 as follows :--

(1) From and after the 10th day of July, 1933, the Extradition Acts, 1870-1906, shall apply in the case of Portugal, in respect of the above-mentioned parts of His Majesty's dominions, under and in accordance with the said Treaty of the 17th October, 1892, as modified by the Convention of the 20th January, 1932.

(2) This Order may be cited as the "Portugal (Extradition) Order in Council, 1933".

COLIN SMITH.