

H $\frac{604}{143}$

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.

	PAGE
Letter to the Hon. Bradford R. Wood,	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 independent sovereign state; Holstein an independent sovereign state, and a member of the German Confederacy,	12
C.— <i>Personal</i> divisions take place in the Duchies without 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 dissolution 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
<i>First</i> : the Gottorp portion of Schleswig is reunited to the Glueckstadt portion, and that reunion guaranteed 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
<i>Second</i> : 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 Malmoc, 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

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