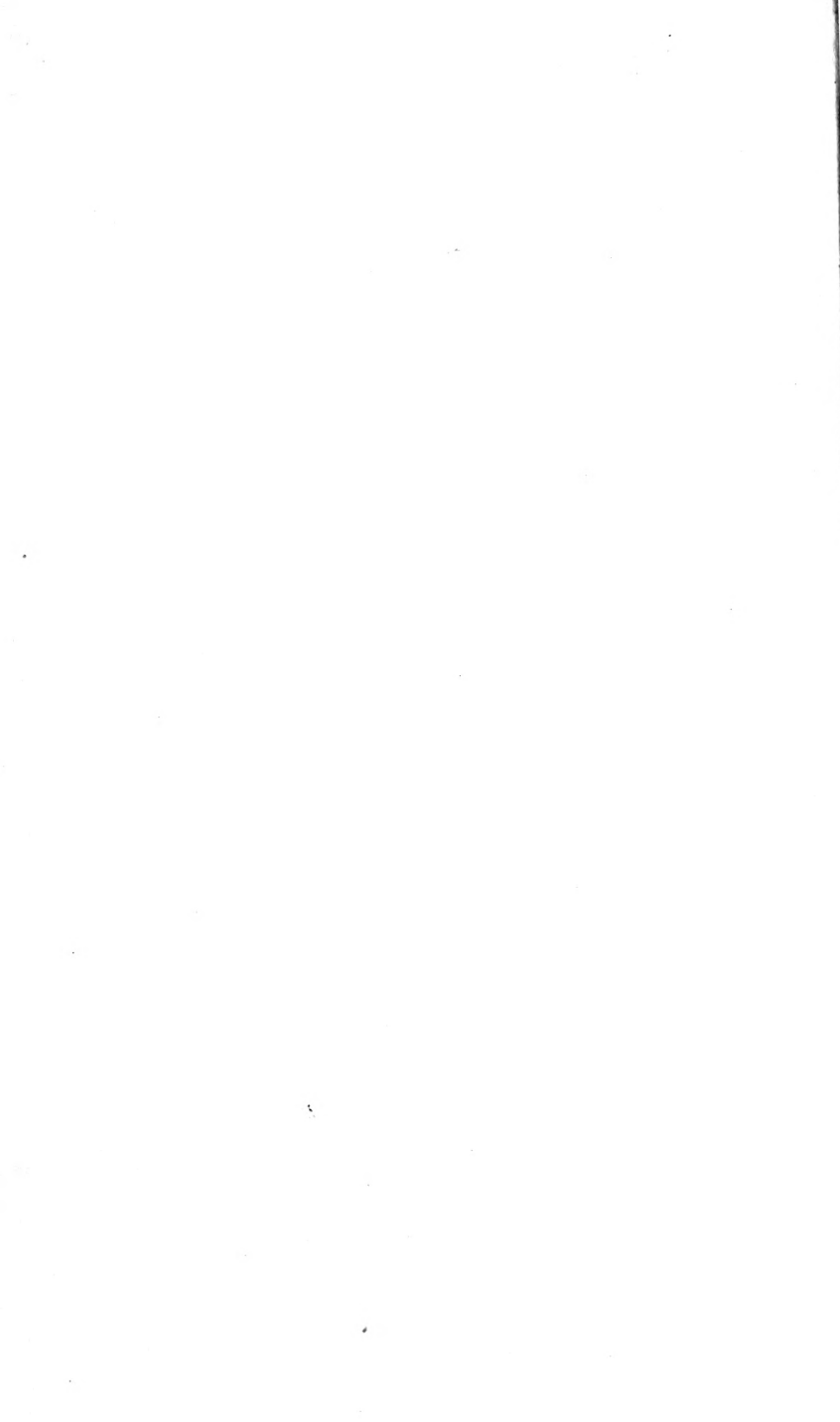




Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation



Mit besten Gruss
vom Verf. (8)

A

Chev. Bunsen

Received
Sept. 1850

LETTER

TO

VISCOUNT PALMERSTON,

CONCERNING THE QUESTION

OF

SCHLESWIG-HOLSTEIN.

LONDON:

LONGMAN, BROWN, GREEN AND LONGMANS.

—
1850.

LONDON :

—

W. WATTS, CROWN COURT, TEMPLE BAR.

A LETTER,

&c. &c.



MY LORD—

I TAKE it for granted that you are sick of hearing the name of Schleswig-Holstein pronounced. You cannot but be disgusted with the delays of an interminable negotiation, which has so often been shifting its ground. Having before your eyes the vast magnitude of the interests at stake, and the chances of a general conflagration upon a renewal of hostilities, you may be fully inclined to set down for an European nuisance that party which, after having been met by the other in a spirit of conciliation, shall persist in sullen silence or wanton refusal.

My Lord, the Duchies can have no objection to that view. They have no reason to decline that test. It is not their cause that will be lowered, if tried by the same, in the opinion of your Lordship, or in the estimation of mankind.

The Stadtholderate have for the second time addressed the King of Denmark, their sovereign Duke, in terms the most respectful and conciliating. On the 14th of April 1850 they repeated¹ the humble

¹ See Appendix I.

request, already contained in their Address of November 16, 1849, and at that time eluded by the Danes, that, according to the tenor of their ancient treaties, Delegates, selected by both parties, may be entrusted with the task of preparing an amicable arrangement of the international differences between Denmark and the Duchies. In this instance, three Delegates proceeded at once to Copenhagen, having it in their charge first of all to present the Address to the King.

Upon arriving in the northern capital they were informed that they would not be received as Delegates of the Stadtholderate, an authority installed, as your Lordship will recollect, by the late Central Power of Germany on March 26, 1849. All the encouragement vouchsafed to their mission of peace amounted to this—that the Danish Ministers consented to enter into conversation with them concerning those matters which, in a private capacity, they might think fit to communicate.

