CHAPTER XXXV

1862–65

FOREIGN POLITICS

In 1862 a question arose in connection with the Civil War in America which assumed serious proportions for the British Government. The Northern States, though not hitherto very successful in the field, were slowly overcoming the Confederates by the blockade of the Southern ports, while Northern industry and commerce continued to prosper. The Confederates endeavoured to retaliate by striking at the sea-borne trade of their antagonists, but they had no ships, nor any means of building them, nor had they access to the sea. They were therefore compelled to purchase their commerce-destroyers abroad, and many vessels were laid down to their order in English yards. The North asserted that to allow these ships to be built and to set sail for such a purpose was an act of hostility, but the sentiments as well as the interests of English shipbuilders made them willing to assist the Confederates. The dispute came to a crisis over the *Alabama*, which was built on the Mersey, and, partly owing to an unfortunate chapter of minor accidents, was allowed to sail before the British Government had decided that the evidence as to its destination was sufficient to justify the detention of the vessel, in compliance with the demands of the American

Minister, Mr. Adams. It was ascertained, when too late to prevent the departure of the *Alabama*, that legal opinion was on the side of the American demands. Earl Russell, acting on a suggestion made by the Duke of Argyll, proposed, with a view to avoiding any unfortunate consequences, that orders should be given to detain the *Alabama* at any British port at which she might touch. The other members of the Cabinet, however, refused to sanction the proposal of the Foreign Secretary.

The following letter, written by the Duke to Earl Russell ten years later (December 5th, 1872), refers to the situation at this period:

'Let me call to your recollection one circumstance, of which I have a vivid recollection. You and I had a conversation one day about the "escape" of the *Alabama*, and I urged on you that, though she had fraudulently escaped when you had meant to seize her, that was no reason why we should not detain her if she touched at any of our ports. You agreed with me in this view, and you drew up a despatch directing the colonial authorities to detain her if she came into their power.

'If this had gone forth, one great plea of the Americans could never have been urged against us, and the American claims would, perhaps, have never been made at all.

'But what happened? When you brought it before the Cabinet there was a perfect insurrection. Everybody but you and I were against the proposed step. Bethell was vehement against its "legality," and you gave it up.

'The correlative of this opinion is that America *had* reason and right in complaining that the *Alabama* was received in all our ports, and that so far we were in the wrong.'

There is now no dispute regarding the facts of the case. The *Alabama* was built for the Confederates, equipped in English waters, and manned principally by an English crew. She frequented British ports in various parts of the world, and eventually greatly injured the Northern ocean trade.

From the first escape of the *Alabama* in 1862 until the final settlement of the question by arbitration at Geneva in 1872, the Duke consistently maintained that England was in the wrong.

The Foreign Enlistment Act had been passed to prevent British subjects from breaking the neutrality existing between Great Britain and other States by 'the equipment of vessels for foreign service.' In the case of the *Alabama*, however, it was found that the terms of this Act were not sufficiently explicit to be effectual, but the British contention was that the Act was a piece of domestic legislation, not to be altered at the suggestion of any foreign nation. This attitude was maintained until the Derby Administration took up the quarrel in 1866, and some years later the Act was amended.

On April 27th the Duke wrote to Mr. Gladstone:

'The more I think of it, the more clear I feel that the doctrine that our inaction with regard to the *Alabama* was no violation of international law, but only of municipal law, is a doctrine which will not stand investigation, and will certainly not be consistent with the maintenance of peace, whenever other nations are strong enough to resent it.

'It would follow that we might repeal our Foreign Enlistment Act to-morrow, and thereupon every one of our ports might be busy building, fitting out, and arming whole fleets of war-vessels to be commissioned by the Confederates, without giving any ground of offence to the American Government.

'In like manner, if we were blockading the coasts of France, the American ports might furnish to France any number of armed ships to be commissioned by her. Do you believe we should stand that without remonstrance? I do not. It is a doctrine in the highest degree dangerous to ourselves, and against all reason and common-sense.

'Peace between two Governments would be perfectly compatible, on this doctrine, with systematic war between their respective subjects.

'I agree with Goldwin Smith when he says: "International law nowadays is carrying things rather high."'

The Duke, in a letter to Mr. Motley (July 24th, 1863), alludes to the attitude of Mr. Sumner with regard to this vexed question:

'We have had a frequent correspondence with Sumner of late. He scolds and denounces us all furiously; but he is so excellent and true-hearted that we take it all very willingly. We have also seen Henry Ward Beecher, whom I liked, and we had a very pleasant morning's conversation with him in the garden here.'

During the early months of 1863 two ironclad rams were built at Liverpool for the purpose of destroying the vessels which blockaded the Confederate ports. Mr. Adams pressed Lord Russell to detain these ironclads, but for a long time in vain.

