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FRIDAY, JUNE 27, 1873.

**A**T the Court at *Windsor*, the 26th day of *June*, 1873.

PRESENT,

The QUEEN's Most Excellent Majesty in Council.

**W**HEREAS 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," 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 Act 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 last between Her Majesty and the King of Denmark 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 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 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, Sir Charles Lennox Wyke, Knight Commander of the Most Honourable Order of the Bath, Her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Denmark;

And His Majesty the King of Denmark, Baron Otto Ditlev Rosenørn-Lehn, Knight Commander of the Order of the Danebrog and Danebrogsmænd, His Majesty's Minister for Foreign Affairs;

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.

It is agreed that Her Britannic Majesty and His Majesty the King of Denmark shall, on requisition made in their name by their respective

DA Hans Majestæt Kongen af Danmark og Hendes Majestæt Dronningen af det forenede Kongerige Storbritannien og Irland, til bedre Haandhævelse af Retspleien og til Forebyggelse af Forbrydelser indenfor deres respektive Territorier og Statsgebyter, have anseet det for gavnligt, at Personer, som ere anklagede for eller overbeviste om at have gjort sig skyldige i de nedenfor angivne Forbrydelser og ved Flugt have unddraget sig Retsforfølgning, blive under visse Omstændigheder gjensidigen udleverede, saa have bemeldte Majestæter til i dette Öiemed at afslutte en Traktat udnævnt til deres Befuldmægtigede:

Hendes Majestæt Dronningen af det forenede Kongerige Storbritannien og Irland, Sir Charles Lennox Wyke, Kommandeur af Bath-Ordenen, Hendes Majestæts overordentlige Gesandt og befuldmægtigede Minister hos Hans Majestæt Kongen af Danmark;

Ög Hans Majestæt Kongen af Danmark, Baron Otto Ditlev Rosenørn-Lehn, Kommandeur af Danebrog og Danebrogsmænd, Hans Majestæts Udenrigsminister:

Hvilke, efter gjensidig Meddelelse af deres respektive Fuldmagter, der befandt sig i god og rigtig Form, ere komne overeens om følgende Artikler:—

## ARTIKEL I.

Hans Majestæt Kongen af Danmark og Hendes Britiske Majestæt forpligte sig til, paa derom i deres Navn gjennem deres respektive diplomatisk

Diplomatic Agents, deliver up to each other reciprocally, any persons, except native born or naturalized subjects of the Party upon whom the requisition may be made, who, being accused or convicted of any of the crimes hereinafter specified, committed within the territories of the requiring Party, shall be found within the territories of the other Party :—

1. Murder, or attempt or conspiracy to murder.
2. Manslaughter.
3. Counterfeiting or altering money, or uttering counterfeit or altered money.
4. Forgery, or counterfeiting, or altering, or uttering what is forged or counterfeited or altered.
5. Embezzlement or larceny.
6. Obtaining money or goods by false pretences.
7. Crimes by bankrupts against bankruptcy laws.
8. Fraud 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.
11. Child-stealing.
12. Burglary or housebreaking.
13. Arson.
14. Robbery with violence.
15. Threats by letter or otherwise with intent to extort.
16. Piracy by law of nations.
17. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
18. Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.
19. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

Provided that the surrender shall be made only when, in the case of a person accused, 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 alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted.

## ARTICLE II.

In the dominions of Her Britannic Majesty, other than the Colonies or foreign possessions of Her Majesty, the manner of proceeding shall be as follows :—

### I. In the case of a person accused—

The requisition for the surrender shall be made to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs by the Minister or other Diplomatic Agent of His Majesty the King of Denmark at London, accompanied by (1) a warrant or other equivalent judicial document for the arrest of the accused, issued by a Judge or Magistrate duly authorized to take cognizance of the

Agenter fremsat Begjæring, gjensidigen at udlevere til hinanden Personer, som, anklagede for eller overbeviste om at have begaaet nogen af de nedenfor angivne Forbrydelser indenfor den Parts Territorium, der begjærer Udleveringen, maatte blive antrufne indenfor den anden Parts Territorium, dog med Undtagelse af det Tilfælde, at saadanne Personer have Indfødsret ifølge Fødsel eller Naturalisation i den Stat, til hvilken Begjæringen om Udleveringen er rettet :—

1. Mord eller Forsøg paa Mord eller Samraad om Mord.
2. Drab.
3. Eftergjørelse eller Forfalskning af Penge eller Udgivelse af eftergjorte eller forfalskede Penge.
4. Dokumentfalsk eller anden Eftergjørelse eller Forfalskning eller svigagtig Brug af et falsk Dokument eller af anden eftergjort eller forfalsket Gjenstand.
5. Tilegnelse af betroet Gods eller Tyveri.
6. Tilvendelse af Penge eller Gods ved falske Foregivender.
7. Forbrydelser af Fallenter imod Fallitlovgivningen.
8. De efter den til enhver Tid gjældende Lovgivning straffbare svigagtige Handlinger, der begaaes af en Depositarius, Bankier, Agent, Faktor, Værge, Kurator eller af et Selskabs Bestyrer, Medlem eller offentlige Betjente.
9. Voldtægt.
10. Bortførelse.
11. Barnerov.
12. Indbrudstyveri.
13. Brandstiftelse.
14. Røveri.

15. Trusler, som i Breve eller paa anden Maade fremføres for at afvinge Penge eller Gods.
16. Sørøveri i folkeretlig Forstand.

