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The Russo-Dutch Loan.

OBLIGATIONS of ENGLAND to RUSSIA contracted to ensure the maintenance of the Kingdom of Poland, and paid for its suppression.

"I have forced the Powers of Europe to place your independence under the guarantee of Treaties."—*The Emperor Alexander to the Polish Diet*, 1818.

By the Treaty of Chaumont, 1st of March, 1814, between Great Britain, Austria, Russia, and Prussia, those Powers engaged to maintain an army of 600,000 men to carry on the war against France; the result of which was, the abdication of Fontainebleau, the withdrawal of the French troops from Poland and Belgium, and the union of Belgium with Holland, as settled by the Treaty of Paris, 30th of May, 1814, and the annexation by Russia of what remained of Poland, as settled by the Treaty of Vienna, 9th June, 1815. The Duchy of Warsaw had been created by France during the war from the parts of Poland in the possession of Austria and Prussia: it had never been Russian; it was only by the Treaty of Vienna that it became so. Belgium had been conquered by France from Austria at a still earlier period of the revolutionary war. The transaction about to be examined consists in the giving not to Austria but to Russia of a sum of money for the alienation from the former of her Belgian provinces, and for the further alienation to herself of the Duchy of Warsaw.

At the Peace it was agreed that the minor States should contribute to the expenses of the war: the quota of Holland, on account of restoration of territories and the acquisition of Belgium, was fixed at 50,000,000 florins, or about 4,600,000*l.* sterling, which, had to be divided between the four Powers, the parties to the Treaty of Chaumont, giving to each 1,150,000*l.*

England, who had in the course of the War, taken possession of Dutch colonies to preserve them from being captured by France, proposed to purchase four of these colonies, namely, the Cape of Good Hope, Demerara, Essequibo, and Berbice: a Convention was entered into between Great Britain and Holland on the 13th of August, 1814, by which these colonies were ceded for 6,000,000*l.* sterling.

Of this sum 1,000,000*l.* was paid to Sweden, pursuant to an article in the Treaty of Paris, to indemnify her for the cession of Guadeloupe to France, 2,000,000*l.*, were paid for the fortification of Belgium, and a sum not to exceed 3,000,000*l.*, was reserved to meet the claims of the Allies, it being stipulated that these claims should be met equally by Holland and England.

At the second Congress of Vienna, in 1815, the Treaty of the 9th of June, 1815, completed the arrangements for the union of Belgium with Holland, in accordance with the Treaty of Paris, of May 30th 1814.

By the first fourteen Articles of the Treaty of Vienna, the new Kingdom of Poland was created out of the Duchy of Warsaw, on the condition of being united to the Empire of Russia by its constitution. This State was to enjoy a distinct administration under the King of Poland, which title the Emperor of Russia was empowered to assume. The inhabitants of those provinces of ancient Poland beyond the rivers Bug and Niemen, which had been taken possession of by Russia in the course of the several partitions of 1772, 1793, and 1795; the inhabitants of Galicia, subjects of Austria; the inhabitants of Prussian Poland, subjects of Prussia, were to obtain a national representation and institutions from their respective Governments. By other articles Cracow was erected into a free city, the free navigation of the rivers stipulated for, as also the free transit of merchandise throughout the whole extent of ancient Poland.

The Stipulations of the Treaty of Paris confirmed in the Treaty of Vienna, Articles 65, 66.

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Articles 6, 9, 14 of General Treaty. Articles 24, 25, 26, 28 and 29 of the Treaty between Austria and Russia, and Articles 22, 23, 24, 25, 28 and 29 of the Treaty between Russia and Prussia. These Treaties are incorporated with the General Treaty by Article 118.

The Courts of Great Britain, France, and Austria had desired to give to this Polish State to be restored a far greater extent, as also a dynastic independence of Russia. Russia, however, whose troops were in possession of the Grand-Duchy of Warsaw, and who had on her side the Court of Berlin, threatened to replunge Europe in war sooner than suffer that portion of the territories recovered from France, and on which she had laid her hands, to be torn from her. This kingdom was to have a distinct administration, a Polish army, the free exercise of its religion, and a constitution to be afterwards granted by the Emperor. The other parts of Poland under Russian dominion, were also to have a national representation and institutions, with a view to their subsequent amalgamation with the Kingdom of Poland. Similar institutions were to be granted by the Emperor of Austria, and the King of Prussia to their Polish subjects, and a perfectly free trade was to be established between all the provinces of ancient Poland, whether Austrian, Prussian, Russian, or Polish.

Russia had no pretence to the possession of the Duchy of Warsaw except what was founded on her military occupation. This claim she did not venture to put forth against the Poles since she permitted the formation of a provisional government at Warsaw. The claim was equally unfounded as against her Allies. By the Treaty of Reichenbach, 27th June, 1813, she bound herself equally with them not to put forward a title to any territory on the ground of its occupation, so that the restoration of territory at the peace might not be disturbed by the ambition of any Power.

The new arrangement, adopted as a necessity, was felt to be destitute of stability. The Allies had thus to look to the dispositions of Russia rather than to rely on the stipulations of the Treaty, and, in order to render those dispositions favourable, and to furnish Russia with an inducement to abstain from creating disorder among her neighbours, it was devised and resolved to make to her yearly payments in money so long as the arrangements of Vienna should subsist, and whether the cessation of these arrangements should be brought about by act or intervention of hers or not. This was effected by the transfer to Russia of the sum of the obligations due to the other Powers. It was agreed that the before-mentioned 4,600,000*l.* sterling, which Holland was to contribute to the expenses of the French War, should belong to Russia alone, and be applied in part discharge of a debt, amounting to above 9,000,000*l.*, which Russia owed to the house of Hope and Co., of Amsterdam, and which she had originally incurred in part as a consequence of the acquisition of portions of Poland. As this country was still indebted to Holland under the Convention of the 13th August, 1814, in a sum not to exceed 3,000,000*l.* in respect of the ceded Colonies, it was arranged that this 4,600,000*l.* should be contributed towards the discharge of the Russian Debt in equal shares by Great Britain and Holland, the latter thus, in fact, transferring to Russia her claim upon this country to the extent of 2,300,000*l.* for the value of her ceded Colonies.

Holland paid not only for her own liberation from France, but for the acquisition of Belgium. Russia received the shares of her Allies as a consideration for not making the settlement of Europe impracticable.