The Duke wrote from Inveraray on September 4th, 1863, to Mr. Gladstone:

'We have had Adams here. He is very temperate in his language, but much concerned—and justly, I think—about the ironclads. He tells me that he procured from the French Consul an immediate denial of the rumour that they were built on French account.

The assertion that they were so built is of itself a strong indication of fraud. I hear that Laird* says that, if officially asked, he will declare the destination of the ships.'

To Mr. Gladstone (*September* 10*th*, 1863).

'I have long been in correspondence with head-quarters about the ironclads, and have urgently pressed the duty and necessity of detaining the ships. If we are beat for want of evidence before a court of justice, it will, at least, not be our fault. But if we allowed them to go without an effort to prevent them, I think we should have been open to just complaint. Roundell Palmer told me that the evidence he had seen pointed to a French destination, and that the French Consul claimed them. I was greatly relieved by this information. But Adams told me the other day here that he had at once procured a denial and disavowal from the French authorities.'

On September 8th Lord Russell informed Mr. Adams that he had given instructions for the detention of the vessels. The American Ambassador wrote on October 17th to the Duke:

'The detention of the ironclads has done wonders in conciliating my masters in America, for it shows the will, which is of more consequence even than the power.'

In reply to a letter from the Duke congratulating him on his action in the matter, Lord Russell wrote as follows:

'PEMBROKE LODGE,
'*October* 19*th*, 1863.

'MY DEAR DUKE,

'I thank you heartily for your kind letter. It was a difficulty, and I felt bound to solve it. Now

* The shipbuilder.

we shall either have a verdict or full proof that the law requires amendment.

'But I wish the North would clear the West of the Mississippi, establish freedom in Maryland, etc., and then let their wayward sisters go in peace.

'Yours truly,

'RUSSELL.'

From the Duke's correspondence with Mr. Gladstone at this time the following extracts are given:

To Mr. Gladstone (April 7th, 1863).

'Tell me, pray, if you hear of any question likely to arise about, or under, the Foreign Enlistment Act. I see that "Historicus"* puts an interpretation on it which cannot be the one adopted by our law officers. He maintains that not even full arming and equipment constitute any infringement of the Act, unless the persons so arming and equipping are also the persons intending to employ the vessel in hostile acts. Of course, this interpretation makes the law absolutely nugatory, because the persons building and equipping are never the same persons as those who use the vessel after it is built. The whole subject requires review. No two men seem agreed on the object or principle of the law. No doubt the simplest footing would be a universal understanding that armed vessels, as well as small arms and guns, may be freely supplied to either party as subjects of commerce. But there are circumstances in which this doctrine and practice would not be stood by the injured nations. Probably we should be the first to resent and punish the adoption of such a practice by the subjects of friendly Governments. But if it were the acknowledged doctrine of all States, it would save much of the evil of the present state of things.'

* The name under which Mr., afterwards Sir William, Harcourt wrote to the *Times*.

To Mr. Gladstone (*September 28th*, 1863).

'There is no doubt of the immense difficulty of the question of the ironclads. But I think the difficulty arises mainly from the (as I think) unfortunate state of public feeling, so largely sympathizing with the South. I mean that the difficulty is rather due to the impediments in our way in doing what is right than in seeing what is right to be done.

'As regards executive action, I do not see why the export of armour-plated ships should not be prohibited for the present, as the export of other contraband of war has often been prohibited before. As regards legislation, probably the simplest way would be to require that the builders of all such vessels should be required to declare for what Government they are built, a false allegation to be checked by an appeal to the Government for which the vessel is said to be built.

'Of course, iron-plated vessels cannot be built for private persons. No private persons are in a position to use them. They must be built for some Government entitled to carry on war. Such an enactment would not interfere with a great number and variety of vessels capable of being converted into war-vessels. But we cannot reach by any possible enactment this kind of operation.

'I question whether any Act is workable which proceeds on proof of "intent." How can it be proved, any more than it is proved in this case? An ironclad can be intended only for war. It must, therefore, be intended for some Government entitled to wage war. If all other Governments disclaim the commission, as they do, what Government can it be intended for except that which is waging war against the United States, with whom we are at peace? The allegation that such vessels are for a private individual, in any other sense than as he may be the agent for some Government, is so clear a fraud and evasion, that, unless the law can reach it, it is a useless law, and

society is helpless against a crime seriously endangering its peace.

'If this were felt, as it ought to be felt, by the public and by Parliament, there would not be much difficulty in devising means for securing ourselves against such acts.

'Sumner has made in many respects a very foolish and inexpedient speech. But he puts the matter of ships strongly and well. He asserts—and, I fear, truly—that English ports have become the naval base of naval operations.'