17. Sænkning eller Tilintetgjørelse af et Skib i Søen eller herpaa rettet Forsøg eller Komplot.

18. Voldsgjæringer ombord paa et Skib i rum Sø, udøvede i den Hensigt at dræbe eller tilføie en større Legemsbeskadigelse.

19. Mytteri ombord paa et Skib i rum Sø mod Skibsførerens Myndighed eller derpaa rettet Sammenrottelse af to eller flere Personer.

Udleveringen af en Person, der er anklaget for en Forbrydelse, skal dog ikkun da finde Sted, naar der er tilveiebragt et saadant Bevis for Udførelsen af denne, at der efter det Lands Love, hvor den Undvegne eller Anklagede antræffes, deri vilde indeholdes tilstrækkelig Hjemmel til at paagribe ham og stille ham for Retten, hvis Forbrydelsen var begaaet i dette Land. Ligeledes skal Udleveringen af en Person, der angives at være domfældt, alene finde Sted efter Forlæggelse af et saadant Retsdokument, som ifølge det Lands Love, hvor han antræffes, vilde afgive Bevis for hans Domfældelse.

## ARTIKEL II.

I Hendes Britiske Majestæts Lande, med Undtagelse af Hendes Majestæts Kolonier eller Bilande, skal følgende Fremgangsmaade anvendes :—

### I. I det Tilfælde, at den Person, der fordres udleveret, er anklaget—

Skal Begjæringen om Udlevering skee til Hendes Britiske Majestæts første Statssecretaire for de udenlandske Anliggender ved Hans Majestæt Kongen af Danmarks Gesandt eller diplomatiske Agent i London, og denne Begjæring skal være ledsaget (1) af en Fængslingskjendelse eller et andet tilsvarende Retsdokument angaaende den Paagjældendes Fængsling, udstedt af en

acts charged against him in Denmark, (2) duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the acts on account of which the fugitive is demanded; and (3) a description of the person claimed, and any other particulars which may serve to identify him. The said Secretary of State shall transmit such documents to Her Britannic Majesty's Principal Secretary of State for the Home Department, who shall then, by order under his hand and seal, signify to some Police Magistrate in London that such requisition has been made, and require him, if there be due cause, to issue his warrant for the apprehension of the fugitive.

On the receipt of such order from the Secretary of State, and on the production of such evidence as would, in the opinion of the Magistrate, justify the issue of the warrant if the crime had been committed in the United Kingdom, he shall issue his warrant accordingly.

When the fugitive shall have been apprehended in virtue of such warrant, he shall be brought before the Police Magistrate who issued it, or some other Police Magistrate in London. If the evidence to be then produced shall be such as to justify, according to the law of England, the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the Police Magistrate shall commit him to prison to await the warrant of the Secretary of State for his surrender; sending immediately to the Secretary of State a certificate of the committal and a report upon the case.

After the expiration of a period from the committal of the prisoner, which shall never be less than fifteen days, the Secretary of State shall, by order under his hand and seal, order the fugitive criminal to be surrendered to such person as may be duly authorized to receive him on the part of the Government of His Majesty the King of Denmark.

## II. In the case of a person convicted—

The course of proceeding shall be the same as in the preceding case of a person accused, except that the document to be produced by the Minister or other Diplomatic Agent of His Danish Majesty in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced before the Police Magistrate shall be such as would, according to the law of England, prove that the prisoner was convicted of the crime charged.

After the Police Magistrate shall have committed the accused or convicted person to prison to await the order of a Secretary of State for his surrender, such person shall have the right to apply or a writ of *habeas corpus*. If he should so apply, his surrender must be deferred until after the decision of the Court upon the return to the writ, and even then can only take place if the decision is adverse to the applicant. In the latter case the Court may at once order his delivery to the person authorized to receive him, without the order of a

Dommer eller anden Retsembedsmand, som er behørig bemyndiget til at gjøre de Handlinger, der lægges den Paagjældende til Last i Danmark, til Gjenstand for Undersøgelse; (2) af behørig legaliserede Udsagn og Forklaringer, som under Eed ere afgivne for en saadan Dommer eller Retsembedsmand, og søm give en klar Fremstilling af de Handlinger, paa Grund af hvilke Udleveringen er begjært, samt endelig (3) af en Beskrivelse af den Person, der fordres udleveret, og af en Meddelelse af andre Data, som kunne tjene til at godtgjøre hans Identitet. Bemeldte Statssecretair skal fremsende disse Dokumenter til Hendes Britiske Majestæts første Statssecretair for de indenrigske Forhold, og denne skal da ved en med sin Underskrift og sit Segl forsynet Ordre meddele en Politimyndighed i London, at en Begjæring som den ovennævnte er fremsat, og paalægge ham, hvis han finder den behørig begrundet, at udstede en Befaling om den Undvegnes Paagribelse.

Naar den nævnte Politimyndighed har modtaget en saadan Befaling fra Statssecretairen, og naar den finder det Bevis, der fremlægges for den, at være af saadan Beskaffenhed, at det vilde retfærdiggjøre Udstedelsen af en Anholdelsesbefaling, hvis Forbrydelsen var bleven begaaet i det Forenede Kongerige, skal den udstede en saadan Anholdelsesbefaling i Overensstemmelse dermed.

Naar den Undvegne er bleven anholdt ifølge denne Anholdelsesbefaling, skal han stilles for den Politimyndighed, som udstedte den, eller for en anden Politimyndighed i London. Dersom det Bevis, der føres for denne, er af saadan Beskaffenhed, at det efter England's Love vilde berettigge til at bringe den Anholdte for Domstolene, hvis den Forbrydelse, som han sigtes for, var bleven begaaet i England, skal Politimyndigheden sætte ham i Fængsel for der at afvente Statssecretairens Befaling om hans Udlevering. Attest om Fængslingsbefalingen samt en Beretning om Sagen skal ufortøvet sendes til Statssecretairen.

