


ANNO VICESIMO QUINTO & VICESIMO SEXTO

# VICTORIÆ REGINÆ.

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## CAP. LXX.

## An Act for giving effect to a Convention between Her Majesty and the King of *Denmark* for the mutual Surrender of Criminals.

[29th *July* 1862.]

WHEREAS a Convention between Her Majesty and the King of *Denmark* for the mutual Surrender of Criminals, in the Words and Figures set forth in the Schedule hereto, was signed at *London* on the Fifteenth Day of *April* One thousand eight hundred and sixty-two, and the Ratifications thereof were exchanged at *London* on the Twenty-seventh Day of *May* One thousand eight hundred and sixty-two: And whereas it is expedient that Provision should be made for carrying the said Convention into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definition of Magistrate.

**1.** The Term "Magistrate" in this Act shall mean a Justice of the Peace or any other Person or Court in the United Kingdom, the *Channel Islands*, or any other Part of Her Majesty's Dominions, having Power to commit for Trial Persons accused of Crimes against the Law of that Part of Her Majesty's Dominions in which any Offender liable to be delivered up under this Act is found.



**2.** Where

Certain Offenders to be apprehended on Requisition of an Ambassador of the King of Denmark.

**2.** Where Requisition has been made pursuant to the said Convention, in the Name of His Majesty the King of *Denmark* by His Ambassador or other accredited Diplomatic Agent, to deliver up to Justice any Person, who, being accused or convicted of any Crime for which such Person is liable to be delivered up in pursuance of the said Convention, is found within the Dominions of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State by Warrant under his Hand and Seal to signify that such Requisition has been made, and to require all Magistrates within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused or convicted, herein-after referred to as the Fugitive, and in committing him to Gaol for the Purpose of his being delivered up to Justice according to the Provisions of the said Convention:

Upon the Issue of any such Warrant as aforesaid, it shall be lawful for any Magistrate acting within the Limits of his Jurisdiction, to issue his Warrant for the Apprehension of the said Fugitive, and to commit him to Gaol, there to remain until delivered up pursuant to such Requisition as aforesaid; provided that the following Conditions are complied with before the Warrant is issued by the Magistrate:

Firstly, That in the Case of a Fugitive accused of Crime it is proved to the Satisfaction of the Magistrate, upon Oath or by Affidavit, that the Party applying to him for a Warrant is the Bearer of a Warrant of Arrest or other equivalent Judicial Document for the Arrest of the said Fugitive issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in *Denmark*, and clearly setting forth, in the Opinion of the Magistrate to whom the Application for a Warrant under this Act is made, the Acts in respect of which the original Warrant was issued:

Secondly, That in the Case of a Person accused such Evidence is produced to the Magistrate as, according to the Laws of the Part of Her Majesty's Dominions in which the Magistrate is acting, would in his Opinion justify the Apprehension and Committal for Trial of the Fugitive if the Crime of which he is accused had been there committed, with this Qualification, that Depositions or Statements on Oath, certified under the Hand of the Magistrate by whom the original Warrant was issued and attested by the Oath of the Party producing them to be the original Depositions or Statements, or true Copies thereof, may be received in Evidence of the Criminality of the Fugitive apprehended:

Thirdly, That in the Case of a Fugitive convicted of Crime an authenticated Copy of the Conviction is produced and Proof of the

the Identity of the Person convicted is given to the Satisfaction of the Magistrate:

Where any Person liable to be delivered up in pursuance of the said Convention is found in *Ireland*, a Warrant under the Hand of the Chief Secretary or of the Lord Lieutenant of *Ireland* shall for the Purposes of this Act be equivalent to a Warrant of One of Her Majesty's Principal Secretaries of State:

A Magistrate may administer an Oath for any of the Purposes of this Act:

The Warrant of any Police Magistrate of the Metropolis issued in pursuance of this Act may be executed in any Part of *England* in the same Manner as if the same had been originally issued or subsequently endorsed by a Justice of the Peace having Jurisdiction in the Place where the same is executed.

Provision as to Colonies.

**3.** Where any such Fugitive as aforesaid has fled from a Colony or Possession of the King of *Denmark* and is found in a Colony or Possession of Her Majesty, the Requisition herein-before required to be made in the Name of His Majesty the King of *Denmark* by his Ambassador or other accredited Agent, may be made directly by the Governor of the first-mentioned Colony or Possession to the Governor of the other Colony or Possession, subject to this Proviso, that the Governor upon whom the Requisition may be made shall be at liberty either to grant the Surrender or to refer the Matter to his Government, and any Warrant issued by the Governor upon whom such Requisition is made shall have in such Colony or Possession the same Effect as a Warrant issued in pursuance of this Act by One of Her Majesty's Principal Secretaries of State has in *England*.

Offenders to be delivered up.

**4.** It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in the Case of any Person committed in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and in the Case of any Person committed in any of Her Majesty's Colonies or Possessions abroad for the Officer administering the Government of any such Colony or Possession, by Warrant under his Hand and Seal to order any Fugitive committed in pursuance of this Act to be delivered up to such Person or Persons as may be duly authorized in the Name of the said King of *Denmark* to receive the Person so committed, and convey him to the Dominions of the King of *Denmark*, and such Fugitive shall be delivered up accordingly; and it shall be lawful for the Person or Persons authorized as aforesaid to receive, hold in Custody, and take to the Dominions of the King of *Denmark* the Fugitive so delivered to him; and if the said Fugitive escape out of any Custody to which he may be delivered as aforesaid, it shall be lawful to retake him, in the same Manner as any Person accused of

of any Crime against the Laws of that Part of Her Majesty's Dominions to which he escapes may be retaken upon an Escape.

