

DEBATE
ON THE
MACDONALD AFFAIR

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IN THE

PRUSSIAN HOUSE OF DEPUTIES

ON

MONDAY THE 6th MAY 1861.

TRANSLATED FROM THE FULL STENOGRAPHIC REPORT.

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THE MACDONALD DEBATE.

HERR SIMSON, the President: The first order of the day is the reply to the interpellation of Freiherr von Vincke and others which has been fixed upon by the Royal Government for Monday the 6th. I call upon the member for Hagen to state the reasons of his interpellation.*

* The following is the text of the interpellation which had been put by Freiherr von Vincke in conjunction with many of his political friends. "In the public papers has appeared a note of the Royal Ministry of Foreign Affairs, dated the 26th February last, in which the claims of the English Government in the affair of Capt. Macdonald are rejected in dignified and energetic language. The statements made by Lord Palmerston in a sitting of the English House of Commons on the 26th ult. have induced us to put the following questions to the Royal Ministry of State: 1. Is the note of the 27th February authentic? 2. Has any correspondence passed since then between the British and Prussian Governments on this subject; and if so, is the Royal Government prepared to lay the notes exchanged before the House of Deputies?"

FREIHERR VON VINCKE (the member for Hagen): The occurrence, which has given rise to the present interpellation, and upon which, if I am not mistaken, no less than fifty seven notes have been exchanged between the Prussian and British Governments, will be fresh in the recollection of every member in this High House.

I may just state that, in September last, an Englishman, who subsequently proved to be a Captain in the Palace Guard of Her Majesty, Queen Victoria, attempted to prevent a lady from entering a railway carriage at the Bonn terminus. In doing so he laid hands upon the lady; and upon the request of the station-master, who exercises the functions of the railway police, to leave the carriage, he not only refused compliance, but dealt the official a heavy blow upon the breast. The Captain was then arrested at the instance of the station-master, and after being kept in prison for six days, was sentenced to a fine of twenty thalers by the proper Rhenish court to whose jurisdiction the affair belonged. Several other Englishmen, residents of Bonn for some time past, having subsequently inserted in the public papers an advertisement containing a libel against Herr Möller, the public prosecutor, were also fined different amounts. By virtue of the general amnesty, however, they afterwards received a free pardon, and were released from all further consequences of the original sentence.

These are the facts of the case. As I am not in possession of all that has appeared in the English Blue Book upon the subject, I must apologise for not communicating in full the note of Lord John Russell, which has given occasion to the Prussian reply referred to in my interpellation. You are aware that a member asking a question of a Minister is not as favourably situated in Prussia

as in England. Interpellations in England generally arise out of a previous agreement between a member and the Government, and they are arranged so as to furnish an opportunity for saying in public what in most cases has been already embodied in notes and despatches. A member being thus placed *en rapport* with the Government, is naturally in a position to procure all the material necessary for his full acquaintance with the subject. For my part, I am not so fortunate as to enjoy a similar connection with the Minister of Foreign Affairs. The Minister will so far corroborate my assertion as to state the absence of even oral communication between us upon the matter in hand. Not being able then, to impart the note of Lord John Russell in full, I must content myself with giving you a portion only of the document, and which I derive from the columns of an English newspaper. Lord John Russell says that, after having taken the advice of the English crown lawyers, he had arrived at the following conclusions:

“In the first place assuming that the charge of which Captain Macdonald was found guilty by the Prussian tribunal was legally proved, his arrest, trial and subsequent punishment must in that case be admitted to have been matters strictly speaking within the jurisdiction of the Prussian tribunals, and the legality of the proceedings cannot be impugned as far as Prussian law is concerned.

“In the next place the Staats Procurator Möller having been reprimanded for the abusive language used by him in the conduct of the prosecution of Capt. Macdonald, that reprimand may be accepted as a sufficient atonement by the Prussian Government for this misconduct of their subordinate officer, and lastly Her Majesty’s

Government do not deny that the prosecution by the authority of the Prussian Government of certain British subjects at Bonn for libel, although bearing the character of a harsh and vindictive proceeding, appears to have been in conformity with the law of the country, and was not a violation of international law."

One would be inclined to think that, having admitted thus much, the British Government would have allowed the matter to drop; yet the same note proceeds to bring all kinds of accusations against the Prussian Government, and a mere particle affords a sufficient connection between them and the recognition awarded to the fair procedure of the Prussian courts. Quoting from a translation in the *Cologne Gazette*, I find Lord John Russell saying:

"In a moral point of view, and having regard to the relations between the two countries, the conduct of the Prussian Government in this matter appears to Her Majesty's Government to have been in a high degree unfriendly.

"Prussian law was enforced with extreme and unnecessary harshness, and in a manner not required for the purposes of justice. To throw a person of the rank and station of Capt. Macdonald into prison on such a charge, and to refuse his liberation on bail, was an act, which, in England we should ascribe to a malignant spirit, violating the limits of a temperate administration of justice.

"The rude refusal of the Prussian official, when informed of the rank held by Capt. Macdonald in the body guard of his Sovereign, was not consistent with ordinary international courtesy, and is a fit subject to be observed upon, because it has not been disavowed by the Prussian Government. Her Majesty's Government feel confident that no Prussian officer or gentleman of the rank of Capt.

Macdonald would have been treated in a similar manner in England under similar circumstances.

“Her Majesty’s Government must also observe on the spirit which dictated a prosecution for a publication alleged to be a libel upon a Prussian official, when the very act which that alleged libel condemned had been censured by the Government of that officer; and it is further to be observed that that prosecution was instituted whilst Capt. Macdonald’s case was still pending between the two Governments.

“The Prussian Government has not thought fit to temper its justification of these extreme acts by any expressions of regret, and Her Majesty’s Government cannot but regard its conduct as too clearly evincing a disregard of international goodwill.”

