

Abschrift.

ad 11506/1895)

31-10-95.

Dear Mr. de Schimmelpenninck,

We are sending you to-day a Draft of the new Extradition Treaty, which has now, as I hope reached its final stage.

I am however not quite satisfied as to the correctness of our rendering of two phrases in the French text of art. XIII, which was proposed in Baron de Goltstein's note of May 10.

1. The first French phrase (parag: 3) runs:

"ou de renvoi devant la justice répressive"

This we propose to translate^{as} (an order) "or remitting the case to a criminal court".

But I am not certain as to the sense in which you use "justice répressive". Is it as we assume meant, that the order commits the prisoner

for trial - or does "justice répressive" imply

^a prison authorities or ^b police authorities Both of course may be held to be "répressive".

If the phrase refers to a criminal court it is not clear why "avec mandat d'arrêt" shall follow in the text.

We can hardly translate the words literally - as they would be ambiguous in English.

2. The second phrase was: "ainsi que la disposition pénale qui lui est applicable".

This.

This we translate, and also the penal designation applicable to it."

This is based on the assumption that what is intended is the technical name of the offence charged - the object being to ascertain whether it corresponds with the offence mentioned in the list of crimes in art II. But "disposition pénale" may of course also refer to the clause in our act of Parliament dealing with the crime in question.

I presume that this is not what is meant. But if either of our above translations seems to you incorrect, perhaps you would kindly make any change in the wording you may think right and inform me accordingly.

Yours very truly

Robertson

