MUNICH

FO 9/100: John Ralph Milbanke to Viscount Palmerston, No 8, Munich, 11 February 1848

Disturbances in Munich; resignation of the Ministers; expulsion of Lola Montez; character of the King

This town has during the last two days been in a state of considerable excitement in consequence of disturbances which have taken place at the University, and which arose out of circumstances connected with the hatred the whole Population of Munich bears towards the King's Mistress,[1] who narrowly escaped being torn to pieces in the streets by the Crowd assembled. The demonstrations made by the students so irritated the King that He by a special order[2] in His own hand writing caused the University to be closed, and directed all the students, except those belonging to Munich, to quit the Capital in 48 hours. This announcement only had the effect of adding to the bitterness which already pervaded all classes, and which was increased by some unfortunate collisions in which several persons were wounded, which took place between the armed force and the people.

Prince Wallerstein and the other Ministers, always excepting the Minister of the Interior[3] who is a creature of the King's Mistress, endeavoured to make His Majesty comprehend the danger of the course he was pursuing, but finding it in vain to attempt to overcome his obstinacy, tendered their resignations yesterday.

The movement then became general. The Burghers alarmed assembled in council and decided to send a Deputation to The King requiring Him to yield upon four points of which the two principal ones were the dismissal of His Mistress before 11 o'clock on the following morning, and the immediate recall of the order closing the University. Eight hundred of the Burghers accompanied the Burgomaster[4] to the Palace with these demands, and waited in front of it until four of their number had laid them before the Sovereign. At first His Majesty, who is described as being almost beside himself with rage, refused to receive them, and only yielded to the entreaties of the

[1] Lola Montez, elevated to Gräfin von Landsfeld by Ludwig I.
[2] Royal decree of 9 February 1848.
[3] Franz von Berks.
[4] Kaspar von Steinsdorf (second mayor).

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Royal Family, some of whom fell on their knees to implore him not to push matters to extremity. He at length consented to receive the Deputation, but returned a positive refusal to accede to the wishes of the Town expressed through it. Subsequently however He sent a sort of modified communication to the Magistracy through the Minister of the Interior, who made some effort to negotiate, but was loaded with opprobrious epithets and forced to withdraw.

The meeting separated with the conviction that more forcible measures must be resorted to in order to attain their object, and it was decided that a further pacifick representation should be made to The King; and if that failed as was expected, the Burgher Guard should turn out armed and force compliance. In the evening further excesses were committed, and the Police Office attacked; – more blood was spilt and the exasperation greatly increased. Early this morning a fresh Deputation of Burghers waited on The King to communicate the decision they had come to, – and the Nobility also prepared an Address which subsequent events prevented the King from receiving. The Council of State met and exposed to His Majesty the dangerous position of Affairs, and one of the Ministers[5] told the King that his whole conduct was unconstitutional. His Majesty seems to have seized upon the opening thus afforded Him of getting out of the scrape, and having retired to his Cabinet for a few minutes, returned with an order for the expulsion of the obnoxious individual and for the re-opening of the University. Prince Wallerstein was charged to announce the result to the assembled Burghers and immediate calm was produced.

As soon as it became publick that His Majesty had yielded, a general joy and triumph was manifested throughout the Town, but generally speaking nothing could exceed the order with which the whole business was managed by the Burghers. The person who has caused all this ill-feeling was regularly hooted out of Munich by an immense crowd, and measures have been adopted to prevent her return.

Unfortunately in all this which wears a close resemblance to a Revolution, the King cuts a most pitiable figure, for He declared yesterday that he would die sooner than give in. However he could count upon nobody, and even the Military, though not positively refusing to act, manifested great repugnance to their duty and in fact remained passive. He was about in the streets on foot whilst the row was going on, and though no one attempted to harm him personally, every possible insult and humiliation was heaped upon him. He was hit by a stone, which however does not seem to have been intended for him, and though not hurt made that and his agitation an excuse

[5] Heinrich von der Mark.

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for not receiving the Peers with the Address to which I have above alluded.

I have only just time to send this hasty and slight sketch of these events before the departure of the Post. The ministers of course now remain in office.

FO 9/100: John Ralph Milbanke to Viscount Palmerston, No 13, Munich, 4 March 1848

Disturbances in Munich; Burghers' demands on the King; assault on the town arsenal

The news of the events which have just taken place at Paris,[6] and the effects produced by them in other neighbouring German States, have again aroused the feelings of discontent which have prevailed here for some time past, and which in fact were never entirely allayed even by the concession made by the King which I reported in my Despatch No 8.[7] Accordingly, for the last two evenings the Capital has been the scene of popular disturbances, to restrain which the united force of the Military and the Burgher Guard was required. The first demonstrations were made against the obnoxious Minister of the Interior,[8] and the mob proceeded to break the windows of the house inhabited by him; – those of the Department of the Interior shared the same fate as well as those of the Police Office and a considerable number in the Palace itself. Seditious cries such as 'down with the Tyrant', 'The Republick forever' &c were uttered, and some attempts were made at Barricades and to pillage the Gunmakers' shops, but the Burgher Guard succeeded in preventing anything very serious from taking place. A feeling of alarm however as to what might occur on the following evening pervaded all classes, and in the morning therefore there was, as on the former occasion, a meeting of the Burghers at the 'Town House' for the purpose of discussing what was best to be done, and as it proved also for endeavouring to take advantage of the opportunity which thus offered itself for obtaining some further concessions of a political nature. After much stormy discussion an Address to the King was agreed upon comprehending eight Principal Points: – 1st Responsibility of the Ministers, – 2nd Liberty of the Press, – 3rd Publicity of the Proceedings in the Administration of Justice and Trial by Jury, – 4th Popular representation at the Diet, – 5th Swearing of the Military to the Constitution, – 6th Immediate

[6] French February Revolution.
[7] Cf. p. 356.
[8] Franz von Berks.

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Convocation of the Chambers, – 7th a police Law, and 8th, an Electoral Law. To these was added, though not inserted, a demand for the expulsion of the obnoxious Minister of the Interior, who in the meantime had quitted Munich under the pretext of ill-health on a four months leave of absence, which was placarded all over the Town, but entirely failed in its object. The Address received in the course of two hours about 10,000 signatures and was carried to the Palace by a Deputation of the Burghers yesterday evening. The King after much entreaty on the part of those about him, received the Deputation with courtesy, assured it that the Minister of the Interior would not resume his functions, and that the Chambers should be summoned to take the wishes of the Burghers into consideration, as some of them were beyond his competency. His Majesty's Answer was considered to be satisfactory, especially as it was understood that He was to renounce the Right which He has always claimed and exercised, – of excluding all persons in the publick employ who were thought to be unfavorable to His Government – although legally chosen, – from taking their seats, by refusing them leave of absence from their official duties, which has long been a great grievance. Calm was accordingly in some measure restored, when an official announcement of the dissolution of the present chamber, and the convocation of a new one only on the 31st of May, to be chosen under the old system,[9] made its appearance and created a general impression that it was The King's intention not to keep faith with the People. This idea which was instantly bruited about, occasioned another meeting of the Burghers, and several thousands of persons, including students, collected about the Town House haranguing one another in seditious and democratical language, and in short causing the greatest tumult and confusion, which was still further increased by the beating of drums and other steps taken to get the Military and Burgher Guard under Arms. It was said, and I believe with truth, that Prince Wallerstein had resigned, and that The King had sent for Prince Wrede who had advised him not to yield, but rather to have recourse to coercive measures to preserve order. This news only served to augment the excitement, and a general rush was made to the Arsenal of the Burgher Guard, which was emptied in a moment by the mob, – a company of Infantry which had been placed there to protect it, offering no sort of opposition.