To this note our Government has replied in a despatch which, if it agrees with the version given by the public press, I have great satisfaction in calling a document of a dignified and energetic character. This note, which is dated the 27th February, I beg leave to read in full:

“After the explicit communications made upon the affair of Capt. Macdonald to Lord Bloomfield on the 30th November last, and to your Excellency on the 8th December following, I believed there were good grounds for presuming the British Cabinet to have arrived at the conviction, that the untoward occurrence had been treated impartially and in strict accordance with the law both by the Government and the authorities under it; and that the matter which has been so frequently urged would now at length be finally set at rest. This hope, however, has not been fulfilled. As your Excellency will perceive from the enclosure, Lord Augustus Loftus has been instructed

by his Government to read and communicate to me one more despatch upon this subject.

“ Before entering into details, I can only regret that, in this document, although it had been intended for communication to a friendly Government, a tone has been adopted by no means in accordance with those regards which friendly Governments are generally in the habit of considering as incumbent upon themselves in their official intercourse. A tone of this character appears to be all the less justifiable in the present instance, in as much as the views and assertions brought forward in the despatch in question, are nearly all in contradiction to the true facts of the case as previously communicated to the British Government from the official evidence. I shall confine myself to proving this by a few brief comments upon the four points adduced in the despatch.

“ 1. By the evidence of Herr Buchholz and Doctor and Frau Parow, it is proved that, from the outset, Capt. Macdonald tried to prevent all three from entering the carriage both by menaces and by resort to violence. Notwithstanding this conduct on the part of Captain Macdonald, the station-master, whose interference was requested, politely endeavoured to remove the cause of the difference by the tender of his good offices, even going so far as to offer to place another compartment at the disposal of Capt. Macdonald and his party. He on this account desired Herr Kuhe not to re-enter the carriage, when Capt. Macdonald dragged his brother-in-law in, at the same time dealing a blow at the station-master. After such behaviour nothing remained but to give the order for Capt. Macdonald's removal from the carriage. When the requests of an official are replied to by an attack upon his person, such an order must be regarded as an un-

avoidable measure for the restoration of the public peace that has been grievously violated.

“2. It is simply an error, and nothing more, to suppose that bail was ever offered by Capt. Macdonald. On the contrary, on his being requested at the station to deposit 10 thalers by way of bail, Capt. Macdonald remained silent making no answer at all; while his sister, Frau Kuhe, who was with him, said to the station-master: ‘You only want to cheat us out of some money.’ Capt. Macdonald was then arrested, and neither he, nor his counsel, ever once tendered bail during the whole course of the proceedings.

“3. The expressions used by Herr Möller, the public prosecutor, with respect to the behaviour of individual (by no means of all) English travellers, have been admitted as improper by the Prussian Government itself. In strict observance of the law, an inquiry was instituted by the proper authorities, and punishment awarded to Herr Möller according to the penalties legally provided. With respect to this incidental occurrence, then, due satisfaction has been given, and the thing is entirely at an end.

“4. The English residents at Bonn may be rightly supposed to have a sufficient acquaintance with the state of the Prussian law to know for certain that, although every one in this country is permitted to put forward his grievances in the papers, a legal punishment is incurred by the publication of libels in the shape of advertisements. If, then, offensive accusations were rashly published against an official, the Englishmen who signed the protest, have none but themselves to thank for the consequences of their indiscreet behaviour.

“In this respect too the Prussian Government merely allowed the law to take its due course. Altogether the matter belonged to the

courts of law, with whose functions the Government as such has no authority to interfere.

“This being the manifest state of the case there can be no question of the law having been carried out with undue severity, as Lord John Russell has undertaken to state. As regards the rank and position of Capt. Macdonald, these were utterly unknown at the moment of the arrest which became necessary in consequence of his own conduct; and his violent behaviour was not calculated to suggest the presence of those qualities in his person. The request to give bail to the amount of 10 thalers he would not comply with; and after once being given up to the court, it was a matter of impossibility for the Government of this country to interfere with the due course of justice. Owing to its close and friendly relations with England, the Government has not only, in a note adressed to Lord Bloomfield on the 30th November last, expressed its lively regret that the affair admitted of no option in the course of the procedure; but it has also taken pains to alleviate the situation of Captain Macdonald by hastening the several stages of the inquiry.

“For the rest, it is impossible for me to perceive the justice of the reproach relative to the prosecution being continued against the residents of Bonn, while the affair of Capt. Macdonald was still pending. The administration of justice in Prussia is quite as independent of any interference on the part of the Government as in England; and to stop the progress of a cause in the hands of a court, the Government of this country has neither claim nor authority. Besides, the decision of the affair resting not with the Government but with the courts, our object in this correspondence with the British Govern-

ment could be no other than to give it the desired explanation on the true state of the case.

“After all this, I feel it incumbent upon me unconditionally to protest against the view that has been expressed of Prussia, by any act of omission or commission in this affair, having violated the regards due to a friendly power like England. That such a view should have sprung up in the English press is intelligible enough, from the facts of the case being exclusively communicated to it through the onesided representations of Capt. Macdonald and the English residents at Bonn. Some of the English papers have even refused to insert in their columns statements on the other side of the question (*Hear, hear*).

“I perceive with feelings of the most lively regret that the communication of evidence given in a public court and showing the true facts of the case, should not have availed with the British Government in preventing a judgment in direct contradiction to the result officially obtained; and this notwithstanding that the advice of the Law Officers of the Crown had been taken upon the subject (*Hear, hear*).

“I request your Excellency to read this note to Lord John Russell and to transmit to him a copy of the same.

“Berlin February 27th 1861.

“For the Minister of Foreign Affairs

“*von Gruner.*”

From this note, Gentlemen, the authenticity, I think, of which may be presumed to be certain, you will have derived a twofold conviction. First of all it is manifestly free from the monstrous logic under which the arguments of Lord John Russell labour—the same Lord John who, while saying that the legality of the

Prussian procedure is admitted by the officers of the English crown, has been none the less pleased to hurl back upon the Prussian Government the reproach of that very legality. I furthermore believe that I am right in looking upon the note as a document refuting with dignity and energy the accusations brought forward by the British Government, and that (which, with reference to the usages of international intercourse, must be duly taken into account) there is nothing whatever of an offensive character contained in it, although I believe there would have been some ground in the tone of the English despatch for the insertion of such matter.