Efter Udløbet af en vis Tid efter Fængslingen, hvilken Tid aldrig maa være kortere end femten Dage, skal Statssecretairen ved en under sin Haand og sit Segl udfærdiget Befaling beordre den undvegne Forbryder udleveret til den Person, som af Hans Majestæt Kongen af Danmarks Regjering maatte være tilbørlig bemyndiget til at modtage ham.

II. I det Tilfælde at den Person, der fordres udleveret, er domfældt—

Skal Fremgangsmaaden være de nsamme som i det foregaaende Tilfælde, hvor den Paagjældende var anklaget, dog med Undtagelse af, at her det Dokument, som Hans Majestæt Kongen af Danmarks Minister eller diplomatiske Agent har at overlevere til Støtte for sin Begjæring, paa en tydelig Maade skal fremstille den Forbrydelse, for hvilken den Person, der fordres udleveret, er domfældt, og derhos angive den Handling, for hvilken, Stedet hvor og Tiden naar han er bleven dømt. De Bevisligheder, der skulle fremlægges for Politimyndigheden, skulle være af saadan Beskaffenhed, at de efter Englands Love vilde begrunde den Fængslede Domfældelse for den Forbrydelse, som han er sigtet for.

Efter at Politimyndigheden har befalet, at den anklagede eller domfældte Person skal sættes i Fængsel for der at afvente Statssecretairens Befaling angaaende hans Udlevering, skal den Fængslede have Ret til at forlange "a writ of *habeas corpus*." Hvis den Fængslede gjør Brug af denne Ret, skal Udleveringen opsættes, indtil Retten har afgivet sin Kjendelse, og ikkun finde Sted, hvis Kjendelsen gaar den Fængslede imod. I sidste Tilfælde kan Retten enten strax beordre den Fængslede Udlevering til den dertil bemyn-

Secretary of State for his surrender, or commit him to prison to await such order.

### ARTICLE III.

In the dominions of His Majesty the King of Denmark other than the Colonies or Foreign Possessions of His said Majesty, the manner of proceeding shall be as follows:—

#### I. In the case of a person accused—

The requisition for the surrender shall be made to the Minister for Foreign Affairs of His Majesty the King of Denmark by the Minister or other Diplomatic Agent of Her Britannic Majesty at Copenhagen, accompanied by (1) a warrant for the arrest of the accused, issued by a Judge or Magistrate duly authorized to take cognizance of the acts charged against him in Great Britain; (2) duly authenticated depositions or statements taken on oath before such Judge or Magistrate, clearly setting forth the acts on account of which the fugitive is demanded; and (3) a description of the person claimed, and any other particulars which may serve to identify him.

The Minister for Foreign Affairs of His Majesty the King of Denmark shall transmit such requisition for surrender to the Minister of Justice of His Majesty the King of Denmark, who, after having ascertained that the crime therein specified is one of those enumerated in the present Treaty, and satisfied himself that the evidence produced is such as, according to Danish law, would justify the committal for trial of the individual demanded, if the crime had been committed in Denmark, shall take the necessary measures for causing the fugitive to be delivered to the person charged to receive him by the Government of Her Britannic Majesty.

#### II. In the case of a person convicted—

The course of proceeding shall be the same as in the preceding case of a person accused, except that the Warrant to be transmitted by the Minister or other Diplomatic Agent of Her Britannic Majesty in support of his requisition, shall clearly set forth the crime of which the person claimed has been convicted, and state the fact, place, and date of his conviction. The evidence to be produced shall be such as would, according to the laws of Denmark, prove that the prisoner was convicted of the crime charged.

### ARTICLE IV.

A fugitive criminal may, however, be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the person issuing the warrant, justify the issue of a warrant, if the crime had been committed or the prisoner convicted, in that part of the dominions of the two Contracting Parties in which he exercises jurisdiction: Provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate

digede Person, uden at afvente Statssekretairens Befaling om hans Udlevering, eller paany lade ham sætte i Fængsel for de at oppebje denne Befaling.

### ARTIKEL III.

I Hans Majestæt Kongen af Danmarks Lande, med Undtagelse af Kolonierne og andre Bilande, skal følgende Fremgangsmaade anvendes:—

#### I. I det Tilfælde at den Person, der fordres udleveret, er anklaget—

Skal Begjæringen om Udlevering skee til Hans Majestæt Kongen af Danmarks Udenrigsminister ved Hendes Britiske Majestæts Minister eller diplomatiske Agent i Kjöbenhavn, og denne Begjæring skal være ledsaget (1) af en Fængslingskjendelse, der er udstedt af en Dommer eller anden Retsembedsmand, som er behørig bemyndiget til at gjøre de Handlinger, der lægges ham til Last i Storbritannien, til Gjenstand for Undersøgelse; (2) af behørig legaliserede Udsagn og Forklaringer, der ere edeligen afgivne for en saadan Dommer eller Retsembedsmand, og som give en tydelig Fremstilling af de Handlinger, paa Grund af hvilke Udleveringen er begjært; og (3) af en Beskrivelse af den Person, der fordres udleveret, og af en Meddelelse af andre Data, som kunne tjene til at godtgjøre hans Identitet.