Affairs now assumed a serious aspect and there was every prospect of a Collision. The Palace was surrounded by Troops and several pieces of Cannon were placed to command the streets leading to it, but the temper of the Military is such that I do not believe any

[9] The legal basis for the election was the 'Edict on the Assembly of the Estates' of 1818.

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effective resistance would have been made. At this critical moment Prince Charles who had taken the command of the Garrison, left the Palace and proceeded on foot to the Town House for the purpose of announcing that The King had yielded, and that the chambers would be convoked for the 16th of this month. In the mean while those who had possessed themselves of arms and a great concourse of People had collected on an open space in the town with every appearance of proceeding to extremities, for they said they had been so often deceived by the King that they gave no credence to his Assurances.

Upon hearing what was going on Prince Charles, who is popular in the Capital, left the front of the Palace and rode into the midst of the crowd to confirm the truth of the statement made by him at the Town House, – but so great and general is the distrust of His Majesty that His Royal Highness was called upon and compelled to pledge his Princely word that what was demanded should be granted, before anything like order could be restored. However upon the Faith of his promise and the persuasion of Prince Wallerstein and an influential member[10] of the chambers, the armed portion of the assembly consented to restore the Arms they had taken to the Arsenal, and this they actually marched off and did immediately to a man. As far as I could judge from seeing them defile, there might have been something short of 2,000 with every description of Arm in use from the middle ages downwards. Amongst them were a great number of Boys and Students, but they could only be said to be formidable from the fact that they were not likely to meet with any serious resistance from the Troops or the Burgher Guard, since it is quite clear that the latter connived at least at the seizure of the Arms.

These are the fruits of the System pursued in the so-called Constitutional German States for years past, and in this country more particularly which enjoys nothing beyond the name of Constitution, for it has always been one of the first objects of the Sovereign to evade and neutralize it as much as was in his power, under the false notion that he thereby strengthened his own prerogative. He has at length been forced to give way, but I much doubt whether his concessions will stop here. Publick feeling is still in a very excited State in consequence of the numerous reports spread abroad by those who meditated forcing the King to abdicate, for it really appears that by some such a termination of the business was intended. It is to be hoped that His Majesty will take warning from what has passed, and when the chambers meet that he will cordially concur with them in such Reforms as may place the system of Government upon a solid constitutional Basis.

[10] Not traceable.

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The students at the University also got up an Address to His Majesty in a somewhat similar sense to that of the Burghers, but it contained the following passage: 'No struggle against the French Republick so long as it respects our Frontiers; – should that that not be the case, – a German struggle without help of the Russians. In the case of an unavoidable struggle between France and Russia, – for France against Russia'.

I need hardly direct your Lordship's attention to this false position in which the Sovereign of this Country now stands; but it cannot be denied that he owes it mainly to the general disgust which his conduct has inspired in the Publick mind for some months past.

FO 9/100: John Ralph Milbanke to Viscount Palmerston, No 17, Munich, 18 March 1848

Question of popular representation for Germany; state of confusion in Bavaria; neglected state of Bavarian army; disorder amongst the peasantry

[. . .] Within the last few days agents have arrived in this Capital from some of the adjacent States, charged by their respective Governments to discuss the preliminary steps to be taken, and if possible to establish in concert with the Bavarian Cabinet a common course of action in respect to the newly raised question of a revision of the Act of the Confederation,[11] with a view to the introduction of a system of Popular representation at the Diet, which at length even that assembly itself seems to consider unavoidable. It would be needless for me to recall to notice the reproaches which it has incurred for years past of apathy in all that might be conducive to the material Interests of Germany in commercial matters, or the animadversions to which it has been exposed from the obstacles which it has invariably thrown in the way of all useful reforms and the attainment of more liberal Institutions by the People. The influence exercised in it by Austria, which has in general been backed by that of Bavaria, has frequently called forth expressions of apprehension on the part of other Powers who professed themselves more inclined to advance in accordance with the exigencies of the times. These complaints which have of latter years acquired much more consistency, have now led to a strong manifestation on the part of the liberal Statesmen of Germany as to the necessity of revision and regeneration of the Federal Pact; and the proceedings of the recent meeting of Deputies at Heidelberg,[12] may be looked upon as the commencement of an

[11] Act of the German Confederation of 8 June 1815.
[12] Cf. n. 4 in Frankfurt section.

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active system of agitation to carry out this project. It is clear that at the time that meeting was held the concurrence of the different Sovereigns was not expected, – for although a hope is expressed that the Latter may advance hand in hand with them, a determination to carry their ends in defiance of their Rulers is clearly indicated. They separated however without having given their notions any very definite form, but with the intention of holding a more numerous meeting at Frankfort in the course of next month, and in the mean time a committee was appointed to communicate with and invite to be present the different members of the chambers within the precincts of the Confederation. The clamour which has been raised on this subject throughout Germany has compelled the Governments and the Diet to take the initiative in the hopes I presume of restraining the movement within reasonable bounds, but as far as I can learn, not any of them has a definite idea on the subject, and I am told that the instructions with which the three Envoys from Wurtemberg, Darmstadt and Nassau[13] now here are furnished, hold out very little prospect that anything like unity will be attained. They have come also at an unfavorable moment, when everything is in a state of Confusion. The Ministry weak and disunited, will in all probability be unable to maintain itself when the discussions come on in the Chamber which has just met, which will beyond a question be the most important that have ever taken place since the Constitution was granted,[14] especially in the present agitated state of the Publick mind. Difficulties of all sorts present themselves at the very outset. In order to act up to the promises made in the Proclamation[15] which I enclosed in my Despatch No 14, projects of Laws, some of which at least would require months to prepare them properly, will have to be presented immediately so as if possible to avoid the appearance of double dealing on the part of The King in whom the People have entirely lost confidence. The state of Finances also will from that very circumstance have to undergo a searching examination, and a strict account will be required of the sums which have at various times been allotted to military purposes, but which it is asserted have been diverted to other objects. The late events in France[16] have awakened strong feelings on this point, for it has

[13] Karl Freiherr von Sternenfels, Phillip Eugen Erwin Graf von Lehrbach and Max von Gagern.

[14] The Bavarian constitution was promulgated on 26 May 1818.