It afterwards transpired that the American Government had, without the knowledge of Mr. Adams, sent two representatives to England on a secret mission, the object of which was to endeavour to outbid the Confederates, and to purchase from the builders the ironclads in question for the use of the Federal States. This project was, however, eventually abandoned by those entrusted with the mission.*

On December 20th, 1864, Mr. Gladstone wrote to the Duke:

'There is another subject touching our relations with the United States on which we ought now to make up our minds. Is the state of our laws with respect to the building ships of war satisfactory, or ought it to be more stringent? If we are clear that it ought not, well and good. But I for one am not quite clear. And if there is anything to amend, this is the time to think of some plan for amending it, whether by ourselves or in concurrence with the United States or with other countries.'

To this the Duke replied on December 23rd:

'I do not think the law, as it at present stands, is a law which enables us, as a Government, to fulfil our

* 'Charles Francis Adams,' by his son, Charles Francis Adams, p. 320.

neutral obligations with sufficient facility and certainty. Unfortunately, however, the exact condition of the law was not tested by any judicial decision. . . .

'Enough, however, was seen of it in the course of the argument to show that it does not arm the Executive with powers sufficiently definite and precise to be brought easily into operation, and that in this respect it is inferior to the corresponding American Act.

'Roundell Palmer spoke to me as if a very slight alteration in the wording of the Act would be sufficient for the purpose. He should, of course, be consulted on the subject. But on one thing I feel sure: that our obligations as a neutral are not, and cannot be, measured by our powers as a Government under the municipal statute, and if the latter is defective, falling short of the powers which the Executive ought to have to enable it to fulfil its neutral obligations, I never could understand the objection to an amendment of the law. Yet, as a matter of fact, I think there is a deep-seated reluctance—the old John Bull *nolumus* feeling—which makes the question a very delicate one to handle. Matters would be made much worse by the failure of any attempted legislation.

'I am sure all Americans bear us an insuperable grudge on account of the *Alabama*, and I confess I do not think their feeling unnatural and unreasonable. We should feel exactly the same in their place. I think every Government ought to have full power to prevent the national interests being compromised by the rapacity of individual merchants, and that there is an essential and inherent distinction between arms, ammunition, etc., and ships.'

On December 26th, 1864, the Duke replied to a letter from Mr. Gladstone, who had urged him to 'stir up Lord Russell' on the subject of the *Alabama*:

'I wrote at once to Lord Russell on receipt of your letter, all the more readily as I have always taken the

same view of the expediency, if not of the duty, of making our municipal law more clear, and bringing it up more abreast of what I think is our international obligation. But the difficulties are considerable, and I feel sure, as I said before, that an abortive attempt to legislate would put us in a worse position than that in which we now stand.

'The amendment you suggest is very much that which I mentioned to you last year when you were at Balmoral—viz., that where ships of an acknowledged or provable war character were being built, the builders should be obliged to declare by what Government they were ordered, and that building such ships, except on such order, should be illegal after the Queen's proclamation. I think something of this kind was pointed at by Cobden. It seems to me to be clearly reasonable.

'Lord Derby hinted last session an objection to any legislation on the subject, which does not appear to me to hold water. It was this: that any alteration of the law effected during the contest must injuriously affect one or other of the belligerents, and is, therefore, *pro tanto*, a departure from neutrality. The idea of neutrality on which this objection is founded is a very strange one, but it seems to be very commonly entertained. It is the puzzle-headed notion that the duty of neutrality is to keep the balance as even as we can between the belligerents, and the perpetual observation is that our neutrality is one-sided, because its practical operation is (in some respects, at least) adverse to the weaker of the two belligerents.'

Lord Russell's reply to the Duke concerning the *Alabama* question was regarded by his colleagues as inconclusive. He considered that the British Government could not at that moment proceed further in the matter. The next step should, he thought, be taken by the United States, to whom proposals of

mediation had been made—proposals which, as yet, had neither been accepted nor rejected.

In the month of October, 1865, Lord Palmerston, who was in his eighty-first year, died somewhat suddenly, after a few days' illness. He was succeeded as Prime Minister by Lord Russell, and the Administration continued as before.

No decision had been arrived at with regard to the *Alabama* claim, and the Duke was particularly anxious to have the question fairly faced and finally settled, as he considered that, until that had been done, there was no guarantee of permanent harmony between the two nations. He wrote to Mr. Gladstone, November 27th, 1865:

'Pray do give your mind to the important question whether we should or should not amend our own Foreign Enlistment Act. Lord Russell's despatch of November 3rd admits that "on trial it had not proved efficacious." But what follows hardly amounts to a formal invitation that both countries should amend together. Even, however, if the invitation were formal, I feel pretty sure that in their present temper the Americans would refuse. They have some reason to say that their law is better (though R. Palmer thinks not); but, at all events, their executive action is a little more free than ours, and they may deny that their own law "has proved not efficacious on trial."

'The question, then, will remain for us: Shall we keep our law as it is, after experience and public confession that it is ineffective, or shall we, irrespective of all other interests than our own, proceed to amend it?