Hans Majestæt Kongen af Danmarks Udenrigsminister fremsender den saaledes modtagne Udleveringsbegjæring til Hans Majestæt Kongen af Danmarks Justitsminister, der, naar han efter anstillet Undersøgelse finder, at Udleveringsbegjæringen har Medhold i denne Traktat, og at det Bevis, der fremlægges, er af saadan Beskaffenhed, at det efter Danmarks Love vilde berettigge til at bringe den Person, hvis Udlevering begjæres, for Domstolene, saafremt den Forbrydelse, for hvilken han sigtes, var bleven begaaet i Danmark, træffer de fornødne Foranstaltninger til den Undvegnes Udlevering til den Person, som af Hendes Britiske Majestæts Regjering er tilbørligt bemyndiget til at modtage ham.

#### II. I det Tilfælde at den Person, der fordres udleveret, er domfældt—

Skal Fremgangsmaaden være den samme som i det foregaaende Tilfælde, hvor den Paagjældende var anklaget, dog med Undtagelse af, at her det Dokument, som Hendes Britiske Majestæts Minister eller diplomatiske Agent har at overlevere til Støtte for sin Begjæring, paa en tydelig Maade skal fremstille den Forbrydelse, for hvilken den Person, som fordres udleveret, er domfældt, og derhos angive den Handling, for hvilken, samt Stedet hvor og Tiden naar han er bleven dømt. De Bevisligheder, der skulle fremlægges, skulle være af saadan Beskaffenhed, at de efter de danske Love vilde begrunde den Fængslede Domfældelse for den Forbrydelse, for hvilken han sigtes.

### ARTIKEL IV.

En undvegen Forbryder kan imidlertid blive anholdt ifølge en Anholdelsesbefaling, der er bleven udstedt af en Politimyndighed, Fredsdommer eller anden kompetent Myndighed, i et af de to Lande ifølge saadan Anmeldelse eller Klage og saadanne Bevisligheder samt under Iagttagelse af den formlige Fremgangsmaade, som efter dens Mening, der udsteder Anholdelsesbefalingen, vilde retfærdiggjøre sammes Udstedelse, dersom Forbrydelsen var bleven begaaet eller Forbryderen domfældt i den Del af de kontraherende Parters Territorium, hvor vedkommende Myndighed er kompetent. Dette kan dog kun skee paa den

in London; and that in the dominions of His Majesty the King of Denmark, the case shall be immediately submitted to the Minister of Justice of His Majesty the King of Denmark; and provided, also, that the individual arrested shall in either country be discharged, if within fifteen days a requisition shall not have been made for his surrender by the Diplomatic Agent of his country, in the manner directed by Articles II and III of this Treaty.

The same rule shall apply to the cases of persons accused or convicted of any of the crimes specified in this Treaty, committed on the high seas, on board a vessel of either country, which may come into a port of the other.

#### ARTICLE V.

If the fugitive criminal who has been committed to prison be not surrendered and conveyed away within two months after such committal (or within two months after the decision of the Court, upon the return to a writ of *habeas corpus* in the United Kingdom), he shall be discharged from custody, unless sufficient cause be shown to the contrary.

#### ARTICLE VI.

When any person shall have been surrendered by either of the High Contracting Parties to the other, such persons shall not, until he has been restored or had an opportunity of returning to the country from whence he was surrendered, be triable or tried for any offence committed in the other country prior to the surrender, other than the particular offence on account of which he was surrendered.

#### ARTICLE VII.

No accused or convicted person shall be surrendered, if the offence in respect of which his surrender is demanded shall be deemed by the Government upon which it is made to be one of a political character, or if in the United Kingdom he prove to the satisfaction of the Police Magistrate, or of the Court before which he is brought on *habeas corpus*, or to the Secretary of State, or in Denmark to the satisfaction of the Minister of Justice of His Majesty the King of Denmark, 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 VIII.

Warrants, depositions, or statements on oath, issued or taken in the dominions of either of the two High Contracting Parties, and copies thereof, and certificates of or judicial documents stating the fact of conviction, shall be received in evidence in proceedings in the dominions of the other, if purporting to be signed or certified by a Judge, Magistrate, or officer of the country where they were issued or taken, and provided they are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

#### ARTICLE IX.

The surrender shall not take place if, since the commission of the acts charged, the accusation, or the conviction, exemption from prosecution or punishment has been acquired by lapse of time,

Betingelse, at i saadant Tilfælde den Anklagede i det Forenede Kongerige saa hurtigt som muligt stilles for en Politimyndighed i London, og at Sagen i Hans Majestæt Kongen af Danmarks Lande uopholdelig forelægges for Hans Majestæts Justitsminister, samt at i begge Lande den anholdte Person skal løslades, dersom der ikke inden femten Dages Forløb skeer en Begjæring om hans Udlevering ved hans Lands diplomatiske Agent paa den Maade, som er angiven i Artiklerne II og III i denne Traktat.

Den samme Regel skal komme til Anvendelse paa Personer, der ere anklagede eller domfældte for nogen af de i denne Traktat opregnede Forbrydelser, naar disse ere begaaede i rum Sø ombord paa et af de to Landes Skibe, og dette maatte være løbet ind i en Havn i det andet Land.

#### ARTIKEL V.

Dersom den undvegne Forbryder, som er bleven fængslet, ikke er bleven udleveret og bortført inden to Maaneder efter Fængslingen (eller inden to Maaneder efter den Domstols Kjendelse, som i det Forenede Kongerige er afsagt ifølge "writ of *habeas corpus*,") skal han løslades af Fængslet, medmindre der kan paavises tilstrækkelig Grund til det Modsatte.

