

spective ships; provided always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained until he has been tried by a competent Court, and until his sentence (if any) has been fully carried into effect.

And Her Majesty, by virtue of the powers vested in Her by the said "Foreign Deserters Act, 1852," and by and with the advice of Her Privy Council, is further pleased to order and declare that upon and after the publication hereof in the London Gazette, the Order in Council relating to Seamen who desert from the merchant ships belonging to the subjects of the King of Denmark made, by virtue of the said Act, on the 13th day of June, 1853, and published in the London Gazette on the 14th day of June, 1853, shall be revoked, and the same is hereby revoked accordingly.

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council are to give the necessary directions herein accordingly.

C. L. Peel.

At the Court at Windsor, the 15th day of July, 1881.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS, by Treaty, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in and over Cyprus:

Now, therefore, Her Majesty, by virtue of the powers in this behalf by the Foreign Jurisdiction Acts 1643 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as The Cyprus Extradition Order in Council, 1881.

EXTRADITION FROM CYPRUS.

A.—GENERAL POWER.

2.—(a.) In the circumstances, and under the conditions, in this Order appearing and prescribed, persons found in Cyprus, and accused or convicted of offences committed in foreign countries, or in any part of the Ottoman dominions other than Cyprus, shall be given up to the respective Governments of those countries, or to the Ottoman Government, as the case may be, for trial there, or, in the case of persons so convicted, for the purpose of undergoing lawful punishment for the offences of which they were so convicted.

(b.) In every case the offence must be an offence which, if committed within British jurisdiction, would be an offence comprised in the First Schedule to this Order: and every such offence is in this Order referred to as a scheduled offence.

(c.) The list of scheduled offences shall be construed according to the law of Cyprus, relating to British subjects, as that law existed, in case of an offence committed before the British occupation of Cyprus, at the date of this Order; and as that law existed, in case of an offence committed since that occupation, at the date of the alleged offence, —whether the same existed at common law, or under Statute or Ordinance made before or after the passing of this Order.

B.—PERSONS ACCUSED.

Request to High Commissioner.

3.—(a.) If a person, being or being alleged to be in Cyprus, is alleged to be a fugitive from a foreign country, or from any part of the Ottoman dominions other than Cyprus, and to be under prosecution there for a scheduled offence; and

(b.) If a request for his extradition is made to the High Commissioner by the Government of that foreign country, or by the Ottoman Government, through a person recognized by the High Commissioner as a Consular or other officer of the requesting Government, authorized in that behalf; and

(c.) If the request is accompanied (i.) by a warrant of arrest or other equivalent judicial document, issued by a judge, magistrate, or other person lawfully exercising jurisdiction in the country from which the person whose extradition is sought is alleged to be a fugitive, and (ii.) by depositions or statements taken or made on oath or affirmation before such a judge or magistrate, and authenticated as prescribed by this Order, clearly stating those acts, and containing a description of the person claimed, and any particulars that may serve to identify him;

(d.) The High Commissioner may, if he thinks fit, signify the request to the High Court.

Warrant of High Court.

4. Thereupon, and on such evidence being adduced as would, in the judgment of the High Court, justify the issue of a warrant for the apprehension of a British subject charged before it with an indictable offence, the Court may, if it thinks fit, issue a warrant for the apprehension, for purposes of this Order, of the fugitive.

Jurisdiction of Court.

5. On and after the issue of the warrant, as well before as after the fugitive is brought before the High Court thereon, the Court shall have the like jurisdiction and powers as in case of a British subject charged before it with an indictable offence.

Foreign Evidence.

6.—(a.) Foreign or Ottoman depositions and statements taken or made on oath or affirmation, and copies thereof, and foreign or Ottoman warrants or other judicial instruments authorizing apprehension, and foreign or Ottoman certificates of conviction or judicial instruments stating a conviction, shall be receivable in evidence under this Order, if authenticated, to the satisfaction of the High Court, in manner provided by law independently of this Order, or in manner following:

(i.) If the depositions, statements, or copies purport to be certified as originals or as true copies by a judge, magistrate, or officer of the country where they were taken; or

(ii.) If the warrant, certificate, or judicial instrument purports to be signed by a judge, magistrate, or officer of the country where it was issued; and

(iii.) If every deposition, statement, copy, warrant, certificate, or judicial instrument is proved by the oath of a witness, or is sealed with the official seal of the Minister of Justice, or other Minister of State, of the country where it was taken or issued; for which purpose judicial notice shall be taken of that seal.

(b.) Such depositions and statements shall be receivable in evidence, whether they are taken or made in the particular charge or not, or in the presence of the person charged or not.

7. The fugitive shall not be liable to interrogation by or before the High Court; but he may, if he thinks fit, tender himself to be sworn and examined as a witness on his own behalf; and thereupon he may give evidence in the same manner, and with the like effect and consequences, as regards cross-examination and perjury and otherwise, as any other witness.

Committal for Extradition.

8.—(a.) If the High Court is satisfied that the