One would have thought that, after this final rejoinder, the dispute would not have been brought forward again. However it does not enter into the amiable qualities of our neighbours to confess themselves in the wrong. On the contrary they have the pretension to believe that, under all circumstances, it is they that possess the right of the last word. On this account, it is no matter for surprise that, after the comprehensive treatment of the affair, in fifty seven despatches, and a previous discussion in the House of Lords, it should have been revived in a sitting of the House of Commons on the 26th inst. On the latter occasion an interpellation was put to the British Cabinet by Lord Cecil and Mr. Malins, two members whose names I have not been able to discover in any of the later debates in spite of laborious exertions. The views taken by these members being those of private persons speaking without official authority, it is unnecessary for me to enter into an explicit critique upon their remarks. Among others of the same kind they have thought the supposition a correct one, that a general feeling of animosity prevails in Prussia against England. They are

of opinion that, even if the people of Prussia might not be inimical to England, yet an unfavourable antipathy prevails among the authorities; that under these circumstances there is serious danger of English travellers meeting in Prussia with brutal and barbarous treatment (*Laughter*), and that the English Government, in consequence, had serious cause for warning its subjects against paying a visit to this country.

One is necessarily astounded at the reply made by Lord Palmerston on the expression of these opinions. This being an official statement of the First Lord of the Treasury of Her Britannic Majesty, I have compared the translation that appeared in the *Cologne Gazette* with the original published by the English papers. I am, therefore, in a position to say that, with the exception of two passages not of essential importance, and which are somewhat toned down in the translation, the latter is a faithful rendering of the contents. The noble Lord said:

“With regard to the other question put by the noble lord (Cecil) in reference to the case of Capt. Macdonald, I may observe that all the transactions connected with it have been laid before Parliament, and I can only say that I don't think that any expressions which have been used by the noble lord in discussing this matter are a bit too strong in stigmatising the conduct of the Prussian officials. It does not become us to stand here and throw hard words at Herr Möller or anybody else: but I can only say that I agree with the opinions expressed by my noble friend in concluding his despatches on the subject. And although we are told that, throughout the whole of the proceedings, the limits of the Prussian law have not been transgressed, it yet appears to me that

they were of a most unfriendly character on the part of the Prussian Government, of a character most unworthy of a Government allied with England (*Hear, hear*).* I am astonished that a Government like that of Prussia—represented in its foreign department by a distinguished nobleman who spent many years in England in a diplomatic capacity, and who therefore must know the feelings and habits of the country—looking as it was bound to do at all the circumstances, should not at once have said: ‘Our officials have not overstepped the law, but *summum jus summa injuria* (*Great merriment*). We know if a similar case had occurred in England that the English Government would have gone before our demands (*Laughter*) to make every honourable apology and compensation, if compensation was due, and we feel it due to ourselves, to our own honour as a great Power in Europe, to tell you that we entirely condemn the conduct of our officials, and we are ready to make every satisfaction which between gentlemen and gentlemen Capt. Macdonald can require from us.’ (*Laughter.*) The Prussian Government had every motive for taking such a course as that. It is impossible to cast your eye over the face of Europe and the bearings of the relations of the Powers to each other, and not to see that it is the interest of Prussia to cultivate not only the friendship of the English Government, but the good opinion and good feeling of the English nation. And therefore I can say that their conduct in this affair has been that which has been characterised by a distinguished French diplomatist as more than a crime, namely a folly. The honourable gentleman wishes to know

* The cheers are those accompanying the reading in the Prussian House of Deputies.

what are the steps which the British Government have taken in this matter. It is impossible to demand from the Prussian Government either compensation or apology, if they are unwilling to make it, because we were told by the law officers of the crown that, however harsh, unjust, arbitrary, or violent, their proceedings were, still they appeared to the officers of the British Government to be within the limits of Prussian law (*Great merriment*). One regrets the state of the Prussians (*Ironical cheers and continued laughter*). But that being the case, it was impossible for the British Government to press any demand upon the Government of Prussia. Well then what warning ought we to give to English subjects? Why I think the notoriety which this transaction has received both in the newspapers all over the country and in the discussions in this House, is as great a warning as could be given individually to gentlemen passing through Prussia (*Great merriment and repeated bursts of laughter*). I think, however, that a warning will have been given to the Prussians, when they know, as they do, the universal indignation with which this proceeding has inspired every British subject. I think that whatever party influences have occasioned this proceeding—and no doubt such influences have been at work—that which has happened is not very likely to happen again.”

This, then, is the tone adopted by the First Lord of the Treasury of Her Britannic Majesty. Before proceeding farther, I beg leave to offer a few remarks upon the words I have just read.

Lord Palmerston says, that the officials—the officials generally speaking, and without a simple individual being particularised—ought to have been reprimanded by the Prussian Govern-

ment; and that the Prussian Government, as one of the great Powers in Europe, ought to have said that it entirely disapproved the conduct of its officials. But in the same breath the noble Lord, referring to the opinion of the law officers of the English crown, who were the true arbiters in the matter, expressly offers the same observation which also occurs in the note of Lord John Russell: namely, that the conduct of the Prussian authorities is fully borne out by the provisions of the Prussian law. Under these circumstances I may as well ask for the reason why the Prussian officials should have been reprimanded by their Government? Unless the reply is, because they did their duty, I am entirely unable to conceive what it can be.

But the affair of Capt. Macdonald is connected with another occurrence which ought to be taken into account in considering the justice of the English remarks. As may be seen from the note, Herr Möller, the public prosecutor, while conducting the case in court, has made use of one expression which I do not wish to repeat, as it might be calculated to give unnecessary offence — an expression having reference to individual Englishmen, or rather to improper conduct on the part of individual English travellers. Herr Möller has on this score been reprimanded by the Government. He is the only official that may be said to have overstepped the strict line of his duty in the present case; and I cannot but approve of the reprimand administered to him. It is now a long time ago that our great Justus Möser warned public writers against indulging in sweeping satire upon whole classes. Generalising this opinion, I am inclined to believe that no invectives should be dealt against whole nations, and that entire classes in

foreign countries should not be judged from individual specimens which we happen to meet at home. In this respect I admit that the expressions used by Herr Möller are open to censure.

