

and Foote, in 1883, is regarded as a departure from the law upon that subject as previously laid down by eminent men—a departure, be it added, which has, I think, received the sanction of the profession generally, and a departure in consonance with the freer and more tolerant spirit of the time.”

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*FIRING ON A NEUTRAL BEFORE DECLARATION OF WAR.*

The recent report, now confirmed, that the transport conveying Chinese troops to Corea, which was sunk by a Japanese war-ship, was at the time it was fired upon flying the British flag, must raise a serious question of international law. No declaration of war had been sent by the Japanese to the Chinese Government; no manifesto to neutrals had been issued by the Mikado.

Assuming for the moment that the maximum right of British and other European citizens in this war in the Far East is to be measured by the ordinary laws of war obtaining among European States, it is quite plain that a valid claim for compensation can be put forward by the British owners of the transport *Kow Shing*. Since 1750, formal declarations of war addressed to the hostile powers have been discontinued as a regular practice; although the Franco-Prussian War of 1870 was preceded by a notice by the French to the Prussian Government, and the Russo-Turkish war of 1877 was preceded by a like notice from Russia. But it is positively established as a right of neutral powers to be apprised by means of a manifesto from the State commencing war. The reason for the practice is obvious. The existence of an acknowledged state of war confers upon belligerents rights of seizure of contraband and of declaring blockade—rights which directly affect neutral commerce, and which impose obligations of neutrality on States taking no part in the war. As between the belligerents themselves, war begins either on direct notice from one to the other, or on the first act of hostility; but as, between belligerents and neutrals, war, with its attendant rights of capture and attendant duties of neutrality, does not begin until notice through a manifesto is issued by one or other of the belligerents to the representatives of neutral States. (See Vattel, iii. 4, 64; Hall, iii. i.; Woolsey, 122.) This is the present state of that Custom of European States which is