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PROCLAMATION

Western Australia, }
to wit. } By His Excellency Lieut.-Colonel Sir
GERARD SMITH, Knight Commander
of the Most Distinguished Order of
Saint Michael and Saint George,
Governor and Commander-in-Chief
in and over the Colony of Western
Australia and its Dependencies, &c.,
&c., &c.

GERARD SMITH.
(L.S.)

WHEREAS instructions have been received from the Right Hon. The Secretary of State for the Colonies that a state of war unhappily exists between His Majesty The King of Spain and the United States of America, and between their respective subjects and citizens and others inhabiting within their Countries, Territories, or Dominions, and that a strict neutrality is to be maintained: THEREFORE, I, the said Governor, do hereby strictly charge and command all Her Majesty's subjects in the Colony of Western Australia to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the Laws and Statutes of the Realm in this behalf, or the Law of Nations in relation thereto, as they will answer to the contrary at their peril.

And whereas in and by a certain Statute made and passed in a Session of Parliament holden in the 33rd and 34th year of Our Reign, intituled "An Act to regulate the conduct of Her Majesty's Subjects during the existence of hostilities between Foreign States with which Her Majesty is at Peace," it is, amongst other things, declared and enacted as follows. This Act shall extend to all the Dominions of Her Majesty, including the adjacent territorial Waters:—

"Illegal Enlistment.

"If any person, without the License of Her Majesty, being a British Subject, within or without Her Majesty's Dominions, accepts or agrees to accept any Commission or

Engagement in the Military or Naval Service of any Foreign State at War with any Foreign State at Peace with Her Majesty, and in this Act referred to as a Friendly State, or, whether a British Subject or not, within Her Majesty's Dominions, induces any other person to accept or agree to accept any Commission or Engagement in the Military or Naval Service of any such Foreign State as aforesaid—

"He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If any person, without the License of Her Majesty, being a British Subject, quits or goes on board any Ship with a view of quitting Her Majesty's Dominions, with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a Friendly State, or, whether a British Subject or not, within Her Majesty's Dominions, induces any other person to quit or to go on board any Ship with a view of quitting Her Majesty's Dominions with the like intent—

"He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court, before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If any person induces any other person to quit Her Majesty's Dominions, or to embark on any Ship within Her Majesty's Dominions under a Misrepresentation or false Representation of the Service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a friendly State—

"He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If the Master or owner of any ship, without the License of Her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within her Majesty's Dominions any of the following Persons, in this Act referred to as illegally enlisted persons; that is to say,—

- "(1.) Any person who, being a British subject within or without the Dominions of Her Majesty, has, without the License of Her Majesty, accepted or agreed to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with any Friendly State:
- "(2.) Any person, being a British Subject, who without the License of Her Majesty, is about to quit Her Majesty's Dominions with intent to accept any Commission or Engagement in the Military or Naval Service of any Foreign State at War with a Friendly State:
- "(3.) Any person who has been induced to embark under a Misrepresentation or false Representation of the Service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the Military or Naval Service of any Foreign State at War with a friendly State:

"Such Master or Owner shall be guilty of an offence against this Act, and the following consequences shall ensue; that is to say,—

- "(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour; and
- "(2.) Such Ship shall be detained until the Trial and Conviction or Acquittal of the Master or Owner, and until all penalties inflicted on the Master or Owner have been paid, or the Master or Owner has given security for the payment of such penalties to the satisfaction of two Justices of the Peace, or other Magistrate or Magistrates having the authority of two Justices of the Peace; and
- "(3.) All illegally enlisted persons shall, immediately on the discovery of the offence, be taken on shore, and shall not be allowed to return to the Ship.

"Illegal Shipbuilding and Illegal Expeditions.

"If any person within Her Majesty's Dominions, without the License of Her Majesty, does any of the following Acts; that is to say:—

- "(1.) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any friendly State: or
- "(2.) Issues or delivers any Commission for any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any Friendly State: or
- "(3.) Equips any Ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any Friendly State: or
- "(4.) Dispatches, or causes, or allows to be dispatched, any Ship with intent or knowledge or having reasonable cause to believe that the same shall or will be employed in the Military or Naval Service of any Foreign State at War with any Friendly State:

"Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue:—

- "(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.
- "(2.) The Ship in respect of which any such offence is committed, and her equipment, shall be forfeited to Her Majesty.

"Provided that a person building, causing to be built, or equipping a Ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such War as aforesaid, shall not be liable to any of the penalties imposed by this Section in respect of such building or equipping if he satisfies the conditions following (that is to say):—

- "(1.) If forthwith upon a Proclamation of Neutrality being issued by Her Majesty he gives notice to the Secretary of State that he is so building, causing to be built, or equipping such Ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the Secretary of State:
- "(2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the Secretary of State may prescribe for ensuring that such ship shall not be dispatched, delivered, or removed without the License of Her Majesty until the termination of such War as aforesaid.