But if Herr Möller is to be blamed on this account, we should not fail to look to the other side of the question; and in doing so we shall be compelled to admit that, if there is an element of doubt in the matter, the judgment passed by him is somewhat justified by later occurrences in England. If the British Government identifies itself with Capt. Macdonald and supports him in his conduct—if that Government hurls every sort of vituperation against the Prussian Government, but has not a word of censure for the Captain who laid hands upon a lady (*Cheers and laughter*)—then I think there was some allowance to be made for Herr Möller in generalising in some way the individual instances that had come under his experience. For otherwise the English nation ought to have been the first to disavow a countryman who had so rudely insulted a lady (*Continued laughter*). But so far from this being the case, we find that Lord John Russell allowed himself to correspond with Captain Macdonald upon the subject, and, if I am not amiss, communicated to him the note of the Minister of Foreign Affairs of the 27th February, accompanying it with the remark that the Captain might be assured of his having done everything in his power to see justice done to him. I believe that if the British Government takes up with such partiality the cause of an Englishman, who to say the least of it, has infringed upon the most ordinary rules of international politeness, Herr Möller may certainly lay claim to a lenient consideration of his conduct (*Lively marks of assent*). Upon the whole I cannot conceive how a nation

which has been always justly renowned for its respect for the law, and which, generally speaking, is acknowledged to deserve that reputation—I say, how could such a nation have been induced to demand that an official should be taken to task for the proper exercise of the duty incumbent upon him by virtue of his office? And how could such a demand have been extended to all the officials concerned in the matter, as has been repeatedly and expressly done in the discussion of the case? When I was a boy, my father showed me the staff of an English constable which he had brought with him on his return from a visit to England, saying that if a constable touched with his staff the shoulder of an Englishman, the latter was obliged to follow him instantly and regard himself as a prisoner. I never forgot the impression produced upon me by this remark, and I recollect to this very day the admiration I then felt for the respect of the law which I inferred to be generally prevalent in England. This traditional reputation of its country the English Government—I cannot help saying what I feel to be the case—runs the risk of lightly throwing away by its present attitude (*Hear, hear*).

Then again it is demanded that satisfaction should be accorded to Capt. Macdonald, such as may be given between gentlemen and gentlemen. I have never myself been in England, and consequently possess no personal experience of what the English include under the word ‘gentleman’; nor will I undertake to give a German rendering of the signification attaching to that term. But this I know that what in Prussia and Germany at large is comprehended in the expression *anständiger* or *gebildeter Mann* (man of honour and education) is not compatible with an attack upon a lady

(*Very good*). Never having been in England, as I said just now, I am of course not in a position to say whether such behaviour as this comes under the notion of 'gentleman' (*Great merriment*). But if it has been acknowledged, indirectly at least, that the Prussian authorities were within the limits of the Prussian law in punishing Capt. Macdonald, the inference to be drawn from this admission would, I think, be this, that whether gentleman or not, our Government cannot make apology or compensation to a man who has been legally adjudged.

Again it is urged that if not the Prussian authorities, the Prussian Government, at all events, have been guilty of offensive conduct. In the very beginning of the speech we are told that, although throughout the whole of the proceedings the limits of the Prussian law have never been transgressed, they yet were of a most unfriendly character, of a character most unworthy of a Government allied with England. To this I can only reply that, whatever its willingness to defer to the rules of international politeness, it was a downright impossibility for the Government of this country to violate the laws of the land; and it is also necessary to draw attention to the fact that the question hinged upon an offence committed against the persons of Prussian subjects, upon a rude insult, indeed, against Frau Doctor Parow and the master of the Bonn station. Whatever be its politeness towards foreign Governments, the Government under all circumstances owes it to its subjects, that any one guilty of an offence against their persons should be duly punished and held responsible for his acts. God grant that the interests of Prussians be always thus dearer to the Prussian Government than international politeness. I am really astonished that it should have been necessary

to explain so simple a principle to the British Government, which is not only in the habit of always taking up the cause of its subjects on each and every occasion, but has also adhered to this practice in the present case, when, as it appears, the English parties to the dispute happen to be very much in the wrong. On the other hand, it must be repeated that, even if the Government had had the will, they would not have been able to do what people in England think themselves entitled to demand. The English seem to imagine that a public prosecutor in this country is in a position entirely dependent upon the Government, and that nothing more is required than the command of a Minister to delay or entirely to interrupt the administration of justice. In the old provinces of this kingdom, as I have had occasion to remark quite recently, the state of the law is certainly capable of improvement in this respect; but in the province of the Rhine persons offended have the right of bringing an action independently of the public prosecutor, and if they did not avail themselves of this privilege on the present occasion, the cause probably is that they relied upon the legal proceedings to be instituted by the official charged with the same. Supposing the public prosecutor, in dereliction of his duty, not to have placed Captain Macdonald under accusation, the right of impeachment would have forthwith reverted to the persons offended. Nor are these indeed all the impediments to Government interference with the matter. Had it even been possible to prevent the public prosecutor from entering his accusation at the court—for the matter once in the hands of the court, no such direction could be of the slightest avail—the Rhenish Court of Appeal in the first solemn sitting and in accordance with the distinct letter of the law, would

have been fully authorised, and I think I may say, in the present case constrained to take up the matter by itself, and to order an accusation to be brought notwithstanding the guilty omission on the part of the public prosecutor. From all this it follows that, even had it been the intention of the Prussian Government to oblige the Government of England by a curtailment of the rights of its own subjects, it would have been incapacitated from adopting such a course under the laws having authority in the province in which the occurrence took place.

