CAP. LXXV.

An Act for giving effect to a Convention between Her Majesty and the King of the *French* for the Apprehension of certain Offenders.

[22d *August* 1843.]

'WHEREAS by a Convention between Her Majesty and the King of the *French*, signed at *London* on the Thirteenth Day of *February* in the Year One thousand eight hundred and forty-three, the Ratifications whereof were exchanged at *London* on the Thirteenth Day of *March* in the same Year, it was agreed, "that the High Contracting Parties should, on Requisition made in their Name through the Medium of their respective diplomatic Agents, deliver up to Justice Persons who, being accused of the Crimes of Murder (comprehending the Crimes designated in the *French* Penal Code by the Terms Assassination, Parricide, Infanticide, and Poisoning), or of an Attempt to commit Murder, or of Forgery, or of fraudulent Bankruptcy, committed within the Jurisdiction of the requiring Party should seek an Asylum or should be found within the Territories of the other; provided that this should be done only when the Commission of the Crime should be so established as that the Laws of the Country where the Fugitive or Person so accused should be found would justify his Apprehension and Commitment for Trial if the Crime had been there committed;" and it is by the said Convention further stipulated, "that on the Part of the *British* Government the Surrender should be made only on the Report of a Judge or Magistrate duly authorized to take cognizance of the Acts charged against the Fugitive in the Warrant of Arrest or other equivalent judicial Document issued by a Judge or competent Magistrate in *France*, and likewise clearly setting forth the said Acts;" and it is by the said Convention further stipulated and agreed, "that the Expences of any Detention and Surrender made in virtue of the Stipulations herein-before recited should be borne and defrayed by the Government in whose Name the Requisition should have been made;" and it is by the said Convention further stipulated and agreed, "that the Provisions of the said Convention should not apply in any Manner to Crimes of Murder, Forgery, or fraudulent Bankruptcy committed antecedently to the Date thereof;" and it is by the said Convention further stipulated and agreed, "that the said Convention should be in force until after the First Day of *January* in the Year One thousand eight hundred and forty-four, after which Date either of the High Contracting Parties should be at liberty to give Notice to the other of its Intention to put an end to it, and it should altogether cease and determine at the Expiration of Six Months from the Date of such Notice:" 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, That in case Requisition be duly made, pursuant to the said Convention, in the Name of His Majesty the King of the *French*, by His Ambassador or other accredited diplomatic Agent, to deliver up to Justice any Person who, being accused of having committed, after the Ratification of the said Convention, the Crime of Murder (comprehending the Crimes designated in the *French* Penal Code by the Terms Assassination, Parricide, Infanticide, and Poisoning), or of an Attempt to commit Murder, or of Forgery, or of fraudulent Bankruptcy, within the Territories and Jurisdiction of His said Majesty the King of the *French*, shall be found within the Dominions of Her Majesty, it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Chief Secretary of the Lord Lieutenant of *Ireland*, and 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 signify that such Requisition has been so made, and to require all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions to govern themselves accordingly, and to aid in apprehending the Person so accused and committing such Person to Gaol, for the Purpose of being delivered up to Justice, according to the Provisions of the said Convention, and thereupon it shall be lawful for any Justice of the Peace, or other Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions in which such supposed Offender shall be found, to examine upon Oath any Person or Persons touching the Truth of such Charge, and, upon such Evidence as according to the Laws of that Part of Her Majesty's Dominions would justify the Apprehension and Committal for Trial of the Person so accused if the Crime of which he or she shall be so accused had been there committed, it shall be lawful for such Justice of the Peace, or other Person having Power to commit as aforesaid, to issue his Warrant for the Apprehension of such Person, and also to commit the Person so accused to Gaol, there to remain until delivered pursuant to such Requisition as aforesaid.

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

II. Provided always, and be it enacted, That in every such Case Copies of the Depositions upon which the original Warrant was granted, certified under the Hand of the Person or Persons issuing such Warrant, and attested upon the Oath of the Party producing them to be true Copies of the original Depositions, may be received in Evidence of the Criminality of the Person apprehended.