'For doing nothing there are powerful inducements acting, at least, on the Foreign Office. First, there is the disposition to procrastinate and put off all

difficult questions—"anything for a quiet life." "Sufficient unto the day is the evil thereof," as in the San Juan case.

'Secondly, there is the controversial temper consequent on the correspondence with Adams. This is the ground taken by Lord Russell in his note along with Palmer's Draft Bill. It seems to me a very weak ground.

'Whatever may be the relation between a Foreign Enlistment Act and international obligation, there can be no doubt that the fundamental principle is self-protection, not the protection of other people. The preamble of the statute declares this distinctly.

'To delay amending a law which is intended for our own protection, after we had declared that "on trial it has proved inefficacious," is surely the height of folly.

'After all, our amending the statute now will afford no sort of triumph or argument against us to Adams. The *Alabama* escaped long before our law had been brought to trial. It was the case of the rams, long subsequent to the evasion of the *Alabama*, which really tested the inefficiency of our law, and we surmounted the difficulty only by purchase.

'But, really, the argument for action lies in a nutshell. The statute is both municipal and international in its bearings. In both it is important as a means of preserving peace. We admit it to be, in its present form, inefficacious. Can there be any doubt of the duty of a Government under such circumstances to amend the law?'

Lord Russell's Administration was short-lived, lasting only from November, 1865, to June, 1866. On his resignation, Lord Derby became Prime Minister for the third time, and Lord Stanley was Secretary for Foreign Affairs. He did not follow the policy of his predecessors—Lord Russell and Lord Clarendon—but

admitted responsibility for American commercial losses, and arbitration was formally proposed. This the United States accepted, but on the condition that all questions at issue between the two countries should be included in the reference. The American diplomatists wished, also, to submit, as one of the issues, the question of the right of Great Britain to recognise the Confederates even as belligerents. At this point the negotiations for the time broke down, and when they were renewed in the following year, at the instance of the American Ambassador, Mr. Johnson, it fell to Lord Clarendon to accept the final terms, the Derby Administration having in the meantime resigned, after defeat at the polls.

It was at this moment, when the difficulties seemed in a fair way towards solution, that Mr. Seward made a speech denouncing the conduct of England during the Civil War. The result was that Congress refused to ratify the Convention, and matters reverted to their former chaotic condition.

One of the points at issue between the two Governments was a question as to the Canadian Fishery Rights in the Gulf of St. Lawrence and on the eastern coast of the United States. Lord Granville, who had become Secretary for Foreign Affairs on the death of Lord Clarendon, proposed that a joint High Commission should meet at Washington for the settlement of the question. President Grant accepted the suggestion, and at the same time proposed that all questions at issue between America and Great Britain should be submitted to the same Commission. This proposal was agreed to by the British Government, and the Commission, which met at Washington on February 27th, 1871, resulted in the Treaty of Washington.

The terms of the Treaty provided for the settlement of the *Alabama* claims by a tribunal, consisting of five arbiters, which was to meet at Geneva, and to decide all the questions submitted to it. These arbiters were: Sir Alexander Cockburn, Mr. Charles Francis Adams, Count Frederic Sclopis, Monsieur J. Staempfli, and Baron d'Itajubá, and they met for the first time on December 15th, 1871.

The tribunal found England responsible for the acts of the *Alabama*, and awarded a sum of £3,250,000 sterling to America as compensation and final settlement of all claims. Eventually it proved that this compensation was excessive, as, after satisfying all demands, America was left in possession of £1,000,000.

During the period of Lord Palmerston's last Administration, foreign affairs occupied a prominent place, and until the question of Reform was again taken up under Earl Russell's premiership, the political stage was filled by Italy, the United States, Poland, and Denmark.

Poland was seething with discontent and ready for rebellion, when Russia laid on the Poles a last intolerable burden, by converting the annual conscription lists, made up by lot, into a proscription of all the young and active men who were suspected of sympathizing with revolution. An insurrection broke out, and the insurgent Poles waged a guerilla warfare against the Russian forces, striving, as their only hope of success, to keep alight the flame of revolt until the Western Powers should have been forced by the sympathy and indignation of their peoples to intervene.

Lord Russell, in a despatch, vindicated the right of England to interpose under the terms of the Treaty of Vienna, but this step was without effect on the

situation, and there was no question of any practical interference on the part of England.

The French Emperor proposed a Congress to discuss the European situation, but the proposal was not accepted. The refusal to meet his views gave considerable offence to Louis Napoleon, and rendered negotiations with France more difficult at a later period, when a question with regard to the Duchies of Schleswig and Holstein engaged the attention of Europe.

