

NEUTRALITY.

ral has to assert the rights of neutrality as well as to fulfil its duties.

The Proclamation does not make the law, but is a declaration of the law. The Proclamation does not suggest that the Act was in abeyance, for it says: '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.' The Proclamation is a recital of the law, and an admonition to obey it; and the preamble only sets forth the reasons for issuing it. But though a proclamation of neutrality is only declaratory of the law, it alters the position of the shipbuilder; for the Act provides 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: 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 matter 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 insuring that such ship shall not be despatched, delivered or removed without the license of Her Majesty until the termination of such war as aforesaid.' This does not assert that the work of building or equipping is lawful even on a contract entered into before war, after war is commenced; but that, in such a case, the person offending against the Act—that is, illegally building or illegally equipping after the commencement of war and before the Proclamation of neutrality—shall be free from liability to the penalties if he complies with certain conditions when the Proclamation is issued. The law is prohibitory, not mandatory. The neutral obligation is not to do anything, but to abstain from certain acts

that would aid and abet either of the belligerents. Neutrality is not mere impartiality. Equipping ships of war for both belligerents is not neutrality. For many reasons, which we need not specify, the law of neutrality prohibits the neutral from giving either belligerent any aid. The Act forbids enlistment in the service of any foreign State at war with any foreign State at peace with Her Majesty; leaving the Queen's dominions with intent to take such service; inducing any person to quit the Queen's dominions, or to embark on any ship within the Queen's dominions, under a 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; taking persons illegally enlisted on board a ship; illegal shipbuilding, or illegal expeditions—that is, building a ship for a belligerent that is to be used as a ship of war, or fitting out a warlike expedition—aiding the warlike equipments of foreign ships; and any person who aids, abets, conceals, or procures the commission of any of the offences against the Act, is liable to be tried and punished as a principal offender. No one can complain that the Act is not comprehensive with respect to the offences and also to the offenders.

The Act deals mainly with offences that are, by that Act, violations of the municipal law, as well as breaches of neutrality. The Proclamation also refers to breaches of neutrality that are not municipal offences, and that are not punishable by our courts. The non-municipal offences are breaking, or endeavouring to break, any blockade lawfully and actually established by or on behalf of either of the said sovereigns, 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 sovereigns. What is the penalty for such offences? The Proclamation says: '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