

# **THE MARITIME CODES OF ITALY**

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The Maritime Codes of Italy by Francis William Raikes

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**FRANCIS WILLIAM RAIKES**

**THE MARITIME  
CODES OF ITALY**



THE MARITIME CODES

OF

ITALY

Italian Maritime Code

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# MARITIME CODES

OF

# ITALY

TRANSLATED AND ANNOTATED

BY

HIS HONOUR JUDGE RAIKES

LONDON

EFFINGHAM WILSON

ROYAL EXCHANGE, E.C.

1900

ITA  
652R  
F02/12E

**Dedicated**

**To the Memory of**

**F. H. R.,**

THE SPRING OF MY EVERY EFFORT AND THE SOURCE  
OF MY EVERY HOPE  
FOR THE LAST TWENTY YEARS,  
KILLED WHILST IN COMMAND OF A  
COMPANY OF THE KING'S ROYAL RIFLES  
IN THE ADVANCED LINE OF DEFENCE  
ON WAGON HILL  
AT LADYSMITH,  
SOUTH AFRICA,  
WHEN SUCCESSFULLY REPELLING THE  
ASSAULT OF THE ENEMY  
ON THE MORNING OF THE EPIPHANY, 1900,  
AGED TWENTY YEARS.

"Who is the *Happy Warrior*? Who is He  
Whom every man in arms should wish to be?  
It is the generous spirit who, when brought  
Among the tasks of real life, hath wrought  
Upon the plan that pleased his boyish thought."

## INTRODUCTION.

In publishing this, the third volume and fifth Code, I can but refer to the introductions to the former ones, Spain and Portugal which appeared in 1896, and Holland and Belgium in 1898.

The Maritime Law of Italy, as is fitting in a State of which Rome, the mother of the law of modern continental Europe and, so to speak, the step-mother of English law, is the capital, is more comprehensive than that of the States before dealt with, including, as it does, a Code of Maritime Law in time of war, and, therefore, has a volume to itself; the notes are also somewhat fuller than those to the Codes previously published, there being a large number of legal journals or series of reports published in different parts of the peninsula which are fairly accessible.

The main difficulty is that, though the Codes of which translations are here given are identical for the whole country, each of the several States which were in existence before the Unification of Italy has still its own legal hierarchy. The Supreme Court is very rarely used, and therefore practically instead of there being one Final Court of Appeal or Cassation for the whole country, as in other European States, or even two as at present in the British Empire,—the House of Lords for Great Britain and Ireland, and the Privy Council for the Colonial Empire,—there are several, amongst which may be mentioned Turin for the former kingdom of Sardinia, Florence for the Duchy of Parma, Rome for the States of the Church and the Marches, and Naples for the kingdom of the



Two Sicilies, and as the interpretation put upon the law by one of these courts does not bind the others they are sometimes found to be in actual conflict, and it is never safe to rely on a decision, except in the place where it has been given; it has, therefore, been necessary as a rule to give the name of the place where cases were decided, as well as a reference to the report in which it appears.

I have again to repeat the thanks that I, in common with all interested in International Maritime Law, owe to M. F. C. Autrun, the talented Editor of the *Revue Internationale du Droit Maritime*, whose work has from its accuracy and completeness rendered mine a comparatively easy one, and also to the Editors of the *Journal du Droit Internationale Privé*, and also to the Professors of Law, Signors P. Cogliolo and A. Sraffa, for their commentaries on the Codes, published by G. Barbèra at Florence, of which I have largely availed myself. I also desire to thank Mr. Arnold for letting me see the proofs of his translation of the New Maritime Law of the German Empire, which only came into operation on the 1st January, 1900, and which has enabled me to give the cross references to that Code instead of to the one previously in force.

It is impossible probably for any human being to avoid errors both in the actual translation of a foreign language, when one has to seek in many cases for synonyms or paraphrases to convey the idea to an English reader rather than a literal translation, and also in correcting for the press a number of cross references, consisting of letters and figures, with no context to guide the printer, and it is probable that some such may be found, especially as from the nature of the work of a County Court Judge, he has to correct his proofs oftentimes not in the quiet seclusion of a library, but either in his room at the Court House of a country town, with people coming in and out continually, and frequently with the trial of a case interpolated, or in the evenings in a room at an hotel with only such books of reference as his travelling bag can

contain. In the present case, too, the writer has been under the shadow of a sorrow, to which the necessary work of correcting proofs has been in some sort an anodyne, but which probably has injured the work itself, for this he claims indulgence.

He desires at the same time to plead guilty to two offences of the nature described, which have been pointed out to him by kindly critics in the Dutch and Belgium Codes. (1) In the note to Art. 168 of the Belgium Code, at page 168, it is stated that the French Code prohibits, *inter alia*, insurances on profits and freights; this was, in fact, altered by an amendment of the French Code in 1865. The alteration is noticed in the notes to the Spanish and Portuguese Codes, but the original note had slipped through in that of Belgium, as the translation was first made and the notes added prior to 1865. The other (2) is a more serious error, as it occurs in the text of the translation, at page 213, in the rules for the navigation of inland waters, where the meaning of the steam whistle signals, "One short blast" and "Two short blasts" should be transposed. The error is a stupid one, and has arisen either from simple inadvertence, or from carelessly dealing with the text after the continental fashion of giving commands. The order in most foreign countries is, not to a tiller working like that of a boat, but to the ship's head, which, of course, is the exact reverse: you put the helm, or the tiller, to port and the ship's head goes to starboard, and *vice versa*. The fact is perfectly well known to every sailor who enters a foreign port, and certainly to every practitioner in the Admiralty Court, and the present writer would hardly be accused of ignorance in either of those capacities, but he cannot avoid the charge of carelessness, for which he apologises.

F. W. BAIKES.