[15] The royal proclamation of 6 March 1848 convened the chambers for 16 March. Laws were to be presented there on ministerial responsibility, freedom of the press, the introduction of trial by jury, provision for civil servants, and the legal status of Jews, as well as a new electoral law. In addition Ludwig I ordered the preparation of a new criminal code, that the army should swear allegiance to the constitution, and the immediate lifting of censorship.

[16] French February Revolution.

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now become apparent to what an extent this branch of the service has been neglected, and in what a defenceless state this country is. I have often had occasion to advert to the economical system pursued in this respect to the great detriment of the Service, and I have therefore only to add that if the Diet were suddenly to require Bavaria to furnish her Contingent, it would be utterly out of her power to fulfil her Federal obligations.[17] Several weeks at least must elapse before the Contingent which amounts to nearly 40,000 men, exclusive of the reserve, could be put in motion. The men would no doubt be forthcoming, and are in fact joining their respective Regiments, but I am told that the material of war is in a deplorable state, and that in order to be able to march the necessary artillery, at least 4,000 additional horses would be required, which up to the present moment, as far as I can make out, no steps have been taken to procure.

This state of things is the more to be deplored just now from the circumstance that more than the customary number of Troops is requisite to keep order in the Provinces where very dangerous symptoms of disorder among the Peasantry are beginning to shew themselves, and which will require all the energy of the Government to put down. They began in the Grand Duchy of Baden, and have gradually spread over Wurtemberg and into Bavaria, and have assumed the character of a war against the landed Proprietors in which, under pretext of compelling them to relinquish the remains of their old Feudal Rights, which amounts to despoiling them of their Property without compensation, all sorts of horrors are perpetrated.[18] The actors in it however do not confine their operations to the houses of the landed Proprietors, but pillage indiscriminately those of any others, more particularly of the Jews, which offer any hopes of plunder. The consequence therefore is that such of the Inhabitants of the Provinces, especially those of Franconia, as possess anything to lose are seeking in considerable numbers refuge in the Towns, whilst the authorities are taking such measures as their limited means will allow to repress these disorders. Great apprehensions however are entertained that the evil will extend itself all over those parts of Germany in which the cause still subsists, and this country therefore, which has taken no steps whatever towards a solution of the point in dispute between the Nobles and the Peasants, would probably be severely visited. The difficulties in the way of an amicable arrangement are clearly very great, arising partly from local customs; but there has always been a decided indisposition on the part of the majority of the Proprietors to entertain the question, although it has more than once

[17] Bavaria was obliged to provide one of the German Confederation's ten army corps.
[18] Cf. pp. 311–312.

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been submitted to the Chambers. A Law which should be obligatory on both parties would, under present circumstances, content neither, and the ministry as now constituted is certainly not in a position to deal with the question. All its efforts are at this moment directed towards preserving order in the capital where publick tranquillity has been again disturbed and excesses committed. The Town is said to be overrun with Foreign emissaries of the lowest description who, as the Police is completely disorganized, carry on their machinations and excite the lower classes with impunity. The respectable portion of the Inhabitants have obtained permission to form themselves into armed corps for the protection of Property, but the Government appears to me to be powerless, and Affairs in general to be fast approaching to a state of Anarchy all over the South of Germany, where the Republican Party is very active and generally supposed to be rapidly gaining ground.

A few days before Prince Wallerstein was dismissed[19] he told me that it was the intention of the Ministry to put the most liberal interpretation upon the concessions made in the Royal Proclamation for he thought the Sovereign would hold a more advantageous position at the head of the movement than by following it. In this observation I quite concurred, but I need hardly add that when it was made the moment for pursuing such a course was already gone by. Prince Wallerstein's own conduct during the late events was unfortunately so inconsistent and inexplicable that he has entirely lost the little publick confidence he formerly enjoyed. His position with the Sovereign is already known to Your Lordship; but it remains to be seen what line he will take in the chamber where his aptitude as a speaker will always give him some weight.

His successor in the Foreign Department is Count Waldkirch, hitherto Bavarian Representative at Carlsruhe, who has been appointed like all his Colleagues provisional Minister only. This system of nominating provisionally which has long been a serious cause of complaint against the King, must now of course cease as soon as the promised responsibility of Ministers shall really be established. But the consequence will no doubt be a further change in His Majesty's councils ere long, and He will this time most likely be forced to select His Ministers from the Liberal Majority in the chamber, which as now composed would give a cabinet of not very exaggerated liberal opinions. The case however will be different when the promised Electoral Law has been passed, which will open the way into the Chamber to many who profess doctrines of a very different colour.

[19] Oettingen-Wallerstein was dismissed on 11 March 1848.

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I have just learnt that Baron Verger is to leave Munich tomorrow on a special mission to Dresden and Berlin touching the question of national Representation at the Diet, the Deputies abovementioned from the other States having already taken their departure for the same destination.[20] Count Waldkirch informs me that what has passed between them and this Government amounts to nothing more than an exchange of views on the subject, but he is of opinion that no satisfactory decision can be come to without the concurrence of the States, and that the question therefore will be one of the first that will occupy the attention of the Chambers as well here as elsewhere. This cabinet indeed appears by no means inclined to support the wild conceptions of the promoters of this project, which fall little short of universal suffrage, and are downright impracticable in Germany under almost any circumstances.

FO 9/100: John Ralph Milbanke to Viscount Palmerston, No 18, Munich, 21 March 1848

Abdication of Bavarian King; accession of Maximilian II

[. . .] I hasten to transmit to Your Lordship the inclosed copy of a Note which I have just received from the Bavarian Minister for Foreign Affairs,[21] forwarding to me the act of abdication of His Majesty King Lewis of Bavaria in favour of His Royal Highness the Prince Royal, and announcing the accession of the Latter to the Throne. This event took place at a late hour last night, and early this morning the new Sovereign took the customary oaths before the Council of State. His Majesty subsequently received Deputations from both Chambers of the States, to whom He briefly stated His intention of governing in strict accordance with the principles of the Constitution. Shortly after, the military and the Burgher Guard publickly took the oath of allegiance, and the Heralds proclaimed the Accession of the Throne of Maximilian the 2nd with the usual formalities. The whole passed off in solemn silence, for scarcely a solitary acclamation was to be heard.[22]

[20] Cf. n. 20 in Saxony section.

[21] Klemens August Graf von Waldkirch.

[22] Enclosures: Waldkirch to Milbanke, Munich, 20 March 1848; Translation: Act of abdication of H. M. King Ludwig of Bavaria, Munich, 20 March 1848.

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FO 9/101: John Ralph Milbanke to Viscount Palmerston, No 35, Munich, 6 June 1848

Prorogation of the Landtag; reform of manorial rights and abolition of manorial courts

[. . .] The most important session of the States ever held in this country was prorogued yesterday by His Royal Highness Prince Luitpold in the name of the King.