On the occasion of a motion in the House of Lords, brought forward on July 13th, 1863, by Earl Grey, asking the Government for further information on the subject of Poland, the Duke, in reply to Lord Clanricarde, spoke as follows:

'Unless we are in a position to do absolutely nothing, and to say not a word in favour of Poland or in reprobation of the cruelties of which she has been the victim, no other course can be taken than that pursued by Her Majesty's Government. If it is our duty to speak at all, we are bound to limit our suggestions within the four corners of the Treaty of Vienna. But my noble friend [Earl Russell] has not maintained that we are bound to restore Poland to that position in which she was constituted by the Treaty of Vienna; he merely said that the Treaty of Vienna gives us a *locus standi* which entitles us to speak on the Polish question along with the other Powers of Europe. It follows, however, that we cannot propose to the Emperor of Russia to part altogether with his Polish Empire. As to the policy of doing nothing, silence under certain circumstances need not imply consent. It may be that we have no relation with a part of Europe which is the scene of great horrors, and in which great cruelties are being perpetrated; but if we have a *locus standi* for speaking upon the

condition of that country, and yet offer no opinion, we should be guilty of a great dereliction of public duty. This is the position of the Government in the present instance. I do not know what the noble Marquis of Clanricarde meant by the speech he has just made, but he seemed to advocate a doctrine which ought to be repudiated—namely, that England ought never to speak unless she is prepared to follow up her speech by broadsides of shot and shell, and ought never to use her moral influence on the side of any people unless she is prepared to go to war in their favour. Now, we are often inclined to exaggerate our advantages as compared with those of former times; but one of the advantages and the blessings which we now enjoy is certainly an increase in the power exercised by public opinion. In our day public opinion acts much more powerfully and rapidly, and with much greater certainty, upon the councils of the world than it ever has done before; and it would have been a grave dereliction of public duty if England, representing as she does, to a great extent, the feeling of Europe, had held her tongue upon the subject of Poland. It is worthy of remark that during the whole debate no course has been pointed out other than that pursued by the Government, except the policy of total and, I must add, of ignominious silence.'

Towards the close of the year 1863 a point of dispute concerning the Duchies of Schleswig and Holstein began to assume prominence. These Duchies had been for hundreds of years an appanage of the Danish Crown, but not part of the Danish kingdom. Holstein was purely German in its population, and formed part of the German Bund; Schleswig was half German and half Danish. The more ardent Danes, instigated partly by the Scandinavian populations behind them in Norway and Sweden, desired an incorporating and not a merely personal union. On the other side were

the German nationalists, who considered that the German population in the Duchies was subject to Danish oppression. The Danes were responsible for some violations of the Treaty of London, which had been signed in 1852 by England, France, Austria, Russia, Sweden, and Denmark, and by which the Duchies were united to Denmark.

On the death of Frederick VII. of Denmark, the Crown devolved upon Prince Christian of Schleswig Holstein Sonderburg Glucksburg, who, in default of direct heirs of the late King, had been chosen by the Great Powers of Europe to succeed Frederick VII. on the throne of Denmark. At the time this arrangement was concluded by the Treaty of London in 1852, the Duke of Augustenburg, who was then a claimant for the Duchies, agreed to renounce any rights he might possess as regards Holstein and Schleswig; but his son, Prince Frederick, now renewed these claims, and Germany resisted the idea of the incorporation of the Duchies by Denmark.

While at Balmoral in June, 1864, the Duke of Argyll wrote a memorandum on the subject of Schleswig-Holstein for the Queen, which explained the situation during the eleven years that followed the Treaty of 1852. From this memorandum the following passages are quoted:

'I have never felt called upon to defend the expediency of the Treaty of 1852. We found it existing, and it was clearly the duty of all the signatories to that Treaty to act upon it in good faith.

'At the same time, the principle of that Treaty is one which has often been acted upon in Europe. The claim of the Augustenburgs to the Duchy of Holstein, and still more to the Duchy of Schleswig, was not an undisputed claim. On the contrary, it was open to

doubt, and, as a matter of fact, was violently contested. This doubt was not confined to those who were in the Danish interest. A Commission appointed by the King of Prussia reported against the claim. This fact is, to my mind, conclusive proof that it was a claim open to real doubt. At any rate, it was a claim founded on the highest and purest doctrines of legitimacy. These are always held to be subject to limitation and control from practical political considerations.

'Europe, therefore, had before it the prospect of a disputed claim, and probably of a war of succession. Under these circumstances, it seems to me that it was not unreasonable or unjust that the Great Powers of Europe should agree to recognise and support some one principle of settlement which would be most consonant to the general interest.

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'If, however, the Treaty of 1852 had broken down really and *bonâ fide* from the opposition of the people of the Duchies and from nothing else, there would have been no feeling in this country leading us to insist on its being maintained.

'I entirely agree that England has no selfish or personal interest in the matter. A German fleet is quite as likely to be friendly with us as a Danish fleet, perhaps more so.

'But England, as one of the Great Powers, has a general interest in supporting justice and fair dealing among Continental States, and especially in supporting the independence of the smaller monarchies.

