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VII. DEFINITION OF TERM "UNITED KINGDOM"

(Dept. of State Bulletin, Vol. V, No. 117, Sept. 20, 1941)

The President's proclamation of November 4, 1939, issued under section 1 (a) of the Neutrality Act of 1939, proclaimed the existence of a state of war ". . . between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa . . ."

On August 27, 1941 the Secretary of State requested from the Acting Attorney General a formal opinion as to whether the term "United Kingdom" as used in the proclamation might properly be construed as including only England, Wales, Scotland, and Northern Ireland, and as not including the overseas territories and possessions of Great Britain not expressly enumerated in the proclamation. The Acting Attorney General concluded that that term is properly to be construed as including only England, Wales, Scotland, and Northern Ireland and not the overseas territories and possessions of Great Britain not thus expressly enumerated.

The restrictions of section 2 (a) of the Neutrality Act of 1939 apply only to the carriage of passengers, articles, or materials to states named in proclamations issued under section 1 (a) of the Act. Accordingly, transportation of passengers and any articles or materials including arms, ammunition, or implements of war to the overseas colonies and possessions of Great Britain which are not in a combat area and which are not specifically enumerated in the proclamation of November 4,

1939 is not prohibited by the Neutrality Act of 1939.

The text of the Acting Attorney General's opinion follows:

"OFFICE OF THE ATTORNEY GENERAL,
"Washington, D. C., August 29, 1941.

"The Honorable

"The Secretary of State.

"MY DEAR MR. SECRETARY:

"I have your letter of August 27 requesting my opinion whether the term 'United Kingdom,' as used in the President's proclamation of November 4, 1939 (4 F. R. 4493), issued under the Neutrality Act of 1939, may be construed as 'including only England, Wales, Scotland and Northern Ireland and as not including the overseas territories and possessions of the British Empire'.

"The proclamation reads in pertinent part as follows:

"'Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.'

"The generally accepted meaning of 'United Kingdom' is reflected in the definition set forth in Webster's *New International Dictionary of the English Language*, Second Edition, 1939. Here the term is defined as follows:

"'United Kingdom, the. Great Britain and Ireland;—so called from January 1, 1801, when the Legislative Union went into operation, to 1922 when, after the establishment of the Irish Free State, the remaining portion was officially called the United Kingdom of Great Britain and Northern Ireland. By act of Parliament, 1927, the words "United Kingdom" were omitted from the title of the king.'

“This definition is entirely consistent with well-established English usage. Thus, in Professor Dicey’s work on *Conflict of Laws* (Second Edition, 1908) ‘United Kingdom’ is defined as follows (at p. 68) :

““United Kingdom” means the United Kingdom of England, Scotland, and Ireland, and the islands adjacent thereto, but does not include either the Isle of Man or the Channel Islands.’

See also Keith, *The Governments of the British Empire* (1935) p. 20.

“The origin of the English usage was the Union of Ireland Act, which provided that ‘the said Kingdoms of *Great Britain* and *Ireland* shall . . . be united into one Kingdom by the name of *The United Kingdom of Great Britain and Ireland*’; 39 & 40 G. 3, c. 67 (1800). The same meaning was also given to the term under discussion in the Interpretation Act of 1889, 52 & 53 V. c. 63, s. 18, which provided as follows :

“‘In this act, and in every act passed after the commencement of this act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely—

“(1) The expression “British Isles” shall mean the United Kingdom, the Channel Islands and the Isle of Man.”

“Although the foregoing provision does not directly define ‘United Kingdom,’ it points irresistibly to the conclusion that ‘United Kingdom’ is limited to the British Isles and does not include the overseas possessions, or dependencies, or mandates of the British Empire. This is true because that provision makes ‘British Isles,’ which clearly does not include overseas possessions or dependencies, more extensive than ‘United Kingdom.’ The definition in the Interpretation Act reflected a well-established usage which had been embodied in specific definitions of the term ‘United Kingdom’ in previous statutes, such as An Act to Consolidate and Amend the Laws relating to Bankruptcy and Insolvency in Ireland (1857) 20 & 21 V. c. 60 s. 4; An Act to Alter Certain Duties and to Amend the Laws relating to Customs (1867), 30 & 31 V. c. 82 s. 5; An Act for Improving the

Condition of Mates and Seamen and Maintaining Discipline in the Merchant Service (1850) 13 and 14 V. c. 93, s. 2.