#### ARTIKEL VI.

Naar en Person er bleven udleveret af den ene af de kontraherende Parter til den anden, skal han, saalænge han ikke er bleven tilbageleveret eller har havt Leilighed til at vende tilbage til det Land, hvorfra han er bleven udleveret, ikke kunne drages til Ansvar eller dømmes for nogen anden Forbrydelse, som han forinden Udleveringen maatte have begaaet i det andet Land, end den, paa Grund af hvilken han blev udleveret.

#### ARTIKEL VII.

En anklaget eller domfældt Person skal ikke udleveres, naar den Part, til hvem Begjæringen om Udlevering er rettet, anseer den Forbrydelse, formedelst hvilken Udleveringen begjæres, som en Forbrydelse af en politisk Karakter, ei heller dersom han i det Forenede Kongerige paa en Maade, der er fyldestgørende for den vedkommende Politimyndighed eller for den Domstol, for hvilken han er stillet ifølge "a writ of *habeas corpus*," eller for Statssekreteren og i Danmark for Hans Majestæt Kongens Justitsminister godtgjør, at Begjæringen om hans Udlevering i Virkeligheden skeer i den Hensigt at drage ham til Ansvar eller straffe ham for en Forbrydelse af en politisk Karakter.

#### ARTIKEL VIII.

Fængslings-og Anholdelsesbefalinger, Forklaringer og edelige Vidnesbyrd, der ere udstedte eller optagne i et af de to høie kontraherende Parter Lande, eller Aktsrifter af saadanne, og Attester og Retsdokumenter, som godtgjøre Domfældelsen, skulle tages for gyldige ved Retsforhandlingen i det andet Land, dersom de vise sig at være underskrevne eller bekræftede af en Dommer, Retsbetjent eller anden Emlædsmand i det Land, hvor de ere udstedte eller optagne, under Forudsætning af at de ere bekræftede ved Vidners Ed eller ved at være forsynede med Justitsministerens eller en anden Ministers officielle Segl.

#### ARTIKEL IX.

Udleveringen skal ikke finde Sted, dersom der, efter at Gjærningen er bleven begaaet, eller Anklagen er reist, eller Dommen er fældet, er forløben saa lang Tid, at Retsforfølgningen eller Straffen

according to the laws of the country where the accused or convicted person shall have taken refuge.

#### ARTICLE X.

If the individual claimed should be under prosecution, or in custody, for a crime or offence committed in the country where he may have taken refuge, his surrender may be deferred until he shall have been set at liberty in due course of law.

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

#### ARTICLE XI.

Every article found in the possession of the individual claimed at the time of his arrest, shall be seized, in order to be delivered up with his person at the time when the surrender shall be made. Such delivery shall not be limited to the property or articles obtained by stealing or by fraudulent bankruptcy, but shall extend to every thing that may serve as proof of the crime. It shall take place even when the surrender, after having been ordered, shall be prevented from taking place by reason of the escape or death of the individual claimed.

#### ARTICLE XII.

Each of the two Contracting Parties shall defray the expenses occasioned by the arrest within its territories, the detention, and the conveyance to its frontier, of the persons whom it may consent to surrender in pursuance of the present Treaty.

#### ARTICLE XIII.

The stipulations of the present Treaty shall be applicable to the Colonies or foreign Possessions of the two High Contracting Parties, in the following manner :—

The requisition for the surrender of a fugitive criminal who has taken refuge in a Colony or foreign Possession of either of the two Contracting Parties, shall be made to the Governor or Chief Authority of such Colony or Possession by the Chief Consular Officer of the other Party in such Colony or Possession ; or, if the fugitive has escaped from a Colony or foreign Possession of the Party on whose behalf the requisition is made, by the Governor or Chief Authority of such Colony or Possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this Treaty, by the respective Governors or Chief Authorities, who, however, shall be at liberty either to grant the surrender, or to refer the matter to their Government.

Her Britannic Majesty and His Majesty the King of Denmark shall, however, be at liberty to make special arrangements in their Colonies and foreign Possessions for the surrender of criminals who may take refuge therein, on the basis, as nearly as may be, of the provisions of the present Treaty.

er bleven forældet ifølge det Lands Love, hvor den Anklagede eller Domfældte har taget Tilflugt.

#### ARTIKEL X.

Dersom den Person, som fordres udleveret maatte være under Retsforfølgning eller i Fængsel for en Forbrydelse eller en Forseelse, som er bleven begaaet i det Land, hvor han har taget Tilflugt, kan hans Udlevering udsættes, indtil han atter lovligen er bleven løsladt.

Dersom der maatte være anlagt Sag imod ham, eller dersom han maatte være arresteret i dette Land formedelst Forpligtelser, som han maatte have paadraget sig imod private Personer, skal hans Udlevering ikke destomindre finde Sted, men den formeentlig forurettede Part beholder Ret til at forfølge sin Sag for den kompetente Myndighed.

#### ARTIKEL XI.

Enhver Gjenstand, som findes i den Persons Besiddelse, der fordres udleveret, paa den Tid, han fængsles, skal tages i Forvaring, for derefter, samtidig med hans Udlevering, at blive afleveret. Denne Aflevering skal ikke indskrænke sig til den Eiendom og de Gjenstande, som ere erhvervede ved Tyveri eller svigagtig Fallit, men skal udstrække sig til enhver Ting, som kan tjene som Bevis for Forbrydelsen. Den skal fremdeles finde Sted, selv om Udleveringen, efterat der er bleven givet Befaling til samme, forhindres paa Grund af den Persons Undvigelse eller Død, som fordres udleveret.

