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No. 2.

PROCLAMATION.

[L.S.] WILSONE BLACK,
*Major-General,
Officer Administering the Government.*

By His Excellency Major-General WILSONE BLACK, Companion of the Most Honourable Order of the Bath, Officer Administering the Government, and Commander-in-Chief of the Colony of Hong-kong and its Dependencies, and Vice-Admiral of the same.

Whereas, the Right Honourable JOSEPH CHAMBERLAIN, Her Majesty's Principal Secretary of State for the Colonies, has informed the Government of this Colony that War has unhappily broken out and is existing between the Kingdom of Spain and the United States of America, and has communicated Her Majesty's commands that all Her subjects shall observe a strict neutrality in and during the said War, and shall abstain from violating or contravening either the Laws and Statutes of the Realm in that 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 Her Majesty's 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 licence 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 licence 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 licence 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 licence 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 licence 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 licence 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.) Dispatches, or causes or allows to be dispatched, 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 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 dispatched, delivered, or removed without the licence 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 licence 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 licence 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 ammunitions 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 dispatched 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 Her Majesty’s 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 dispatched 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 Her Majesty’s subjects in this Colony may unwarily render themselves liable to the penalties imposed by the said Statute, I do hereby warn all persons whatsoever within this Colony not to 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 I do, hereby, give notice that Her Majesty has been pleased to direct that during the continuance of the present state of War, the following Rules shall be put in force in this Colony six days after the date of this Proclamation and shall be obeyed by all persons, namely:—

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 sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent