

Copy.

Foreign Office, March 18. 1897.

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 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 arrest
" and maintenance and transport
" of

Baron van Goltstein

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" of the person to be surrendered and all other
" expenses 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 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 witness in the other, such evidence
may

" may be taken by the Judicial Authorities
" in accordance with the laws in force on
" this subject in the country where the
" witness may be; and any expenses in-
" curred 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 inclosed, in accordance with
the request contained in 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 Netherland 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 etc.

For the Marquess of Salisbury
(w. s.) F. H. Villiers.