The speech from the Throne, 'Landtagsabschied' contains nothing which calls for particular observation from me, since it is confined to the formal sanction by the Crown of the different Laws which have been adopted. These Laws, of which I herewith inclose a list, and to some of the most important of which I have already directed Your Lordship's attention, may be said to have entirely remodelled the Constitution of the Country in a more liberal sense. Of all of them that one which, by enabling or rather compelling all Parties to submit to the transfer of their seigneurial and manorial Rights and Dues to the Government against what is denominated an equivalent to be furnished by the latter, is about to operate a social Revolution by breaking up the ties which have for so many centuries subsisted between the Nobles, and the Church and the Peasantry, has been the most warmly debated.[23] I cannot say that any systematick opposition was offered to it, even in the Upper Chamber among the member [sic] of which fear of the consequences of its rejection in the present disturbed state of mind of the Peasantry, seem to have exercised a predominant influence. A small minority of the Representatives of the Clergy in both Chambers, however, raised their voices loudly and earnestly against the measure as a spoliation of church Property and infraction of the Provisions of the Concordat;[24] but though their appeal in the Senate was vain I cannot entertain a doubt that their expressed opinions will produce their effect in the Provinces, for already I hear of Petitions against the Law being sent in, and that the Peasantry complain they have been deceived by designing advocates who represented to them that when once the Law in question should have passed they would be relieved from all payments whatever of this nature, – instead of which they are now aware that they have merely been handed over to the state which will be a much more rigorous creditor and better able to insist upon the exaction of them. In addition

[23] The laws of 4 June 1848 transferred the manorial rights of jurisdiction and policing to the state, and abolished the peasants' services and personal taxes without compensation. The peasants' right to land use was converted into property which could be redeemed under favourable conditions.

[24] Article VII of the Concordat of 5 July 1817 guaranteed the property of the Catholic Church and its institutions.

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to this they find in the abolition of the manorial courts, of which not less than 1100 will be done away with, a source of considerable inconvenience inasmuch as they will under the new laws have to appear before the Provincial Tribunals – often at a considerable distance – in every petty case of dispute which used to be summarily dealt with by the Bailiff of the Seigneur. All the charitable Institutions and corporations will from the circumstance of their funds being for the most part placed on landed security, find their means more or less circumscribed, and this again cannot fail to exercise an influence the contrary from beneficial over their sphere of action. In short the discontent in the country appears to be so general that my prediction that no Law which the Ministry could propose would give satisfaction to all the Parties whose interest were involved in it, is on the point of being verified. It is indeed a great question whether the measure will confer upon the Country the benefits which were expected of it. The peculiarities in the position of the Peasantry in Bavaria, especially in their relations towards their Lords, who I believe generally shewed great leniency in all matters relating to payments of Rent and other Dues, lead most people acquainted with the matter to view what has been done in the light of a great and doubtful experiment.[. . .][25]

FO 9/101: John Ralph Milbanke to Viscount Palmerston, No 52, Munich, 1 October 1848

Meeting of democratic clubs; conversation with Count Bray on state of affairs in Bavaria; question of diplomatic representation of Bavaria at foreign courts; state of affairs elsewhere in Germany

The Republican demonstrations which have again been recently renewed in different parts of Germany have not failed to produce a certain effect in this capital, where they have given increased activity to the democratick clubs which although pronounced to be illegal by the Government some weeks ago,[26] have not the less openly continued their meetings.

The language held at these clubs is generally reprobated by that class of persons who are desirous of order and tranquillity, and an opposition

[25] Enclosures: *Abschied für die Stände-Versammlung des Königreichs Bayern*, 4 June 1848; Translation: Extract from a speech made by Count Bray, minister for foreign affairs, at the last meeting of the Bavarian chambers, 30 May 1848; *Lettres à Monsieur le Dr. Gustave Kolb, Rédacteur de la Gazette Universelle d'Augsbourg*, Munich 1848.

[26] The decree of 12 August 1848 banned the Democratic-Republican Party. This ban was to apply to all clubs that had supported the Democratic Central Commission's call of 28 June 1848 for another revolution.

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club[27] having for its motto 'Freedom and Order' has more than once urged the ministry to take summary measures for putting them down. The pusillanimity however of the Government has till within the last few days, when it suddenly caused to be arrested some of the principal leaders, always been manifested in evasive answers and assertions of incompetency. It is not easy to arrive at the truth of the immediate cause of these arrests, relative to which numerous improbable reports of a plot to assassinate The King and proclaim the Republick this day are in circulation; but the whole affair is likely to turn out extremely unfavorably for the Ministry which appears to have been mystified by a fictitious correspondence,[28] and if this be true, has been made to play a most ridiculous part in it, for after three days incarceration the Prisoners were all set at liberty yesterday afternoon as is alleged for want of proof of their culpability. Another notion however which prevails very generally is that the Government was afraid to prosecute the enquiry further, and knowing as I do the manner in which affairs are conducted here and the apprehensions which subsist, and seeing also the anxiety of the Ministry to shift the responsibility of the step taken on to the shoulders of the Tribunal whose duty it was to examine the proofs and issue the necessary warrants, I am almost inclined to think that it is not altogether unfounded. Whichever may be the correct version the consequences are the same, – the Ministry has given an additional proof of incapacity and has lost proportionately in the publick estimation, whilst on the other hand the Party which it was intended to crush will acquire increased importance.

I had some conservation on this subject yesterday with Count Bray who was absent at the time the arrests were determined upon, and who seems perfectly aware of the false position in which the Government is placed by them. He deeply deplored the precipitancy with which they had been made, but tried to convince me that no imputation of blame could rest upon the Ministry which he asserted was entirely foreign to the whole transaction. To his observations I could only reply that I thought the Ministry would find some difficulty in persuading the Publick that these political arrests had been made without the concurrence of the Government. I then entered with His Excellency into some general conversation on the state of affairs in this country, with which in spite of his attempts to place them in the most favorable

[27] *Bürgerverein für Freiheit und Ordnung*, founded in May 1848 in Munich; politically it was on the right wing of bourgeois constitutionalism.

[28] The arrest of eight leaders of the *Demokratischer Verein* was provoked by an anonymous letter from a student to a gallery inspector, in which the latter was requested, in the name of the democratic association, to give a speech at a protest meeting against the Frankfurt National Assembly. The Bavarian minister of the interior regarded this letter, intended as a joke, as 'attempted high treason'.

