

(CIRCULAR)

*Downing Street, 30th May, 1878.*

SIR.—I have the honor to transmit to you, for publication in the Colony under your government, a copy of a Treaty between Her Majesty and the President of the French Republic, for the mutual surrender of Fugitive Criminals, as well as a copy of the Order in Council of the 16th instant, for carrying that Treaty into effect.

It will be observed that the Treaty comes into operation on the 31st instant.

I have the honor to be, Sir,

Your most obedient humble servant,

M. E. HICKS BEACH.

The Officer Administering the  
Government of New Brunswick.

[*Extract from London Gazette, Tuesday, May 21, 1878.*]

At the Court at Windsor, the 16th day of May, 1878.

PRESENT :

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the thirty third and thirty fourth years of the Reign of Her present Majesty, intituled "An Act for amending the Law relating to the Extradition of Criminals," and also by an Act of Parliament made and passed in the Session of Parliament holden in the thirty sixth and thirty seventh years of the Reign of Her present Majesty, intituled "An Act to amend the Extradition Act, 1870," 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 whereas a Treaty was concluded on the fourteenth day of August, one thousand eight hundred and seventy six, between Her Majesty and the President of the French Republic, 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 the President of the French Republic, having recognized the insufficiency of the provisions of the Treaty concluded on the 13th of February, 1843, between Great Britain and France for the reciprocal extradition of criminals, have resolved, by common accord, to replace it by another and more complete Treaty, and have named as their respective Plenipotentiaries for this purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell Lord Lyons, a Peer of the United Kingdom of Great Britain and Ireland, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Britannic Majesty's Most Honorable Privy Council, and Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c. &c. &c.

And the President of the French Republic, M. le Duc Decazes, Member of the Chamber of Deputies, Minister of Foreign Affairs, Grand Officer of the National Order of the Legion of Honor, &c. &c. &c.

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

#### ARTICLE I.

The High Contracting Parties engage to deliver up to each other those persons who are being proceeded against or who have been convicted of a crime committed in the territory of the one Party, and who shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

#### ARTICLE II.

Native born or naturalized subjects of either country are excepted from extradition. In the case, however, of a per-

son 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 III.

The crimes for which the extradition is to be granted are the following :—

1. Counterfeiting or altering money, and uttering counterfeit or altered money.
2. Forgery, counterfeiting or altering and uttering what is forged, counterfeited or altered.
3. Murder (including assassination, parricide, infanticide and poisoning) or attempt to murder.
4. Manslaughter.
5. Abortion.
6. Rape.
7. Indecent assault, acts of indecency even without violence upon the person of a girl under 12 years of age.
8. Child stealing, including abandoning, exposing or unlawfully detaining.
9. Abduction.
10. Kidnapping and false imprisonment.
11. Bigamy.
12. Wounding or inflicting grievous bodily harm.
13. Assaulting a Magistrate, or peace or public officer.
14. Threats by letter or otherwise with intent to extort.
15. Perjury or subordination of perjury.
16. Arson.
17. Burglary or house breaking, robbery with violence.
18. Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any Company made criminal by any Act for the time being in force.
19. Obtaining money, valuable security, or goods, by false pretences, including receiving any chattel, money, valuable security, or other property, knowing the same to have been unlawfully obtained.
20. Embezzlement or larceny, including receiving any chattel, money, valuable security, or other property, knowing the same to have been embezzled or stolen.
21. Crimes against Bankruptcy Law.
22. Any malicious act done with intent to endanger persons in a railway train.
23. Malicious injury to property, if the offence is indictable.
24. Crimes committed at sea :—
  - (a) Any act of depredation or violence by the crew of a British or French vessel, against another British or French vessel, or by the crew of a foreign vessel not provided with a regular commission, against British or French vessels, their crews or their cargoes.
  - (b) The fact by any person being or not one of the crew of a vessel of giving her over to pirates.
  - (c) The fact by any person being or not one of the crew of a vessel of taking possession of such vessel by fraud or violence.
  - (d) Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
  - (e) Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.
25. Dealing in slaves in such manner as to constitute an offence against the laws of both countries.

The extradition is also to take place for participation, either as principals or accessories, in any of the aforesaid crimes, provided that such participation be punishable by the laws of both the Contracting Parties.

#### ARTICLE IV.

The present Treaty shall apply to crimes and offences committed prior to the signature of the Treaty; but a person surrendered shall not be tried for any crime or offence committed in the other country before the extradition, other than the crime for which his surrender has been granted.

#### ARTICLE V.

No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the Party upon which it is made to be a