

No. 5.

*M. Bismark to Count Bernstorff.*—(Communicated to Earl Russell by Count Bernstorff, October 30.)

(Translation.)

Berlin, October 27, 1862.

YOUR Excellency is already cognizant of the despatch which the British Secretary of State for the Foreign Department wrote on the 24th ultimo to Mr. Lowther, communicating his views as to the manner in which the long-pending dispute between Germany and Denmark might be terminated. A like communication was sent to Vienna, and Lord Russell has recommended his views, and the propositions grounded upon them, to the consideration of the two great German Powers. It is not necessary to assure you that this consideration will be fully given to them by us. It is true that this difference essentially relates to nothing more than the performance of requisitions settled by Treaty between Germany and Denmark. But we understand the desire of friendly Powers to see the settlement of a dispute which in its further developments might certainly lead to very serious results, as it is impossible, as your Excellency is aware, that Germany should yield up claims which are most intimately bound up with the whole of her political position. If, in the interests of peace, we hold it to be our duty seriously to examine every view offered to us upon the solution of this weighty question, a proposition from England especially has the fullest claim to our searching consideration.

I am rejoiced to be able at the outset to express the conviction that Earl Russell's despatch, particularly the four points in which the propositions are summed up at the close, contains the basis for coming to an understanding, provided that they be unreservedly accepted by the Danish Government, and then carried out also, in a suitable manner.

We do not, it is true, conceal from ourselves that the propositions of Lord Russell do not strictly turn upon the basis of the agreements of 1851 and 1852.

No one could make it a reproach to us if we should simply insist that Denmark also should absolutely not deviate from this basis, and that in case Denmark should declare herself unable to fulfil the obligations she has contracted, all existing obligations would then cease for us also, and from that moment the ancient right, for which an equivalent was offered, but not guaranteed, to us, might be the only basis of our demands and acts. But, however, we can gather in the propositions of Lord Russell also a means of securing the essential objects and interests which prevailed in the negotiations of 1851 and 1852; and it is in consideration of this, and in our sincere wish for the maintenance of peace, that we find the justification of our efforts to reach our object in a somewhat devious way.

We must, first of all, thank the British Secretary of State for having simplified the question by discarding all those points upon which there remains no dispute. In this respect we fully concur with him, and we have always most deeply regretted that we were compelled to go back to circumstances which should have been clear of themselves; the acknowledgment contained in the despatch of the 24th September will dispense with our doing so for the future.

The first of these points referred to, which negatives the levy of taxes, or the enacting of laws in Holstein and Lauenburg, without the assent of the States, is in accordance with the conditions set up by the well-known Federal Resolutions for the immediate provisional situation, the discontinuance of which we have shown to be necessary, if Federal measures are to be averted. As the

British Secretary of State declares that this is decided by the Federal Resolutions, he shows that he perfectly understands this part of the question to be a matter purely appertaining to the Confederation.

The second point, relative to the nullity of the collective Constitution of 1855, is also clearly conceived. This nullity is a condition of the exclusion of Schleswig from the Reichsrath, and it is expressly stated also in the second of the recapitulating paragraphs at the close of the despatch. It would be difficult for the Cabinet of Copenhagen to oppose these simple statements of facts by any deductions, however ingenious.

And, lastly, the third of these points, which expresses the independence and freedom of the Kingdom of Denmark to impose taxes and to legislate for itself, is a matter of course, and is so understood by us. We have always been very far from claiming a right for the Duchies to interpose in the affairs of the kingdom.

After Earl Russell has thus put away those elements which have but too much contributed to obscure the whole affair, he proceeds to lay down his direct ("positiv") propositions in regard to the two great questions—upon the position of Schleswig, and upon the ordering of such relations in the different parts of the monarchy as imply, in some form, a common action.

In speaking of the first of these two points, we will not argue upon the designation of the obligations of Denmark as being that of a debt of honour; we certainly look upon the performance of Treaty obligations as being also a debt of honour.

Here again also Lord Russell brings forward clearly the two essential parts: the security of Schleswig against incorporation, and the protection of German nationality in the Duchies; and he believes that a suitable remedy for both is to be found in a complete autonomy of the Duchy, by which it would stand in no nearer a political relation to the Kingdom than to the other territories in the Monarchy, and would have to decide independently upon all the points regarding which Danish encroachments have up to this time given occasion for such just and hitherto such fruitless complaints; complaints resting upon such notorious facts that a superintendence, such as we have neither exercised nor claimed, was not required to prove their reality.

We declare ourselves to be fully in accordance with the propositions of Lord Russell; but they will certainly not attain their object unless they be carried out with perfect sincerity on the part of His Majesty the King of Denmark; unless the system of Danish arbitrariness ("Vergewaltigung") which has hitherto prevailed in Schleswig be really terminated; and unless a guarantee be given for a perfectly free election and voting of the Assembly of States, which is to decide upon all the given points. This is a matter which is quite self-evident, and it will indeed appear so to the British Secretary of State; but frequent and sad experience unfortunately compels us again to mention it, and urgently to recommend it to the attention of Earl Russell.

The despatch finally treats of what it designates, justly, as the most difficult and complicated point of the whole affair; namely, the ordering of common financial matters.

In this point, also, I can but declare myself to be in accordance with the propositions as they are contained in the third and fourth summary paragraphs at the close of the despatch. The union with the States of the several territories of the Monarchy for a normal Budget, and free voting, by the same States, for extraordinary expenses going