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light it is clear he is by no means satisfied, and I could plainly see that he is not altogether without apprehension for the future. He told me that the impressions he had received at Frankfort were more consolatory than he had hoped for, and that he felt assured that the Central Government and the National Assembly were at length penetrated with the necessity of advancing only in concert with the Governments of the separate states, and he added that as far as Bavaria was concerned both the Sovereign and his confidential advisers were decided upon giving their best support to the consolidation of the new order of things, – that to convey assurances in this sense had been one of the principal objects of his journey to Frankfort, and he was glad to say they had been received in a cordial spirit. The inclosed Translation of what purports to be the answer of the central Government to Count Bray's communications has been published in the Journal[29] which passes for the semi-official Organ of the Government, probably with the view of giving Bavaria the air of putting herself at the head of the movement for German Unity, and thereby acquiring some little popularity. It is undeniable that within the last few weeks since the determination of Prussia to preserve an independent position in reference to the central Government became known, the views or at least the language of this Cabinet has undergone a marked change. This Court seems all at once from having been exactly the contrary to have become the most pliable of all the German courts. It is now disposed to yield upon the question of a central Diplomatick Representation at Foreign Courts,[30] upon which it was at first inexorable, and I can scarcely doubt that ere long all the Bavarian diplomatick Agents abroad will be recalled, except those at the Courts of Rome and Athens, at which the right to continue Representatives is said to have been reserved. Most of the German Ministers here have already received notice from their respective Governments to make preparations for quitting the Bavarian capital in the course of different short stated periods.

That the King of Bavaria will not yield this privilege of an independent Sovereign without a severe pang I can readily understand, but the Government here is so thoroughly bewildered by the rapid succession of events and so completely thrown out of its ordinary routine, that it seems entirely to overlook the impracticability of an arrangement by which the same diplomatist would have to represent such a diversity of Interests and Ideas.

After the language held at Munich both previously to and at the moment of Count Bray's departure for Frankfort, I was not a little

[29] *Neue Münchener Zeitung.*

[30] Cf. n. 38 in Saxony section.

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surprized to hear from His Excellency that the King of Bavaria was determined to pursue in reference to the Schleswig-Holstein question the same course of policy as Prussia.[31] This declaration was so much at variance with the tone which was from the first assumed here that I was induced to mention the circumstance to my Russian Colleague[32] who told me in reply that Count Bray had spoken to him in the same sense, and that he had been not less than myself struck by the change which it seemed to imply.

Your Lordship has been doubtless informed from other sources of the intention of the Central Government to form four large camps in Germany, so that it only remains for me to state that 12,000 Bavarian Troops are already on their march towards the South-Western frontier from different parts of the Country. Two Regiments are leaving the capital piecemeal as they can manage to call in the men who have been absent on furlough. I understand the Bavarian army is now to be raised to 2 per cent of the Population which will give a force of 90,000 men.

Prince Charles who has the Command of the 7th and 8th Corps of the Federal Troops, has been compelled to make a journey to Frankfort in order, as he says, to try and clear up his own position as commander in chief of these corps which are now scattered in every direction and are consequently beyond his control.

All the accounts which reach us of the State of Affairs in other parts of Germany shew no abatement in the Confusion which has now prevailed for so many months. The two Parties of Anarchists and Reactionists into which Germany may now be said to be divided appear to be alternately playing into one another's hands in the hopes of furthering their own particular interests.

The disorganization is in short complete and the degree of submission which is likely to be yielded to the supremacy of the Central Government may be judged of by the example recently given by two small States; – one[33] of which has protested against being occupied by a Federal force, and the other has actually driven away the reigning Prince[34] because he was unable to oppose the entry of Bavarian Troops

[31] Milbanke is referring to the Armistice of Malmö concluded between Prussia and Denmark on 26 August 1848 (cf. n. 16 in Hanse Towns section).

[32] Dimitri Petrovitch von Severin.

[33] Free City of Frankfurt. Cf. pp. 38–39.

[34] Karl Anton of Hohenzollern-Sigmaringen. The revolutionary uprising of 10 October 1848 was put down with the aid of Bavarian troops.

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ordered thither, which the population now threatens to resist by force of arms.[35]

FO 9/101: John Ralph Milbanke to Viscount Palmerston, No 61, Munich, 18 December 1848

Results of election; democratic nature of suffrage; heterogeneous composition of the chamber

The Elections for the new Chambers, the opening of which will I understand take place early in the ensuing year, having now terminated, it may not be uninteresting nor out of place to devote a few moments to the examination of the results attained by the Law[36] passed during the last Session which placed the Elective franchise on so liberal a basis as nearly to amount to universal suffrage. By that Law which entirely abolished the ancient system of a representation of the different 'states',[37] in itself alone a most important innovation in the political Constitution of this Country although the principle of indirect Election was preserved under the idea that through its means some check might be exercised over the democratick Party whose subversive doctrines at that time were a source of so much alarm to all the German Governments, the Country was divided into 'Circles' as they were termed, each containing a specifick number of Inhabitants who were empowered to elect their Representatives in the proportion of one to 50,000. In the preliminary Election of the Electoral Colleges every Bavarian Citizen paying a direct Tax of whatever denomination to the states possesses a vote, and as some of these Taxes do not exceed a few pence Your Lordship may form some notion of the extensive and democratick nature of the suffrage. No qualification beyond that of domicile and Citizenship is required in order to be chosen member of the Lower chamber.

The consequences of this new system have been foreseen and foretold ever since the passing of the Law, and the event seems to have fully justified the apprehensions entertained as to the heterogeneous Composition of the Chamber just elected. In a recent despatch I ventured to hazard the conjecture that the Ultramontane and

[35] Enclosure (translation): Reply dated 20 September 1848 of the ministry of the Empire to the communications of the Bavarian government of 8 September, recognizing the central power and offering its support and cooperation.

[36] Electoral law of 4 June 1848.

[37] According to the electoral law of 1818 the composition of the second chamber of the Bavarian *Landtag* was: one eighth noble landowners; one eighth clergy; one quarter representatives of the cities and markets; one half representatives of other landowners without manorial jurisdiction.

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the Radical Parties would both be strongly represented, and most accounts concur in establishing the correctness of what I then stated, as far at least as an approximative calculation of their numbers by persons capable of judging can be depended upon. According to this appreciation, in a Chamber consisting of 143 Members there would be somewhere about 40 either Catholick Priests or Members elected under the special influence of the high Catholick Party, who will be exclusively under the guidance of Monsieur d'Abel destined as it would seem to play a very prominent part in the approaching Session from his intellectual superiority and oratorical talents. The democratick Party counts I am told between 30 and 40 ready to go any lengths, chosen principally in the Palatinate and the districts in Franconia. The remainder of the chamber composed of Peasants, Tradesmen, Publick Employés and others in an inferior station of life is said to be totally wanting in political views and knowledge, and not to be reckoned upon for any consistent course of State Policy, their ideas for the most part turning upon questions merely of local importance and private interest. In a Chamber thus composed the Government will find it by no means an easy task to carry on the publick business unless it be disposed to make concessions to the different shades of opinions represented in it. Accordingly as the Majorities may pronounce themselves for or against it, but in this case it will run great risk of being dominated over by the Ultramontane Party which is incomparably the most adroit and united for the one particular object of augmenting both the spiritual and temporal influence of the Church, and there can scarcely be a doubt that it will find means of turning the vacillating position of the Assembly to account. In one respect the line of conduct which this Party may adopt is not without general importance, for in the question now pending in the National Assembly at Frankfort relative to the choice of an Emperor of Germany, it will throw its whole weight into the scale against Prussia, and I already perceive in the publick Press of this Country a more marked expression of dissatisfaction at the proposal of the committee[38] on that subject as well as at the unequal division of votes in the Upper House which would give Northern Germany a preponderance of 23 over the South, – than was observable before the result of the Elections became known. Indeed upon this point of the supremacy of Prussia I may avail myself of the present opportunity for stating that what

[38] The Frankfurt National Assembly's standing constitutional committee had decided in favour of introducing a hereditary empire in Germany. In the view of the constitutional committee, the *Reichsrat* (upper house) should be comprised of plenipotentiaries of the German states. Both proposals were laid before the National Assembly on 17 January 1849 for consideration.