Accordingly a Convention was entered into between Great Britain, Holland, and Russia, on the 19th May, 1815, being about two weeks after the separate Treaties entered into with regard to Poland on the 3rd of May, between Russia and Austria, and Russia and Prussia, and about three weeks before the date of the General Treaty of Vienna of the 9th of June. By the preamble of this Convention it was stated that "His Majesty the King of the Netherlands being desirous, upon the final union of the Belgic provinces with Holland, to render the Allied Powers, who were parties to the Treaty concluded at Chaumont on the 1st March, 1814, a suitable return for the heavy expenses incurred by them in delivering the said territories from the power of the enemy; and the said Powers having, *in consideration of arrangements made with each other*, mutually agreed to waive their several pretensions under this head in favour of His Majesty the Emperor of all the Russias, His said Majesty the King of the Netherlands has thereupon resolved to proceed immediately to execute with His Imperial Majesty a Convention to the following effect, to which His Britannic Majesty agrees to be a party, in pursuance of engagements taken by His said Majesty with the King of the Netherlands in a Convention signed at London on the 13th August, 1814;" and the King of the Netherlands then proceeded to charge himself with the payment to the Russian agent in Holland of interest at 5*l.* per cent. on so much of the Russo-Dutch Loan as amounted to 25,000,000 florins, or about 2,300,000*l.* sterling, and of 1*l.* per cent. per annu in liquidation of the principal, and the payment in like manner of the interest and principal of a similar amount of 25,000,000

florins, or about 2,300,000*l.* sterling, was to be made a charge on the British Government with the sanction of Parliament; but the Russian Government was to continue to be security to the creditors for the whole of the Loan, and to be charged with the administration thereof, the Governments of the Netherlands and Great Britain being liable to the Russian Government for their respective proportions; and it was further agreed "that the said payments on the part of their Majesties the King of the Netherlands and the King of Great Britain, as aforesaid, should cease and determinè, should the possession and sovereignty (which God forbid) of the Belgic provinces at any time *pass or* be severed from the dominions of His Majesty the King of the Netherlands previous to the complete liquidation of the debt."*

The 55th Geo. III. c. 115, was passed to carry into effect this Convention, the effect of which was to spread over one hundred years the payments to be made by this country and Holland in discharge of the said Loan, the last payment to be made in June, 1915, and the average annual payments being about 75,000*l.*; the whole amount payable by this country from first to last will be about 7,500,000*l.*, of which about 5,000,000*l.* have been paid.

It would be difficult to divine the motives of an arrangement of this unparalleled nature, were it not for the diplomatic documents, unknown at the time, but now committed to the press, and which show that this was a proposal originating with Russia herself, but at first rejected by the British Government as inadmissible. During the revolutionary war she had alternately sided with both parties, so as to maintain the balance, and to prolong the conflict which she herself had originally brought about between England and France. When, in 1812, she passed from the one side to the other, she proposed that England should relieve her of a portion of her old Dutch debt. England declined and Russia desisted. In 1814, on the occasion of the proposed aggrandisement of the King of Holland, Russia renewed her proposal and even attempted to impose the one as a condition of the other. Lord Castlereagh gave to this attempt "a direct negative." Russia gave way and signed the Treaty unconditionally. This time, however, the "claim" was "confided to the liberality of the Prince Regent's Government." Lord Castlereagh, distrustful of Russia's sincerity in the war, held out the undertaking of the loan as an inducement for her to continue her military operations.

The plan of continuing the payments for a hundred years appears to have no more originated with Lord Castlereagh than the plan for making any payments at all. His own words are, "*It is not proposed* that the capital of the loan should be paid off, but that the interest with a moderate sinking fund should be defrayed." This then was Russia's proposal. His own part had been that of an objector. The idea that it would be an inducement to Russia to keep the peace appears thus early to have been insinuated into his mind, for while remarking on the entire novelty of such a mode of subsidising an ally, he adds, "Yet practically it may be of more real importance both upon the war itself and upon the *future happy constitution of the Continent* than a greater sum provided in the ordinary shape of subsidy."

Letter to Mr. Vansittart, Castlereagh Correspondence. Third Series, vol. i. p. 328.

The gradual progress made by Russia in subjugating the mind of Lord Castlereagh is shown by his letters. He writes to the Chancellor of the Exchequer, on the 11th of November, 1814, about the facility of giving up the whole arrangement, "if the Emperor of Russia shall persist in refusing to acknowledge his Treaties." He ends defiantly:—

"I had rather give the Prince of Orange something more to defend and fortify the Low Countries, than assist the credit of a Calmuck Prince to overturn Europe."

On the 13th of February, 1815, he has refrained from concluding the arrangement, because he "deemed it advantageous to leave the concession in the Duke of Wellington's hands, as a security for the due execution of what remains to be done."†

But he adds:—

"There seems no adequate motive, but the reverse, at the close of a Congress which is likely to end in good humour, to disturb a temper that may improve at least the prospects of peace, by recalling what was before promised, and which can now only be refused under an avowal pointedly hostile to Russia, whose concert on several points, and *especially that of Naples*, is of the utmost importance to our views prospectively."

* In the mind of the Plenipotentiaries not only was there a prevision of the purposes of the Russian Government, but also an anticipation that these would be worked out so as equally to defy scrutiny and resistance.

† The Duke of Wellington expressed his admiration of the transaction as giving Russia a pecuniary interest in observing the Treaty of Vienna.

In looking at the money value of the transaction, we find that it was not the only compensation of which Russia was in receipt, or to which the Allies were subjected. Out of the forty millions levied upon France for the expenses of the war, four millions, due to all the Allies, were remitted for the benefit of Russia alone, in consideration of the removal of Prince Talleyrand, and the substitution in his place of a servant of her own, the Duc de Richelieu. The possession of the Duchy of Warsaw itself has to be taken into consideration, as well as the value of Belgium; the latter having to be restored to Austria, the former to itself. The revenue of the Duchy of Warsaw could not be less than a million sterling. Capitalising this at twenty-five years' purchase, the gain to Russia would be twenty-five millions. Since the cession of Belgium was a part of the arrangements of the Treaty of Vienna—of which we have the general acts before us—it must be calculated no less as a loss to Austria than the Duchy of Warsaw was as a gain to Russia.

But the principal gains of Russia from the war were not arranged at the Congress of Vienna, nor are they in any way dependent for their subsistence on that Treaty, which Russia has never observed, and on which she can have but little reliance. These acquisitions did not, however, escape the notice of Lord Castlereagh, who founded upon them an attempt to arrest Russia in her progress of aggrandisement. In his letter to the Emperor Alexander, arguing against the encroachments then proposed, he writes, October 12, 1841:—

“Correspondence between Viscount Castlereagh and the Emperor Alexander respecting the kingdom of Poland—Vienna, October, November, 1814.” Presented by command, 1847.

“I might also appeal to past experience, were it necessary, to relieve myself and my Government from any suspicion of a policy adverse to the views and interests of Russia. Your Imperial Majesty will recollect that we are only now emerging from a long course of painful policy with respect to Norway, undertaken at your Imperial Majesty's instance, in order to secure to you the support of Sweden throughout the war, and to consolidate your possession of Finland, by obtaining for that Power an adequate indemnity in another direction. To this object our resources throughout the contest, and our conquests from Denmark, were steadily directed and successfully applied, under circumstances not a little arduous to such a Government as ours.

“Your Imperial Majesty will trace the same friendly spirit in the aid lately afforded by His Majesty's Ministers at the Porte to the conclusion of a peace with the Turks, which involved in it a large accession of territory to your Empire.

“I may refer to a still more recent instance on the side of Persia, which your Imperial Majesty has condescended more than once to acknowledge, where a peace has been signed, securing to your Imperial Majesty important and extensive acquisitions, in consequence of the active intervention of the King's Ambassador, acting under express instructions from home.

“If I have referred to these transactions, it is only from an anxiety that your Imperial Majesty may not misinterpret my motives. If I now find myself compelled, in this, the fourth instance of Russian aggrandisement within a few years, by a sense of public duty to Europe, and especially to your Imperial Majesty, to press for a modification, not for an abandonment, of your Imperial Majesty's pretensions to extend your Empire further to the westward, I persuade myself that I may do so without being considered by your Imperial Majesty as influenced by any other sentiments than those which it becomes me to entertain as the Minister of an Allied Power.”*

The separation of Belgium from Holland took place in 1830, and was carried out under the sanction and by the direct intervention of the cosignatories of the Treaty of Vienna, in the course of which the arms of France and England were employed for the expulsion of the Dutch troops from the Belgian territories.

