

Council, direct that it shall have effect within the said possessions as if it were part of the Extradition Act, 1870, but shall thereafter come into operation as soon as such last mentioned Order in Council shall have been publicly made known in the said possessions:

Now therefore, His Majesty, in pursuance of the Extradition Act, 1870, and in exercise of the power in that behalf in the said Act contained, doth by this present Order, by and with the advice of His Majesty's Privy Council, direct that the said Pitcairn, Ocean, and Fanning Islands Extradition Order in Council, 1914, shall have effect in the British possessions of Pitcairn Island, Ocean Island, and Fanning Island, without modification or alteration, as if it were part of the Extradition Act, 1870.

*Almeric FitzRoy.*

At the Court at *Windsor Castle*, the 21st day of *January*, 1914.

PRESENT,

The KING's Most Excellent Majesty.

Archbishop of Canterbury.

Lord President.

Viscount Allendale.

Lord Stamfordham.

Lord Parmoor.

Sir Francis Hopwood.

Sir G. Fleetwood Wilson.

Mr. W. H. Dickinson.

**W**HEREAS by treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction within the limits of the Pacific Order in Council, 1893:

And whereas His Majesty has power by Order in Council to make laws for the Colony of Fiji:

And whereas it is expedient to make provision for the surrender to foreign states of fugitive criminals within the limits of the said Order:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Pacific (Fugitive Criminals Surrender) Order in Council, 1914.

2. In this Order, unless the context otherwise requires,

The term "the Principal Order" means the Pacific Order in Council, 1893;

The term "High Commissioner" means His Britannic Majesty's High Commissioner for the Western Pacific;

The term "Pacific protectorate" means any island or place for the time being under His Majesty's protection within the limits of the Principal Order;

The term "offence in respect of which surrender may be granted" means an offence which would be punishable by the law in force in a Pacific protectorate if committed in that protectorate, and which, by whatever name designated by the law in force therein, is one of the offences described in the first schedule to this Order;

The terms "conviction" and "convicted" do not include or refer to a conviction for contumacy, but "accused person" includes a person convicted for contumacy;

The term "fugitive criminal" means any person accused or convicted of an offence in respect of which surrender may be granted, committed within the jurisdiction of any foreign state, who is in, or is suspected of being in or on the way to, some Pacific protectorate; and "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an offence in respect of which surrender may be granted, committed within the jurisdiction of that state;

The term "magistrate" means a deputy commissioner, and includes any other judicial officer empowered by the High Commissioner to exercise, either generally or in any particular case, the powers conferred upon a magistrate by this Order;

The term "diplomatic representative of a foreign state" includes any person recognised by the High Commissioner as a consul-general, consul, or vice-consul, or as the officer administering the government of any possession, dependency or protectorate of that state;

The term "oath" includes affirmation;

The term "warrant" in the case of any foreign state includes any judicial document authorizing the arrest of a person accused or convicted of crime;

The term "Gazette" means the Fiji Royal Gazette.

3.—(1) Where an arrangement has been made between His Majesty and the ruler of a foreign state whereby any Pacific protectorate is to surrender to that state, or its protectorates, any fugitive criminals, the High Commissioner may, by notice published in the Gazette, direct that this Order shall apply in the case of that state during the continuance of the arrangement, and after the notice has been so published this Order shall, subject to the terms of the arrangement, apply accordingly.

(2) The notice shall not remain in force for any longer period than the arrangement, and the High Commissioner may, by the same or any subsequent notice, limit the application of this Order, or render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient.

4. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

(1) 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 to the satisfaction of the magistrate or the court before whom he is brought on *habeas corpus*, or to the High Commissioner, that the