

ad. N^o 1605. (1895.)



FOREIGN OFFICE,

February 6th, 1895.

Sir:-

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 28th 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

Baron & Goltstein.

&c., &c., &c.,



"other person whomsoever, provided that the crime
"is not of a 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.29.

The words "or conspiring" will be omitted,
as suggested by the Netherland Government.

Article X.

In this country a warrant for provisional ar-
rest may be issued by Magistrates on any person's
application, on a proper information being sworn
before them. With regard to the Netherlands, Arti-
cle 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 warrant has been
issued. The last paragraph of Article IX of the

Netherland

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 Ne-
"therlands" do not correspond with the language of
the English Extradition 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
Extradition, to insert the formalities required by
Netherland law when such applications are made.
The formalities provided for in Article XVI are

prescribed

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 28th 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 Majesty's Secretary of State for the Colonies has, however, pointed out that Mauritius,


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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 Extradition 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 Extradition 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

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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 inclose a Proof of the
Draft Treaty amended in accordance with the sug-
gestions 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,

Kimberley