

(1150.)

*Board of Trade, Whitehall,  
July 19, 1866.*

THE Right Honourable the Lords of the Committee of Privy Council for Trade have received, from the Secretary of State for Foreign Affairs, the following translation of a Circular and Decree of the Italian Government in regard to the exercise of Italian rights at sea during the present war:—

Florence,  
June 20, 1866.

SIR,  
WAR having been declared between Italy and Austria, the King's Government has considered it its duty to turn its attention to the method of regulating the exercise of its rights at sea.

For this purpose it has adopted the provisions shown in the documents which I have the honour to enclose to you, in order that you may be able to give to the Government where you are residing all the information that may be required of you. You will draw special attention to the fact that the Italian Legislature was the first to consecrate, on condition of reciprocity, the principle that the merchant vessels of the enemy are exempt from capture and confiscation on the part of the vessels of the State; and that, as the maxim has been officially adopted by the Austrian Government, the benefit to be derived from it is fully assured to the citizens of the two States during the present war.

For the Minister,  
(Signed) M. CERUTTI.

To H. M. Diplomatic Agents  
and Consuls abroad.

VICTOR EMANUEL II, by the Grace of God and the will of the Nation, King of Italy.

Whereas a state of declared war exists between the Kingdom of Italy and the Empire of Austria.

Whereas having referred to Article 225 of the Mercantile Marine Code, having heard the Council of State, having listened to the Council of Ministers, on the proposition of Our Ministers for Foreign Affairs and for Marine Affairs, We have decreed and do decree as follows:

#### ARTICLE I.

The Commission of Prizes, contemplated by Article 225 of the Mercantile Marine Code, is established, and is to have its sittings in Florence.

#### ARTICLE II.

The Commission of Prizes consists of the Vice-President of the Admiralty Board, as President; of a member of the Admiralty Board; of three Councillors of Appeal; of a member of the Diplomatic Legal Board (*Consiglio del contenzioso Diplomatico*); of a superior functionary of the Mercantile Marine Administration; of a Government Commissioner and a Secretary, both without deliberative votes.

The Commissioner is charged to promote the proceedings in the name of the Government and to give his opinions; he cannot take part in the voting.

#### ARTICLE III.

The members of the Commission of Prizes, except the Secretary, are nominated by Us, on the proposition of Our Ministers for Foreign Affairs and for Marine Affairs.

On the occurrence of vacancies they are filled up in the same manner. The Secretary is to be chosen by the Commission from among the functionaries of the Ministry for Foreign Affairs or of that for Marine Affairs.

#### ARTICLE IV.

The Commission has the power of selecting one from among its voting members to take the place of the President when he is absent.

#### ARTICLE V.

The Commission of Prizes has to decide upon the validity and upon the confiscation of the maritime prizes taken during the present war, according to the rules sanctioned by the mercantile marine code, and the instructions issued to the Commanders of the acting naval forces.

#### ARTICLE VI.

The deliberations of the Commission are valid when five members are present. In the event of an equality of votes, that of the President, or of the member who occupies his place, determines the majority.

#### ARTICLE VII.

The decisions of the Commission of Prizes shall be communicated to Our Ministers for Foreign Affairs and for Marine Affairs, within eight days from their being arrived at.

#### ARTICLE VIII.

Appeals may be made from the decisions of the Commission of Prizes to the Council of State, which will pronounce definitively thereon, according to the form settled by its regulations. The appeal must be made within three months from the date of the decision if it be promoted by the Government Commissioner, and within three months from the day of the notification of the decision if moved by the parties interested.

#### ARTICLE IX.

The parties may submit memorials, in writing, addressed to the President of the Commission.

Foreign consular agents may address to the Government Commissioner such remarks as they may consider advisable in the interests of their countrymen.

#### ARTICLE X.

The expenses of the Secretariat and the other accessories for the service of the Commission of Prizes, shall form a special division in the accounts of the Ministry for Marine Affairs.

Our Ministers for Foreign Affairs and for Marine Affairs are charged with the execution of the present decree, which, when sealed with the State Seal, shall be inserted in the official collection of the laws and decrees of the Kingdom of Italy; all concerned being commanded to observe it and to cause it to be observed.

Florence, 20th June 1866.

VICTOR EMANUEL.  
B. RICASOLI  
DEPRETIS.

#### *Ministry for Foreign Affairs.*

INSTRUCTIONS from the Minister for Marine Affairs to all Officers, General, Superior, and Subaltern, Commanding the Navy, the Squadrons, and the Vessels on Service.

War having been declared between the Kingdom of Italy and Austria, I have to give you