"Where any ship is built by order of or on behalf of any Foreign State when at War with a Friendly State, or is delivered to or to the order of such Foreign State, or any person who to the knowledge of the person building is an agent of such Foreign State, or is paid for by such Foreign State or such Agent, and is employed in the Military or Naval Service of such Foreign State, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the Military or Naval Service of such Foreign State.

"If any person within the Dominions of Her Majesty, and without the License of Her Majesty,—

"By adding to the number of the guns, or by changing those on board for other guns; or by the addition of any Equipment for War, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the Dominions of Her Majesty was a ship in the Military or Naval Service of any Foreign State at War with any Friendly State,—

"Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

"If any person within the limits of Her Majesty's Dominions, and without the License of Her Majesty:—

"Prepares or fits out any Naval or Military Expedition to proceed against the Dominions of any Friendly State, the following consequences shall ensue:—

- "(1.) Every person engaged in such preparation or fitting out or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the Court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.
- "(2.) All Ships and their equipments, and all Arms and Munitions of War, used in or forming part of such expedition, shall be forfeited to Her Majesty.

"Any person who aids, abets, counsels, or procures the Commission of any offence against this Act shall be liable to be tried and punished as a principal offender."

And whereas by the said Act it is further provided that ships built, commissioned, equipped, or despatched in contravention of the said Act, may be condemned and forfeited by judgment of the Court of Admiralty, and that if the Secretary of State or Chief Executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within Her Majesty's Dominions has been, or is being built, commissioned, or equipped, contrary to the said Act, and is about to be taken beyond the limits of such Dominion, or that a ship is about to be despatched contrary to the Act, such Secretary of State or Chief Executive authority shall have power to issue a Warrant authorising the seizure and search of such ship, and her detention until she has been either condemned or released by process of law. And whereas certain powers of seizure and detention are conferred by the said Act on certain local authorities: Now, in order that none of Her Majesty's subjects in

Western Australia may unwarily render themselves liable to the penalties imposed by the said Statute, I do hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said Statute, upon pain of the several penalties by the said Statute imposed, and of Her Majesty's high displeasure. And I do hereby further warn and admonish all Her Majesty's subjects, and all persons whatsoever entitled to Her Majesty's protection in Western Australia, to observe towards each of the aforesaid Powers, their subjects and territories, and to all belligerents whatsoever, with whom Her Majesty is at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which Her Majesty and Her Royal predecessors have always claimed to exercise.

And I hereby further warn all Her Majesty's subjects, and all persons whatsoever entitled to Her Majesty's protection in Western Australia, that if any of them shall presume, in contempt of this Proclamation, and of Her Majesty's high displeasure, to do any acts in derogation of their duty as subjects of a neutral Sovereign in a war between other powers, or in violation or contravention of the Law of Nations in that behalf, as more especially by breaking, or endeavouring to break, any blockade lawfully and actually established by, or on behalf of, either of the said Powers, or by carrying officers, soldiers, despatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war, according to the law or modern usages of nations, for the use or service of either of the said Powers, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to a hostile capture, and to the penalties denounced by the Law of Nations in that behalf. And I do hereby give notice that all Her Majesty's subjects, and persons entitled to Her Majesty's protection in the said Colony, who may misconduct themselves in the premises, will do so at their peril, and of their own wrong; and that they will in no wise obtain any protection from Her Majesty against such capture or such penalties as aforesaid, but will, on the contrary, incur her Majesty's high displeasure by such misconduct. And I hereby enjoin that the following rules shall be treated and enforced as Her Majesty's orders and directions, and shall be in force forthwith, and shall be obeyed by all persons within the said Colony.

1. During the continuance of the present state of war, all ships of war of either belligerent are prohibited from making use of any port or roadstead in the said Colony, or of any waters subject to the territorial jurisdiction thereof, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities for warlike equipment; and no ship of war of either belligerent shall hereafter be permitted to sail out of or leave, any port, roadstead, or waters in the said Colony, from which any vessel of the other belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of the said Colony.

2. If any ship of war of either belligerent shall, after this proclamation, enter any port, roadstead, or waters in the said Colony, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port, or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within the waters of the said Colony for the purpose of repair shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed. Provided nevertheless, that in all cases in which there shall be any vessel (whether ships of war or merchant ships) of the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than 24 hours between the departure therefrom of any such vessel (whether a ship of war or merchant ship) of the one belligerent, and the subsequent departure therefrom of any ship of war of the other belligerent; and the time hereby limited for the departure of such ships of war respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but no further or otherwise.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters of the said Colony, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination, and no coal shall again be supplied to any such ship of war in the same or any other port, roadstead, or waters of the said Colony without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the said Colony as aforesaid.

4. Armed ships of either party are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the said Colony.

Given under my hand and the Public Seal of the said Colony, at Perth, this 25th day of April, 1898.

By His Excellency's Command,
JOHN FORREST.

GOD SAVE THE QUEEN !!!