

NEUTRALITY.

SELECTIONS.

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Neutrality, as Lord Chief Justice Cockburn explained at Geneva, is not a mere continuance of pacific relations with the belligerents, but a *status* involving special and important obligations. The Proclamation issued on Monday night sets forth several reasons for the due observance of those obligations. There are numbers of Her Majesty's subjects who reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges within the dominions of the belligerent sovereigns, who are protected by the faith of treaties, and who would no longer be entitled to such protection if pacific relations ceased; and the non-observance of neutrality, at least when such non-observance is sanctioned or connived at by the Government, is a *casus belli*; and this is intimated in the next paragraph of the Proclamation, which assigns, as a ground for maintaining a strict and impartial neutrality, the desire of preserving to this country the blessings of peace. Another reason for being faithful to the obligations of neutrality is that England has always claimed to exercise the belligerent rights which we now concede to Russia and Turkey. Thus, the bargain is not altogether one-sided. True, the belligerent gives the neutral no direct compensation for the exercise of those belligerent rights which interfere with the commerce of the neutral; but, on the other hand, the belligerent continues, in time of war, to protect the persons and property of neutrals within his jurisdiction; and, further, the neutral only suffers the inconvenience and injury that he will inflict on other nations when he is a belligerent. In a word, neutrality is not only the duty, but also the interest of the neutral. The Alabama affair is a warning not to be neglected by a neutral Government. The Act 33 & 34 Vict. c. 90—which is 'An Act to regulate the conduct of Her Majesty's subjects during the continuance of hostilities between foreign States with which Her Majesty is at peace, and which repeals the 59 Geo. III. c. 69—is an evidence of the desire of the country to fulfil the obligations of neutrality; and it is noteworthy that the Act

was in force during the war between Germany and France, and that during that war England was not guilty of such breaches of neutrality as called for the remonstrances of either of the belligerent Governments. The Proclamation of Her Majesty, and the letter of the Foreign Secretary to the Lords of the Admiralty, and other departments, are evidences that the Government intends to exercise due vigilance. We may here remark that it is necessary for the Government to observe the rights of the belligerents, in order that it may be in a position to protect neutral rights; such as the rights accruing under the Declaration of Paris, the right to use a port that is not *effectively* blockaded, and we apprehend the right of transit by water-way to the territories of other neutrals. Among the few settled principles of international law is this, that no nation has a right to do anything to injure another; and though, as we have remarked, a belligerent may, and is allowed to, inflict some direct as well as indirect injury on neutrals, the foregoing fundamental principle is still so far in force that the rights of the belligerent in derogation of it are definite and limited. For example, the right of the belligerent to prevent neutral commerce with his foe is incontestable; but he cannot exercise that right by a mere prohibition, or in some way that is convenient to himself, but which inflicts needless injury on neutral commerce. Thus, a port is not blockaded by a mere announcement of the blockade; for the object of the declaration of blockade is only to give neutrals proper and requisite notice that they must cease to trade with that port. What constitutes a blockade is an effective blockading force. A mere paper blockade would be a loss to the nation which observed it, and a gain to the nation which disregarded it. And, further, to treat a paper blockade as a real blockade would be a breach of neutrality; for, why should the neutral treat the port of a belligerent as blockaded when it is in fact open? It might be convenient for Turkey to blockade the Danube; but why should the commerce between neutrals be interrupted in order that Turkey may be spared the trouble of ascertaining whether the vessels using the Danube are or are not engaged in a neutral traffic? The neut-