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FOREIGN OFFICE,

March 18 1897.

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Lie III

Sir:-

Her Majesty's Government have carefully considered the observations contained in your Note of the 1st ultimo, on the subject of the wording of Article XVI of the Draft Treaty of Extradition between Great Britain and the Netherlands.

I have now the honour to state that it appears to them that the wishes of the Netherland Government would be met, so far as English Law allows, by inserting in the new Treaty words which would make it clear that the expense of taking evidence in this country under a "Commission Rogatoire" shall continue to be borne by this country.

With this object in view they would suggest -

(a) that the words "as well as those resulting from "the conveyance or return of Criminal Witnesses"

should

Baron van Goltstein,

&c., &c., &c.

should not be inserted in Article XVI, which should remain in the form suggested in my Note of the 8th January last, viz:

"Article XVI.

"The High Contracting Parties mutually renounce
"all claim for the repayment of expenses incurred
"by them in the arrest and maintenance and transport
"of the person to be surrendered, and all other ex-
"penses which may be incurred within the limits of
"their respective territories until the person to
"be surrendered is placed on board ship, together
"with the expenses of giving up and returning all
"seized articles and of sending and returning the
"papers containing proof of the crime, or other
"documents, and they reciprocally agree to bear all
"such expenses themselves".

"The above stipulations, however, shall not
"apply to extradition to and from Canada, as regards
"which Colony all the expenses shall be borne by
"the demanding State".

"The person to be extradited shall be sent to

"the

"the port which the Diplomatic or Consular Agent of
"the demanding State shall indicate";
and (b) that a new Article should be added, which
should run as follows:-

"Article XVII.

"If in any criminal matter pending in any Court
"or Tribunal of one of the two countries it is
"thought desirable to take the evidence of any wit-
"ness in the other, such evidence may be taken by the
"Judicial Authorities in accordance with the laws in
"force on this subject in the country where the wit-
"ness may be; and any expenses incurred in taking
"such evidence shall be defrayed by the country in
"which it is taken."

Her Majesty's Government trust that these two
Articles will meet the views expressed in your Note
of the 1st ultimo, and that they will be found
satisfactory to the Netherland Government.

The Draft Treaty, of which six copies are in-
closed, in accordance with the request contained in

your

your Note of the 7th November last, has been amended
in the sense now proposed. Upon learning that
its terms meet with the concurrence of the Nether-
land Government I shall be prepared to refer it for
the final consideration of the Law Officers of the
Crown, with a view to its signature at an early date.

I have the honour to be
with the highest consideration,

Sir,

Your most obedient,

humble Servant,

(For the Marquess of Salisbury)

F. A. Villiers.