But the noble Lord has not contented himself with hurling his reproaches against the Government of this country: he has said, and this is a reproach uttered against Prussia as a nation, that he pities us for the laws under which we labour (*Laughter and merriment*). Gentlemen, I think we are in a position in which we can dispense with pity. It is impossible to cast your eye over the laws of England and to compare them with the state of the Prussian code, and not to see that the administration of justice in this country is not clogged by a chaos of conflicting statutes, many of them dating several centuries back, and the whole tending to form such a confusion of provisions and counter-provisions that an English lawyer must be a man of years and experience to be able to find his way in this chaos of difficulties. The Prussians enjoy the possession of a few simple codes couched in popular language and easily intelligible to every one. Again, all Prussians are equal in the eye of the law; and while no regard is paid to rank and position in our courts, a British peer cannot be impeached except before the House of Lords. In Prussia, a poor man is able to go to law and get justice done to him; but in England, it takes a rich man to engage in a lawsuit

and carry his point (*Very true*). No subject of Prussia can be shut up in a lunatic asylum, unless a judicial sentence has been previously obtained for the purpose; in England it has been possible for an honourable scholar, at present residing in Berlin, to be confined in a lunatic asylum for no less a period than 13 years and 8 months, and that without right or justice, and while all the time in the full possession of his senses (*Hear, hear*). The gentleman now gets a pension from England, the British Government having at length arrived at the conviction that an act of injustice had been committed against him. Then again, in the case of theft or arson, there is no necessity in Prussia for a private individual to come forward and take the odium of the accusation upon himself; while in England crimes of this character remain occasionally unpunished, owing to the absence of a public prosecutor, who with us is obliged by his office to bring an impeachment in all cases coming under his notice. Another superiority of the administration of justice in Prussia is the latitude left to the judgment of the courts. In this country it is not by the mere letter of the law that a man is impeached or not; but the courts are at liberty to look upon the peculiar circumstances of each individual case and decide accordingly.

This very liberty granted to them has been acted upon in the present instance. As you are aware the original accusation brought against Captain Macdonald was that of using violence towards an official in the execution of his duty, a crime punishable with a fortnight's imprisonment at the least. Yet the court declined to regard the conduct of Captain Macdonald as one amenable under that head; and disregarding the letter of the law in accordance with the practice of our criminal procedure, which in this respect appears to

be more perfect than the English, pronounced the act to imply nothing but "an offence committed against an official in the execution of his duties," giving, at the same time, the offender the benefit of "extenuating circumstances." The consequence was that, notwithstanding facts of a highly aggravated character had been deposed, the Captain received no graver punishment than a fine of twenty thalers. In this the court probably was prompted by the supposition that for an English traveller not fully conversant with the language of the country it would be unfair to expect a sufficient acquaintance with the laws of the land.

Nor do I at all concede that the provisions of the English law are any milder in offences of this nature; and I believe that the same case would have been visited with the same punishment in England as in Prussia. I recollect when an English officer of the Guards, who dealt a blow with his whip at a policeman for snatching at his horses' reins in a crowd, was sent by an English magistrate to the House of Correction for a period of eight days. I say, the offender was an *officer in the Guards*. As regards the severity of our laws, I am, therefore, of opinion that there is no cause for the English to complain of the same. Another case I recollect which I read in the last number of a law journal published in Berlin, and which may be regarded as a trustworthy source, inasmuch as it enjoys the patronage of Dr. Mittermayer, the great and justly renowned professor of criminal jurisprudence. Well, as the paper states, an Englishman shoots a partridge, and being brought before the bench is sentenced to the enormous fine of £ 20 sterling (*Laughter*). The fine may be enormous; but then there is another provision in the English law obliging the culprit, who may be a poor man and unable

to pay, to go to prison until he can procure the means for satisfying the claims of justice. By virtue of this law the man who shot the partridge has been spending his time in the county jail for six months already (*Laughter*). If you compare this law with our own referring to the preservation of game, you will find that we have no need to blush for ourselves.

Lord Palmerston has coupled his remarks with the supposition that that which has happened is not very likely to happen again. This supposition will be fulfilled in the event only that no Englishman renders himself guilty of such unbecoming behaviour (*Laughter*). We are, however, quite ready and willing to give English travellers the benefit of the surmise, that there will be no repetition of such scenes, and that they do not imagine that the next Englishman committing himself in a similar manner would be a second time allowed the benefit of "extenuating circumstances." I really believe that, after the great notoriety of the present case, after the fifty seven notes exchanged upon it, after the speeches delivered upon it in Parliament and the interest always evinced by Englishmen for the contents of the Parliamentary reports, English subjects must be supposed to be sufficiently acquainted with this part of the Prussian law; and, in the event of a similar disturbance again taking place, there would be no ground for supposing them to be ignorant of our arrangements and consequently no ground for our judges to admit the plea of extenuating circumstances. However this may be, God grant that our Prussian courts, that enjoy the traditional reputation of meting out justice with impartial hand, will not allow this honourable distinction to be lost, and that an Englishman may be punished just as severely as any of our own subjects (*Bravo!*).

It has been further said that a warning has been given to Englishmen intending to travel on Prussian territory. Of course I am no judge as to their feelings, nor do I care to inquire whether or not we shall be the losers by their absence. I leave it for those who have had the honour of travelling with Englishmen to decide whether, if there should be a lesser number of British tourists in this country, a diminution or not will result from this circumstance of the pretensions one has to suffer from in the hotels, of the want of consideration, one is accustomed to experience on the way, of the airs of exclusiveness put on by the travelling public. Englishmen are, of course, the best judges as to the advisability of keeping away from our beautiful Rhine, because a rude countryman of theirs has received a mild punishment in this country; although I am disposed to believe that there is no occasion for our entertaining any very great apprehensions in this respect.