Upon this, they brought forward the second of those propositions, my Lord, which you laid before the Chevalier Bunsen in your Note¹ of June 23, 1848; the same upon the basis of which the Stadtholderate, in their late Circular² (dated April 20, 1850), had declared themselves willing to treat.

That basis of negotiation, my Lord, has met with precisely the same fate as indeed every proposition that has hitherto emanated from your Lordship, and

¹ See Appendix III.

² See Appendix II.

been submitted to the Copenhagen Cabinet: *it has been rejected by the Danes.*

But the Delegates were determined to leave nothing untried. Of course they could not have been authorized to make any ulterior proposition. Even if they had been, they were precluded from doing so in any thing like an official way. If it was more than doubtful whether any thing that might be mentioned on either side in the course of a protracted conversation would meet with the approbation of the Stadtholderate, thus much was clear, that by nothing of that kind could the Stadtholderate (and much less the country) be anywise bound, or even implicated.

Under these peculiar circumstances, actuated above all things by a sincere love of peace, and wishing, I presume, that the opportunity might not be lost of eliciting from the Danes a distinct avowal of their own views, the Delegates, upon their sole individual responsibility, allowed the conversation to turn upon some points which were understood to agree with the ideas of Baron Meyendorff. But the Danes contrived to throw in demands, the bare hypothetical mention of which indicated a settled resolution, on their part, that the conversation should not lead to any positive result.

I forbear entering into the details, as I make no doubt that your Lordship has in due course obtained every information concerning those *pourparlers* through Sir Henry Wynn. Suffice it to say, that, having received palpable hints that their presence

was no longer required, and would not be acceptable, the Delegates left Copenhagen, more in sorrow than in anger at the treatment they had received.

What all this is to end in God alone knows. If, after all, the quarrel is to be decided by *wager of battle*, the lists ought to be cleared, and the signal sounded, the sooner the better.

But, my Lord, it would seem that the Danes, though they do not scruple to multiply provocations, and to violate the Convention of July 10 in a variety of ways, have not the courage to deal the first blow. They are "willing to wound, and yet afraid to strike."

If the matter is still to be settled by diplomacy, then, my Lord, it will be indispensable to undo every thing that has hitherto come from that quarter. Experience has taught, and it ought to be formally avowed, that the Preliminaries of July 10, 1849 must be abandoned, not being a fit basis of a provisional, and much less of a definitive order of things. Those Preliminaries have, to all intents and purposes, remained the merest dead letter. Enough has transpired of M. Tillisch's Reports to his own Government to warrant the assertion, that the Preliminaries are on all hands admitted to be impossible of execution.

But, my Lord, since it can be no intention of your's to see the Duchies goaded into despair, it will not be enough to hold out the distant prospect of a definitive settlement. A remedy ought to be applied, without delay, to existing evils, for they are past endurance.

My Lord, that portion of Northern Schleswig

to which the *de facto* government of the *Landesverwaltung* has been fortunately restrained is in a state bordering upon anarchy. Within those bounds they have just power enough to do harm, but they have no power to do any good.

The *Landesverwaltung* are conscious that they are unable to govern according to law ; they plead the necessity of governing in violation of the law :

Res dura et regni novitas me talia cogit
Moliri ———

Rather a strange plea, my Lord, to be set up by a Government, which has been expressly instituted (under the 10th article of the Convention of Armistice) to exercise their functions "*conformément aux lois en vigueur.*" They are haunted by the consciousness that their nominal sway can only tend "to the ruin of the country, and to the ignominy of the Danish name." *Non meus hic sermo*, my Lord ; but these are the precise words of M. Tillisch, the Danish Commissioner, in his Report, dated November 24th, 1849.

The *Landesverwaltung*, my Lord, entrenched behind a *cordon* of Prussian and Swedish troops, are waging war against the tribunals of justice. They have long since opened a regular campaign upon public functionaries of every class — imprisoning, banishing, and depriving, to the right and left. It is true, that Colonel Hodges, when once referred to in his function as umpire, has very properly entered

his veto against a sweeping measure of that kind ; but since he has not been consulted on any individual case, his decision has been eluded, and the result comes to the same.

Of the proceedings against public functionaries, the persecution opened against the clergy forms the most prominent and the most revolting feature.

Your Lordship ought to know that the clergy of Schleswig, almost to a man, have opposed a noble and intrepid stand to the lawless and subversive measures of the *Landesverwaltung*. Many a faithful pastor has, in consequence, been deprived and forcibly removed from his flock, to whom for years he had been in the habit of preaching the Gospel, and setting the example of an upright and conscientious walk. The crime of these men has been no other than that they feared God more than man. They have been replaced by others, notoriously devoted to the Danish faction, and in whom, of course, the population cannot be expected to have any degree of confidence, as they are considered to have stepped into the pulpit over a manifest breach of that law which ought to bind both the rulers and the people.

Thus it is that many places of public worship are deserted. The town of Apenrade, for instance, has been for months together bereft of the benefit of Divine Service.

The state of the public schools is no less desolate ; for, next to the clergyman, the schoolmaster appears to be a particularly obnoxious person in the eyes of

the *Landesverwaltung*. Accordingly, in the small district subject to their *de facto* sway, about fifty individuals of both categories have been ejected. The public teachers have in some places, with refined cruelty, been prohibited also from giving any private lessons. Thus, in two small towns there are about sixteen hundred children left without any regular instruction.

Surely the English people are little aware that such things have taken place under the nominal authority of a Convention concluded under the mediation of Great Britain. Your Lordship will agree with me that such proceedings in a Christian land must entail an awful responsibility upon those who are guilty of them ; and, my Lord, upon those also, who, by culpable supineness, might still delay to put a period to a system that will lead to such deplorable events, if it is in their power to do so.

At all events, my Lord, such things are to be endured no longer. The Duchies, so far as they are allowed to breathe and to move, are standing erect. They are armed to the very teeth. As regards the state of their army, your Lordship may have the advantage of consulting a military authority, having appointed a military man as Her Majesty's representative in these parts.

