

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 this 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 Minister 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 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 :