In the course of these transactions the English representative, Lord Ponsoby, having taken grounds upon the Treaty engagements in reference to the Union between Belgium and Holland, was censured, and summarily dismissed from his post. This dismissal was effected by a despatch, not addressed to him from his own Court, but bearing the signatures of the representatives of Russia, Prussia, Austria, and France.

According to the clear and plain terms of the provision above recited, all obligation on the part of either this country or Holland to continue any payments in discharge of the Russian-Dutch Loan was at an end. In fact, Holland

* An approximation to the amount of the pecuniary encroachments of Russia may be made from the following data:

	£
Direct subsidies from England, 1799 to 1816	9,622,474
Shares of the other three Powers of the 4,000,000 <i>l.</i> remitted to France	3,000,000
Russo-Dutch Loan paid by Holland up to 1830	1,757,812
Do. do. by England up to 1861	4,647,916
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Total in cash	£19,028,202
Duchy of Warsaw (25 years' purchase)	25,000,000
Finland	
Bessarabia	
Persian frontier	

All this is from the Allies, not one farthing from the enemy, for that description cannot be given to Denmark or to Turkey.

ceased from that time to contribute her quota: Russia has never since attempted to make any claim upon her.

Russia had, on signing the original Convention, attempted to get rid of the stipulation that England's payments should cease with those of Holland in the case of the separation of Belgium. Lord Castlereagh gave to this proposal a distinct refusal in writing, declaring that it would destroy his whole case in Parliament, and alter the basis of the arrangement from one of a fair equivalent with Holland to one of "a gratuitous concession to Russia for an object that *might not survive the present crisis.*"

Russia had now to carry into effect the arrangement which she had failed to obtain in 1815. For this purpose she had to lay a new basis. The grounds which she took are laid down in a note of her Ambassadors in London, bearing date January 25, 1831. They were:

1. That the separation contemplated by the Convention was one to be produced not by internal events, but by foreign invasion. The words of the Convention are "*pass or be severed.*" The two former words are omitted in the Russian note.

2. That the Allied Powers renounced in favour of Russia the pecuniary claims they had on Holland, not in consideration of the Union between Holland and Belgium, but in consideration of the general arrangements of the Congress of Vienna, which remained in all their force.

3. That England retained the Dutch Colonies, and was therefore bound to pay the stipulated price.

4. That Russia had offered 60,000 men to prevent the separation of Belgium from Holland, but that England had declined her services. These grounds are supported as follows:—

1. "These Articles do not contemplate a separation brought on by internal events, but by foreign invasion. The terms of the Additional (secret) Article on this point, are clear and decisive. They refer to the *invasion or the temporary occupation of the Belgian provinces by an enemy.* * * * The King of the Netherlands found himself too weak to prevent the Belgian provinces, not from *being severed*, as is stated in the Convention of the 19th May, 1815, but from *severing themselves* from his dominion.*

2. "Russia, Great Britain, Austria, and Prussia, the Allied Powers, who were parties to the Treaty of Chaumont, in consideration, therefore, not of the union of the Belgian provinces to Holland, but of arrangements concluded amongst themselves, renounced all claims to the repayment of the expenses incurred in the deliverance of the said provinces, in favour of one of these Powers exclusively—namely, of Russia. * * *

"Now, what were the arrangements between the Powers who were parties to the Treaty of Chaumont, at the period at which the Convention of 19th May, 1815, was concluded at London? They were the general arrangements of the Congress of Vienna, which had just then terminated. In consideration of the facilities which Russia afforded to these arrangements, her Allies ceded to her all the pecuniary pretensions to which the deliverance of the Belgian provinces had given rise. It necessarily follows that these facilities were real and important, as they were made the ground of her liberation from a considerable debt. * * *

"The divers arrangements of the Congress of Vienna, by which Russia acquired the pretensions above-mentioned, remain in all their force, notwithstanding the present position of Belgium. Upon what ground, then, could Russia be deprived of the compensation at which these arrangements have been valued to her?

3. "The existing situation of Belgium has not compromised Great Britain, with respect to the peaceable possession of the Colonies which were ceded to her, in consideration of the payment of one half of the acquired pretensions of Russia. By what right, then, could Great Britain refuse this payment?

4. "In whatever light we may view the actual separation of Belgium from Holland, it is certain that so far from favouring or facilitating it, RUSSIA HAS OFFERED A BODY OF 60,000 MEN TO PREVENT IT; and that if the Emperor has not followed up this determination, it is out of respect for the representations of the Allies, and principally out of deference to the opinions and wishes of the Cabinet of London.

"Lord Palmerston will, no doubt, recollect that it is equally out of deference to the wishes of the English Government, and not without the reservation in all their conversations with him, of the rights of Russia to the payments stipulated in the Convention of the 19th of May, 1815, that the Plenipotentiaries of his Imperial Majesty have adhered to the Protocol of the 20th of December, 1830, No. 7, which at most permits the future independence of Belgium only under certain conditions, and does not *yet take away* the sovereignty of the King of the Netherlands."

On the very day of the date of this note the throne of Poland was declared vacant.

* The secret article, which was drawn up just as Napoleon was invading Belgium, stipulated that any hostile occupation should not cause the suspension of the payments until it had lasted for twelve months. It is pretended to draw from this subsidiary proviso an inference at variance with the express stipulation of the Convention, that the suspension should take place if the sovereignty of Belgium should "*pass*" from the King of Holland. The King of Holland was so far from being too weak to prevent the Belgian provinces from "*severing themselves*," that on the 10th of August, 1831, his troops defeated the Belgians. On the 13th, the French entered Belgium, thus supplying the condition which, according to Russia, was necessary to invalidate the Convention.

Nothing can be more clear and explicit than the position here taken by the representatives of Russia. They rest their case entirely upon the ground that the consideration for the payments under the Convention of the 19th of May, 1815, was, not the union of Belgium to Holland, which was stipulated as the consideration in the Convention, but something else which was not stipulated in the Convention, namely, the facilities which Russia, by abandoning her demands on points on which difficulties had arisen, had afforded to the arrangements she had made with the other Powers at the Congress of Vienna, and it necessarily follows from the reasoning of the Plenipotentiaries that, upon these arrangements ceasing to exist and remain in force, especially if their cessation was caused by Russia herself breaking or violating them, she would forfeit all right and title to the payments in liquidation of the Russian-Dutch Loan.

This Russian note is here treated of in the order of its date, but there are no traces of its existence to be found till many months later. It was not till the refusal of a subordinate official to obey the illegal orders of the Treasury that the idea of a new Convention presented itself to the mind of the British Government. The note contains admissions, nay, revelations of the highest importance, and to which Russia is thereby fully committed, but the subtlety of its arguments no less than the boldness of its assertions, and the extraordinary reticence by which it was so long withheld from the Cabinet, require a minute examination. The Ambassadors of Russia declare that—*in all their conversations with Lord Palmerston* they have reserved their right to the continuance of the payments as the condition on which they adhered to the Protocol of the 20th of December, 1830. This Protocol they describe as one which “does not yet take away the sovereignty of the King of the Netherlands.” Yet the Protocol declares that “the very object of the Union of Belgium with Holland finds itself destroyed, and that thenceforth it becomes indispensable to recur to other arrangements to accomplish the intentions to the execution of which this Union should have served as a means.”