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has recently taken place at Frankfort and Berlin has if possible still further indisposed this Country towards it, and although the Bavarian Government is sensible that it is to a certain extent placed in a false position by Count Bray's declaration at Frankfort,[39] I do not hesitate to affirm that it would resist it to the utmost, and as far as I am able to ascertain still clings to the hope that the plan originally suggested of choosing the Executive from the three Principal Powers of Germany may be realized.[40]

Another remarkable feature in the constitution of the present chamber is that with the exception of the Roman Catholick, for the Protestant Church seems altogether excluded, the Property of the country is as good as unrepresented. Not only has the class of nobles failed to obtain many seats in the chamber as has hitherto been the case, but even the heads of the principal manufacturing Establishments have been forced to give way to persons of a far inferior caste in society. A Circumstance also not less worthy of notice, and which is likely to be attended with no small inconvenience, lies in the fact that only 16 or 17 of the new members have ever sat in any previous Chamber, and great difficulty therefore is experienced in finding members sufficiently acquainted with the routine and forms of business to compose the different committees of the chamber whose duty it is to report upon the projects of Laws submitted to it.

Altogether when it is remembered that the State is about to enter upon a new Finance Period, and that in midst of a torrent of bitter complaints as to the disposal of the Surplus Revenue of the past, the ministry will have to present the Budget for the next 6 years, the Session promises to be one of difficulty even without laying undue stress upon the effect which the publication of the project of the new Prussian constitution[41] cannot fail to produce.

In the mean time with the view of being prepared for events both at home and abroad, the King is directing his utmost efforts towards conciliating and putting his Army on an effective footing, and it cannot be denied that in spite of his means being very restricted, he has done much towards rendering himself popular in it and repairing the neglect with which it had been treated under the late Reign.

[39] On 8 September 1848 Graf von Bray-Steinburg presented in Frankfurt a declaration of the Bavarian government in which it pronounced itself willing to recognize the central power in Frankfurt and to carry out all points of the National Assembly's resolution of 28 June 1848. According to the declaration, the aim of Bavarian policy was the unity of Germany, with due consideration given to the constitutional-monarchical principle of the individual states.

[40] Cf. pp. 27–28.

[41] Cf. n. 110 in Prussia section.

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FO 9/103: John Ralph Milbanke to Viscount Palmerston, No 3, Munich, 29 January 1849

Composition of the second chamber; programmes of the parties; ministry's dilemma about liberal reform

During the week which has elapsed since the meeting of the States their time has been exclusively occupied in the formation of the various Committees to which is entrusted, according to the practice here, the examination of the Projects of all Laws introduced into the chambers.

The result of these preparatory arrangements has turned out most unfavorably for the ministry, from the circumstance that the Democratick Party has with one or two exceptions contrived to exclude all those members who are even suspected of entertaining conservative principles, and the Committees are therefore almost entirely composed from the Left and Centre.

The principles by which these two Fractions intend to be governed are best shewn in the Programmes which they respectively made publick, and of which I herewith inclose Translations.

The numerical force of the different Parties in the Lower Chamber will in all probability be more clearly defined when the discussion on the Address[42] expected to commence tomorrow, shall have terminated. At present they may be said to be divided as follows: – the Right (Monsieur d'Abel's) and consequently comprehending the Ultramontane Party, numbers somewhere about 40, – the Centre (Baron Lerchenfeld's) about 32, – the Left Centre, in the course of formation only about 20, – and the Left between 40 and 50. Thus if I include a few disputed Elections likely to be decided in favor of the Extreme Party, the whole Chamber is accounted for; but as a good many of the members are still wavering and seem uncertain to which they belong, the above can only be taken as a rough calculation.

I stated in my preceding dispatch that the prospects of the Ministry had improved of late in consequence of an understanding come to between Monsieur d'Abel and Baron Lerchenfeld to give it their support; but I now learn that although the leaders were to a certain extent agreed upon this point, their followers, at least those of the latter Gentleman, could not be brought into the compact, and many of them declared that they could not under any circumstances vote with Monsieur d'Abel. This unexpected symptom of insubordination has of course neutralized the whole plan of a coalition, the mere suspicion of which by giving fresh activity to the Democratick Party has as far as I am able to judge placed the Ministry in a more critical

[42] The discussion on the address in response to the King's opening speech of the *Landtag* on 22 January 1849 extended over five sessions.

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position than it was before, for according to the best calculations it has now declared against it a compact body of about 70. It is easy to see that unless a change for the better takes place it must very speedily succumb under its many difficulties. This is the opinion of the Ministers themselves, one of whom a few evenings ago remarked to me that it was in vain to seek for a Government Party in the Chamber. In addition to the above embarrassing complications it is by no means improbable that a violent quarrel will ensue between the Upper and Lower Chambers on the subject of the changes which are contemplated in the constitution of the former, and which it avows its determination strenuously to resist.

Thus the Crown will once more be brought, it must be admitted partly by mistrust of its own responsible advisers, into a most awkward dilemma, and it seems to me that only two courses, both equally fraught with danger, are open to it. One which at first sight would seem the most constitutional expedient would be to intrust the Government of the Country to the hands of the Party commanding a Majority in the Chamber; but an objection to this at once suggests itself in the fact that the first use of Power which this Party would make would be the introduction into the Country of the Fundamental Rights (Grundrechte)[43] and other innovations which would call down upon it the concentrated opposition of the wealthy and middle classes as well as High Church Catholicks, and might therefore lead to a very serious schism in the bosom of the Country itself. On this particular subject I have lately seen a calculation published in the semi-official organ of the Government[44] to prove that the revolution of Property produced by their adoption would be of such magnitude as to occasion to Bavaria alone a dead loss of upwards of 20 millions of Florins. This would certainly not be quietly submitted to, and I can scarcely doubt that a cabinet composed of the elements to which I have alluded above, would in a very short time give such proofs of incapacity as to lead to its downfall, and thus in some degree undeceive the Country; but the Crown would hardly be justified in adopting such tacticks in the face of the irreparable mischief which even in a short tenure of Office the recklessness or ignorance of this description of Rulers could not fail to inflict upon the Kingdom.