'The present strong feeling in England has arisen from the belief that if the German Powers had acted in good faith in support of the Treaty which they had signed, it might have been maintained, consistently with full security for the liberties of the people of the Duchies.

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'It seems to me open to a fair doubt whether Denmark has violated the promise not to incorporate Schleswig; but I do not dispute the right of the German Powers to exercise a reasonable check on Danish action in this respect.

'This right, however, ought to have been acted upon with great reserve and moderation, because Schleswig does not belong to the German Confederation, and in the correspondence of 1851 and 1852 it is over and over again acknowledged that Germany has no federal right of interference whatever.

'Consequently, the right of interference rests merely on the natural sympathy which Germany may have with a German population which has settled in an ancient Danish province. This sympathy is natural, and would be respected in England if acted upon with reasonable moderation. But the violent and bloody war waged upon Denmark, on account of her conduct, however foolish, in Schleswig, is a mode of action beyond all moderation and against all justice.

'This, at least, is the feeling in England.

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'At the same time, the English public are too apt to forget that Prussia has been able to play this game only because a great part, at least, of the people of Schleswig are hostile to the Danish Government. This is a fact, and we must recognise it as such. It proves that there can be no durable peace on the basis, pure and simple, of the Treaty of 1852.'

Mr. Gladstone wrote to the Duke on December 31st, 1863:

'This afternoon a telegram acquaints me we are to have a Cabinet on Saturday. Considering your knowledge of, and interest in, the Danish question, I think it likely you may be there, notwithstanding the distance. I shall therefore say very little.'

Lord Palmerston had stated, in reply to a question as to the intentions of the Government with regard to Schleswig-Holstein in 1863, that he was convinced that 'if any violent attempt were made to overthrow the rights and interfere with the independence of Denmark, those who made the attempt would find in the result that it would not be Denmark alone with which they would have to contend.' These words, coming from the Prime Minister, were supposed to imply that England would intervene on behalf of Denmark, although that intention was not definitely stated. The Cabinet, indeed, came to the conclusion that intervention on the part of Britain was out of the question, as it was obviously impossible for a country, which could do no more than put in the field an army of 20,000 men, to fight two military empires such as Germany and Austria.

This decision on the part of England, combined with the attitude of France in holding aloof, left Denmark at the mercy of the united armies of Austria and Prussia, which entered Holstein early in 1864.

At the suggestion of Lord Russell, it was arranged that a Conference of the Powers who had signed the Treaty of London was to be held in London on April 25th, 1864.

In a speech in the House of Lords on the 9th of April, the Duke, in reply to Lord Campbell, defended the policy of the Government with regard to the question of Schleswig-Holstein:

'I am anxious to hear what my noble friend means by "more decided action in support of the protocol of 1852." I have no doubt that he means that the Government might have prevented the war altogether if, in fact, they had only threatened to take part in

it. The question put is, Why did not the Government prevent the war? But the real question which my noble friend wishes to put is, Why has not the Government taken part in it? The critics of the Government have always one story: they never avow that they are in favour of a war policy, but they say that if the Government had done this or the other we should have prevented war. But it is equally open to the Government to say that if we had adopted a different course we should have increased the chances of bloodshed and the miseries that have resulted. I maintain that it is sufficient for the Government to show that we have adopted and have adhered to some definite line of policy, which we are able to support and maintain in Parliament and to justify before the country. I protest against the doctrine that, *primâ facie*, there is any case against the Government of this country for not preventing a Continental war, even supposing it may have broken out under circumstances of much injustice. England has a great position in Europe, not only on account of her material power, but from the just impression that prevails that, on the Continent at least, she has no selfish interests whatever to serve, and that so far as our interests, which are principally commercial, are concerned, they are bound up with the prosperity of the whole world. But England is not the general arbitress in the quarrels of Continental nations. There may be wars under circumstances of the greatest injustice waged there, but that is not a *primâ facie* case against the English Government for not having interfered in them. . . .

'It should be remembered that we were not dealing with the Government of Germany alone. We were dealing to a great extent with forces which took their origin in the revolutionary passions which were then existing on the Continent; in short, I do not believe it would be too much to say that we were dealing with two fanatical democracies. These were not powers

accessible to reason, and I am therefore convinced that, if we had taken that course, we not only should not have averted war, but we should have been forced to join in the war, should have increased the bloodshed, and should have brought on new and complicated dangers. It will be admitted that any course which should isolate us from France would be very dangerous. As long as both countries go together, there are few things which they cannot secure in the way of peace; but if isolated action were once adopted by either, there are contingencies which might impel them more and more in opposite directions, and might lead to the greatest perils to the peace of Europe.