This Protocol, like every other, was signed by Russia; she was therefore bound to adhere to it. The offer of the 60,000 men must then have been made not only before the 25th of January, 1831, but before the 20th of December, 1830—the date of the Protocol.

The offer must also have been known to foreign Powers, since the Emperor abstained from following up this determination, “out of respect to the representations of his Allies, and principally out of deference to the opinions and wishes of the Cabinet of London.”

It was not till the 4th November, 1830, that the King of Holland invoked the interference of the Five Powers; it was not till the 10th that he consented to an armistice. The offer must, therefore, have been made between the 10th November and the 20th December, 1830. The offer was not for many months communicated to the public, nor to the Parliament, nor to the Ministers themselves. The letter of the 25th January appears to have lain unanswered and unnoticed, till the time came round for the December payment.

The payments were made twice in the year, the one per cent. of the principal being paid in July, the interest in December. The Convention stipulated, in a secret article, for the lapse of a year before the payments should cease. The July payment was therefore made without hesitation. A difficulty arose in reference to the payment of December. This difficulty, however, did not arise from the indisposition of the Government, but was forced on them by the exception taken by the Comptroller of the Exchequer. So grave was the objection which he raised, that the case was submitted to the Law Officers of the Crown. Then it was that the Foreign Secretary first produced the letter of the Russian Ambassadors, and it was upon this letter that he obtained an opinion favourable to the Russian claim, and consequently the payment of the usual December instalment.

Lord Wynford moved that the legality of the payment be referred to the Judges. Lord Brougham objected, first, that the Judges were not versed in international law; second, that the question was so simple that no legal knowledge was required to decide it.

The legality of this payment was denied in both Houses, and on several occasions. But in spite of this apparent pressure, the offer of the sixty thousand men, which, according to the prevalent notions of the day, would have justified the payment to Parliament, was still kept in reserve. Sir Thomas Denman, it is true, referred to a Russian document which had influenced his own legal opinion, and the non-production of which he deplored. But the document was not produced. The motives which induced its suppression appear to have continued for fifteen years, after which period it was laid before Parliament and printed.

The story of a proposed forcible intervention came out in France on the opening of the Chambers in 1832, in the shape of a boast by M. Casimir Périer that he had threatened with war any Power that should presume to send forces into Belgium. He attributed the "salvation of Belgium" to the promptitude of that declaration. The Duke of Wellington on the 16th of March, 1832, said he

"most distinctly denied the assumption of M. Périer, namely, that other nations had evinced an intention of interfering by force. The British Government had no such intention, nor had any of the other Powers; and he would add that the French Government knew that such was the case."

Lord Grey confirmed the statement of the Duke of Wellington.

Nevertheless, some months afterwards, on the 16th of July, Lord Palmerston re-asserted the statement of M. Périer in Parliament. He recited the application of the King of Holland to his Allies for military assistance, and the refusal of the Duke of Wellington's Government, and then went on:—

"What, however, was the answer of the Emperor of Russia? He signified to his Allies that he had sixty thousand men on his frontiers, ready to march for the purpose of re-establishing the authority of the King of the Netherlands, if the other contracting parties to the Treaty were of opinion that such a proceeding would be consistent with the general interest."

The message of the King of Holland was dated the 4th of November. By the 29th, Russia required every man, whose services she could command, to defend herself in Poland, transferring them from the remotest stations, and leaving naked her most exposed frontiers. The offer, therefore, even if made, could not for a moment have been meant seriously.

The assertion of Lord Palmerston passed, however, without comment.

This assertion, so long delayed, has no other evidence than that it is made by the Russian Ambassadors in the letter above-mentioned.

On the grounds above stated, it cannot be admitted that such an offer was ever made; yet it is upon the assumed reality of such an offer that the payments have been continued ever since. The inference which alone can be drawn is that the offer of such troops was an afterthought, and that the supposed document was arranged and antedated in order to give it the appearance of reality. The incredulity which such an explanation would at that time have called forth is at this present moment removed by official evidence in reference to similar arrangements in reference to other public documents.

A parallel ambiguity impends over the Convention made to reconstitute new grounds for the payment of this money.

The Convention bears date of the 16th of November, 1831. The ratifications were to be exchanged in six weeks. They were not exchanged till June, 1832. The Royal Assent to the Act of Parliament, founded upon the Convention, was given on the 3rd of August, 1832. The first instalment after the original Convention had expired, was paid on the 12th of December, 1831. The declaration of Lord Althorp, that "in point of form" another Convention was necessary, was made on the 6th of February, 1832.

On the 22nd of May, 1832, the Russian agent wrote as usual for the instalment due on the subsequent 1st of July. On the 5th of June, 1832, the Treasury replied that the money could not be paid till the new Convention had been sanctioned by Parliament.

Consequently, no new Convention could have existed according to the knowledge of the official personages, who could not have been in ignorance of its existence had it been drawn up at the period of its ostensible date.

The new Convention was to the exclusion of Holland. Its preamble recited that the events which had occurred in the United Kingdom of the Netherlands since 1830 had rendered it necessary that the Courts of Great Britain and Russia should examine the stipulations of their Convention of the 19th of May, 1815, and that such examination had led to the conclusion that complete agreement did not exist between the letter and the spirit of that Convention, the object of which appeared to be to afford to Great Britain a guarantee that Russia would, on all questions concerning Belgium, identify her policy with that which the Court of London *had deemed* best adapted for the maintenance of a just balance of power in Europe, and on the other hand to secure to Russia the payment of a portion of her old Dutch Debt in consideration of the general arrangements of the Congress of Vienna to which she had given her adhesion, *arrangements which remained in full force.*

The Convention consists of two articles:—

"I. In virtue of the considerations above specified, His Britannic Majesty engages to recommend to his Parliament to enable him to continue on his part the payments stipulated in the Convention

of the 19th of May, 1815, according to the mode and until the completion of the sum fixed for Great Britain in the said Convention.

"II. In virtue of the same considerations His Majesty the Emperor of all the Russias engages that if (which God forbid) the arrangements agreed upon for the independence and neutrality of Belgium, and to the maintenance of which the Two High Powers are equally bound, should be endangered by the course of events, he will not contract any other engagement without a previous arrangement with his Britannic Majesty, and his formal assent."

In considering the Convention of November, 1831, we are met *ab initio* by a flaw of a vital nature as regards form; which is, that being the alleged continuation of an operation and a compact between Great Britain, Russia, and Holland, it assumes to dispose of the matter so settled without reference to Holland.

Assuming this, however, the flaw of form does not stand alone. If England was bound to continue the payments, so also was Holland. If Russia had a right to claim the payments from England, so also had she a right to claim them from Holland. The refusal by Holland to concur in the act of England, and the withholding of the money by Holland from Russia, must have been justified on grounds which had to be stated, and which had to be shown to be groundless before England could justify her separating herself from Holland, and which in such case necessitated the adoption of conjoint measures between England and Russia, to compel Holland to fulfil her engagements. There is no trace, however, of any such proceedings. It does not appear that Russia so much as proposed to Holland to continue the payments, far less resented her not continuing them. It is distinctly recorded that there was no proposal from England to Holland to continue the payments, nor any negotiations in reference to a refusal. It is submitted that such proposals to Holland must have been made in the course of a *bonâ fide* transaction.

