

such instructions as shall serve to regulate your conduct in the operations which our squadrons or detached ships will be called upon to perform.

And first of all I must recall to your attention that Italy and Austria having signed the Declaration of 16th April 1856 that emanated from the Congress of Paris, the principles announced therein are binding on both of them, and must be observed and upheld by the two powers.

These principles are :—

1. Privateering is abolished and remains so.
2. The neutral flag covers the enemy's goods, with the exception of contraband of war.
3. Neutral merchandise, with the exception of contraband of war, cannot be sequestered under the hostile flag.
4. Blockades to be binding must be effectual, that is, they must be maintained with a sufficient force to prevent access to the hostile shore.

I therefore invite you to keep these maxims well in mind, as well as the others which I am about to lay down :

1.

From this instant you are called upon to pursue and to take possession of, by force of arms, every Austrian ship of war.

2.

Austria having, by an Imperial Ordinance of 13th May last, declared her adhesion to the principle of reciprocity contemplated by Art. 211 of our Mercantile Marine Code, you will not seize merchant vessels of the enemy, nor their cargoes, except in the case of their carrying contraband of war, or attempting to violate a blockade.

3.

You will take care that the practice of fishing on the enemy's coast shall not occasion any obstacle or detriment to the naval operations which you are called upon to perform.

4.

You will bear in mind that you must abstain from any act of hostility whatever in the ports and in the territorial waters of Neutral Powers ; remembering that the limits of the territorial waters extend to the distance of a cannon shot from the shore.

5.

You will capture merchant vessels, whether national, neutral, or hostile, which—

- A. Attempt to violate a blockade ;
- B. Carry contraband of war on account of or intended for the enemy.

6.

As a matter of course the violation of blockade consists either of an attempt to get into the place blockaded or to come out of it after the declaration of blockade, unless, in the latter case, the vessel concerned be in ballast, or have a cargo taken in before the blockade, or within the period fixed by the commander of the blockading squadron, which period ought always to be sufficient for the protection of bonâ fide commerce and navigation.

7.

A blockade is not legally known to a vessel bound to a blockaded port until a special notification thereof has been entered on its papers by one of the blockading ships of war. This is a for-

mality which you must never neglect to fulfil whenever you are engaged in a service of this kind.

8.

The following are contraband of war :—cannon, mortars, firelocks, carbines, revolvers, pistols, sabres, and other portable and fire-arms of all kinds ; projectiles, gunpowder, guncotton, munitions of war of all kinds whatsoever ; soldiers and marines, whether regulars or volunteers ; implements and articles of military clothing and armament ; despatches and official correspondence ; and generally, everything which can, without further manipulation, serve for immediate military or naval armament ; sulphur and saltpetre are also considered contraband of war.

9.

If a neutral vessel desires to enter a blockaded port on account of distress at sea, occasioned by bad weather, want of provisions, &c., you shall allow it to do so, on proof of the existing necessity which compels it ; but if the ship carry contraband of war you shall cause it to be deposited on board your own ship, or one of the others which are maintaining the blockade.

10.

In fulfilment of the duties resulting from the preceding instructions, you will have to exercise the right of search, and therefore I have to point out to you how you are to proceed, in order that no disagreeable difficulty may arise therefrom. Although in time of war this right may be unlimited (except in regard to what is said in the paragraph letter E), nevertheless I recommend you not to exercise it except in places and under circumstances which give good reasons for believing that its exercise may result in the confiscation of the vessel searched.

You will therefore proceed in the following manner :—

A. When you have to reconnoitre and search a merchant vessel, you will hoist the national flag, and, at the same time, discharge an unshotted gun ; the vessel ought to reply to this signal by hoisting its own flag. If it does not obey, you will act according to the service regulations until it does so.

B. If the merchant vessel stops at once and hoists its own flag, you will remain at what you think a fitting distance, according to the state of the wind and the sea, or other circumstances which cannot be foreseen here, but always watching over the safety of the boat which you send to reconnoitre. In this contingency, however, I recommend to you the greatest care that, in the case in question, moderation be conjoined with the aid which the boat sent to reconnoitre may stand in need of ; and you will be able to manoeuvre in conformity with what is said at the beginning of this paragraph.

C. As soon as the merchant vessel has lain-to, you will send to her a boat under the command of an officer. This officer, accompanied by two or three men only, will go on board and ascertain the nationality and the description of the vessel, and whether it is engaged in unlawful commerce or not, that is, whether it carries articles or other matters contraband of war. For this purpose the officer shall require the captain to show him the patent of nationality, the muster-roll of the crew, the bill of health of the place where he comes from,