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Proclamation of Neutrality—War, Spain and America.

*Colonial Secretary's Office,
Perth, 30th May, 1898.*

WITH reference to the Proclamation published in the *Government Gazette* Extraordinary of Western Australia, on the 25th day of April, 1898, setting forth the Rules for the observance of the duties of Neutrality to be in force during the existing state of War between Spain and the United States of America, His Excellency the Governor directs the publication of the following Proclamation of Her Majesty the Queen, dated the 23rd day of April, 1898, and enclosures for general information.

G. F. ELIOT,
Acting Under Secretary.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA, R.

WHEREAS We are happily at Peace with all Sovereigns, Powers, and States:

And whereas a State of War unhappily exists between His Majesty the King of Spain, and, in His Name and during His Minority, Her Majesty the Queen Regent of the Kingdom, and the United States of America, and between their respective Subjects, Citizens, and others inhabiting within their Countries, Territories, or Dominions:

And whereas We are on terms of Friendship and amicable Intercourse with each of these Powers, and with their several Subjects, Citizens, and others inhabiting within their Countries, Territories, or Dominions:

And whereas great Numbers of Our Loyal Subjects reside and carry on Commerce, and possess Property and Establishments, and enjoy various Rights and

Privileges within the Dominions of each of the aforesaid Powers, protected by the Faith of Treaties between Us and each of the aforesaid Powers:

And whereas We, being desirous of preserving to Our Subjects the Blessings of Peace, which they now happily enjoy, are firmly purposed and determined to maintain a strict and impartial Neutrality in the said State of War unhappily existing between the aforesaid Powers:

And whereas We are resolved to insure, by every lawful means in Our Power, the due observance by Our Subjects towards both the aforesaid Powers of the Rules embodied in Article VI. of the Treaty of the 8th May, 1871, between Us and the United States of America, which said Rules are as follows:—

“A neutral Government is bound—

“First.—To use due diligence to prevent the fitting-out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on War against a Power with which it is at Peace; and also to use like diligence to prevent the depart-

ure from its jurisdiction of any vessel intended to cruise or carry on War as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

"Secondly.—Not to permit or suffer either Belligerent to make use of its Ports or Waters as the base of Naval Operations against the other, or for the purpose of the renewal or augmentation of Military Supplies, or Arms, or the Recruitment of Men.

"Thirdly.—To exercise due diligence in its own Ports and Waters, and, as to all Persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties."

We, therefore, have thought fit, by and with the advice of Our Privy Council, to issue this Our Royal Proclamation:

And we do hereby strictly charge and command all Our loving Subjects to govern themselves accordingly, and 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 Mis-

representation 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 know-

ledge, 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.) Despatches, or causes or allows to be despatched, 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 despatched, 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 Our 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 Dominions, 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 authorizing 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 Our Subjects may unwarily render themselves liable to the Penalties imposed by the said Statute, We 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 Our high Displeasure.

And We do hereby further warn and admonish all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, to observe towards each of the aforesaid Powers, their Subjects, Citizens, and Territories, and towards all Belligerents whatsoever with whom We are at Peace, the Duties of Neutrality; and to respect, in all and each of them, the Exercise of Belligerent Rights.

And We hereby further warn all Our loving Subjects, and all Persons whatsoever entitled to Our Protection, that if any of them shall presume, in contempt of this Our Royal Proclamation, and of Our high Displeasure, to do any Acts in derogation of their Duty as Subjects of a Neutral Power 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 hostile Capture, and to the Penalties denounced by the Law of Nations in that Behalf.

And We do hereby give Notice that all Our Subjects and Persons entitled to Our Protection 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 Us against such Capture or such Penalties as aforesaid, but will, on the contrary, incur Our high Displeasure by such Misconduct.

Given at Our Court at *St. James's*, this twenty-third day of *April*, in the year of our Lord one thousand eight hundred and ninety-eight, in the sixty-first year of Our reign.

GOD save the QUEEN.

THE Right Honourable Sir Matthew White Ridley, Bart., M.P., to the Lords Commissioners of the Admiralty* :—

*Foreign Offices,
April 23rd, 1898.*

My Lords,

HER Majesty being fully determined to observe the duties of neutrality during the existing state of war between Spain and the United States of America; being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbours, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, and to insure, by every lawful means in Her power, the due observance by Her subjects towards both belligerent Powers of the Rules embodied in Article VI. of the Treaty of Washington of 8th May, 1871, copies of which are herewith enclosed, has commanded me to communicate to your Lordships, for your guidance, the following Rules which are to be treated and enforced as Her Majesty's orders and directions :—

Rule 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 United Kingdom, the Isle of Man, or the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, 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 leave any such port, roadstead, or waters 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 Her Majesty.

* Similar letters have been addressed to the Treasury, Home Office, Colonial Office, War Office, India Office, Scottish Office, and Board of Trade.

Rule 2.—If there is now in any such port, roadstead, or waters subject to the territorial jurisdiction of the British Crown any ship of war of either belligerent, such ship of war shall leave such port, roadstead, or waters within such time, not less than twenty-four hours, as shall be reasonable, having regard to all the circumstances and the condition of such ships as to repairs, provisions, or things necessary for the subsistence of her crew; and if after the date hereof any ship of war of either belligerent shall enter any such port, roadstead, or waters, subject to the territorial jurisdiction of the British Crown, such ship shall depart and put to sea within twenty-four hours after her entrance into any 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 British waters 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 vessels (whether ships of war or merchant ships) of both 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 twenty-four 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.

Rule 3.—No ship of war of either belligerent shall hereafter be permitted, while in any such port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, 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 subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

Rule 4.—Armed ships of either belligerent are interdicted from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom, the Isle of Man, the Channel Islands, or any of Her Majesty's Colonies or possessions abroad.

The Governor or other chief authority of each of Her Majesty's territories or possessions beyond the seas shall forthwith notify and publish the above Rules.

I have, etc.,

M. W. RIDLEY.

(Enclosure.)

Rules annexed to article VI. of the Treaty between Her Majesty and the United States of America, signed at Washington, May 8, 1871.

A Neutral Government is bound—

First.—To use due diligence to prevent the fitting-out, arming, or equipping within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly.—Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies of arms, or the recruitment of men.

Thirdly.—To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.