

Abschrift.

A<sup>IV</sup>

Foreign Office

105.

Febr. 6<sup>th</sup> 1895.

Sir,

Exh. 8 —

I have carefully considered in consultation with Her Majesty's Secretaries of State for the Home and Colonial Departments, the note which you were so good as to address to me on the 28<sup>th</sup> of July last, in regard to the proposed extradition Treaty between Great Britain and the Netherlands; and I have now the honour to submit for your consideration the following observations.

Article II Her Majesty's Government agree in the view expressed by the Netherland Government in regard to „attempts“

Article II No 1

There would be no objection on the part of Her Majesty's Government to the addition to No 1 of this Article of the words: „including such crimes when directed against the Sovereign, his Heir, or any other person whomsoever, provided that the crimes are not of political character“

I request that you will be so good as to inform me whether the proposed insertion would meet the views of the Netherland Government.

Article II No 2 9

The words: „or conspiring“ will be omitted, as suggested by the Netherland Government.

Article IX

In this country a warrant for provisional arrest may be issued by Magistrates on any person's application, on a proper information being sworn before them. With regard to the Netherlands, Article IX of the Netherland draft Treaty has been completed by the provision that on the part of the United Kingdom the application for provisional arrest may be made by some diplomatic, judicial or police authority, either competent to issue a warrant, or able to state that a

Baron de Goldstein  
etc. etc. etc.

warrant



warrant has been issued. The last paragraph of Article IX of the Netherland draft has been adopted by Her Majesty's Government, and it is, therefore, unnecessary to indicate, as was done in the British counter-draft, the person to whom the application is to be made.

Article XI

The term of 20 days will be retained in this Article, as requested by the Netherland Government.

Article XII, Paragraph 4.

The words: "or some other Minister of the Netherlands" do not correspond with the language of the English Extradiction Act of 1870 which says in Section 15: "some other Minister of State." Her Majesty's Government trust that there will be no objection on the part of the Netherland Government to the insertion of the words "of State."

Article XIII

It will be necessary, for the guidance of Her Majesty's Government in making applications for Extradiction, to insert the formalities required by Netherland Law when such applications are made. The formalities required provided for in Article XII are prescribed by English Law, but are inserted in the Treaty to prevent misapprehension, and Her Majesty's Government would be glad if those prescribed by Netherland Law were equally inserted.

Article XIV

Her Majesty's Government have no objection to the proposed omission of the words: "in Her Britannic Majesty's dominions."

Article XVII

Her Majesty's Government accept the wording of this Article with the amendments proposed in your note of the 28<sup>th</sup> of July.

Article XVIII

Articles XVIII and XIX of the British Counter-draft have, in accordance with the request of the Netherland Government, been embodied in one Article, the text of which Her Majesty's Government are prepared to accept in the form proposed by the Netherland Government.

Her

Her Majesty's Secretary of State for the Colonies has, however, pointed out that Mauritius, the Seychelles, and the West Indian Colonies, appear to be excluded from the Article (Mauritius and the Seychelles not being situated in Africa, or the West-Indies in America), and that it may prove inconvenient if Extradiction from these Colonies can only be obtained by demand made at the Hague or at London. The Marquess of Ripon also observes that if a criminal escapes from an Asiatic to an African or American Colony, or vice versa e.g. from Java to the Cape of Good Hope, or from Canada to Java, it may be inconvenient if the application for Extradiction can only be made by the diplomatic authorities in Europe. This would however appear to result from the wording of the Article, which only permits of application by the Colonial Authorities if the two Colonies are situated in Asia, Australia, or in South or East Africa; or if the two Colonies are situated in America.

Her Majesty's Government would be glad if the Government of the Netherlands could see their way to a modification of the Article, so as to obviate the difficulties pointed out by Her Majesty's Secretary of State for the Colonies.

Her Majesty's Government would also suggest the insertion of the words: "for the purposes of this Article" after the word "shall" in the last paragraph.

I have the honour to enclose a Proof of the Draft Treaty amended in accordance with the suggestions which I have mentioned and to request that you will be so good as to inform me whether the Netherland Government concur in the views of Her Majesty's Government on the several points which still remain unsettled.

I have the honour to be  
with the highest consideration  
Sir,  
Your most obedient  
humble Servant  
(signed) Kimberley.