

THE
LAW OF NATIONS
CONSIDERED AS
INDEPENDENT POLITICAL COMMUNITIES.

ON THE RIGHTS AND DUTIES OF NATIONS
IN TIME OF WAR.

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§ 18. That General Reprisals are distinct in character from War, and are not attended with that interruption of all friendly relations which War entails, may be inferred from the proceedings which took place in 1839-40, between her Britannic Majesty's Government and the Government of the King of the Two Sicilies, in reference to the Sulphur Monopoly in Sicily, which had been granted by the Crown of Naples to a Company of French Merchants, (Messrs. Taix, Aycard, and Cie.) The British Government held that the grant made to the French Company was a breach of the Treaty of Commerce of 1816 between Great Britain and the Two Sicilies. On this occasion, after the British Minister at Naples had formally demanded the revocation of the grant made to the French Company, and the Neapolitan Government had declined to comply with this demand, orders from the British Government were transmitted to the Admiral of the British fleet

in the Mediterranean Sea "to cause all Neapolitan and Sicilian ships which he might meet with either in the Neapolitan or Sicilian waters to be seized and detained, until such time as notice should be received from her Majesty's Minister at Naples that the just demand of her Britannic Majesty's Government had been complied with." Lord Palmerston, then Secretary of State for Foreign Affairs, upon the announcement that the British Admiral was proceeding to carry out his instructions, sent a despatch⁴⁹ to the British Minister at Naples (April 14, 1840), in which he observes, that " as the Reprisals, which Sir Robert Stopford has been instructed to make, *do not*, however, *constitute war*, it is not the wish of Her Majesty's Government that you should follow up those steps by quitting Naples. If indeed the Neapolitan Government were to add to the injustice, which it has committed towards British subjects in regard to the Sulphur Monopoly, by any acts of violence towards British subjects or property, you would in such case leave Naples, and retire to Rome, there to await further instructions." On 17th April the British fleet began to make Reprisals in the vicinity of Naples, and captured a number of Neapolitan vessels. An Embargo was at the same time laid in the ports of Malta on all vessels that bore the Sicilian flag⁵⁰. Naples, on the other hand, made preparations for defence; and the Neapolitan Government laid an Embargo⁵¹ on all British vessels in Neapolitan and Sicilian ports. Everything appeared to be tending to open war, when the Cabinet of the Tuileries offered its mediation, and the King of the Two Sicilies accepted it (26 April, 1840). Reprisals thereupon ceased to be made on either side; the Neapolitan Government agreed to dissolve its contract with the French Company, and the vessels seized by the British fleet by way of Reprisals were restored to their Neapolitan owners without the general relations of peace between the two Nations, having suffered any such interruption, which required that they should be renewed by any formal Treaty of Peace between the two Nations.

⁴⁹ British and Foreign State Papers, 1840, 41, p. 202.