But the sword is kept in the sheath by the presence, in Schleswig, of the Prussian and Swedish troops. My Lord, the presence of those troops can alone perpetuate that state of things, which is nomi-

nally grounded on the Convention of July 10th, 1849 ; a Convention, be it remembered, to which the Duchies were not, nor have ever become, parties ; and a state of things that is held in universal abhorrence.

The Danes are aware of this. It would appear that they calculate upon driving the Duchies into despair, and that they want to betray them into an attack which may be resented by the powers determined to maintain the armistice. They may then hope, with the connivance of some powers, and *with the active assistance of others* (without which they would hardly venture upon the attempt), to impose upon the Duchies the badge of servitude.

In that expectation, my Lord, I take it upon myself to say that the Danes will be disappointed, so far, at least, as Great Britain is concerned. Nothing could be more unworthy of the exalted function of a mediating Power, and more especially of the character of British policy, than, under the pretext of preventing any further effusion of blood, to minister to the inordinate desires of the one party, and to debar the other from the means of an effective resistance.

But the Danes may possibly flatter themselves that your Lordship, disgusted with their eternal shifts and delays, will throw up your mediation, and that the settlement of the whole affair will be left in the hands of the only European power which may be interested in countenancing their pretensions.

My Lord, we have, of late years, heard so much of the progress of Russia in the East, that it is time to attend more closely to the progress of Russia in the West. Your Lordship cannot but be aware of the continued and consistent action of Russia on that kingdom which is entrusted with the nominal guardianship of the Dardanelles of the North of Europe.

Russia has been in the habit of governing Denmark, by means of working upon the alternate hope and fear of the latter Power, with regard to the undisturbed possession both of the Duchies and of the ample revenue accruing from the Sound Dues.

The Act of Renunciation and Cession (in 1767 and 1773), on the part of Russia, was the price at which the dependence of Denmark was purchased. The consequence may be traced in the close alliance, concluded in 1768, extended, as it would seem, in 1769 and confirmed in 1773, when, on the Grand Duke coming of age, the Provisional Act of Renunciation was made definitive. Those engagements have never been made public, but they were avowed by Count Bernstorff in 1788, when, upon the faith of those treaties, Denmark was summoned to furnish vessels and troops to assist Russia in her attack upon Sweden. Mr. Elliot, in his note to Count Bernstorff (April 23, 1789), very properly remonstrated against the pretension set up by Denmark of acting offensively against Sweden under colour of a defensive treaty, and public attention was then, for the first time,

directed to the secret engagements contracted between Denmark and Russia.

But these, it may be said, are antiquated transactions. My Lord, it would appear that Russia does not consider them in that light. By the second article of the Treaty of Peace between Denmark and Russia (signed at Hanover February 8, 1814), the ancient treaties are renewed, with one single exception: "en tout qu'ils ne sont pas contraires aux traités qui ont maintenant lieu entre S. M. l'Empereur de Russie et les autres souverains du Nord." This clause obviously can only refer to the King of Sweden. The exception will speak for itself, and it will be more fully accounted for by the following remarkable statement, which your Lordship may remember having met with in a Russian Memoir, dated in April 1834:—"L'entrée de la Baltique se gardera formidablement par la docile co-opération de la Suède; cette condition est religieusement convenue et bien assurée d'avance."

When the negotiation was pending, a show was set up of a demand that Russian vessels should be exempted in the Sound. That demand is met by the elder Bernstorff by two despatches, a confidential and a public one (September 6, 1766), to the Baron Asseburg, his Ambassador at St. Petersburg. He alleges the impossibility of granting to Russia an exemption which other Governments would forthwith be entitled to claim in their turn, having by treaty secured the privileges of the most favoured nation. He even

expatiates upon the impracticability of concealment in the actual dispensation, even if secrecy were observed in the bestowing, of such an exclusive privilege. But short of this, he is ready to do every thing to content Russia, and to render the union of the two Governments as close and lasting as possible (“et de rendre, autant que cela est possible et permis à l’humanité, indissoluble une union, à laquelle ~~dis~~-lors tout invite et rien ne s’oppose”). These are phrases, my Lord ; but we know that actual stipulations ensued, and that the exact nature of them remains to this day enveloped in secrecy. Upon the representation of Baron Asseburg, the Empress declared herself satisfied that the thing was manifestly impossible ; the demand was dropped ; and the Danish minister was overflowing with gratitude. A more disinterested ally the King of Denmark can never meet with : he cannot do better than “de s’attacher à la Russie comme à une alliée qui n’exigera rien de lui, qui peut et qui ~~vent~~ tout pour lui.” In the place of the demand which had just been abandoned, the Russian Government framed a series of separate and secret Acts, six in number. The first of them has found its way into the Memoirs of Asseburg : it embodies the advantages to be granted to the navigation of Russia ; and we are informed that it was accepted by Denmark in the very wording in which it had been proposed. It is rather startling to perceive that these engagements are, in express terms, declared beyond the reach of any other inter-

national relation in which Denmark might find herself placed at any time—" dans tous les tems à venir, dans tous les cas et circonstances, et *sans aucune dépendance quelconque* de ses alliances défensives, occasionnelles et déterminées à un certain tems, et autres traités d'amitié, soit avec la Russie même ou d'autres puissances." At all events, Bernstorff avowed his object to be "l'intime union des deux couronnes ;" and after such specimens it may well be considered as something more than a mere compliment, if one of the most recent public Acts passed between the two Governments (the additional Act of October 14, 1831, concerning the trade of Finland) is described as being framed "d'après les mêmes principes *d'intime union*, qui ont depuis long-tems fait la base de tous les rapports existans entre le Danemarck et la Russie."

