

36.

A^{IV}

Exh. 12 Jan. 1897.

FOREIGN OFFICE,

January 8th, 1897.

Sir:-

With reference to your Note of the 18th ^{last} instant on the subject of the Treaty of Extradition now under negotiation between Great Britain and the Netherlands, I have the honour to inform you that the Chief Magistrate of the Metropolitan Police Courts who has again been consulted on this subject, has expressed a fear that the wording of Article XVI is open to some ambiguity which it is desirable should be removed.

By Article XIV of the existing Treaty the matter of expense is provided for, so far as concerns all expenses, until the accused is placed on board ship. By the new Article XVI it is provided that the expense of embarkation shall be borne by the

Baron van Goltstein,

&c., &c., &c.

the demanding State. It does not clearly appear what the words "expenses of embarkation" precisely mean, as all expenses in an extradition case until the accused is placed on board ship are usually paid by the surrendering State.

In Article XVI the words "as well as those" "resulting from the conveyance or return of convict" "witnesses" seem, also, open to objection.

It is not quite evident to what they refer, but it is assumed that they relate to the evidence which may be given in this country under a "Commission Rogatoire" from the Netherlands. "Commissions Rogatoires" do not, however, run from this country to the Netherlands and it would seem right that the expenses connected with these Commissions should be defrayed, as they usually are, by the State issuing them. The matter, therefore, does not, apparently, call for mention in the Treaty.

Her Majesty's Government accordingly propose

to

to insert at the end of the first paragraph of Article XVI the words used in Article XIV of the present Treaty "they reciprocally agree to pay such" "expenses themselves".

The whole article would then run in the form inclosed, and Her Majesty's Government would be glad if the Netherlands Government should find themselves able to accept it in that form.

I regret that the slight changes which are suggested in this Note should cause some delay in bringing these negotiations to a conclusion.

I have the honour to be
with the highest consideration,

Your most obedient,

humble Servant,

Salisbury