The other alternative which presents itself, and which is talked of as offering to the Crown a simple means of escape from its embarrassments, is the dissolution of the chamber; but the advocatis [sic] of this step who argue that time gained is everything in the present situation of Affairs, and who are disposed to trust to the

[43] Cf. n. 62 in Frankfurt section.
[44] *Neue Münchener Zeitung.*

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chapter of accidents for a favorable turn to events during the three months that might be allowed to pass away before the new chamber would meet, lose sight I think of the dangers to which a renewal of the excitement attendant upon Elections commenced under such circumstances would expose both the Crown and the Country; since it would require no great exercise of skill on the part of the Democratick Party to create a general confusion by giving the proceeding in the eyes of the Masses the Appearance of a determination to resist all their demands, and thereby increase the irritation which already prevails to so fatal an extent amongst the lower classes. At the same time I do not understand what reason the King can have for hoping that a new chamber, elected under the present Law,[45] would entertain sentiments more favorable to his system of Government than that now sitting, – and lastly I cannot see how the Government is to be carried on without the supplies being voted. These and many other equally embarrassing questions of internal policy will have to be solved before any return towards confidence or order can be looked for, and as far as they are concerned I do not think the Government will gain much by putting off the settlement of them. A little delay might so far be advantageous as to enable it to see more clearly what its position with respect to the National Assembly at Frankfort is likely to be, especially just now when the Prussian Minister[46] has received instructions[47] to endeavour to concert with the Bavarian cabinet the course to be pursued in the reconstruction of Germany; and though I cannot learn that those instructions lay down any very defined basis of negotiation, the demonstration has I have reason to believe been met in a cordial spirit, without prejudice however to the rooted jealousy entertained as to Prussian designs.

Generally speaking the accounts which reach us of the effervescence of the Publick mind in every State in Germany is far from satisfactory, and the opinion seems to be gaining ground that the whole of it has still to pass through a serious crisis and convulsion.

In this Country the excitement is kept up amongst the Peasantry by means of the Game laws[48] and the hopes held out to that class by the Agitators of a revision in their favor of the Law relative to the abolition of burthens upon Land;[49] and unless strong preventive

[45] Cf. p. 370.

[46] Heinrich Friedrich Phillipp von Bockelberg.

[47] Prussian circular note of 23 January 1849.

[48] The law of 4 June 1848 restricted the right to hunt to owners of large estates; the numerous new owners of smallholdings were excluded.

[49] Cf. n. 23 in this section.

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measures are shortly adopted, these two questions principally threaten much disorder in the Provinces.

Since writing the above the Programme issued by the Right fraction of the chamber has been put into my hands. It is far superior in the enunciation of the views of the Party to either of the others, but it is so much longer that I must confine myself to giving a summary of its contents. In its principles it is strictly constitutional Monarchical and Liberal conservative. In the German question it adopts the Principle of agreement. In the special Bavarian, that of the improvement of the constitution in the manner prescribed by the same, – Protection, Advancement, and Relief to Agriculture, Trade, Commerce and Property; – it further expresses a determination to hold fast to the liberties acquired in March,[50] and to resist every attempt at reaction.

I inclose a Translation of the paragraph which relates to the National Assembly at Frankfort, as possessing general interest at the present moment.

Your Lordship will observe that the Unity question is treated of in all the three Programmes, but I may venture to say that each Party entertains a different notion on the subject.[51]

FO 9/103: John Ralph Milbanke to Viscount Palmerston, No 30, Munich, 22 April 1849

Bavaria's dissatisfaction with proceedings at Frankfurt concerning the German Empire and the new constitution; Austrian support for Bavarian position

[. . .] I yesterday called, for the first time, on Mr de Pfordten, and found him occupied as he himself informed me in drawing up a protest to be transmitted to Frankfort against the votes of the National Assembly, both in respect to the Empire and the new Constitution to neither of which, he said, this country either could or would accede.[52] He told me that upon these points the mind of the Cabinet was firmly made up, not to yield. He stated that there was no idea of sending a Plenipotentiary to Frankfort, and added, that in all probability, the major part of the Bavarian Deputies would quit that city immediately with the Austrians. Being altogether unused to hear a Bavarian Minister speak out so plainly on public affairs, I was rather at a loss to understand what

[50] Cf. n. 15 in this section.

[51] Enclosures (all translations): Programme of the Left signed by fifty deputies of the Bavarian chamber; Programme of the Centre signed by thirty-three deputies; Extract from the programme of the Right signed by twenty-three deputies.

[52] For the Frankfurt Imperial Constitution and the election of Friedrich Wilhelm IV as emperor cf. n. 81 in Frankfurt section.

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could have happened to produce such decisive language especially as similar expressions had been repeated to me as having been used by the King in a conversation with a member of the Upper Chamber.

The mystery however was cleared up when I learnt, a few minutes after leaving the Minister for Foreign Affairs, that Baron Aretin had returned, the night before, from his mission to Olmütz, bringing with him the most satisfactory assurances from the Imperial Cabinet.

At present I can only speak of their contents from hearsay, but I believe I may safely go so far as to say that the Austrian Government has engaged itself to give its unreserved support to Bavaria in Her resistance to the decisions of the National Assembly. If this version be true, I can scarcely entertain a doubt that this country will now openly avow Her intention of being guided by Austria, in all that relates to the German question, and I must consequently look upon the division of Germany as consummated.[. . .]

FO 9/103: John Ralph Milbanke to Viscount Palmerston, No 39, Munich, 24 May 1849

State of affairs in the Palatinate; suspension of delegates; exodus of the left from the second chamber; discussion of the Frankfurt Imperial Constitution in the first chamber

My preceding despatch was scarcely closed when the Proclamation of the Government relative to the state of affairs in the Palatinate,[53] of which I herewith enclose a translation,[54] appeared as a sort of preliminary to the step which the Cabinet had come to the decision of adopting with respect to the Deputies from that Province now taking part in the debates of the Chamber.

At the sitting which took place on the following morning the Minister of Justice[55] communicated to the Chamber all the further information received from the Palatinate, and read the Proclamation issued by the Provisional Government,[56] by which, he remarked, it was clearly manifest that the so-called provisional Government arrogated to itself the full executive power, and even went the length of offering in the name of the People, an amnesty for all political crimes and misde[me]anours.

[53] The Bavarian government's refusal to recognize the Imperial Constitution led to the revolutionary secession of the Palatinate from Bavaria. On 17 May 1849 a provisional government was set up in Kaiserslautern.

[54] Enclosure (translation): Proclamation by the collective ministry of state, 22 May 1849.

[55] Karl Joseph Freiherr von Kleinschrod.

[56] Proclamation by the provisional government to the inhabitants of the Palatinate, 18 May 1849.

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The President[57] of the Chamber then announced, that he had received a written communication from the Ministry, transmitting to him the above mentioned Proclamation, and submitting the opinion of the Government, that in consideration of the present state of affairs in the Palatinate, the Deputies from that Province ought to be suspended from all participation in the deliberations of the Chamber, until legal order should be restored there, and leaving to the discretion of the President to adopt the course which he might esteem best calculated to bring about a decision of the Chamber in this sense.

