

Criminals, signed between Great Britain and Luxemburg on the 24th of November last.

The Order in Council was published in the "London Gazette" of the 4th instant, of which I am to enclose copies; and I am to add that the Treaty will come into operation in this country on the fifteenth instant, in conformity with the stipulation contained in Article XV.

I am, &c. (Signed) TENTERDEN.

The Under Secretary of State,  
Colonial Office.

#### AT THE COURT AT WINDSOR,

*The 2nd day of March, 1881.*

#### PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord President.

Mr. Bright.

Lord Stewart.

Sir Arthur Hobhouse.

Marquess of Huntly.

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 twenty fourth day of November, one thousand eight hundred and eighty, between Her Majesty and the King of the Netherlands, Grand Duke of Luxemburg, 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 His Majesty the King of the Netherlands, Grand Duke of Luxemburg, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the territories of Her Britannic Majesty and the Grand Duchy of Luxemburg, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, their said Majesties 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, the Honourable William Stuart, a Companion of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Netherlands, as Grand Duke of Luxemburg;

And His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron Felix de Blochausen, Grand Cross of the Order of the Crown of Oak, Chevalier of the Second Class of the Order of the Golden Lion of the House of Nassau, &c., &c., his Minister of State, President of the Government of the Grand Duchy of Luxemburg:

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.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to deliver up, under the circumstances and on the conditions stipulated in the present Treaty, all persons, and His Majesty the King of the Netherlands, Grand Duke of Luxemburg, so far as concerns the Grand Duchy of Luxemburg, engages to deliver up under the like circumstances and conditions all persons, excepting subjects of the Grand Duchy, who, having been charged with, or convicted by the Tribunals of one of the two High Contracting Parties of any of the crimes or offences enumerated in Article II committed in the territory of the one party, shall be found in the territory of the other.

#### ARTICLE II.

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

1. Murder (including assassination, parricide, infanticide, poisoning, or attempt to murder).
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Aggravated or indecent assault. Carnal knowledge of a girl under the age of ten years; carnal knowledge of a girl above the age of ten years and under the age of twelve years; indecent assault upon any female, or any attempt to have carnal knowledge of a girl under twelve years of age.
6. Kidnapping and false imprisonment, child stealing, abandoning, exposing, or unlawfully detaining children.
7. Abduction of minors.
8. Bigamy.
9. Wounding, or inflicting grievous bodily harm.
10. Assaulting a magistrate or peace or public officer.
11. Threats by letter or otherwise with intent to extort money or other things of value.
12. Perjury, or subornation of perjury.

13. Arson.

14. Burglary or housebreaking, robbery with violence, larceny or embezzlement.

15. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any company, made criminal by any law for the time being in force.

16. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been unlawfully obtained.

17. (a.) Counterfeiting or altering money, or bring into circulation counterfeited or altered money;

(b.) Forgery, or counterfeiting or altering or uttering what is forged, counterfeited, or altered;

(c.) Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of coin of the realm.

18. Crimes against Bankruptcy Law.

19. Any malicious act done with intent to endanger persons in a railway train.

20. Malicious injury to property, if such 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, provided such participation be punishable by the laws of both Contracting Parties.

#### ARTICLE III.

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 Government of the Grand Duchy of Luxemburg, has already been tried and discharged or punished, or is still under trial, in the Grand Duchy 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 Government of the Grand Duchy of Luxemburg, should be under examination for any other crime in the Grand Duchy or in the United Kingdom, respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

#### ARTICLE IV.

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 V.

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 to punish him for an offence of a political character.

#### ARTICLE VI.

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 has had the opportunity of returning to the country from whence he was surrendered.

The period of one month shall be considered as the limit of the period during which the prisoner may, with the view of securing the benefits of this Article, return to the country from whence he was surrendered.

This stipulation does not apply to crimes committed after the extradition.

#### ARTICLE VII.

The requisition for extradition must always be made by the way of diplomacy, and to wit, in the Grand Duchy of Luxemburg by the British Minister in Luxemburg, and in the United Kingdom to the Secretary of State for Foreign Affairs by the Foreign Minister in Great Britain, who, for the purposes of this Treaty, is recognized by Her Majesty as a Diplomatic Representative of the Grand Duchy of Luxemburg.

The requisition for the extradition of an 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 requisition for extradition cannot be founded on sentences passed in contumaciam.

#### ARTICLE VIII.

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.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, according to the laws of the country in which he is found.

#### ARTICLE IX.

The extradition shall not take place before the expiration of fifteen days from the date of the fugitive criminal's committal to prison to await his surrender, and then only if the evidence produced in due time be found sufficient according to the laws of the State applied to.