'I am sure it is with feelings of absolute affliction that every member of the House has read the daily accounts of the cruel and useless slaughter. It is absolutely certain that every object sought by the war might have been obtained by negotiation. During the last ten years we have witnessed three great wars in which there has been great bloodshed, but in respect of all three great issues were at stake. In the case of the Russian War, in which we were parties, the question was whether the same Sovereign should reign at St. Petersburg and Constantinople. In the case of the Italian War, the question was whether one of the great nations in Europe, with an ancient literature and a noble history, and the highest capacities for political life, should continue to be for ever nothing but the favourite camping-ground of German soldiers. With regard to the war now raging on the other side of the Atlantic, however they may deplore it, extending as it does over such a vast territory, and as yet giving no indication of its approaching end, no man can deny that there are great issues raised, all of which, probably, can only be settled by the results of war. But, in contrast to these, the war in Denmark has for its object issues that could certainly be settled by other means. What is the object set before them by

the German Powers? I do not depreciate to the Schleswig-Holsteiners the value they set upon their liberties—they have as good a right to their liberties as we have to ours—but is there a single object in respect to them which could not be as well obtained by negotiation and without effusion of blood?

'We are going to the Conference with three great objects. The first is to restore peace to the North of Europe; the second, to secure the legal rights of the Duchies; and the third, to reconcile with those rights the integrity and independence of Denmark. There is one argument which might be fairly urged against taking what is called a "more decided course," and that is that there is some doubt as to the merits and justice of the original quarrel. I will not dwell upon the weak points of the Danish case. The Danes are a gallant people, more sinned against than sinning. But those who have read the papers must remember that we have been compelled to make admissions on the subject of the constitution which is the immediate cause of the war—admissions which raise some doubts as to whether the Germans might not have had some fair grounds of dispute with the Danish people. But feeling the duty of impartiality in the present position of the Government, I am much more disposed at present to point to just grounds of complaint against the German Powers.

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'It is the desire of Her Majesty's Government to go into the Conference, not as partisans of the one side or the other, but impartially. They desire nothing but to restore peace to Europe—no doubt compatibly with the local rights of the two Duchies, and consistently, if possible, with the integrity of the Danish monarchy. They wish the balance of power in Europe to be maintained, and the rights of all the parties to be preserved. These are the objects which Her Majesty's Government have had in view in times past, and in their efforts to avert war I believe

they have had the approbation of the country, and will have the support of Parliament.'

During the deliberations of the Conference of the Powers, hostilities were suspended. The Conference, however, broke up without having arrived at any agreement.

The following extracts are quoted from a speech by the Duke on July 8th, 1864, in the House of Lords, defending the policy of the Government, in reply to a vote of censure proposed by Lord Malmesbury. A contrast having been drawn by Lord Malmesbury between the attitude of France and that of England, much to the disadvantage of England, the Duke said:

'I do not see how the assertion can be accounted for that the position of England is humiliated in consequence of the course we have adopted towards Denmark, while the position of France is perfectly upright, fair, and honourable, except by those party feelings which lead men to attack their own country through the existing Government. I do not know how this contrast can be drawn between the two countries. We were co-signatories of the same Treaty. We were bound by precisely the same obligations. I will go a step further, and, speaking for myself, declare my firm conviction that England has no selfish or material interests whatever in the question. I deny the proposition of Lord Derby, that the vital interests of this country are concerned in the maintenance of the integrity of Denmark. I deeply sympathize with the Danes. There is no member of the House, I venture to say, who sympathizes with them more deeply than I do; but I say that we in this country have no selfish or material interests whatever in the maintenance of the Treaty of 1852. I do not say the same of France. I think France has a material

interest in preventing the advance of the German Confederation along the waters of the Baltic. . . .

'I ask, What is the position of the two countries? England has recoiled before the risk of war with the whole of Germany, when that war must be carried on alone. France has recoiled before the fear of a war with Germany which would have been carried on in close alliance with England, one of the greatest Powers of Europe. France has recoiled before that war when her own material interests were nearly concerned, at a time when England, who had no interests, was prepared to join her. I am not blaming the Emperor of the French. He is at perfect liberty to be the judge of his own interests and actions. But I say that the contrast drawn between the positions of England and of France is simply ridiculous, and founded upon a gross misrepresentation of the relative position of the two countries.

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'The noble Earl repeatedly referred to a particular time when he thinks we ought to have adopted a more decided policy. He, of course, warned the House—as he always took care to do—that he did not say he would have done this himself; but he thinks that if it had been done, peace would have been secured. What was the particular juncture at which the noble Earl suggested, though he did not advise, that we should have gone to war? When the German Powers were about to cross the Eider? Think of the position that England would have been in. He did not say a word about France. He said England might have done this, and would have done it with complete success. What was the time of year when the invasion of Schleswig took place? It was in the month of February, when hard frost was prevailing, and the Baltic was entirely inaccessible to our ships. What probability of success, then, had England at that time if she went to war with Germany? In such circumstances England, with her 30,000 or 35,000, or, at

the outside, 40,000 men, would have been called on to meet the united German force of perhaps 250,000 men, which would have been ranged against her in a single week or ten days.