I should believe myself guilty of making a onesided statement, were I to omit coupling my extracts with the utterance of a more impartial member of Parliament. I regret that, owing to the disorganisation of party in England, it should not have occurred to Mr. Disraeli, the leader of the Opposition, or to a member of the Manchester party, or some other independent member, such as Mr. Roebuck or Horsman, to look over the Blue Book a little closer, and to support the English side of the question in the interest of their country. It was Mr. Scully alone who spoke upon the matter, and whose words I shall communicate in a translation taken from the same paper, and tested by the text of the English original. Mr. Scully said:

“He hoped that no course would be taken by the Government,

that would seem to imply a *causa belli*, so that the good feeling which existed between the two countries would be disturbed. He believed that the case had been wholly misrepresented to the House, and as the noble lord at the head of the Foreign Office may have to deal seriously with the subject, he (Mr. Scully) hoped he would take the trouble to inform himself upon it, before he came to the conclusion that the British Government was in the right, the Prussian Government in the wrong. That Government had no opportunity of giving any answer or being heard in that House. He thought that it would be the duty of every member of the House, on the evidence which had been presented to it, to come to the conclusion that there was no ground for blaming the conduct of the Prussian Government in this case, which had done what it could consistent with not setting aside the laws and institutions of that country. The case had been tried three times, and the evidence was of a most contradictory nature; yet our Government had assumed that the Prussian evidence was all false. In many cases Prussian officials had been strictly punished, short of actual imprisonment, on complaints of this character. Personal violence had been used by Capt. Macdonald, for it had been sworn that he put his hand on the shoulder of Dr. Parow's wife to remove her from the railway carriage, and that he had given the station master a violent blow on the chest, which he had felt for some days afterwards. He thought Capt. Macdonald's punishment a very lenient one. He complained of the arrogant tone of the despatches of the noble Lord at the head of the Foreign Office, which was calculated to estrange two friendly powers who were closely allied" (*very good, very true*).

With reference to the last few words of the speech just quoted,

I have now to advert to that passage in the speech of Lord Palmerston which appears to be the most important of all for the Government of this country. The passage, which I beg leave to repeat, runs thus:

“It is impossible to cast your eye over the face of Europe and the bearings of the relations of the Powers to each other, and not to see that it is in the interest of Prussia to cultivate not only the friendship of the British Government, but the good opinion and good feeling of the English nation. And therefore I can say that their conduct in this affair has been that which has been characterised by a distinguished French diplomatist as more than a crime, namely a folly!”

It is notorious that I have always belonged to the number of those attaching great weight to a close alliance of Prussia with the nation and Government of England. Such a policy, I may almost say, is native and traditional to me. After the numerous works published last century upon the English constitution, my late father, if I am not mistaken, was one of the first in this country to propagate a knowledge of the working of the self-government principle in England, and to recommend the same as a fit example for imitation in Prussia. You will not suppose the son of this man to be animated with a feeling inimical to England, although he may have been today under the necessity of confronting the British and Prussian Governments in their conduct in the present affair. Ever since my first entrance into public life I have availed myself of every fit opportunity for expressing my respect for the English. I have always directed public attention to the great and prominent qualities of that nation, to the great amount of politi-

cal liberty they enjoy, and which is based upon old and conservative institutions, to their maintenance of the right, and their unshakeable respect for the law; and I have also loved to remind my countrymen of the glorious part played by England in the modern history of Europe. But whilst fully aware that the English are fond of looking upon themselves in the light of their own brilliant past, it is at the same time impossible for me to forget that Prussian history has been always closely connected and intertwined with that of England. I should think every Englishman knows that our Great Elector Frederick William—the uncle of William of Orange, and the guardian and mentor of his youth—that the Great Elector it was who first called upon the great Prince to take up the cause of the English people against the suppression of their political and religious liberty by the Stuarts. By the way, the fact had better be noted by those, in our own midst, who adhere to the legitimacy principle as the one and exclusive guiding star of action. Looking at the advice then given by the Great Elector, they should feel it their duty to ask his ghost for pardon. Englishmen, I hope, are aware that it was Brandenburg soldiers—that it was the Great Elector and his son, Frederick III., subsequently the first King of Prussia—who with Brandenburg soldiers covered the Dutch fortresses, and made it possible for William to leave for England. They are aware, no doubt, that Brandenburg dragoons accompanied William on his expedition; and they will not deny that from William, though he was no Englishman, the era of Parliamentary liberty has taken its rise in England (*Very true, very good*)—and that from William dates the great rôle which England has played as the preserver of the balance of Power in Europe. In all the wars waged

by England for this cause against Louis XIV; Brandenburg fought at her side as the defender of European liberties; and Brandenburgers have taken part in those most glorious campaigns of Marlborough in the Spanish war of succession. And if I come down to a later period I may remind you that William Pitt, afterwards Lord Chatham—the same who has been styled the first Englishman by Macaulay—sealed the bond of Anglo-Prussian Alliance in the time of our own Frederick the Great, that he assisted him in the Seven years War, and that he called him the most magnanimous ally whom England ever possessed. Passing on in the annals of history I may point out the fact that the same friendship was continued and handed down to a time still less removed from the present. For the third time in a great war we stood together against France, and remained the allies of England throughout the reign of Napoleon I. We know, gentlemen, that upon the field of Waterloo it was not the English alone, but the Prussians also who shed their blood, and that Wellington had to thank Blücher for the victory so hardly won. We know that he himself admitted the fact in his famous, “Would to God, night or the Prussians were come;” and that, by reason of this alliance and the common struggle against a common foe, we have bestowed upon the battle of Waterloo the significant name of Belle Alliance.

Gentlemen! by all these facts from history it will have been proved that we have in some degree helped England towards the acquisition and maintenance of her power and liberty. Englishmen ought not to forget facts such as these; and while recollecting the past they ought to keep it before themselves that the first-born daughter of Her British Majesty, the illustrious consort of our

Crown Prince, is one day destined to adorn the first protestant throne of the continent as the Queen of this kingdom.

Leaving interests which may be partly of a dynastic character, and proceeding to cast a glance over the face of Europe, I may be permitted to remind you that, at about the same time when that well known impertinent note was indited by Lord John Russell, I in this House pointed out the necessity of an Anglo-Prussian alliance, recognising, however, that necessity to be of less urgency for my own country than for England herself. I am persuaded that there is nearer occasion for England to cultivate a Prussian alliance than for Prussia to unite herself to England. Unless Lord Palmerston be resolved to waive the political traditions of England, he is, I should think necessitated to follow the example set to him by William of Orange and the great Pitt, politicians whose shoes the noble Lord is in my opinion not worthy to unloose (*Laughter*), and whose first and foremost principle has always been to prevent the rise of a Power of overwhelming influence upon the Continent. It is clear that, once in the possession of continental supremacy, it would be the object of such a Power to add the command of the seas to the might of its armies. It is clear that such a Power would be driven to strive after the destruction of the English fleets, and that, as has been illustrated in former wars between England and France, no powerful despot will be ever inclined, or indeed in a position, to submit to the existence of a free state at his very side.