#### ARTIKEL XII.

Enhver af de to kontraherende Parter skal indenfor sit Territorium betale de Omkostninger, som foranlediges ved Anholdelsen, Fængslingen og Transporten til dens Grændser af de Personer, til hvis Udlevering den ifølge nærværende Traktat maatte give sit Samtykke.

#### ARTIKEL XIII.

Bestemmelserne i nærværende Traktat skulle komme til Anvendelse paa de to høie kontraherende Parters Kolonier eller Bilande paa følgende Maade :—

Begjæringen om Udlevering af en undvegen Forbryder, som har taget Tilflugt til en Koloni eller til et Biland, der tilhører en af de to kontraherende Parter, skal skee til Gouverneuren eller den overordnede Myndighed paa saadan Koloni eller Biland ved den anden Parts øverste konsulare Embedsmand i vedkommende Koloni eller Biland, eller, hvis Undvigelsen har fundet Sted fra en Koloni eller et Biland, der tilhører den Part, i hvis Navn Udleveringen begjæres, ved Gouverneuren eller den øverste Myndighed i den paa-gjældende Koloni eller Biland.

Saadanne Begjæringer om Udlevering kunne afgjøres, dog i saa nøje Overeensstemmelse som muligt med Forskrifterne i denne Traktat, af de respektive Gouverneurer eller øverste Myndigheder, men det skal dog staae dem frit for enten at samtykke i Udleveringen eller at henvise Sagen til deres Regjeringer.

Hans Majestæt Kongen af Danmark og Hendes Britiske Majestæt skulle dog ogsaa have Ret til at træffe særlige Bestemmelser for deres Koloniers og Bilandes Vedkommende angaaende Udleveringen af de Forbrydere, som maatte tage deres Tilflugt til disse, hvilke Bestemmelser dog skulle holdes saa nær som muligt til Forskrifterne i nærværende Traktat.

## ARTICLE XIV.

The present Treaty shall come into operation ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties.

After the Treaty shall so have been brought into operation, the Convention concluded between the High Contracting Parties on the 15th of April, 1862, shall be considered as cancelled, except as to any proceeding that may have already been taken or commenced in virtue thereof.

Either Party may at any time terminate the Treaty on giving to the other six month's notice of its intention.

## ARTICLE XV.

The present Treaty shall be ratified, and the ratification shall be exchanged at Copenhagen as soon as may be within four weeks from the date of signature.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Copenhagen, the thirty-first day of March, in the year of Our Lord, one thousand eight hundred and seventy-three.

(L.S.) CHARLES LENNOX WYKE.  
(L.S.) O. D. ROSENÖRN-LEHN.

And whereas the ratifications of the said Treaty were exchanged at Copenhagen on the twenty-sixth day of April last :

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the seventh day of July, one thousand eight hundred and seventy-three, the said Act shall apply in the case of the said Treaty with the King of Denmark.

*Arthur Helps.*

## ARTIKEL XIV.

Den nærværende Traktat skal træde i Kraft 10 Dage efter dens Offentliggjørelse i Overensstemmelse med de Former, som ere foreskrevne ved Lovgivningen i hvert af de høie kontraherende Parters Lande.

Naar denne Traktat saaledes er traadt i Kraft, skal den imellem de høie kontraherende Parter under 15 April 1862 afsluttede Konvention ansees som ophævet, undtagen forsaavidt der maatte være bleven foretaget eller paabegyndt noget Skridt i Overensstemmelse med samme.

Enhver af de to Parter kan til enhver Tid sætte Traktaten ud af Kraft, naar denne Hensigt er bleven meddelt den anden 6 Maaneder i Forveien.

## ARTIKEL XV.

Denne Traktat skal ratificeres, og Ratifikationerne skulle udvexles i Kjöbenhavn saasnart som muligt i Löbet af fire Uger fra Traktatens Under-tegning.

Til Bekræftelse heraf have de respective Befuldmægtigede undertegnet denne Traktat og paatrykt samme deres Vaabensegl.

Givet i Kjöbenhavn den 31 Marts i Herrens Aar Atten Hundrede og Tre og Halvfjerdssindstyve.

AT the Court at *Windsor*, the 26th day of *June*, 1873.

## PRESENT,

The QUEEN's Most Excellent Majesty in Council.

WHEREAS in many Appeals now pending before Her Majesty in Council no effectual steps have been taken by the parties or their agents to set down their cases for hearing, although more than twelve months have elapsed since the arrival and registration of the transcript of appeal in this country, and it is expedient to make further provision in that behalf, Her Majesty, by and with the advice of Her Privy Council, and upon a recommendation of the Lords of the Judicial Committee of the Privy Council, is pleased to order, and it is hereby ordered, that the solicitors or agents for the party appellant in all such Appeals now pending before Her Majesty in Council are hereby required to take effectual steps to set down their cases for hearing within six months from the date of this Order, and in all other Appeals to Her Majesty in Council within a period not exceeding twelve months from the date of the arrival and registration of the transcript in this country.

And Her Majesty is further pleased to order, and it is hereby ordered, that it shall be the duty of the Registrar of the Privy Council to report to

the Lords of the Judicial Committee the names of the parties and dates of the Decrees in Appeals in which no effectual steps have been taken within the aforesaid periods of time to set down the case for hearing ; and the Lords of the Judicial Committee of the Privy Council shall be at liberty to call upon the Appellant or his agent in such cases to show cause why the said Appeal or Appeals should not be dismissed for non-prosecution, and (if they shall so think fit) to recommend to Her Majesty the dismissal of any such Appeal, or to give such directions therein as the justice of the case may require.

