

4. Steam-vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them, and for the loss which may be caused by such damage. In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the British authorities, when appealed to, shall, if satisfied of the validity of the objection, prohibit the use of that waterway by British launches, provided that Chinese launches are also prohibited from using it.

Both foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people.

5. The main object of the British Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese Company and the Chinese flag of any British steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer.

In the event of a Chinese Company registered under Chinese law being formed to run steamers on the inland waters of China, the fact of British subjects holding shares in such a Company shall not entitle the steamers to fly the British flag.

6. Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the Treaties for such an offence, and cancellation of the Inland Waters Navigation Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters.

7. As it is desirable that the people living inland should be disturbed as little as possible by the advent of steam-vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade.

In cases where it is intended to run steam-vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port, who shall report the matter to the Ministers of Commerce. The latter, in conjunction with the Governor-General or the Governor of the Province, after careful consideration of all the circumstances of the case, shall at once give their approval.

8. A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognized places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government.

9. Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland.

10. These Rules are supplementary to the Inland Steam Navigation Regulations of July and September, 1898. The latter, where untouched by the present Rules, remain in full force and effect, but the present Rules hold in the case of such of the former Regulations as the present Rules affect. The present Rules and the Regulations of July and September, 1898, to which they are supplementary, are provisional, and may be modified, as circumstances require, by mutual consent.

Done at Shanghai this 5th day of September in the year of our Lord, 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsi.

(L.S.) JAS. L. MACKAY.

(Signature of his Excellency Lü Hai-huan.)

(Signature of his Excellency Shêng Hsüan-huai.)

(Seal of the Chinese Plenipotentiaries.)

GOVERNMENT NOTIFICATION.—No. 747.

The following Circular despatch and its enclosure are published.

By Command,

F. H. MAY,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 1st December, 1902.

CIRCULAR.

DOWNING STREET,
3rd October, 1902.

SIR,

With reference to my predecessor's Circular despatch of the 30th March, 1874, transmitting a copy of a Treaty concluded on 3rd December, 1873, between Her Majesty Queen Victoria and the Emperor of Austria for the mutual surrender of fugitive criminals, I have the honour to transmit to you, for publication in the Colony under your Government, a copy of an Order of His Majesty in Council, giving effect to a Declaration signed on the 26th of June, 1901, and ratified on the 25th of June last, between the United Kingdom and Austria-Hungary amending Article XI of the Treaty of 1873.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. CHAMBERLAIN.

The Officer Administering the Government of
HONGKONG.

ORDER IN COUNCIL.

EXTRADITION DECLARATION OF THE 26TH JUNE, 1901, BETWEEN GREAT BRITAIN AND AUSTRIA-HUNGARY.

Balmoral, 15th September, 1902.

At the Court at *Balmoral*, the 15th day of *September*, 1902.

PRESENT,

The KING's Most Excellent Majesty.
H.R.H. The Prince of Wales.
Duke of Fife.
Mr. Secretary Akers-Douglas.
Sir Dighton Probyn.

WHEREAS by the Extradition Acts, 1870 to 1895, it was amongst other things enacted that where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient;

And whereas a Treaty was concluded on the third day of December, one thousand eight hundred and seventy-three, between Her late Majesty Queen Victoria and His Majesty the Emperor of Austria and King of Hungary for the mutual extradition of fugitive criminals, in the case of which Treaty "The Extradition Act, 1870," was applied by Order in Council of the seventeenth March, one thousand eight hundred and seventy-four;

And whereas a Declaration was concluded on the twenty-sixth day of June, one thousand nine hundred and one, between His Majesty and His Majesty the Emperor of Austria, King of Hungary, amending Article XI of the said Treaty of the third of December, one thousand eight hundred and seventy-three, for the mutual extradition of fugitive criminals, which Declaration is in the terms following:—

As it is considered necessary by the Government of Great Britain and Ireland and by the Governments of Austria and Hungary to extend the period of fourteen days fixed in Article XI of the Treaty for the mutual surrender of criminals, concluded on the 3rd December, 1873, between Her late Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., on one side, and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, on the other, the respective Plenipotentiaries, undersigned, have agreed that—

The last paragraph of Article XI of the said Treaty of Extradition shall be altered as follows:—

"Provided, however, that he shall be discharged if, within the shortest time possible, and at the utmost within one month, a requisition for his surrender in accordance with the terms of Article IX of this Treaty be not made by the Diplomatic Representative of the State which requests his extradition."

The present Declaration shall have the same force and duration as the Extradition Treaty of the 3rd December, 1873, to which it relates.

The present Declaration shall be ratified, and the ratifications shall be exchanged as soon as possible at London.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 26th day of June, 1901.

For Great Britain and Ireland, His Britannic Majesty's Principal Secretary of State for Foreign Affairs,

(L.S.)

LANSDOWNE.

For Austria and for Hungary, the Austro-Hungarian Ambassador,

(L.S.)

DEYM.

And whereas the ratifications of the said Declaration were exchanged at London, on the twenty-fifth day of June, one thousand nine hundred and two:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and in virtue of the authority committed to him by the said recited Acts, doth order, and it is hereby ordered, that from and after the sixth day of October, one thousand nine hundred and two, the said Acts shall apply in the case of Austria and Hungary under and in accordance with the said Treaty as amended by the said Declaration above set forth.

Provided always that the operation of the said Acts shall be and remain suspended within the Dominion of Canada so long as an Act of the Parliament of Canada passed in one thousand eight hundred and eighty-six, and entitled "An Act respecting the Extradition of Fugitive Criminals," shall continue in force there, and no longer.

A. W. FitzRoy.