Proceeding to the contents of the Convention, Article II. is as follows :

"In virtue of the same considerations, his Majesty the Emperor of all the Russias engages that if (which God forbid) the arrangements agreed upon for the independence and the neutrality of Belgium, and to the maintenance of which the two high Powers are equally bound, should be endangered by the course of events, he will not contract any other engagement without a previous agreement with his Britannic Majesty, and his formal assent."

With this, compare the preamble, as follows:—

"On referring to the object of the above-mentioned Convention of the 19th of May, 1815, it appears that that object was to afford to Great Britain a guarantee that Russia *would*, on all questions concerning Belgium, identify her *POLICY* with that which the Court of London had deemed the best adapted for the maintenance of a *just balance of power in Europe*.

In the original Convention of 1815, the continuation or suspension of the payments was to be contingent absolutely on the occurrence or non-occurrence of a specified event; that is to say, that so long as Belgium remained united to Holland, payment was to continue to be made on the part of England and Holland; and that on the separation of Belgium from Holland, the payments on the part of England and Holland should cease. The obligations on the part of those who pay the money are common, and the shares contributed by each are equal. In the Convention therefore of 1831, the preamble does not correctly state the contents of the prior Convention. Further, it gives a false representation of its contents, stating that the money had been paid, not with reference to the connexion of Holland with Belgium, but with reference to the adhesion of Russia to a "policy" which the Court of London had deemed the best for other objects. In Article II, the payment of the money is continued on the ground of the adhesion of Russia to the separation of Belgium from Holland. The wording of this document not being calculated for a legal instrument, nor the terms known as legal terms, it becomes impossible to present the case in an ordinary manner. In any private transaction the document would be set aside by reason of the vice of its terms. It will, however, at once strike, that that peculiar term "policy" serves to disguise the next to incomprehensible position we have before us of two documents drawn up to continue the same operation, making averments in contradiction the one of the other, whilst assuming to be the one the citation of the other.

This term "policy" being now for the first time introduced into a Treaty, having been hitherto not only not a legal term, but vulgarly employed to convey the sense of the absence of lawfulness, had at least to be defined before it could be so employed. Furthermore, it required that the subject matter to which it was applied should also be defined; the more as the circumstances of the case having

altered, the term is made to apply to the antecedent as well as to the subsequent condition. It is on this very condition that hinges the contract upon which it is lawful to pay the money or unlawful to pay it, that is to say, that the connexion of Belgium and Holland is represented as a policy, and presently the separation of Belgium from Holland is represented as a policy, and the payment of the money is made contingent not on the connexion or the separation of Belgium, but on the pursuit of a policy.

It is further to be noted, that in taking the second ground, the Convention of 1831 assumes that ground to have been already taken in the Convention of 1815, by means of an ungrammatical construction conjoining in the same sentence a past and a future tense, "that Russia would, upon all questions concerning Belgium, identify her policy with that which the Court of London *had deemed*," &c.; the political operation of Russia being placed as prospective: the mental operation of England, as retrospective.

Again, at the close of the preamble to the latter document, it is stated that the Convention of the 19th May, 1815, had formed "a special tie" between the two Courts (namely, those of St. Petersburg and London), and on this ground it is that Plenipotentiaries are nominated to negotiate a new Convention in order to continue the special tie between the two Courts.

The Convention of May 19th, 1815, was not between the two Courts of London and St. Petersburg. It was between the three Courts of London, St. Petersburg, and the Hague. It was a compact in which one of these Courts stood upon one side, and two of these Courts stood upon the other side. The Courts of London and the Hague standing as one of the parties conjointly paying stipulated sums, the Court of St. Petersburg standing on the other side as receiver of the sums, engaging itself to countervailing conditions as regarded the two other Courts. There were, then, two parties with opposing interests, that is to say, Russia on the one hand, England and Holland on the other hand. The "special tie," therefore, of the Convention of 1815, was between England and Holland, and that "special tie" between these two Courts was in opposition to Russia. It is, therefore, false, and it is impossible that anything can be more false, as stated in the preamble to the Convention of November, 1831, than that the Convention of May, 1815, formed a special tie between the Courts of London and St. Petersburg.

In taking into account the date of this Convention, which was that of the Fall of Poland, that is to say, of the overthrow of the Treaty of Vienna in its most vital arrangements, the value of this false representation of the purport of the Convention of 1815, alleging a special tie to have existed, to be now further strengthened on the part of Russia and England, assumes a very grave signification. The words could have meaning, as employed at such a moment, only upon two grounds; first, that there existed a concurrence between Russia and England for the violation of the Treaty of Vienna, by the extinction of Poland; and secondly, that there were other Powers co-signatories of the Treaty of Vienna, who did not concur with England and Russia in respect to the sacrifice of Poland and the violation of the Treaty of Vienna.*

This natural and necessary inference receives perfect and entire confirmation on every point from documents now made public, but refused at the time, to the demands of Parliament. The English Government, as we are now informed, had taken as the grounds of its "policy," the conclusion that it was impossible to resist the will of Russia; the words of the Foreign Secretary, written to France, July 22, 1831, were as follows:—

"The object of the communication which it is now proposed that France and England should jointly address to Russia, is an immediate cessation of hostilities, with a view to negotiations for the purpose of re-establishing peace between the contending parties by some lasting arrangement; and it appears from Count Sebastiani's despatch that a proposition to this effect has already been made to Russia by France, but hitherto without success.

"If His Majesty had reason to think that the Emperor of Russia was disposed to avail himself of the good offices of the two Courts, and that their intervention might lead to an accommodation, His Majesty would willingly co-operate in a friendly endeavour to restore peace between Russia and Poland. But there are, on the contrary, too many reasons for fearing that a simple offer

* "Of all the questions which will come under the consideration of the Congress, the King would have looked upon that of Poland as the first, the greatest, the most eminently European, and beyond all comparison that which has the greatest claims to attention, were there any grounds for hoping that a people so deserving of the interest of all other nations by its antiquity, its valour, its misfortunes, and the services it rendered in past ages to Europe, could be restored to the full possession of its former independence. The partition which blotted its name from the list of nations was the prelude, and in part the cause, of the disorders which convulsed Europe, and perhaps to a certain extent excused them."—*Letter from Prince Talleyrand to the Congress of Vienna.*

of mediation, so far from being desired by His Imperial Majesty, would, at the present moment, certainly be refused.

"Can it then be expedient to make a proposal which there is no ground to hope would be accepted; and which, if refused, would leave to the two Governments the embarrassing alternative of either acquiescing in a determined rejection of their proposal, or of taking measures to enforce it by means of a more direct and effectual interference? *The British Government certainly is not prepared to adopt the latter course.*"*

On the second point, namely, the dissent of the other parties to the Treaty of Vienna to the views of Russia and England, we find in documents given in return to the orders of the two Houses bearing date respectively July 2nd and 19th, 1861, that one of the Powers, France to wit, had made earnest and strenuous endeavours to detach the Court of London from its "special tie" with the Court of St. Petersburg, and to induce England to unite with it in measures the object of which was to maintain the Treaty of Vienna, so far as it was imperilled by the subjugation of Poland. It has further to be remarked that the Convention of 1831, containing the averment of the "special tie" between the Courts of St. Petersburg and London, bears date of the 16th November, that is to say, four months after the application of the Cabinet of the Tuileries, and consequently after the failure of those overtures which had been met, on the part of England, by instantaneous and absolute refusal.