And Her Majesty is further pleased to order that nothing in the present Order shall prevent the dismissal of an Appeal under the 5th of the Rules approved by Her Majesty on the 13th of June, 1853, in cases to which that Rule is applicable.

Whereof the Governors of Her Majesty's Plantations and Dominions abroad, and the Judges or Officers of Her Majesty's Courts of Justice from which an Appeal lies to Her Majesty in Council, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*Arthur Helps.*



**A**T the Court at Windsor, the 26th day of June, 1873.

**PRESENT,**

The QUEEN's Most Excellent Majesty in Council.

**W**HEREAS by the Common Law Procedure Act, 1854, it is enacted, amongst other things, that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act, or of the rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in England and Wales, and within one month after such Order shall have been made and published in the London Gazette, such provisions and rules respectively shall extend and apply in manner directed by such Order, and any such Order may be in like manner, from time to time, altered and annulled, and in and by any such Order Her Majesty may direct by whom any powers or duties incident to the provisions applied under the said Act shall and may be exercised with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Court or Courts the provisions so applied:

And whereas by the Summary Procedure on Bills of Exchange Act, 1855, it is enacted, that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act shall apply to all or any Court or Courts of Record in England and Wales, and within one month after such Order shall have been made and published in the London Gazette, such provisions shall extend and apply in manner directed by such Order, and any such Order may be in like manner, from time to time, altered and annulled, and in and by such Order Her Majesty may direct by whom any powers or duties incident to the provisions applied under the said Act shall and may be exercised with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Court or Courts the provisions so applied:

And whereas by the Common Law Procedure Act, 1860, it is enacted, amongst other things, that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act shall apply to all or any Court or Courts of Record in England and Wales, and that within one month after such Order shall have been made and published in the London Gazette, such provisions shall extend and apply in manner directed by such Order, and that any such Order may be in like manner, from time to time, altered and annulled, and that in and by such Order Her Majesty may direct by whom any powers or duties incident to the provisions applied under the said Act shall and may be exercised, with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Court or Courts the provisions so applied:

And whereas by the Borough and Local Courts of Record Act, 1872, it is enacted that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct, among other things, that all or any part of the provisions set forth in the schedule to the said Act, shall apply to all or any Local Court or Courts of Record in England or Wales, and that within one month after such Order shall have been made and published in the London Gazette, such provisions shall extend and apply in manner directed by such Order,

and that any such Order may be in like manner from time to time altered and annulled, and that in and by such Order Her Majesty may alter and modify such provisions as are mentioned in the Schedule, so as to adapt the same to the constitution, jurisdiction, and procedure of any Court or Courts, and may direct by whom, and at what time or times, any powers and duties incident to the provisions applied under the said Act shall and may be exercised with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Court or Courts the provisions so applied:

And whereas it has seemed fit to Her Majesty, by and with the advice of Her Privy Council, that the provisions of the Summary Procedure on Bills of Exchange Act, 1855, and certain of the provisions of the said Common Law Procedure Acts, and of the rules made and to be made in pursuance thereof, and also subject to the following alterations and modifications, the provisions of the said Schedule to the Borough and Local Courts of Record Act, 1872, should be extended and apply to the Court of Record of the city of York, in manner hereinafter directed.

Now, therefore, Her Majesty, by and with the advice aforesaid, is pleased to Order, and it is hereby ordered, that the several hereinafter mentioned provisions of the Common Law Procedure Acts, 1854 and 1860, shall apply to the Court of Record of the city of York in manner hereinafter mentioned; that is to say, of the Common Law Procedure Act, 1854, section 1, sections 3 to 35 inclusive, sections 37 to 67 inclusive, sections 78 to 87 inclusive, sections 89, 91, 92, 93, and 96; and of the Common Law Procedure Act, 1860, the following sections: that is to say, the sections numbered 1 to 11 inclusive, sections 19, 20, 21, sections 28 to 31 inclusive, sections 34 to 36 inclusive.

And Her Majesty is further pleased, by and with the advice aforesaid, to order, and it is hereby ordered, that all the provisions of the said Summary Procedure on Bills of Exchange Act, 1855, shall apply to the said Court of Record of the city of York. And Her Majesty is further pleased, by and with the advice aforesaid, to direct that the forms given in Schedules A and B to the said Act annexed may and shall be so altered as to make the same applicable to the said Court of Record, and to the Judge and Deputy-Judge thereof instead of to Her Majesty's Superior Courts at Westminster, and to a Judge thereof, and that the costs mentioned in the first section of the said Act shall be fixed by the Registrar of the said Court of Record, subject to the approval of the Judge thereof, and that the Judge of the said Court or any Deputy or Assistant-Judge thereof, shall and may as to the said Court, exercise all the powers given by the said Act to any Judge or Judges of the Superior Courts at Westminster, in or by the 1st, 2nd, 3rd, and 4th sections thereof.