Thus has Russia for a long series of years (with one only interruption, and that of a most extraordinary nature) secured the subserviency of the present Danish dynasty. She has captivated Denmark by giving up her own claims on the Duchies, and by exhibiting (in more instances than one) a most uncommon tenderness for the Danish revenue in the Sound. The very same means will be found equally serviceable, in order to secure the dependence of Denmark in future, even though the actual dynasty may fail, as in all human probability it will do, and though the absolute sway of the Kings of Denmark has been superseded by a constitutional system.

It cannot, therefore, be matter of surprise that Russia should endeavour to obtain the sanction of the Great Powers in favour of a plan, by which it is intended to alter the law of succession both in Denmark and in the Duchies, to preclude the contingent separation of the latter in case of the eventual extinction of the male branch of the present dynasty, and to settle the succession, both in Denmark and in the Duchies, upon the Oldenburg line; that is to say, *upon the younger branch of the Russian dynasty*. But common report affirms, that the draft of a Protocol, furnished by Baron Brunnow, and which was to have embodied that sanction, has once already been on the point of receiving several signatures, that of your Lordship among them. In this, common report must needs have been deceived. It is impossible, my Lord, that a British minister, having examined and duly weighed the circumstances, should ever think of giving his assent to such a proposition.

Or pray, my Lord, how would you like to see a Russian fleet regularly taking up its winter station in the harbour of Kiel, ready to take the sea early in spring, instead of being frozen up to the end of May at Cronstadt? It is a well-known fact, that, in the years preceding 1848, Russian ships of the line have paid repeated visits to Kiel, and that the captains have expressed themselves ^{in terms} deservedly high of the merits of that excellent harbour.

Or, how would you like to see the very mouths of

the Elbe placed under the all but immediate control of Russia? For of course your Lordship is aware that the right bank, descending from Altona, is Holstein territory, and that troops may be landed at Kiel, and thrown, by means of the railroad, in a couple of hours both into Altona and Gluckstadt.

But, it may be said, there is still a means of coercing Denmark, and of making her rue her subserviency to Russia, if carried too far. There is, my Lord; but it is by measures such as were resorted to in 1801 and 1807; measures, to say the very least, of questionable morality, and not calculated to raise the character of that power which may adopt them at the eleventh hour, when some provident care might have averted the temptation and superseded the antidote. *Principiis obsta!*

And you have it in your power, my Lord, to provide in time against any such untoward emergency.

Your Lordship is called upon to give your sanction to those ill-omened ties, which are to fetter the Duchies for ever to the Danish throne, and to deliver them to the grasp of Russia. Why not take your stand upon the basis of right, which is at the same time that of expediency? Why not step between, and "forbid the banns?"

These considerations, my Lord, if they were not sufficient in themselves, might be supported by others of a commercial nature. The question of the Sound Dues is more closely connected with that of the succession in the Duchies than may be evident at

first sight. May I be allowed to direct your Lordship's attention to the new Tarif of the Schleswig-Holstein Canal, published by the Stadtholderate, in conformity with a vote of the Legislative Assembly, in the month of April of the present year? Beginning from May 1, 1850, the duty on all the principal articles of trade has been reduced by 20 per Cent.: at the same time the Tarif has been simplified, and the number of items reduced from 518 to 240. These reductions were recommended by the Government, on the ground of the interests both of the general trade and of the revenue. It is not my intention to dwell on the circumstances under which that law was discussed and passed; though there may not be many instances upon record of improvements of this kind being quietly worked by the public authorities, at a season when the minds of men are kept in most painful suspense, and every nerve is strained for the defence of the country. I shall only mention the leading motive which was at the time submitted to the Legislative Assembly, viz. that the preference can only be expected to be given to the Canal passage, if the expenses of the latter, compared with the Sound Dues, will hold out the prospect of a clear saving to the ship-owner and merchant.

This reasoning, my Lord, will hold good in the case of two parallel water-communications (connecting the German Sea with the Baltic), if they are placed under the control of two different Governments. Whenever, in the course of time—and, let me

add, in the course of law—the separation between the Duchies and Denmark shall have taken place, the Canal duty on the one hand, and the Sound duty on the other, will reciprocally act as a regulator upon each other. The case standing thus, as between competition and monopoly, the soundness of that policy may well be doubted, which should volunteer in support of monopoly; the rather so, when the latter, if left to itself, may be expected to die a natural death. Rival interests will secure every facility to the public; whereas, in the opposite case, any further reduction of the Sound Dues would depend upon the issue of repeated negotiations, in which Russia would once more enlist on the side of Denmark; or, to say more justly, of that client of hers whom she might have succeeded in raising to the joint dominion of the Kingdom and of the Duchies.

But there are other considerations, my Lord, of a higher order than those of mere interest. The days of the Protocols are gone. The method of disposing of a country, without any regard to existing rights, without asking the consent or consulting the inclinations of the people—that easy method, at this time of day, appears singularly out of date. What has become of the European sanction that was to have consolidated the Netherlands and Belgium into one kingdom? Such Protocols may be enforced for a time, but they will never be respected, not at least by a people conscious of their rights. And if a strong sense of duty be justly held to be attended by an

equal degree of self-esteem, your Lordship will give credit to the people of the Duchies for a due share in the latter quality. They have not thrown off their allegiance, when they were invited to do so by the example of other nations, after their Prince had been betrayed into so flagrant a violation of their sacred rights. But they know of no tie to connect them with Denmark beyond the reign of the male branch of the present dynasty, whom they have even recognised as their legitimate sovereigns. No Protocols will ever convert them into willing subjects of a vassal of Russia; and if at any time European diplomacy could be blind enough to impose so nefarious a compact upon them, give me leave to say, my Lord, what diplomacy cannot do: it cannot prevent the next generation from tearing your Protocols into pieces. The fact is, that they will not submit to be for ever debarred from sharing in the common destinies of Germany. /r

Let me not be misunderstood. From the late Circular of the Stadtholderate your Lordship may collect that the Duchies are far from yielding themselves to any illusions on that head. The policy of Prussia—you will appreciate the motives, my Lord, from which a German, addressing himself to the Minister of a foreign nation, will decline entering upon that chapter. I shall only trust myself with the remark, that, for the present, the Duchies have nothing to hope for from Germany. Their own political experience has been of too serious a nature

not to make them pause and reflect. In such an attitude, men are not apt to be flushed with hope, nor are they prone to yield to despondency.