Nor was France the only one of the parties to the Treaty of Vienna, against whom the "special tie" of the two Courts was directed. It is now known in respect of another of these Courts, and suspected with regard to a third, that it was anxious to concert measures to rescue Poland and to maintain the Treaty of Vienna.†

We have now to return to the preamble to the Convention of 1831, in reference to another false statement. In that preamble the continuation of the payment of the dividends on Russia's old Dutch debt is placed on two grounds, one of which has been already dealt with; the other is there stated, which is that the payment is to be secured to Russia, "in consideration of the general arrangements of the Congress of Vienna, to which she had given her adherence, arrangements which remain in full force."

Here are presented a statement and an inference. The inference amounts to this, that a sum of money can be duly and lawfully paid to a party to a contract on the grounds of that contract, and yet without any such agreement being expressed in that contract. But it is not even said that the money is to be paid in consideration of the Treaty of Vienna; but in consideration of "the general arrangements of the Congress of Vienna," words which can have no value in a legal instrument, and words moreover which are in themselves nonsensical. The averment is that these arrangements remain in full force. The arrangements not remaining in full force, and it being known to the parties that they had ceased to exist.

It is submitted that severally on the grounds of the inference and the statement the Convention is null and void.

Now, leaving aside the questions affecting the validity of the Convention, and taking the case *ab novo* as settled by it, we have "the general arrangements of the Treaty of Vienna" substituted for the connexion of Belgium with Holland as the grounds on which the money can alone continue lawfully to be paid, and without laying any particular stress upon the arrangements in reference to Poland, it suffices to state that these arrangements are a portion of the arrangements of the Congress of Vienna, and it is only in case these arrangements subsist and only in so far as they do subsist, that England is bound to pay the money specified in the Convention of 1831 as the consideration which Russia is to receive for her adhesion to the general arrangements of the Congress of Vienna.

This view of the case was taken in the motion of Lord Dudley Stuart in 1854. It was based on the following opinion of an eminent civilian, Dr. Addams:—

"It is obvious that upon the separation of Holland and the Netherlands, consequent upon the revolution of September, 1830, it ceased to be obligatory on Great Britain to make any further

* The late Lord Grey was Prime Minister when this proposal of France was declined. In a conversation a short time before his death, with the late Prince Adam Czartoryski, he deeply lamented the course which his Government had pursued towards Poland, and stated that it weighed bitterly upon his conscience that he should have allowed the opportunity to pass, which, by a decision of the British Government, might have saved and restored Poland.

† "In 1831 Austria gave manifest proofs of wishing well to the Polish insurrection; the Emperor Francis of Austria then openly confessed to the Polish agent, through his own Minister, Count Kollowrath, that the crime of the partition weighed heavily on his conscience, and that he should feel happy to restore his share of it, provided it was returned to Poland, not sacrificed to Russia."—*Count Zamoycki's letter to Lord Ellenborough, 1861.*

payments on account of the Russian-Dutch Loan, in virtue of the Convention of 1815, according to the letter of that Convention, though it was said or intimated that obligation still subsisted according to the spirit of the Convention. But whether Russia could or could not, founding upon the spirit as against the letter of the Convention, have justly insisted upon such further payments, is a question that merged upon the execution of the Convention of November, 1831, between Great Britain and Russia, and it is upon the latter Convention that it is now obligatory upon Great Britain (if at all) to make any such further payments. Now, in the Convention of November, 1831 (executed by the two Powers), the object of the Convention of 1815 is recited to have been to afford Great Britain a guarantee that Russia would observe a certain policy on all questions respecting Belgium on the one hand, and, on the other, to secure to Russia the payment of a portion of her old Dutch Debt in consideration of the general arrangements of the Congress of Vienna, to which she had given her adhesion; arrangements which (says the Convention) remain in full force. And it is in virtue of this special consideration (Convention of 1831, Article I.) that Great Britain undertakes to continue on her part the payments stipulated in the Convention of May, 1815. It seems to me that the phrase 'arrangements which still remain in full force,' pretty plainly implies that if such arrangements had not remained in full force, at any rate through any fault or delinquency on the part of Russia, Great Britain would have declined to enter into such latter Convention, and the language of the whole Convention, according to the true interpretation of it, in my humble judgment, is identical in import with this, that Great Britain undertakes to continue the payments in consideration of Russia maintaining, or by reason that she does maintain, these general arrangements of the Congress of Vienna, to which she was originally a party at the time of the holding of such Congress in 1815. And, this being so, it also seems to me that a breach or violation of those general arrangements in any material part, through the fault or delinquency of Russia, plainly releases Great Britain from that continuing obligation which she took upon herself under the Convention of November, 1831, in consideration or by reason of Russia maintaining such general arrangements."

At this time War had been declared against Russia. The Convention therefore had lapsed *ipso facto*. The money, however, continued to be paid on the ground of the following passage in the *first* Convention:—

"The payments on the part of their Majesties the King of the Netherlands and the King of Great Britain, as aforesaid, shall not be interrupted in the event (which God forbid!) of a war breaking out between any of the three High Contracting Parties; the Government of His Majesty the Emperor of All the Russias being actually bound to its Creditors by a similar agreement."

It is needless to enter into the value of such an argument or of such an engagement, seeing that it was not renewed in the second Convention. If Russia had any similar agreement with her creditors, she certainly did not observe it. During the time she was at war with Holland as a part of France she suspended payment, as "the inevitable consequence of war."

Dinger's Synopsis of Securities Current upon the Exchange of Amsterdam, p. 84.

It has further been alleged that the concession to Russia was gratuitous, and consequently that no breach of faith on her part could exempt England from its observance.

It is argued that the arrangements of the Congress of Vienna were only a "motive," the word "consideration" in the French meaning nothing more. This word, however, is in the English version, and must, therefore, be held to mean—as it does in every English legal document—equivalent. The Treaty of Vienna was written only in French, but it expressly guarded, Art. 120, against any precedent being drawn from this circumstance.

Sir William Molesworth's argument was, that "we engaged to continue these payments in every contingency except that of Russia ceasing to identify her policy with that of Great Britain in all questions concerning Belgium." This appears to have been the principal ground of defence for the Government. This argument is quite borne out by the text of the Convention, but it equally invalidates the Convention itself. England cannot dispose of Belgium. England and Russia having entered into engagements towards Belgium, in concert with the other Powers of Europe, cannot contemplate circumstances involving different arrangements, still less take the contemplation of such a contingency as the basis of a contract. This Convention having been made by England and Russia in contemplation of certain future events, it follows that the Governments contemplated the upsetting of the arrangements as to Belgium, and intended to come to a new settlement in opposition to the other Powers. That is to say, that they proposed to effect in regard to Belgium what they had effected as regards Poland.

This Convention has not been put forward as supplying the authority to liberate from the Exchequer the sums requisite for the payment of the instalments as they come due, and therefore it has only in the present case to be considered in so far as it bears upon the Act of Parliament supplying that power. The Convention states in the first article the nature of the consideration specified merely in the preamble:—

"His Majesty engages to recommend to his Parliament to enable him to continue his payments."