And Her Majesty is further pleased, by and with the advice aforesaid, to order, and it is hereby ordered, that (subject to the alterations and modifications hereinafter set forth), and to such orders, rules, and regulations as Her Majesty, by Order in Council, shall from time to time direct as to the appointment of a Deputy or Assistant-Judge under section 7 of the said Borough and Local Courts of Record Act, 1872, the provisions contained in the schedule to the said last-mentioned Act, shall be extended and apply to the said Court of Record for the city of York: Provided always, and it is hereby ordered, that the powers given by the second clause of the said schedule to the said Borough and Local



Courts of Record Act, 1872, shall in every case be exercised either by the Judge himself, or by a Deputy or Assistant-Judge duly appointed under section 7 of the said Act or otherwise, such Deputy or Assistant-Judge being a barrister of not less than seven years' standing, but that none of such powers shall be capable of being exercised by any Deputy or Assistant-Judge not being such barrister.

And Her Majesty is further pleased, by and with the advice aforesaid, to direct that the powers and duties incident to the above-mentioned provisions of the said Act and schedule, which are exercisable by the Court or a Judge shall and may, with respect to matters in the said Court of Record for the city of York, be exercised by the Judge of such Court, or save as aforesaid by his duly appointed Deputy, and that the powers and duties incident to the above-mentioned provisions which are exercisable by the Master or Registrar shall and may, with respect to matters in the said Court of Record, be exercised by the Registrar thereof, and that the powers and duties incident to the above-mentioned provisions which are exercisable by the Sheriff shall and may, with respect to matters in the said Court of Record be exercised by Sergeant-at-Mace of the said city of York.

*Arthur Helps.*

**A**T the Court at *Windsor*, the 26th day of *June*, 1873.

PRESENT,

The QUEEN's Most Excellent Majesty in Council.

**W**HEREAS by the Common Law Procedure Act, 1852, it is enacted, among other things, that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act, or of the rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in England or Wales, and within one month after such order shall have been made and published in the London Gazette, such provisions and rules respectively shall extend and apply in manner directed by such Order, and that any such Order may be in like manner, from time to time, altered and annulled. And whereas by the Common Law Procedure Act, 1854, it is enacted, among other things, it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act or of the rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in England and Wales; and, within one month after such Order shall have been made and published in the London Gazette, such provisions and rules respectively shall extend and apply in manner directed by such Order, and any such Order may be in like manner, from time to time, altered and annulled; and in and by any such Order Her Majesty may direct by whom any powers or duties incident to the provisions applied under the said Common Law Procedure Act, 1854, or the said Common Law Procedure Act, 1852, shall and may be exercised with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such Court or Courts the provisions so applied. And whereas, by the Common Law Procedure Act, 1860, it is enacted among other things that it shall be lawful for Her Majesty, from time to time, by an Order in Council, to direct that all or any part of the provisions of the said Act shall apply to all

or any Court or Courts of Record in England and Wales, and that within one month after such Order shall have been made and published in the London Gazette, such provisions shall extend and apply in manner directed by such Order; and that any such Order may be in like manner, from time to time altered and annulled. And that, in and by such Order, Her Majesty may direct by whom any powers or duties incident to the provisions applied under the said Act shall and may be exercised, with respect to matters in such Court or Courts, and may make any Orders or regulations which may be deemed requisite for carrying into operation, in such court or courts, the provisions so applied. And whereas by the Borough and Local Courts of Record Act, 1872, it is enacted that it shall be lawful for Her Majesty from time to time, by an Order in Council, to direct, among other things, that all or any part of the provisions set forth in the schedule to the said Act, shall apply to all or any Local Court or Courts of Record in England or Wales, and that within one month after such Order shall have been made and published in the London Gazette, such provisions shall extend and apply in manner directed by such Order, and that any such Order may be in like manner, from time to time, altered and annulled; and that in and by such Order Her Majesty may alter and modify such provisions as are mentioned in the schedule, so as to adapt the same to the constitution, jurisdiction, and procedure of any such Court or Courts, and may direct by whom and at what time or times any powers and duties incident to the provisions applied under the said Act shall and may be exercised with respect to matters in such Court or Courts, and may make any orders or regulations which may be deemed requisite for carrying into operation, in such Court or Courts, the provisions so applied. And whereas it has seemed fit to Her Majesty by and with the advice of Her Privy Council, that certain of the provisions of the said Common Law Procedure Acts and of the rules made and to be made in pursuance thereof; and also that, subject to the following alterations and modifications, the provisions of the said schedule to the Borough and Local Courts of Record Act, 1872, should be extended and apply to the Court of Record of the Town or Borough of Kingston-upon-Hull, in manner hereinafter directed.

Now, therefore, Her Majesty, by and with the advice aforesaid is pleased to order, and it is hereby ordered, that the several hereinafter-mentioned provisions of the Common Law Procedure Acts, 1852, 1854, and 1860 shall apply to the Court of Record for the Town or Borough of Kingston - upon - Hull, in manner hereinafter mentioned, that is to say, the provisions of the Common Law Procedure Act, 1852, contained in the sections of the said Act, numbered 2 to 8 inclusive (except so much thereof as relates to the form and test of writs of summons) sections 11, 13, 15, 16, 17, and 20; sections 25 to 41 inclusive, except so much of the last-mentioned section as relates to causes of action in different counties; sections 42 to 69 inclusive (except the words in the last-mentioned section "and such plea may, when necessary, be pleaded at Nisi Prius between the 10th of August and the 25th of October;") sections 70 to 101 inclusive; sections, 102, 104, 114, 116, 117, 118, 119, 123 to 131 inclusive, except so much of the last-mentioned section as relates to the venue being laid in any county; sections 132 to 143 inclusive, except so much of the last-mentioned section as relates to a motion in arrest of judgment pursuant to the statute 1 William IV, cap. 7; sections 144 and 145; sections 168 to 181 inclusive; sections 183 to 202 inclusive, so that the last-mentioned