After Two Months the Persons apprehended may be discharged, if not conveyed out of Her Majesty's Dominions.

**5.** Where any Fugitive who has been committed under this Act, to remain until delivered up pursuant to Requisition as aforesaid, is not delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions, within Two Calendar Months after such Committal, it shall be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such Fugitive is in Custody, upon Application made to him by or on behalf of the Person so committed, and upon Proof that reasonable Notice of the Intention to make such Application has been given to some or One of Her Majesty's Principal Secretaries of State in *Great Britain*, or in *Ireland* to the Chief Secretary of the Lord Lieutenant of *Ireland*, and in any of Her Majesty's Colonies or Possessions abroad to the Officer administering the Government of any such Colony or Possession, to order the Person so committed to be discharged out of Custody, unless sufficient Cause is shown to such Judge why the Prisoner should not be discharged.

Limits of Act.

**6.** If, by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad, Provision may be made for carrying into complete Effect within such Colony or Possession the Objects of this Act by the Substitution of some other Enactment in lieu thereof, it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this Act so long as such substituted Enactment continues in force there, and no longer.

Continuance of Act.

**7.** This Act shall continue in force during the Continuance of the said Convention.

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## SCHEDULE.

CONVENTION between HER MAJESTY and the KING OF DENMARK, for the Mutual SURRENDER of CRIMINALS. Signed at London, April 15, 1862. Ratifications exchanged at London, May 27, 1862.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of Denmark, 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 herein-after 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 Convention for this Purpose; that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable John Earl Russell, Viscount Amberley of Amberley and Ardsalla, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Her Principal Secretary of State for Foreign Affairs;

And His Majesty the King of Denmark, M. Torben de Bille, His Chamberlain, Commander of the Order of Danebrog, and decorated with the Cross of Honour of the same Order, His Envoy Extraordinary and Minister Plenipotentiary to Her Britannic Majesty;

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.

It is agreed that the High Contracting Parties shall, on Requisition made in their Name through the Medium of their respective Diplomatic Agents, deliver up to Justice Persons who, being accused or convicted of Murder (comprehending the Crimes of Assassination, Parricide, Infanticide, and Poisoning) or attempt to commit Murder, or of Forgery (comprehending the counterfeiting of Bank Notes, or Public Securities, or Money), or of fraudulent Bankruptcy, committed within the Jurisdiction of the requiring Party, shall be found within the Territories of the other, provided that such Persons are not Subjects of the Party upon which the Requisition is made. Provided also, that in the Case of a Person accused, the Surrender shall be made only when the Commission of the Crime shall be so established as that the Laws of the Country where the Fugitive or Person so accused shall be found would justify his Apprehension and Commitment for Trial if the Crime had been there committed, and in the Case of a Person convicted, the Surrender shall be made only on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

Consequently, on the Part of the Danish Government, the Surrender shall be made only by the Consent of the Minister to whose Department appertains the Administration of Justice, and after the Production, in the Case of a Person accused, of a Warrant of Arrest or other equivalent Judicial Document

 issued

issued by a Judge or other competent Authority in the United Kingdom, clearly setting forth the Acts for which the Fugitive shall have rendered himself accountable, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

On the Part of the British Government, the Surrender in the Case of a Person accused shall be made only on the Warrant or other equivalent Judicial Document for the Arrest of a Fugitive, issued by a Judge or Magistrate duly authorized to take Cognizance of the Acts charged against the Fugitive in Denmark, and on duly authenticated Depositions or Statements on Oath before such Judge or Magistrate, clearly setting forth the said Acts, or on such other Evidence thereof as, according to the Laws of England, would warrant the Apprehension of the said Fugitive and his Committal for Trial for the said Acts, if they had been therein committed, or in the Case of a Person convicted, on the Production of an authenticated Copy of his Conviction and on Proof of his Identity.

ARTICLE II.

In the Case of a Person accused or convicted of any of the Crimes mentioned in the preceding Article, who may have fled from a Colony or Possession of one of the High Contracting Parties and be found in a Colony or Possession of the other, the Surrender shall be made, subject always to the Conditions prescribed in the preceding Article, on a Requisition addressed by the Governor of the one Colony directly to the Governor of the other. The Governor upon whom the Requisition is made shall be at liberty either to grant the Surrender or to refer the Matter to his Government.

ARTICLE III.

The Expenses of any Detention and Surrender made in virtue of the preceding Articles shall be borne and defrayed by the Government in whose Name the Requisition shall have been made.

ARTICLE IV.

The present Convention shall come into operation as soon as the necessary Legislative Acts shall have been passed. Either of the High Contracting Parties shall be at liberty to give Notice to the other at any Time for its Termination; and in such Case it shall altogether cease and determine at the Expiration of Six Months from the Date of such Notice.

ARTICLE V.

The present Convention shall be ratified, and the Ratifications shall be exchanged at London in One Month, or sooner if possible.

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

Done at London, the Fifteenth Day of April, in the Year of our Lord One thousand eight hundred and sixty-two.

(L.S.) RUSSELL.
(L.S.) TORBEN BILLE.

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