We have here the acknowledgment that the Convention of 1815 could no longer justify the payment, and we know the grounds thereof, namely, the separation of Belgium from Holland. But the "considerations" upon which the recommendation of the Crown is now based, consist, according to the preamble of the Convention of 1831, in the assertion that the grounds of payment still exist, so that the recommendation of his Majesty to Parliament consists in the statement to Parliament that the general arrangements of the Congress of Vienna remain in full force. The Act of Parliament based upon such recommendation was, therefore, based upon a misstatement of existing circumstances, both as regards Belgium and as regards Poland. The circumstances connected with Belgium had been officially brought to the knowledge of the King and of the Parliament; those connected with Poland had not: so that we can henceforth entirely exclude from view engagements contracted in reference to Belgium, and limit the future consideration of the case to the engagements respecting Poland.

At this time the violations had occurred not only by act but by enactment, namely, the new Organic Statute providing for the Government of Poland. That enactment was, indeed, laid before the British Parliament in the very session in which the Act was passed, sanctioning the continuance of the payments of the Russo-Dutch Loan. But the knowledge of its contents appears nevertheless to have been withheld. It is numbered 719 in the papers of that session, and if distributed before Parliament rose, it was certainly not printed till after the division in the Lower House, by which the matter was settled.

The violation of the Treaty of Vienna was completed as regards Poland by the Organic Statute of the 26th of February, 1832, declaring the former Kingdom of Poland to be a province of Russia. The consideration of this document is essential to the case, not only as affecting the claim of Russia which is based on the arrangements which this Statute destroys, but as regards the conduct and purposes of the British Government, who consented to accept this new basis of a pecuniary arrangement at the very time that it was being annihilated, and who sedulously concealed all knowledge of the matter from the British Parliament so as to commit it to a decision come to on false grounds. The date of the production of the Organic Statute, would of itself be sufficient to establish the purpose of deceiving Parliament, but corroboration is not wanting. At the moment of granting the motion of Mr. Cutlar Fergusson for its production, the Foreign Secretary, June 28, 1832, refused to make any statement as to the conduct of the Government in respect of the quarrel between Russia and Poland, at the same time declaring that they were not "blind to the *rights* conferred upon this country by the Treaty of Vienna."

On the 13th of October, 1831, a motion for papers, made by Colonel Evans, had been refused by the Government, because "the production of those papers would put a stop to all the present diplomatic arrangements."

There were no diplomatic arrangements in progress as regards Poland. Since 1830, there have been no diplomatic arrangements between Russia and England respecting Poland. The only diplomatic arrangements that could have been compromised by the production of the Polish papers, would have been those connected with the Russo-Dutch Loan, the payments of which, were at that very moment being based on the maintenance of the kingdom of Poland after that kingdom had ceased to exist.

It is worthy of remark, that these oracular words proceed not from the Minister charged with the foreign relations of the country, but, in his absence, from the lips of the Chancellor of the Exchequer.

It might at first be supposed that the decision had proceeded from the Cabinet, but we are reminded that the Chancellor of the Exchequer had throughout been kept in ignorance of the proceedings of the Foreign Office. The cessation of the King of Holland's payments having been notified to the House, 27th July, 1831, by a member of the Opposition, he stated that no payments would be made until the Government should have decided upon their future course. All doubt as to the comparative ignorance of the Cabinet is set at rest by Earl Grey's remarks on the 28th June, 1832, in reply to Lord Aberdeen's request for the production of the secret article in the original Treaty. Earl Grey did not know that the secret article had not been laid before Parliament:—

"If it had not been produced, he supposed that some reason existed for adopting that course. For his own part, he was not aware of any objection to a compliance with the suggestion of the noble Earl. He hoped, however, that the noble Earl would not press for a positive answer until he (Earl Grey) had an opportunity of making some inquiry on the subject."

On the 2nd July, 1832, the production of the secret article, referring to the time at which the separation of Belgium was to act as a bar to the payments, having been requested in the House of Commons:—

“The Chancellor of the Exchequer was ready to concede to him that the same objections to its publicity, which existed at the time it was framed, were now removed. But he would rather not, at this moment, give a positive answer as to whether he should feel himself justified in laying it before the House or not.”

Belgium was being invaded by Napoleon, when the original Convention was signed.

In considering the validity of the Convention of 1831, and still more of the Act of Parliament from which it derives its force, all that remains to be examined is the knowledge of the British Government respecting the violation of the Treaty of Vienna as regards Poland, and the manner in which it brought that knowledge to bear upon the payment of the Russo-Dutch Loan. It has to be remembered, that though a knowledge of a considerable portion of the conduct of the Government of that day as regards Poland has been recently made accessible to the public by means of the publication of the papers already referred to, yet, at the time of which we are treating, the members of the House of Commons were not able to possess themselves of such knowledge. They were, also, equally unaware of the circumstances under which the arrangements of the Congress of Vienna were made. It is only through the publication of the correspondence of Lord Castlereagh, that it has become known to the few persons who take an interest in such matters, that the consideration to be received from Russia in return for the pecuniary payments of England and Holland, was not retrospective, but prospective; that, in fact, Russia made a vigorous attempt to obtain the payments of England without reference to what might thereafter befall the connexion of Belgium with Holland, and that this attempt to separate the interests of England and Holland, and to create the “special tie” between England and Russia, which is first officially recognized in the Convention of 1831, was rejected by Lord Castlereagh, as one which he could not dream of submitting to the British Parliament.

So far from there being any doubt in the mind of the British Government that the conduct of Russia towards Poland was a breach of the Treaty of Vienna, in the face of which it could not be said that the arrangements of the Congress of Vienna remained in full force; they declared that the Treaty had never been observed, so that the arrangements had never been in full force at all.

The despatch of the British Foreign Secretary to the Ambassador at St. Petersburg, dated 22nd March, 1831, lays down at once the law and the facts in such a manner as to entirely contradict the assertions made in the alleged Russian note of the 25th January previous, and the Convention of the following 16th November:—

“His Majesty’s Government are of opinion that any change which would have the effect of incorporating Poland with the Russian Empire, and of destroying its separate administration and constitution, would be a breach of the Treaty of Vienna, to which England and all the other Powers who were parties to that Treaty would have an unquestionable right to object.

“His Majesty’s Government, however, are disposed to believe that the appointments announced in the Ukase mentioned in your Lordship’s despatch are intended to provide for the emergency of the moment, and are applicable only to the interval which must elapse between the occupation of Warsaw by the Russian troops, and the complete restoration of the Emperor’s authority as King of Poland. But if your Lordship should find that there exists any intention on the part of the Russian Government to make any material changes in the political condition of Poland, you are instructed to watch those changes with the closest attention, and to remonstrate in strong terms against any measure of this kind which might not be in strict accordance with the stipulations of the Treaty of Vienna.

“His Majesty’s Government could not admit that the revolt of the Poles and their casting off the authority of the Emperor and King, could afford to the Russian Government any grounds for departing from the stipulations of the Treaty of Vienna.

“That revolt cannot release Russia from engagements contracted with other Powers; engagements which had for their object, not merely the welfare of the Poles, but the security of neighbouring States.

“By Article I. of the Treaty of Vienna it is stipulated that the Poles, subjects respectively of Russia, Austria, and Prussia, shall obtain a national representation and institutions regulated according to the kind of political existence which each of the Governments to which they belong shall think it useful and fitting to grant them.