Copies of the Depositions may be given in Evidence.

III. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the

Offenders to be delivered up.

the Chief Secretary of the Lord Lieutenant of *Ireland*, and 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 the Person so committed to be delivered up to such Person or Persons as shall be duly authorized in the Name of the said King of the *French* to receive the Person so committed, and convey such Person to the Dominions of the said King of the *French*, to be tried for the Crime of which such Person shall be so accused, and such Person shall be delivered up accordingly; and it shall be lawful for the Person or Persons authorized as aforesaid to receive the Person so charged with Crime and committed as aforesaid to hold such Person in Custody, and take him or her to the Dominions of the King of the *French*, pursuant to the said Convention; and if the Person so accused shall escape out of any Custody to which he or she shall be committed, or to which he or she shall be delivered as aforesaid, it shall be lawful to retake such Person, in the same Manner as any Person accused of any Crime against the Laws of that Part of Her Majesty's Dominions to which he or she shall so escape may be retaken upon an Escape: Provided always, that no Justice of the Peace or other Person shall issue his Warrant for the Apprehension of any such supposed Offender until it shall have been proved to him, upon Oath or by Affidavit, that the Party applying for such Warrant is the Bearer of a Warrant of Arrest or other equivalent judicial Document, issued by a Judge or competent Magistrate in *France*, authenticated in such Manner as would justify the Arrest of the supposed Offender in *France* upon the same Charge, or unless it shall appear to him that the Acts charged against the supposed Offender are clearly set forth in such Warrant of Arrest or other equivalent judicial Document.

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

IV. And be it enacted, That where any Person who shall have been committed under this Act, to remain until delivered up pursuant to Requisition as aforesaid, shall not be delivered up pursuant thereto, and conveyed out of Her Majesty's Dominions, within Two Calendar Months after such Committal, over and above the Time actually required for conveying the Prisoner from the Gaol to which he or she was committed by the readiest Way out of Her Majesty's Dominions, it shall in every such Case be lawful for any of Her Majesty's Judges in that Part of Her Majesty's Dominions in which such supposed Offender shall be in Custody, upon Application made to him or them by or on behalf of the Person so committed, and upon Proof made to him or them 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 for 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 shall be shown to such Judge or Judges why such Discharge ought not to be ordered.

Limits of the Act.

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

Continuance of Act.

VI. And be it enacted, That this Act shall continue in force during the Continuance of the said Convention.

CAP. LXXVI.

An Act for giving effect to a Treaty between Her Majesty and the United States of *America* for the Apprehension of certain Offenders.

[22d *August* 1843.]

'WHEREAS by the Tenth Article of a Treaty between Her Majesty and the United States of *America*, signed at *Washington* on the Ninth Day of *August* in the Year One thousand eight hundred and forty-two, the Ratifications whereof were exchanged at *London* on the Thirteenth Day of *October* in the same Year, it was agreed that Her Majesty and the said United States should, upon mutual Requisitions by them or their Ministers, Officers, or Authorities respectively made, deliver up to Justice all Persons who, being charged with the Crime of Murder, or Assault with Intent to commit Murder, or Piracy, or Arson, or Robbery, or Forgery, or the Utterance of forged Paper, committed within the Jurisdiction of either of the High Contracting Parties, should seek an Asylum or should be found within the Territories of the other; provided that this should only be done upon such Evidence of Criminality as according to the Laws of the Place where the Fugitive or Person so charged should be found would justify his Apprehension and Commitment for Trial if the Crime or Offence had been there committed, and that the respective Judges and other Magistrates of the Two Governments should have Power, Jurisdiction, and Authority, upon Complaint made under Oath, to issue a Warrant for the Apprehension of the Fugitive or Person so charged, so that he might be brought before such Judges or other Magistrates respectively, to the end that the Evidence of Criminality might be heard and considered, and if on such Hearing the Evidence should be deemed sufficient to sustain the Charge it should be the Duty of the examining