It would not be asking too much of Lord Palmerston to remember that we in Prussia enjoy the advantage of legitimate sovereignty, and that we live under a monarch who has taken the constitutional oath to preserve the law, and will keep it. It is not

we who are governed by a race of princes that have acquired their throne by a breach of oath; it is not we that are the inhabitants of a state composed of ten different nationalities inimical to each other, and who although now brought under one common roof of a constitution have still to show in what sort of harmony they will be able to go on together; nor is it this country where new rights have just been granted to a caste oppressed for centuries, and where it has become necessary to wait for the successful result of the fermentation thus created. In this briefest sketch I have given the characteristics of the Great Powers, England and Prussia alone excepted. Supposing England to stand in need of a continental ally, which then of the Powers would it be safe for her to resort to under these circumstances? Prussia, or one of the others?

Prussia may be treated by England with haughty reserve; but for all that England cannot prevent us from being aware of the cause of the military movement lately calling so many thousands of volunteers to arms. Every Englishman is morally certain that the danger of an invasion from the other side of the Channel will, perhaps, be one of imminent urgency within the lifetime of the present generation. We are pretty well acquainted by this time with the traditional tendencies of the French people; and although there are reasons for suggesting the advisability of a French Coalition at this moment, Lord Palmerston is probably fully conscious that a coalition with France has not the elements of eternal friendship in it. Is it not Lord Palmerston himself who, in a sitting of the House of Commons, has insisted upon the necessity of putting the English coasts in a proper state of defence, thus unmistakably directing the attention of the members to the possible imminence

of danger? How, then, indulging in a haughtiness which I do not care to characterize by the right epithet, dare he represent Prussia as being in the extremity of need for the assistance of England? The truth is, that having no navy ourselves and seeing that England possesses no army to speak of for home service, we seem to be in the best possible conditions for affording each other mutual help. After all, we have nothing to fear from any jealousy on the part of England, just as little, indeed, as she has to apprehend on our side.

If these are incontrovertible facts, the English should repent of their haughtiness, and remember that, "pride goeth before a fall." They ought to think that to throw a slight upon the laws of a neighbouring country is not the best way to secure an ally.

With this I believe I have sufficiently demonstrated the importance of the case before us, and all its details. I am convinced that no disavowal will be placed by the Minister of Foreign affairs upon the note which he is alleged to have written; and I hope that he will be in a position to acquaint us with the course adopted by him in meeting the utterances of Lord Palmerston, which I have taken the liberty of reading to you. Rarely as we have the good fortune of receiving by the Minister of Foreign Affairs a communication on the part assumed by Prussia in the progress of European policy—a reticence which I do not think to be always in the interest of the Government—I still believe that the Minister will be pleased at the opportunity afforded to him of making an exception in the present case, and that we may indulge in a hope that he will enter upon an explicit and comprehensive statement upon the matter in hand. Whatever may be the difference

of political creed among the members of this House, they all agree in looking upon the present affair as one of equal importance for each and every party. In it we all know the honour of our country to be at stake. (*Prolonged cheering*).

HERR SIMSON, the President: The Minister of Foreign Affairs is called upon to reply.

FREIHERR VON SCHLEINITZ, the Minister of Foreign Affairs: Gentlemen! The Government is obliged to the last speaker, and the members who have joined him in the same interpellation, for bringing the notorious affair of Captain Macdonald before this High House. The excessive, though undeserved importance, which has been attached to this affair from another side; the exaggerations, and falsifications, indulged in by the English press, and which have resulted in misguiding the judgment of the English people; and lastly the discussions that have been occasioned in either House of the British Parliament by the present case—all these are so many reasons which I think have rendered it impossible for the Prussian Landtag to remain inactive spectators of the occurrence.

The Government is in a position generally to assent to the reasons brought forward by the last speaker in support of his interpellation (*Applause*); but it will be understood by this High House that I do not follow the honourable member on this occasion through the field of political discussion, and still less through that of political controversy. However that may be, from the high respect and marked predilection ever evinced by Freiherr von Vincke for Englishmen and their institutions—a feeling which I am particularly gratified to per-

ceive he entertains at this very day—he was undoubtedly the fittest speaker in the House upon the subject. There is no member in the House less likely to incur the suspicion of allowing himself to be swayed by national prejudice or dislike against England. (*Applause.*) I therefore believe, Gentlemen, I am right in the supposition that to-day the honourable member has not spoken for himself only, and in the name of his political friends, but that he has given an expression, as true as it is eloquent, to the feelings and sentiments entertained by all the members of this High House, nay indeed by the country of Prussia at large. (*Applause.*) By the voice of the honourable member the people of Prussia have evinced their determination to rebut, with all energy and the strongest indignation, the onesided, unjust, and passionate judgments that have been passed upon this matter by a great portion of the English public press. They show that they entirely disclaim the imputations derived from these judgments against Prussia and the Prussian Government (*Applause*), and that they fully and unconditionally approve of the conduct of their Government throughout the whole affair.