“IT IS UNDERSTOOD that although this stipulation has been executed by Austria and Prussia, it has hitherto been entirely unfulfilled by the Russian Government. * * *

“If the question should be agitated, your Lordship is instructed to state that as far as His Majesty’s Government are informed of the facts of the case, it does not appear to them that the provisions of the Treaty of Vienna, applicable to the Polish provinces of Russia, have been hitherto carried into execution.”

Correspondence with the Government of Russia respecting the affairs of Poland, 1831-2. Published in 1861, pp. 2, 3.

The proceedings in Poland could only be watched at Warsaw. To direct that

they should be watched from St. Petersburg is therefore significant of that collusion to obtain the payment of this money to Russia which pervades every step in these proceedings. When the Kingdom of Poland was established by Treaty, the Treaty Powers had to watch over the performance by Russia of her obligations. The Austrian Consul never left Warsaw during the war of 1831. England had never appointed a Consul there. The instruction to the British Ambassador at St. Petersburg to watch the events in Poland must therefore be taken in connexion with the continued neglect to appoint a Consul at Warsaw, and with the subsequent promise to appoint one at Cracow, a promise made to prevent an adverse division in the House of Commons, a promise violated deliberately, and the violation of which was followed by the absorption of Cracow.

The contradiction between the Correspondence with France and that with Russia is startling, and, at first sight, inexplicable. It has to be remembered that the Cabinet was ignorant of what was being done, but had to be satisfied as to what was said. There is no doubt of the interest taken by the Prime Minister in the independence of Poland. Earl Grey appears to have been an obstacle in the path of the Foreign-office, in the same sense as the Queen at a later period. From the result it is evident that Earl Grey was in the same, and no better condition, as regards a knowledge of the acts abroad of his own Government than the people and the Parliament.*

A despatch written fifteen months later, July 3, 1832, when Lord Grey's son-in-law, Lord Durham, was made Ambassador at St. Petersburg, appears to be directed to fall in apparently with the particular views which Lord Grey was known to entertain:—

"His Majesty's Government think that Russia was not justified by the Polish insurrection in depriving the Kingdom of Poland of that constitution which the Emperor Alexander had granted, and which the Emperor Nicholas had sworn to maintain. His Majesty's Government think that the abrogation of that Constitution was inconsistent with the true spirit and meaning of the Treaty of Vienna, and that Great Britain as a party to that Treaty, is entitled to object to that abrogation, and to *protest* as she has done, against it. * * *

"The Treaties of 1815, to which Russia was a party (not only the General Act of the Congress of Vienna, but the separate Treaty between Russia and Prussia), clearly stipulate that the Nationality of the Poles shall be preserved. But statements have reached His Majesty's Government which, if true, tend to show a deliberate intention on the part of the Russian Government to break down the nationality of Poland, and to deprive it of everything which, either in outward form or in real substance, gives to its people the character of a separate nation.

"The abolition of the Polish colours; the introduction of the Russian language into public acts; the removal to Russia of the national library, and public collections containing bequests made by individuals upon specific condition that they never should be taken out of the Kingdom of Poland; the suppression of schools and other establishments for public instruction; the removal of a great number of children to Russia on the pretence of educating them at the public expense; the transportation of whole families to the Interior of Russia; the extent and severity of the military conscription; the large introduction of Russians into the public employments in Poland; the interference with the National Church; all these appear to be symptoms of a deliberate intention to obliterate the political nationality of Poland, and gradually to convert it into a Russian province."

As the first quoted letter to St. Petersburg directs the British Ambassador to watch those events, which could be watched only at Warsaw, so the last avoids taking grounds on the Treaty violations which it asserts. The "watching" of the British Ambassador at St. Petersburg had not enabled the British Minister at home to ascertain whether the charges he makes against the Russian Government are true or false, and all he urges him to do is to attempt that in which his predecessor had failed, namely, "to obtain accurate information as to what is true on these points." The despatch commences by referring to a protest that never was made, and ends by asking for information respecting the acts by which it had been occasioned.

* The Queen has made of record her objections to the conduct of the Foreign-office. They are here subjoined as the only authentic statement of the manner in which the business of that department of the State is conducted:—

"The Queen requests—First, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she is giving her royal sanction. Second, that having once given her sanction to a measure, it be not arbitrarily altered or modified by the Minister. Such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right of dismissing that Minister. She expects to be kept informed of what passes between him and foreign ministers, before important decisions are taken based upon such intercourse; to receive the foreign despatches in good time, and to have the drafts for her perusal sent to her in sufficient time to make herself acquainted with the contents before they are sent off. The Queen thinks it better that Lord John Russell should show this letter to Lord Palmerston."

Correspondence,
pp. 20, 21.

A parallel case will be found in the despatch of October 26, 1838, from Lord Palmerston to Lord Durham, apparently charging Russian agents with assumed acts as regards Central Asia, and leaving its assertions unsupported.

It is obvious that the British Government was fully alive to Russia's violation, present, prospective, and retrospective, of those arrangements of the Congress of Vienna respecting Poland, which she had elected to reconstitute the grounds on which the payments should be continued of the Russo-Dutch Loan.

The violation of the conditions on which alone the payments had to be made as well as the knowledge of the groundlessness of these conditions, has been suppressed by an undue, and, at the time, secret understanding between the Department for Foreign Affairs of Great Britain and the Cabinet of St. Petersburg. The case now comes for submission on the new grounds afforded by the information supplied by the correspondence of Lord Castlereagh, and the despatches, fragmentary as they are, lately conceded to Parliament. Your opinion is requested :

1. Whether the Convention of 1831 was invalid on the ground of the Crown of Great Britain having been induced to enter into it by misrepresentation.
2. Whether the Act of Parliament of August 3, 1832, be not invalid by reason of the misinformation of Parliament in reference to the circumstances there recited.
3. Whether under the Convention of November 16, 1831, and the Act of Parliament of August 3, 1832, taking them as valid, the payment of the dividends of the Russo-Dutch Loan has not ceased to be legal by the failure of the consideration ; and if so, whether the Comptroller of the Exchequer is not liable to Penalties for continuing the payments.



THE RUSSO-DUTCH LOAN.

It is obvious that the British Government was fully alive to Russia's violation of the Convention of 1821, and retrospective of those arrangements of the Congress of Vienna respecting Poland, which she had elected to recommend the grounds on which the payments should be continued of the Russo-Dutch Loan.

The violation of the conditions on which the payments had to be made, as well as the knowledge of the groundlessness of these conditions, has been supplied by an undoubted fact, at the time, and not afterwards, between the Department for Foreign Affairs of Great Britain and the Cabinet of St. Petersburg. The fact now comes for admission on the new grounds afforded by the information supplied by the correspondence of Lord Castlereagh and the late Mr. Fox, Secretary of State, as they are, lately, conveyed to Parliament. Your opinion is requested:

1. Whether the Convention of 1821 was intended on the ground of the Crown of Great Britain having been induced to contract it by Russia's violation of the Convention of 1821.
2. Whether the Act of Parliament of August 2, 1827, be not invalid by reason of the maintenance of Parliament in reference to the circumstances therein stated.
3. Whether under the Convention of November 18, 1821, and the Act of Parliament of August 2, 1827, the payments to be made to Russia by the Government of the Russo-Dutch Loan should be suspended, or whether the Government of the said Convention, and of the Act of Parliament, is not liable to Parliament in continuing the payments.

THE RUSSO-DUTCH LOAN.

Obligations of England to Russia contracted to ensure the maintenance of the Kingdom of Poland, and paid for its suppression.
