

whom the fugitive criminal shall be brought, be forwarded to such last-mentioned magistrate.

8. Depositions, statements on oath, or affirmations taken in a foreign State, and copies of such original depositions or statements on oath or affirmations may, if duly authenticated, be received in evidence in proceedings under this Order in Council. Such depositions, statements, or affirmations, and copies thereof, shall be deemed to be duly authenticated, for the purposes of this Order in Council, if they purport to be certified under the hand of a judge, magistrate, or officer of the foreign State where the same were taken, to be the original depositions, statements, or affirmations, or to be true copies thereof, as the case may require; and if they are authenticated by the oath of some witness, or by being sealed with the official seal of some Minister of State; and all courts of justice and magistrates in the Straits Settlements shall take judicial notice of such official seal.

9. The magistrate before whom a fugitive criminal shall be brought, in pursuance of this Order in Council, shall, if such evidence is produced as would, according to the law of the Straits Settlements, justify the committal for trial of the fugitive criminal, if the crime of which he is accused had been committed in the Straits Settlements, commit him to some prison in the Straits Settlements, but otherwise shall order him to be discharged. If the magistrate commits the fugitive criminal to prison, he shall inform such fugitive criminal that he will not be surrendered until after the expiration of fifteen days, and that during such fifteen days he may appeal to any Judge of the Supreme Court of the Straits Settlements.

10. Every magistrate who shall commit a fugitive criminal to prison under this Order in Council, shall forthwith report the result of his proceedings to the Governor, together with any remarks which he may deem it necessary or proper to make upon the case, and together with a copy of all depositions and documents used before him.

11. Upon receipt of a magistrate's report of the committal of a fugitive criminal under the provisions of this Order in Council, the Governor may after the expiration of fifteen days from the date of committal or after the decision of the Judge before whom the appeal of the fugitive criminal is brought, as the case may be, or after such further period as may be allowed in either case by the Governor by warrant under his hand and seal, order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the Foreign State from which the requisition for his surrender proceeded, and such fugitive criminal shall be surrendered accordingly. Provided always, that no fugitive criminal shall be surrendered under this Order in Council if (1), the offence in respect of which his surrender is demanded is of a political character, or if it is shown to the satisfaction of the Governor that the requisition for his surrender has been made with a view to try or punish him for an offence of a political character, nor (2) unless provision is made by the law of the State from which the requisition for his surrender proceeds or by arrangement that he shall not until he has been restored to Her Majesty's Dominions, be detained or tried in that State for any offence committed before his surrender other than the crime in respect of which he is surrendered.

12. It shall be lawful for the person to whom a fugitive criminal shall be so ordered to be surrendered to receive, hold in custody and convey

within the jurisdiction of the Foreign State from which the requisition for his surrender came such fugitive criminal, and if such fugitive criminal escapes out of the custody of such person it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Straits Settlements may be retaken upon an escape from lawful custody.

13. If any fugitive criminal committed to prison under this Order in Council, shall not be surrendered and conveyed out of the Straits Settlements within two calendar months after his committal, it shall be lawful for any Judge of the Supreme Court of the Straits Settlements upon application by or on behalf of the fugitive criminal, and upon proof that notice of the application has been given to the Governor or to the Colonial Secretary to order the fugitive criminal to be discharged out of custody unless sufficient cause is shown to the contrary.

14. For the purposes of this Order in Council every Colony Dependency and constituent part of a Foreign State shall be deemed to be within the jurisdiction of such Foreign State.

15. In this Order in Council the term "Fugitive Criminal" means any person accused of any crime committed either before or after the date of this Order in Council, which if committed in England or within English jurisdiction would be one of the crimes described in the schedule to this Order in Council and the term "Fugitive Criminal of a State," means a person accused of any such crime as aforesaid committed within the jurisdiction of that State, and the term "Governor" means the person for the time being administering the government of the Straits Settlements, and words in the masculine gender include the feminine.

16. Every person who is accused of having counselled, procured, commanded, aided or abetted the commission of any such crime as aforesaid or of being accessory before or after the fact to any such crime shall be deemed for the purposes of this Order in Council to be accused of having committed such crime.

17. The schedule to this Order in Council annexed shall be taken to be part of this Order in Council.

C. L. Peel.

THE SCHEDULE.

The following list of crimes is to be construed according to the law existing in the Straits Settlements at the date of the alleged crime:—

- Murder and attempt, and conspiracy to murder.
- Manslaughter.
- Counterfeiting and altering money, and uttering counterfeit or altered money.
- Forgery, counterfeiting, and altering and uttering what is forged of counterfeited or altered.
- Embezzlement and larceny.
- Obtaining money or goods by false pretences.
- Crimes by bankrupts against Bankruptcy Law.
- Fraud by a bailee, banker, agent, factor, trustee, or director or member or public officer of any Company made criminal by any Act for the time being in force.
- Rape.
- Abduction.
- Child stealing.
- Burglary and housebreaking.
- Arson.
- Robbery with violence.
- Threats by letter or otherwise with intent to extort.
- Piracy by law of nations.
- Sinking or destroying a vessel at sea, or attempting or conspiring to do so.