

H  $\frac{664}{143}$

# MEMORIAL

ON THE

## SCHLESWIG-HOLSTEIN QUESTION.

ADDRESSED TO

THE HON. BRADFORD R. WOOD, MINISTER TO THE COURT  
OF DENMARK, COPENHAGEN.

BY

DR. REINHOLD SOLGER.



New York:

BAKER AND GODWIN, PRINTERS,

Printing-House Square, opposite City Hall.

1862.

32.1



Государственная  
БИБЛИОТЕКА  
СССР  
им. В. И. Ленина

И-43324-50

# CONTENTS.

---

Letter to the Hon. Bradford R. Wood, . . . . .	PAGE 3
--	-----------

## PART I.

### THE LAW OF THE CASE.

I.—Statistical Data, . . . . .	5
II.—The Law of the Case, . . . . .	8
III.—The Constitutional Relations actually subsisting between the Schleswig-Holstein Union and the King of Denmark :	
A.—The Articles of the Compact of 1460, . . . . .	10
B.—The Union between Denmark and the Duchies a <i>Personal</i> , not a <i>Real</i> , one. Schleswig an independ- ent sovereign state; Holstein an independent sover- eign state, and a member of the German Con- federacy, . . . . .	12
C.— <i>Personal</i> divisions take place in the Duchies with- out affecting their <i>unity of government</i> , . . . . .	14
D.—Division of the Duchies between three lines. All three establish the order of primogeniture, . . . . .	15
E.—A different order of succession being established in the kingdom by the <i>lex regii</i> , the ultimate disso- lution of its personal union with the Duchies is legally provided for, . . . . .	17
F.—Pending which eventual dissolution, the personal union between the kingdom and both the Duchies entire is once again re-established, . . . . .	18
First: the Gottorp portion of Schleswig is reunited to the Glueckstadt portion, and that reunion guaran- teed by certain Powers, by the treaties of 1720, . . . . .	18
(a)—England no party to the guarantee of 1720, . . . . .	19
(b)—The guarantee of 1720 does not refer to the annexation of Schleswig by Denmark, . . . . .	20
(c)—But it refers to the protection of the Duke of Glueckstadt in the <i>Ducal portion</i> of Schleswig against the Duke of Gottorp, . . . . .	21
(d)—The oath of allegiance of 1721, confirming the annexation of Schleswig-Gottorp to Schleswig-Glueckstadt, . . . . .	23
Second: the Gottorp portion of Holstein also becomes reunited to the Glueckstadt portion, A. D. 1773, . . . . .	25
IV.—Conclusion of the Argument, . . . . .	27

## PART II.

THE SHAPING OF THE DANISH PROGRAMME FOR THE  
ANNEXATION OF SCHLESWIG-HOLSTEIN.

	PAGE
<i>A.</i> —Introductory Explanations on the Real Issue between the Parties, and on the Danish and Ducal Laws of Succession.	
( <i>a</i> )—The real issue between the parties, . . . . .	29
( <i>b</i> )—The law of succession in Denmark and Schleswig-Holstein, . . . . .	32
<i>B.</i> —The shaping of the Danish programme by the following successive steps :	
(1.)—The Ussing motion for the overthrow of the order of succession and the annexation of the Duchies as Danish provinces (A. D. 1844), . . . . .	34
(2.)—The "Open Letter" of King Christian VIII., in response to the Danish demand of annexation, A. D. 1846, . . . . .	36
(3.)—The Imperial Constitution of January 28, 1848, . . . . .	41
(4.)—The Platform of the Eiderdanes, February and March, 1848, . . . . .	44
(5.)—The King of the Danes adopts the Eiderdanish platform (22d March, 1848), and proceeds to the annexation of Schleswig by main force. The Duchies prepare for resistance, . . . . .	48

## PART III.

WAR AND DIPLOMACY FROM MARCH 27, 1848, TILL  
JANUARY 11, 1851.

(1.)—The battle of Bau, April 9, 1848. Superiority of the Schleswig-Holsteiner over the Dane evinced throughout the war, . . . . .	56
(2.)—The attempt of Germany to establish a Federal Union (1848 and 1849), . . . . .	59
(3.)—The Schleswig-Holstein question a question of German unity, decided by the armistice of Malmoe, September 16, 1848, . . . . .	62
(4.)—The war between Prussia, Germany, and Denmark, until the peace of Berlin, July 2, 1850, . . . . .	68
(5.)—The war of Schleswig-Holstein alone, under the command of General von Willisen, from July 2, 1850, to January 11, 1851, . . . . .	70
(6.)—The settlement of July 29, 1852, between the German Confederacy and Denmark, . . . . .	72

## CONTENTS.

iii

## PART IV.

## THE DUCHIES PROSTRATE, 1852-1858.

	PAGE
(1.)—Contents of the Patent of January 28, and of the London Protocol of May 8, 1852, . . . . .	76
(a)—The Royal Danish Patent of January 28, 1852, . . . . .	76
(b)—The London Protocol of May 8, 1852, . . . . .	78
(2.)—Unsafe basis of the Patent of January 28, and of the Treaty of May 8, 1832 :	
(a)—Analysis of the London Protocol of May 8, 1852, . . . . .	79
(aa)—The London Protocol illegal, . . . . .	79
(bb)—The London Protocol incompatible with the acknowledged principles of constitutional liberty, . . . . .	80
(cc)—The London Protocol of doubtful practical value, being merely a <i>recognition, not a guarantee</i> , . . . . .	81
(b)—Analysis of the negotiations of 1851-1852, and of the Danish Patent of January 28, . . . . .	83
(aa)—The negotiations of 1851-1852, and the Danish Patent of January, not binding upon the people of Schleswig-Holstein, . . . . .	83
(bb)—The Patent of January dependent for its duration upon European conjunctures, and contradictory in its own provisions, . . . . .	85
(3.)—Measures of the Danes to carry out the Patent of the 28th January and the Treaty of May 8, 1852, for the de-Germanization of the Duchies :	
(a)—The efforts of the Elbdanes, . . . . .	86
(b)—The Eiderdanish Constitution of October 2, 1855.	
(aa)—Its general character, . . . . .	88
(bb)—Its insolent violations of compact and right, . . . . .	88
(cc)—Its manner of execution, . . . . .	90
(4.)—Renewal of the contest between Denmark and Germany, . . . . .	92

## PART V.

RENEWAL OF THE SCHLESWIG-HOLSTEIN QUESTION AS  
A QUESTION BETWEEN DENMARK AND GERMANY.

(1.)—Prussia recovers her former position, . . . . .	94
(2.)—The Imperial Danish Constitution of 1855 is found impracticable. Upon the German reclamations of February 11, 1858, Holstein is exempted from it by the Danish Patents of November 6, 1858, . . . . .	95