



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, FEBRUARY 11, 1904.

Published by Authority.

WELLINGTON, THURSDAY, FEBRUARY 11, 1904.

Notification of British Neutrality on Occasion of War between Russia and Japan also Rules to be observed during such War.

IN pursuance of instructions received by me from the Secretary of State for the Colonies, I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, hereby notify for the information of all subjects of His Majesty the King, and of all other persons residing or being in the said colony, that His said Majesty, with the advice of His Privy Council, by Proclamation doth enjoin all His loving subjects to observe a strict neutrality in and during the war which now exists between the Empire of Russia and the Empire of Japan, and the purport of the said Proclamation is set forth in the First Schedule hereto:

And further, and by the like instructions as aforesaid, I, the said Governor, do hereby notify all persons residing or being within the Colony of New Zealand that His said Majesty has made the rules set out in the Second Schedule hereto, and has directed, among other things, that the said rules shall be in force in New Zealand forthwith when I shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within New Zealand: And in accordance with such directions I do hereby publish the said rules, and notify that they are to be obeyed by all persons within New Zealand.

As witness my hand, at Government House, Wellington, this eleventh day of February, one thousand nine hundred and four.

RANFURLY,
Governor.

FIRST SCHEDULE.

PROCLAMATION OF BRITISH NEUTRALITY.

The Proclamation recites, among other things, that a state of war exists between the Empire of Russia and the Empire of Japan, and between their respective subjects and others inhabiting within their countries, territories, or dominions; that His Majesty is on terms of friendship with these countries, and is determined to maintain a strict and impartial neutrality in the said war; and then, after certain other recitals, enjoins neutrality upon all British subjects, and calls attention to certain provisions of "The Foreign Enlistment Act, 1870," as follows:—

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 the reign of Her late Majesty Queen Victoria, 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, among 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.) 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 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.

“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 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 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 States, their subjects 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 those belligerent rights which We and our Royal predecessors have always claimed to exercise.

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 sovereign in a war between other States, 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 States, 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 States, 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 nowise 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.

SECOND SCHEDULE.

RULES TO BE OBSERVED DURING PRESENT STATE OF WAR.

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 His 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 sail out of or leave any port, roadstead, or waters subject to British jurisdiction, 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 His Majesty.

2. If any ship of war of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom, the Isle of Man, and the Channel Islands, and in the several colonies and foreign possessions or dependencies of His Majesty respectively, enter any port, roadstead, or waters belonging to His Majesty, either in the United Kingdom, the Isle of Man, or the Channel Islands, or in any of His Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and 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 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 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 His 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.

3. No ship of war of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of His 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 named neutral 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 His 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.

4. Armed ships of either party 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 His Majesty's colonies or possessions abroad.

By Authority: JOHN MACRAX, Government Printer, Wellington.