The late struggle of the Germans for liberty and unity has failed of attaining either object. There is no concealing that fact. It is only the enemy of the European system that might triumph over the result; and still his triumph would be a short-sighted one.

As far as regards constitutional liberty, history, my Lord, and, above all, the chequered history of England in the seventeenth century, clearly evinces that the solid structure of Parliamentary Government, even after a long career of constitutional practice, can only be the work of ages.

As far as regards the question of unity, without adverting to the more analogous cases of the United States and of Switzerland, I need but remind your Lordship of the difficulties with which the legislative union of the three kingdoms of the British islands has had to contend (an union, forestalled by the master-mind of Cromwell, but broken up at the Restoration), and of the heart-burnings to which that great and salutary work has continued to give rise, even a long time after the incorporation had been effected.

We have failed of obtaining in the course of a twelve-month what it has taken centuries for others to accomplish. In this fact I, for one, can see no reason of despair.

But I will go farther, and say, that the eventual solution of the problem, which has for the present

been vainly attempted, is closely connected with the peace and the balance of Europe. Your Lordship, in your elevated position, has been too attentive an observer of events to have viewed with indifference the failure of the scheme which had been brought forward—of a perpetual defensive alliance between the Austrian empire and the totality of the German States, the latter body being united under a Federal Executive and a Federal Parliament. Such a state of things, when once consolidated, will go a great way towards establishing the peace of the Continent on a basis which the joint ambition of France and Russia shall be unequal to disturb, and which alone shall release a British Minister of the unwelcome necessity of armed intervention in continental quarrels.

These are eventualities, my Lord: they may be remote eventualities. But the business of the day is most pressing. The situation of the North of Europe is fraught with dangers. The Preliminaries of July 10th are admitted to be impossible of execution. The anarchy in Northern Schleswig, under the auspices of the *Landesverwaltung*, is daily increasing. The Danes have refused every thing, and proposed nothing. The Duchies have exhausted every means of conciliation. They are ready to join at arms: they only demand what you cannot deny them; they demand a fair trial of their strength, and that, if your Lordship's mediation shall be withdrawn, the forcible intervention of other powers may be likewise kept off.

But if diplomacy be not yet willing to release its grasp of this affair ; if your Lordship does not despair of reasoning the Danes into something like sense ; then, my Lord, the Duchies are ready to abide by that second proposition of your's, which they own to be fair and equitable, as a provisional basis. It may be rendered definitive, by applying such modifications as shall have become necessary from the circumstance that, in the mean time, the Absolute Government of the kingdom of Denmark has, by the Constitution, been converted into a Limited Monarchy. *//d* These modifications, my Lord, may most conveniently be determined by a transaction between the King of Denmark, as Sovereign Duke, and a joint Representative Assembly of the Duchies.

But, whatever may be their ultimate destiny, the people of the Duchies have this consolation, that the interests of Great Britain will not allow them at any time to be sacrificed to Russia. They hope and trust that your Lordship, as a Minister of the British Crown, will consider it your bounden duty to withhold your sanction from any settlement that might be calculated to make over their country, their bays and their harbours, to the control of Russia ; a settlement, my Lord, that would be not only subversive of their own rights and interests, but prejudicial in an equal degree to the interests and the balance of Europe.

GERMANICUS VINDEX.

June 24, 1850.

APPENDIX.

I.

ADDRESS OF THE STADTHOLDERS TO THE KING OF DENMARK, KIEL, APRIL 14, 1850.

(Translation.)

SIRE, OUR DUKE,—Those hopes and wishes have not been realized which had been entertained by your Majesty, and in like manner by the undersigned, with regard to the effect of the prayers humbly laid by us before the throne on the 16th of November last, and of the prospect opened by your Majesty's reply on the 24th of the same month. To this day the Duchies are separated from their hereditary Prince; discord continues between the populations united under the same sceptre; the strength of both is wasted; their prosperity is more and more undermined. Yet we cannot abandon the hope, that repeated prayers will succeed in restoring our Prince to the country, and in effecting conciliation and peace between the populations. We renew our prayer with the more confidence, being most firmly convinced that the proximate cause of the war, if it have not disappeared altogether, may at least be removed.

For centuries, we candidly acknowledge, the Duchies have, at the hands of your Majesty's ancestors, enjoyed benefits which could not have given room to a desire of seeing those ties severed, which, through the person of the Sovereign, were existing between the Kingdom and the Duchies. In the continuance of those ties are implicated princely claims, of which the Duchies cannot be entitled to dispose. As little are the Duchies competent to make any concession that might prejudice the rights of the German Confederation. But there is an object in which no third party is concerned, and which the Duchies may therefore solicit from your Majesty by the present direct and

humble address ; and that is, a revival of the formal acknowledgment, by your Majesty, of the joint administration and legislation of both the Duchies. Sire, our Duke—for the sake of the happiness and peace of the countries subject to your Majesty's sway, let that prayer be granted !

Within the last years the urgent want of constitutional principles has made itself more perceptible than ever before. For Denmark they have been laid down by your Majesty in unison with the people. For the Duchies that want could not have remained unattended to, the less so, after their Sovereign Prince had been estranged from them by the war. It cannot be the intention of your Majesty to withhold from the Duchies what you have granted to the Kingdom.

It cannot escape the observation of your Majesty that the administration and legislation which for four centuries, under your Majesty's ancestors, both the Duchies had in common, does, by conclusive analogy, and indeed as a necessary guaranty, presuppose one and the same joint Representative Assembly for both the Duchies.

