

## RIGHTS OF NEUTRALS AT SEA

*Convention signed at Naples January 13, 1855*

*Senate advice and consent to ratification March 3, 1855*

*Ratified by the President of the United States March 20, 1855*

*Ratified by the Two Sicilies April 4, 1855*

*Ratifications exchanged at Washington July 14, 1855*

*Entered into force July 14, 1855*

*Proclaimed by the President of the United States July 16, 1855*

*Made obsolete in 1860 upon consolidation of the Two Sicilies with Italy*<sup>1</sup>

11 Stat. 607; Treaty Series 364

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE KINGDOM OF THE TWO SICILIES SIGNED AT NAPLES 13TH JANUARY 1855

The United States of America and his Majesty the King of the Kingdom of the two Sicilies, equally animated with a desire to maintain and to preserve from all harm, the relations of good understanding which have, at all times, so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognise as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale-Owen, Minister Resident at Naples of the United States of America; and his Majesty the King of the Kingdom of the two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of his Majesty, Commendator of his Royal Order of the Civil Merit of Francis the first, Grand Cross of the distinguished R<sup>1</sup> Spanish Order of Charles the third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the Portfolio of Foreign Affairs: and said plenipotentiaries after having

<sup>1</sup> For a detailed study of this convention, including a discussion of its duration, see 6 Miller 859.

exchanged their full powers, found in good and due form, have concluded and signed the following articles.

#### ART. 1

The two high contracting parties recognise as permanent and immutable the following principles, to wit:

1st. That free ships make free goods—that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

#### ART. 2

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st. article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule whenever it shall become a question, to judge of the rights of neutrality.

#### ART. 3

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

#### ART. 4

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by his Majesty the King of the Kingdom of the two Sicilies, and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present Convention, in duplicate, and thereto affix the seal of their arms.

Done at Naples, thirteenth of January eighteen-hundred & fifty five.

ROBERT DALE OWEN	[SEAL]
LUIGI CARAFA	[SEAL]