“The separation of Northern and Southern Ireland by the Government of Ireland Act of 1920, and the creation of the Irish Free State by the Irish Free State (Agreement) Act, 1922, 12 G. 5, c. 4, required, of course, a change in the definition of the term ‘United Kingdom.’ Accordingly, statutes passed shortly after these acts contained the following specific definition:

“‘United Kingdom’ means Great Britain and Northern Ireland.’

See e. g., Settled Land Act, 1925, 15 G. 5, c. 18, s. 117; Trustees Act, 1925, 15 G. 5, c. 19, s. 68; Law of Property Act, 1925, 15 G. 5, c. 20, s. 205; Land Registration Act, 1925, 15 G. 5, c. 21, s. 3; Merchant Shipping Act, 1925, 15 & 16 G. 5, c. 37, s. 3; Teachers Act, 1925, 15 & 16 G. 5, c. 59, s. 18; Workmen’s Compensation Act, 1925, 15 & 16 G. 5, c. 84, s. 48; Merchandise Marks Act, 1926, 16 & 17 G. 5, c. 53, s. 10.

“In 1927, a new interpretation statute, Royal Parliamentary Titles Act, 17 G. 5, c. 4, was passed to reflect the change in political structure and provided in section 2, as follows:

“‘In every act passed and public documents issued after the passage of this act the expression “United Kingdom” shall, unless the context otherwise requires, mean Great Britain and Northern Ireland.’

“The applicable court decisions show a uniform judicial interpretation of the term ‘United Kingdom’ in complete harmony with the legislative definitions set forth above. See e. g., *Turnbull v. Solicitor of Inland Revenue*, 42 Sc. L. R. 15 (1904); *DeBeers Consolidated Mine Ltd. v. Howe*, (1906) A. C. 455; *Tomalin v. S. Pearson & Son Ltd.*, (1909) 2 K. B. 61.

“The foregoing discussion demonstrates that the term ‘United Kingdom’ is a term of art with a well-settled and precise meaning. No contrary purpose appearing, well-settled canons of construction require that the term as used in the proclamation should be given this meaning.

“For the reasons given it is my opinion that the term ‘United Kingdom’ as used in the proclamation of November 4, 1939, is properly to be construed as including only

England, Wales, Scotland and Northern Ireland and not the overseas territories and possessions of the British Empire.

“Respectfully,

“FRANCIS BIDDLE
Acting Attorney General”

VIII. ASSISTANCE TO THE SOVIET UNION

LETTER FROM THE PRESIDENT OF THE UNITED STATES
TO THE PRESIDENT OF THE SOVIET OF PEOPLE'S
COMMISSARS OF THE U. S. S. R.

(Dept. of State Bulletin, Vol. V, No. 120, Oct. 11, 1941)

Careful comparison of the language of the German announcement made in Berlin on October 8, 1941, by DNB, official German news agency, and that actually contained in the President's letter of introduction of Mr. Harriman to Mr. Stalin, is invited. When such a comparison is made, the propaganda objectives of the Nazi action become very clear.

The President's letter reads as follows:

“MY DEAR MR. STALIN :

“This note will be presented to you by my friend Averell Harriman, whom I have asked to be head of our delegation to Moscow.

“Mr. Harriman is well aware of the strategic importance of your front and will, I know, do everything that he can to bring the negotiations in Moscow to a successful conclusion.

“Harry Hopkins has told me in great detail of his encouraging and satisfactory visits with you. I can't tell you how thrilled all of us are because of the gallant defense of the Soviet armies.

“I am confident that ways will be found to provide the material and supplies necessary to fight Hitler on all fronts, including your own.