It is therefore our humble request that your Majesty may concede a constitutional share in the business of legislation and administration to an Assembly to be convened under the law of election as established in the Duchies : and that with this Assembly the fundamental institutions for the Duchies may be first of all discussed, and, by mutual agreement, settled.

But, before all things, we beseech your Majesty that you may no longer allow your faithful Duchies to remain without a political state, which, being acknowledged both by the Prince and the People, may be apt to calm the public mind, and prepare the blessings of peace.

May your Majesty condescend to discern the motive of this prayer in the love of country and the dutiful allegiance with which we remain,

SIRE, OUR DUKE,
Your Majesty's most humble subjects,
REVENTLOW. BESELER.

Kiel, April 14, 1850.

II.

CIRCULAR OF THE STADTHOLDERATE, KIEL, APRIL 20, 1850.

LES mouvements politiques qui, depuis le commencement de l'année 1848, ont ébranlé le repos des États de l'Europe, et qui sur plusieurs points ont fait éclater des luttes ouvertes entre les différentes nationalités, ne pouvaient rester sans influence sur les rapports si compliqués du royaume de Danemarck avec les duchés de Schleswig-Holstein. L'opposition qui existe entre les tendances politiques et nationales des Danois et celles des Schleswig-Holsteinois, a donné lieu à un violent conflit et à une guerre de deux années entre l'Allemagne et le Danemarck. Les négociations entreprises jusqu'à ce jour n'ayant pas abouti à un accommodement qui conciliât les droits et les intérêts des parties intéressées, la solution satisfaisante des difficultés découlera peut-être aujourd'hui plus naturellement que jamais de la nature du différend et des causes qui l'ont provoqué.

Les duchés de Schleswig-Holstein ont droit, depuis des siècles, à l'indépendance et à une étroite union entre eux, et ce droit a été reconnu par tous leurs souverains. Ils ne sont unis de droit avec le royaume de Danemarck que par la personne du souverain. Le duché de Holstein appartenait autrefois à l'empire d'Allemagne et fait partie, depuis 1815, de la Confédération germanique. Le duché de Schleswig, au contraire, n'a fait partie ni de l'empire d'Allemagne ni de la Confédération germanique, et ce n'est que par l'union *réelle* qui l'attache au Holstein qu'il se trouve en rapport d'une manière médiate avec la communauté politique des États de l'Allemagne.

Depuis longtemps il s'était formé dans le royaume de Danemarck un parti ultra-national et révolutionnaire, qui avait pour but de séparer, contrairement aux droits politiques existants, le duché de Schleswig du Holstein et de l'incorporer au Danemarck. Cette tendance, en tant qu'elle put se manifester, rencontra dès le principe une opposition générale dans les duchés, mais on évita toute lutte ouverte aussi longtemps que ce parti ultra-national danois appartenait à l'opposition. Mais au mois de mars 1848, ce parti, grâce à un mouvement populaire qui

éclata à Copenhague, était parvenu à s'emparer du gouvernement. Le premier acte du nouveau ministère fut de faire décréter par une ordonnance royale la séparation du Schleswig d'avec le Holstein et l'incorporation de ce duché au Danemarck. La Confédération germanique reconnut l'obligation de protéger le Holstein dans le maintien de ses droits à une union avec le Schleswig. Telle est l'origine de la guerre que l'Allemagne et le Danemarck se font depuis deux ans.

Les efforts employés à Copenhague par le parti ultra-national pour incorporer le Schleswig au Danemarck et le fait même de cette incorporation décrétée par ordonnance royale, dès que ce parti fut arrivé au pouvoir, ce sont là les causes qui ont amené la guerre, et ces causes, ce sont les Danois qui les ont fait naître, quoique l'on prétende en Danemarck que les tentatives faites également en mars 1848 par le peuple allemand pour raffermir et consolider l'union politique de l'Allemagne y aient contribué pour une bonne part.

On était d'avis en Danemarck que, si l'Allemagne parvenait à réaliser une constitution fédérative conçue dans l'esprit d'une union plus intime, à laquelle le Holstein s'associerait, on ne pourrait plus laisser subsister l'union des duchés, union qui n'avait pas été préjudiciable aux intérêts danois aussi longtemps que les liens entre les différents Etats de la confédération germanique avaient été plus relâchés.

Ces circonstances eurent pour effet de pousser également les duchés au-delà du but qui leur était assigné par leurs droits. On se surprit à désirer que le Schleswig, menacé dans son avenir, fût mis en possession des garanties assurées au Holstein par ses rapports avec la Confédération germanique. C'est ainsi que l'admission du Schleswig dans la Confédération germanique devint aussi le but du mouvement des duchés, quoique cette admission n'ait jamais été réclamée comme un droit, mais seulement comme une garantie des droits existants contre les empiétements du Danemarck. Les duchés se virent confirmés dans leurs désirs par une décision de la diète germanique du 12 avril 1848. La diète, persuadée que l'admission du Schleswig dans la Confédération germanique serait la plus sûre garantie de l'union de

ce duché avec le Holstein, invita la Prusse à négocier dans ce sens.

Les négociations de paix conduites à Berlin ont prouvé qu'il était impossible, sur le principe des préliminaires du 10 juillet de l'année dernière, d'arriver à un résultat conforme aux droits et aux intérêts des deux parties ; car ces préliminaires, sans accorder au Danemarck un avantage quelconque, si l'indépendance du Schleswig est bien comprise et complètement réalisée, frustreront les duchés de leurs droits à une étroite union entre eux, droits sacrés et dont le maintien est la condition nécessaire de leur prospérité.