As may easily be comprehended the feelings aroused by these manifestations of the English press and some members of Parliament have been greatly aggravated by the general and painful surprise of all Prussia at the utterances which the first Minister of the British crown has taken it upon himself to deliver in a recent sitting of the House of Commons. (*Very true.*) These utterances I cannot but deeply regret; for both in form and contents, they are but too much calculated to give rise to the supposition, that Lord Palmerston, who himself directs the destinies of a great country with so high and as I willingly admit, with so just a feeling of

pride, either does not seem to recognise the existence of the same self-respect in a nation equally great and in every way equally dignified as his own; or that, though he may acknowledge the existence of that feeling, does not regard it as justifiable. (*Applause.*) And yet it can hardly escape the attention of so profound an observer of the relations in society and state, that no connection between individuals or peoples can be safely established and permanently preserved, except upon the moral foundation of mutual respect. (*Very good, very true.*) Gentlemen! far be it from us to undervalue the amity of any state, and least of all to think lightly of the high importance to be attached to that of free and powerful England. But above all we may congratulate ourselves, and thank God, that the friendship of no state, that the connection with nobody, is so valuable and so indispensable for Prussia that we need buy it with the sacrifice of our independent convictions, with the loss of our self-respect and the abandonment of those regards which we owe to our dignity and to our position among the Powers of this part of the globe. (*Great Applause.*)

But all this has been already fully dwelt upon by the honourable member with his usual ability. I, therefore, now pass over to the questions contained in the interpellation, and in reply to the first may acknowledge the authenticity of the Prussian note of the 27th February which has made its appearance in the public papers. I may also add that it is a merely accidental circumstance which occasioned the signature of the note by the Under Secretary of State in the Ministry of Foreign Affairs.

As regards the second question, no correspondence has taken place upon the present affair between the Prussian and British

Governments since the 27th February last; but I have been induced by the above mentioned utterances of Lord Palmerston to address a despatch to Count Bernstorff, the Prussian ambassador in London, which I have no hesitation in bringing to the knowledge of this High House. I beg leave to read the document in question. It is dated the 1st May, and the contents, which I give word for word, are as follows :

“It is with great surprise and lively regret, that I have seen from the public papers the manner in which Lord Palmerston has replied to certain interpellations that were addressed to him respecting the affair of Captain Macdonald in a sitting of the House of Commons on the 26th inst. We could not expect him to share in this matter the views of the Prussian Government; but we had the right to suppose that, having been fully acquainted by us with the facts of the case, the Prime Minister of England would have kept himself aloof from heaping unfounded reproaches upon the Government and laws of Prussia. (*Hear, hear.*) He himself has not been able to gainsay the proceedings of the Prussian authorities that they were not in accordance with the tenor of the Prussian law. And indeed the mildest interpretation has been put upon the act of Captain Macdonald by the Prussian court, and a sentence has been passed not exceeding the limits of an insignificant fine. Again, the signers of the offensive protest were condemned by the judge, but being included in the General Amnesty of the 12th January last, have been remitted the fulfilment of their sentence. The Prussian Government lastly, which has done all in its power to shorten the arrest of Captain Macdonald, unreservedly expressed its regret to the British Government on the occurrence. Such being the manifest state of

things, that very speech of Lord Palmerston has not been able to demonstrate the justice of the reproach that the Prussian Government has omitted to do what became it as a great Power, and one too allied to England. (*Hear, hear.*)

“If allusion to myself has been made on the same occasion by this eminent statesman, and that in a manner for which I cannot but be personally obliged to him; and if, more especially he appeals to my acquaintance with the feelings of the English people: I, for my own part, cannot suppress the remark that, during a several years stay in England in an official capacity, nothing has filled me with greater admiration than the love of right and the respect for the law so deeply rooted in the English mind, and which is eminently displayed in their invariable acquiescence in the decisions of the courts of law. (*Very good.*)

“I cannot suppose that the English people will withhold this their respect of the law from the sentence of a Prussian court, even in a case when the violation of the laws of the land had to be visited upon an Englishman, and more especially when it has been admitted by the law officers of the British Crown that the proceedings of the Prussian authorities have been strictly within the limits of the national code. (*Applause.*)

“That in the course of the ordinary administration of justice in one country, the subjects of the other should be punished by the judge, does not appear to me to be a circumstance to disturb the relations between two Governments, whose close and amicable alliance is in their mutual interest. (*Very good.*) I cannot, however, conceal it from myself that reproaches of such a description as have, without the least show of justice, been raised against the Government and

laws of Prussia by Lord Palmerston, are well calculated to create a state of ill-feeling in the Prussian people against a Government, whose head feels no compunction in publicly designating the condition of Prussia as lamentable. (*Great applause.*) Should this ill-feeling tend to beget an estrangement between the Governments of Prussia and England, which I, for my own part, could not but regret in the highest degree, the Prussian Government, at all events, would not be guilty of the interruption of a good understanding with England, to cultivate and promote which it has ever honestly striven. (*Applause.*)

“I request your Excellency to read this despatch to Lord John Russell, and to leave him a copy of it.”

This despatch was yesterday placed in the hands of the First Secretary of State for Foreign Affairs of Her British Majesty.

Permit me, Gentlemen, to conclude with the expression of a wish and a hope, both which, I have no doubt, you will all equally share with myself—the wish, namely, that an occurrence, which, although to be regretted, was merely accidental and insignificant in itself, should not tend to bring a permanent ill-feeling, or create a more serious estrangement between two nations and two Governments which, in the interest of their own prosperity and for the welfare of the world at large, ought to remain the truest and most faithful allies for ever! (*Loud and continued bursts of cheering from all parts of the House.*)

PRUSSIAN INSOLENCÉ.

TO THE EDITOR OF THE TIMES.

Sir,—It is not many days since you gave an account of and commented on the ruffianly violence used by the Prussian officials to an unoffending English traveller; but can you imagine the Prussian Custom-house officers having the insolence to attempt to board and search Her Majesty's yacht *Fairy* when going up the Rhine to wait the orders of her Royal mistress at Mayence?

The attempt was made at Emmerich, and the Custom-house officers had a narrow escape of being run down, boat and all, by the indignant officers of the yacht.

Enraged at being frustrated in their outrageous attempt, the Custom-house people telegraphed to their comrades at Cologne, when another attempt was made to board the yacht, but of course admittance was refused.

The Cologne authorities then had the audacity to refuse permission to the officers of the yacht to land, although in their uniform, until the British Consul made his appearance on the scene and rather altered the case.

Telegrams were sent to Berlin, and in due course orders were received to allow the yacht to proceed to Mayence without further molestation.

And yet these jacks in office have the coolness to talk of the rudeness and ruffianism of English travellers.

It is time they received some lessons in civilization.

CIVIS.
