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Official Notifications appearing in this Paper, duly authenticated, are to be received as such by persons whom they may concern



BY AUTHORITY.

HIS Honor the Lieutenant Governor directs the publication of the following for general information.

(CIRCULAR) *Downing Street, 18th March, 1879.*

SIR,—With reference to Lord Carnarvon's Circular Despatch of the 16th of January, 1878, I have the honor to transmit to you, for publication in the Colony under your Government, a copy of a letter from the Foreign Office, enclosing a copy of an Order in Council, dated the 22nd February, 1879, for giving effect to the Treaty, the Protocol, and the two Conventions between Great Britain and the Swiss Confederation, for the mutual Surrender of Fugitive Criminals, respectively signed on the 31st of March, 1874; the 28th of November, 1874; the 19th of June, 1878; and 13th December, 1878.

I have the honor to be, Sir,

Your most obedient humble servant,

M. E. HICKS BEACH.

The Officer Administering the
Government of New Brunswick.

The Foreign Office to the Colonial Office.

(Copy) *Foreign Office, March 5, 1879.*

SIR,—I am directed by the Marquis of Salisbury to acquaint you, for the information of Sir Michael Hicks Beach, that an Order in Council for giving effect to the Treaty, the Protocol, and the two Conventions between Great Britain and the Swiss Confederation, for the mutual Surrender of Fugitive Criminals, which were respectively signed on the 31st March, 1874; the 28th November, 1874; the 19th June, 1878; and the 13th of December, 1878, was passed on the 22nd ultimo.

This Order in Council, of which I enclose copies, was published in the London Gazette of the 28th ultimo.

I am, &c.

(Signed) TENTERDEN.

The Under Secretary of State,
Colonial Office.

At the Court at Windsor, the 22nd day of February, 1879.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS by the Extradition Acts of 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 whereas a Treaty was concluded on the thirty-first day of March, one thousand eight hundred and seventy-four, between Her Majesty and the Swiss Confederation, 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 Swiss Confederation, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, 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, Alfred Guthrie Graham Bonar, Esquire, Her Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation;

And the Federal Council of the Swiss Confederation, Joseph Martin Knusel, Member of the Swiss Federal Council;

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 those persons who, being accused or convicted of a crime 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 for which the extradition is to be granted are the following:—

- (1.) Murder (including infanticide) and attempt to murder.
- (2.) Manslaughter.
- (3.) Counterfeiting or altering money, uttering or bringing into circulation counterfeit or altered money.
- (4.) Forgery, or counterfeiting, or altering, or uttering what is forged, or counterfeited, or altered; comprehending the crimes designated in the Penal Codes of either State as counterfeiting or falsification of paper money, bank-notes, or other securities, forgery or other falsification of other public or private documents, likewise the uttering or bringing into circulation, or wilfully using such counterfeited, forged, or falsified papers.
- (5.) Embezzlement or larceny.
- (6.) Obtaining money or goods by false pretences.
- (7.) Crimes against bankruptcy law.
- (8.) Fraud committed 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.
- (9.) Rape.
- (10.) Abduction of minors.
- (11.) Child stealing or kidnapping.
- (12.) False imprisonment.
- (13.) Burglary, or housebreaking, with criminal intent.
- (14.) Arson.
- (15.) Robbery with violence.
- (16.) Threats by letter or otherwise with intent to extort.
- (17.) Perjury or subornation of perjury.
- (18.) Malicious injury to property, if the offence be indictable.

The extradition is also to take place for participation in any of the aforesaid crimes, as an accessory before or after the fact.

ARTICLE III.

No Swiss shall be delivered up by Switzerland to the Government of the United Kingdom; and no subject of the United Kingdom shall be delivered up by the Government thereof to Switzerland.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Swiss Government, has already been tried and discharged or punished, or is still under trial, in one of the Swiss Cantons or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Swiss Government, should be under examination, or have been condemned for any other crime, in one of the Swiss Cantons or in the United Kingdom respectively, his extradition may be deferred until he shall have been set at liberty in due course of law.

In case such individual should be proceeded against or detained in the country in which he has taken refuge, on account of obligations contracted towards private individuals, his extradition shall, nevertheless, take place; the injured party retaining his right to prosecute his claims before the competent authority.