L'exposition des faits qui ont donné lieu au différend qui s'est élevé, aura démontré la nécessité d'écarter les préliminaires du 10 juillet et de chercher un moyen plus propre à arriver à un accommodement. Le principal motif que le Danemarck faisait valoir en 1848, dans les documents officiels, contre l'ancienne union des duchés, est que la nation allemande tend à une plus grande unité et à une concentration politique mieux établie. Ce motif pourrait bien n'être plus d'un si grand poids qu'en 1848. L'adoption d'une constitution allemande que l'on croyait alors très-prochaine, n'a pas encore eu lieu, et il est impossible de prévoir quel sera le dénouement des différentes tendances qui se sont révélées depuis au sujet de la régénération de l'Allemagne. Dans tous les cas, le Holstein est en dehors jusqu'à présent de tous ces projets de constitution, et la réorganisation de l'Allemagne ne paraît pas devoir se consolider au point de faire craindre au Danemarck que le Schleswig, par le maintien de son union avec le Holstein, puisse être entraîné trop avant dans la voie politique de l'Allemagne. Quant aux duchés, ils n'insistent point sur l'admission du Schleswig dans la Confédération, dès qu'on cessera en Danemarck de vouloir les séparer de force. L'abandon de part et d'autre des prétentions qui outre-passaient les droits existants, implique tout naturellement la pensée de revenir sur le passé et de rétablir les choses sur le pied où elles étaient avant le 24 mars 1848, en tant que cela est encore possible, vu

les changements survenus depuis lors dans le royaume de Danemarck et en considération des droits historiques des duchés à une administration, une législation et une constitution communes, ainsi qu'en considération des réformes politiques à opérer, réformes commandées par les intérêts du gouvernement aussi bien que par ceux du peuple.

Le complet rétablissement du *status quo ante* a été rendu impossible déjà par cela seul que le Danemarck, pendant la durée de la guerre, a cessé d'être une monarchie absolue et qu'il est devenu, par la loi fondamentale du 5 juin 1849, un État constitutionnel. Il résulte de ce changement dans la forme du gouvernement que l'ancienne réunion de différentes branches de l'administration conjointement pour le royaume et les duchés, réunion qui, il est vrai, n'était pas conforme aux droits existants, mais qui du moins était réalisable sous un gouvernement absolu *de fait*, ne saurait être rétablie. Depuis que le gouvernement du royaume est confié, conformément à la loi fondamentale du Danemarck, à des ministres, qui sont responsables de leurs actes à la chambre des états danois, une union politique quelconque du Schleswig-Holstein avec les pouvoirs constitutionnels du Danemarck placerait les duchés dans une dépendance absolue du royaume. Les changements survenus dans le Danemarck réclament non moins impérieusement une autre déviation du *status quo ante*. Si les duchés ont droit, ainsi que le gouvernement danois l'a reconnu lui-même jusqu'au mois de mars 1848, à une législation et à une administration communes, il fallait nécessairement que, par suite du développement du principe constitutionnel, ils eussent une représentation nationale en commun. Il peut bien y avoir simultanément plusieurs assemblées provinciales consultatives, mais des représentations nationales séparées, ayant chacune voix délibérative, sont incompatibles avec une législation et une administration communes. Cette communauté des états de Schleswig-Holstein a d'ailleurs existé pendant des siècles sous l'ancienne constitution des états, constitution qui n'a jamais été abolie de droit. La transition des assemblées provinciales de Schleswig-Holstein séparées à une assemblée

commune des états de Schleswig-Holstein est donc le développement organique d'un état légal, résultant nécessairement de la transition du gouvernement absolu au système constitutionnel.

Le projet de paix présenté par lord *Palmerston* dans une note adressée à M. *Bunsen*, le 23 juin 1848, vient à l'appui des vues exposées ci-dessus. Ce projet était de laisser le duché de Schleswig indivis et uni au duché de Holstein par une constitution, une administration et des états communs, sans le faire entrer dans la confédération germanique, comme aussi sans établir aucun rapport constitutionnel entre ce duché et le Danemarck. Ce projet échoua contre l'opposition du Danemarck, qui, vu la situation de l'Europe et les tendances de la nation allemande à établir une union politique plus étroite, tendances qui se manifestaient alors énergiquement, ne voulait pas accorder au Schleswig, comme base de la paix, une position qui aurait pu faire trop incliner ce duché vers l'Allemagne. Le revirement qui s'est opéré dans les affaires de l'Allemagne ne justifiant plus les inquiétudes du Danemarck à cet égard, il y aura lieu de revenir sur ce projet, qui est le plus conforme aux rapports naturels des choses.

Si les négociations peuvent avoir un résultat satisfaisant, c'est assurément si elles sont conduites par des hommes qui joignent à un vif intérêt pour la question une connaissance exacte des rapports et de la situation. Par ces considérations, des envoyés sont partis des duchés pour Copenhague à l'effet d'amener un accommodement entre les duchés et leur souverain au moyen de négociations directes. Les puissances qui prennent intérêt au maintien de la paix contribueraient à l'accommodement du différend, si elles prêtaient leur appui à l'essai de conciliation tenté par les duchés dans le sens indiqué ci-dessus.

Kiel le 20 Avril 1850.

III.

VISCOUNT PALMERSTON TO THE CHEVALIER BUNSEN.

Foreign Office, June 23, 1848.

I BEG to submit for your consideration and for that of the Prussian Government the following Articles, which Her Majesty's Government would propose to the two parties for an armistice, accompanied by an agreement as to the general principle upon which the Schleswig question should be settled.

* * * * *
* * * * *

The future condition of the Duchy of Schleswig shall be settled upon one or other of the two following plans, according to the choice of the King-Duke.

First, the Duchy of Schleswig might be divided into two parts with reference to the German or Danish nationality of its inhabitants; the southern and German part being to be called the southern Duchy; the northern or Danish part being to be called the northern Duchy. The King would then become a member of the Germanic Confederation in his capacity of Duke of southern Schleswig, as well as in his capacity of Duke of Holstein; and southern Schleswig would, like Holstein, form part of the territory of the German Confederation, and the sovereignty of southern Schleswig would follow the same line of succession as the sovereignty of Holstein.