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'There is one part of the subject I wish to deal with before I close. I wish to speak of those opponents of the Government who condemn us, not on the ground which the noble Earl has avowed—that of wishing to drive us from office that he may occupy our position himself—but who oppose us on a definite ground of principle and of policy. These noble Lords are the advocates of a war policy. And again I say I deeply regret the absence of Lord Ellenborough, who has spoken in that sense more than once with all the vigour of his great powers. I do not deny that there is in the country, I will not say a large party, but a great number of persons who feel bitterly disappointed that England has not gone to war for the sake of Denmark. This is a feeling which has much of my sympathy and all of my respect. I confess that in dealing with this subject I feel that the fate of the Government is a matter of very small importance. What is important is that the English people should be satisfied that, if we have refrained from war, it has not been merely because we have recoiled from difficulties and dangers to be incurred by ourselves, but from much higher considerations—considerations connected with the peace of Europe and the difficulties which lay in the way of enforcing the cause of justice. I beg noble Lords who participate in this feeling to consider what it is that men mean when they talk of going to war for Denmark. It is commonly said that going to war for Denmark means going to war to support the Treaty of 1852. But those who speak thus seem to have forgotten that practically the Treaty of 1852 has long ceased to be a living question—at all events, since the first meeting of the Conference it has ceased to be so. It was not by us, but by the

Danes themselves, that the Treaty was abandoned. It has often been said that it was a Treaty of recognition and not of guarantee, and this, at least, is now generally understood. But this is not the point on which I now wish to dwell. It was a Treaty of recognition, but what was it that it recognised? It was a recognition of a personal union between the Crown of Denmark and the Crowns of the two Duchies, and not of a union of the countries or their institutions. It was simply a recognition that the King of Denmark should also be the King of Schleswig and Holstein—a recognition of what has been called a personal union. But directly the Danes entered the Conference they said: "We will have no personal union; we will not be satisfied with a personal union." Now, I am not blaming the Danes for taking up this position. On the contrary, I think that they were perfectly right in doing so. It was said last year by Lord Ellenborough that Schleswig was a province which had belonged to Denmark for 400 years. That is perfectly true in one sense, but not in another. It is true that it was a fief of the Danish Court, but for many hundred years it was divided between the different occupants of the throne; and it was not until the year 1720, the date of our own guarantee of part of Schleswig, that the whole of that Duchy was united to the Crown of Denmark, and then it was united solely by a personal union. Remember that, as long as Denmark was a despotism, a personal union was a real union, because, as far as regards external relations with foreign countries, a despotic Sovereign wields the whole power of all his Crowns, and in this case the King of Denmark had all the power of the Duke of Schleswig and the Duke of Holstein. But the moment you introduce responsible, liberal, and democratic government, the case is entirely altered. Personal union ceases to be union for any practical purpose whatever; and unless the three Parliaments agree, the King of Denmark has

not, as he formerly had, the power of the three kingdoms united.

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'Now, if you are to fight for Denmark in the present war, you would be going to war to force the Schleswigers not to be united, as formerly, by a personal union, but to be incorporated with Denmark. Is that an object for which England could go to war? I will put aside all question as to our power to meet alone the whole German Confederation; I will put aside all questions as to the danger and inconveniences which might be incurred by England in such a war; I will even go the length of supposing that it was within our power easily to effect our object; and I ask, Is it an object which we have a right to go to war to effect, or which we have the smallest chance of effecting with any regard to justice or good policy? I apprehend that there can be but one answer. It is not an object that we could propose to ourselves; I believe it is an object that we could not have effected. And I am satisfied that when the people of England find that this is the only result for which they would have contended if they had gone to war, they will see that the Government has abstained from war not merely from selfish or unworthy considerations, but because we really had not an object which it was within our right or competence to contend for.

'My Lords, I hope it will not be supposed that in anything I have said I intend to bear hard against the Danish Government or the Danish people; much less that it will be imagined that I have the slightest sympathy with the course taken by the great German Powers. I believe there is not a single partisan of Germany in your Lordships' House. We may think, and we do think, that the Danes have committed great errors and great faults, but we are also of opinion that those errors might have been corrected without violence, and certainly atoned for without blood. . . .'

This speech produced a great effect on the House, and the result of the division is shown by an extract from the Duke's diary:

'We divided at 2 a.m., beating them by four in the House, but they had a majority of nine by proxies. Heard of the majority in Commons—eighteen. Great excitement.'

The vote of censure in the House of Commons on the same date had been moved by Mr. Disraeli, in reply to whom Lord Palmerston made a most striking speech in defence of the whole policy of the Government.

At the conclusion of the Conference the Austrian and Prussian armies had recommenced hostilities against Denmark, with the inevitable result that Denmark was defeated, and compelled to resign all claim to the Duchies.