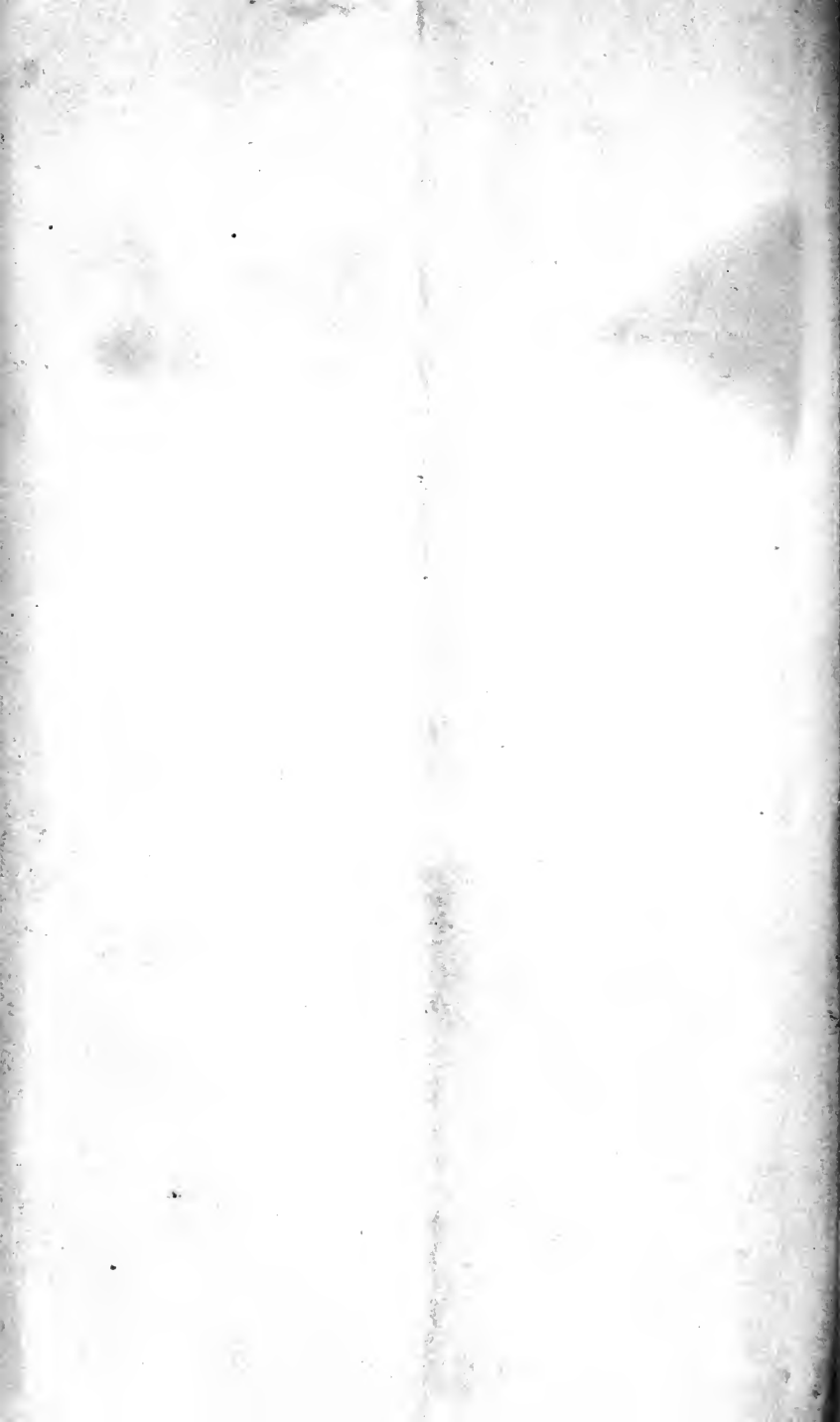
On the other hand, northern Schleswig would be attached by its law of succession to the crown of Denmark, and the sovereignty of that Duchy would be inseparably united with the Danish crown.

Secondly, if this arrangement should not be thought expedient, the Duchy of Schleswig might remain entire and undivided, such as it now is; it might continue to be administered as it has been, by an administration established for Schleswig and Holstein jointly; and there should also be provincial states in which the representatives of the two Duchies would be assembled together in their proper respective proportions. In this

case the King of Denmark would remain as he now is, a member of the Germanic Confederation in his capacity of Duke of Holstein, but he would not become member of the Confederation in his capacity of Duke of Schleswig.

No change would in this case be made in the law of succession in Schleswig.

Such are the conditions of the arrangement which the British Government proposes for the consideration of the Danish and German Governments. These conditions may not perhaps entirely realize the wishes of either party, nor contain exactly the stipulations which each party thinks itself entitled to demand. But in a case like the present, a mediating Power, anxious for the restoration of peace, and having no particular interest of its own in the matter in dispute, may fairly appeal to the generous feelings and enlightened judgment of both parties, may entreat each party to abate somewhat from those conditions, which it may conceive itself justly entitled to enforce at the point of the sword, if by the sword the matter was to be finally decided; and may recommend concessions in the spirit of conciliation and for the love of peace.





14 DAY USE
RETURN TO DESK FROM WHICH BORROWED
LOAN DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.
Renewed books are subject to immediate recall.

DEC 3 1965 7 6

REC'D LD

MAR 11 '66 - 1 PM

APR 19 1969 6 3

RECEIVED

APR 17 '68

LOAN DEPT.

REC. CIR. FEB 21 '76

MAR 25 1976 1 9

REC. CIR. MAR 10 '76

NOV 20 1977

REC. CIR. NOV 8 '77

LD 21A-60m-3,'65
(F2336s10)476B

LD 21A-50m-8,'57
(C8481s10)476B

General Library
University of California
Berkeley

MAR 14 1976 11 00 AM
General Library
University of California
Berkeley

10252

THE UNIVERSITY OF CALIFORNIA LIBRARY