A very violent discussion then ensued upon a question of form, as to whether the Ministerial communication should be submitted to a Committee, or the Chamber pass to the order of the day, and the President was ultimately compelled to break off and adjourn the sitting for some hours. He subsequently commenced the business of the evening meetings by laying down the principle, that according to Parliamentary practice, no one could be judge in his own affair, and declared that although he was thoroughly conscious of the heavy responsibility he encurred, he had determined to put the question to the vote by calling over the names of the Deputies, severally, omitting however those of the fifteen Palatinate Deputies. Scarcely were these words out of his mouth, when the whole of the extreme left, to which the Palatinate Deputies belong, rose and quitted the Chamber in the midst of the greatest confusion and uproar in the Galleries, and the members of the left centre, who had remained a short time in their seats, gradually followed the example of their colleagues. The sitting was again suspended for half an hour, in order to give time for clearing the Galleries, and when it recommenced, the places of the Left and Centre being naturally empty, the President in a short conciliatory speech expressed a hope that a little reflection would induce at least a part of those who had absented themselves, to return, and proceeded to read to the Chamber a declaration he had just received, signed by those who were absent, to the effect that as they looked upon the exclusion of the Deputies of the Palatinate from all participation in the vote of the Chamber as a violation of the Constitution, they would take no part in the proceedings of the Assembly so long as the Palatinate Deputies were excluded. With this, the matter terminated, for the moment, but is again this morning the subject of further discussions which are still going on.

In the Upper Chamber, the question of the German Constitution[58] was brought forward by Prince Wallerstein, who was the only speaker in favour of its unconditional acknowledgement, and the result was

[57] Gustav Freiherr von Lerchenfeld.

[58] Cf. n. 81 in Frankfurt section.

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a declaration of adhesion to the basis laid down by the Ministry on that subject, and on expression of hope that it would use its utmost endeavours, whilst holding fast to the principle of the Union and strength of Germany, and the guarantee of the Independence and rights of the Bavarian State, to bring about a prompt understanding on the Constitution.

Another Prussian General arrived here a few days ago, who is I believe, the bearer of the propositions on this very point, which were sent to Vienna, and which are there said to have met with an extremely unfavourable reception. This Mission however is supposed to extend further, and to have for its object, to detach Bavaria from Austria, by offers of military aid in case of necessity, and by this means, to obtain her acquiescence in the Prussian plan. But my informant, who is usually well acquainted with what is going on, assured me that the Bavarian Cabinet remains firm in its determination to be guided by Austria alone, in the German Question.

Mr v der Pfordten's time has been so much occupied of late with the business of the Chambers, that I have not been able to see him, and cannot, therefore, vouch for the correctness of what I now state, respecting the nature of General Gerlach's Mission, – though the source from whence my information was derived, leads me to put full faith in it.

FO 9/104: John Ralph Milbanke to Viscount Palmerston, No 50, Munich, 19 June 1849

Effect of Prussian troops' entry into the Palatinate

The entrance of so large a Prussian Force as now occupies the Palatinate, in direct contravention of the arrangements made[59] has created a most unpleasant feeling in the Public Mind, and appears once more to have aroused those sentiments of animosity and suspicion to which I have so often had occasion to direct Your Lordship's notice.

I have reason to know that the King was exceedingly annoyed when the news of the March of the Prussian Corps reached him, and expressed himself in very strong terms on this uncalled for interference, to which he is understood only to have acceded with difficulty at the

[59] On 4 June 1849 Bavaria informed Prussia of its plans for military intervention in the Palatinate with a request for military support. The subsequent request that Prussian troops should enter the Palatinate after the Bavarian troops was rejected by Prussia on the grounds of military necessity. On 14 June, two days before the Bavarian troops arrived, Prussia intervened militarily in the Palatinate and met no resistance.

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urgent request of the Central Government at Frankfort, and then on the express condition that it should not go beyond what was thought sufficient to save appearances, and that it should take place in conjunction with his own Troops.

Apprehensions now begin to be felt, that having subdued the Revolution in the Grand Duchy of Baden, the Prussian Troops will march into Wurtemberg under the pretext of settling Affairs there. I can scarcely imagine that such a design can be entertained by the Commander[60] of the Prussian Corps without some previous concert and understanding, but if it exists it may lead to very deplorable complications for the King declared, no later than last night, that if any encroachment of that nature were attempted he would join with the King of Wurtemberg and employ the last Soldier he had in resisting it.

In general I may say that the military preparations said to be making by Prussia, on a very extensive scale, have produced the very worst effect, not only here, but in other parts of Southern Germany; and it is argued with some show of justice that where so heavy an expence is incurred, these must be some object of commensurate value and importance in view.

Austrian Troops are again entering the Vorarlberg, and it is intended if possible, to get together within reach in that neighbourhood a Corps of Twenty Thousand men immediately. Of these one Division is at Reute in the Tyrol and a further division, I am informed, is already at Bregenz.

FO 9/104: John Ralph Milbanke to Viscount Palmerston, No 58, Munich, 7 August 1849

Result of elections; South German coalition against Prussia; political arrests

The result of the Elections which are now terminated leaves no longer a doubt as M. von der Pfordten informs me that the present Government will command a Majority in the Lower Chamber the meeting of which is now fixed for the beginning of next month. This majority will he admits, under no circumstances be very overwhelming, & will of course vary in numbers of different Questions but the Ministry seems quite at its ease as to the adoption of the Budget, & is equally confident of the approval of its policy in respect to the German Question, which in point of fact will constitute the Chief topicks of general interest in the approaching Session.

[60] Prince Wilhelm of Prussia.

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The explanation of the favourable aspect which the Returns present, & which a short time ago was scarcely expected, is I apprehend mainly to be sought in the recent agitating events which have occurred in other parts of Germany, the ruinous consequences attendant upon which have aroused a feeling of apprehension in the minds of the more wealthy Classes, & especially among the Inhabitants of the Towns, for it is remarkable, that the Elections in the Principal Cities from whence the greatest opposition was looked for, have fallen out quite in an opposite sense; But I cannot doubt at the same time, that the resistance of the Government to the attitude taken by the Prussian Cabinet on German Affairs,[61] has exercised no small influence in determining the issue of them. Accounts differ somewhat as to the course which the Palatinate Deputies may be disposed to pursue when the Chamber assembles, though I am disposed to range the greater part of them in the ranks of the Opponents to the Ministry. However, it seems certain, that two[62] of the chief leaders of the Opposition during the last session, have, although reelected, declined to take their seats in the Chamber which is about to meet.

Almost the first subject which will occupy its attention will be the consideration of the German Question, towards the settlement of which no further progress has been made of late, but upon which the Government is about once more to address a communication to the Cabinet of Berlin, more as I have reason to believe, for the purpose of clearing up its position, & making its case complete before the Chambers, than with the expectation, that it will lead to any concession to its views on the part of Prussia.

I have been told, that a similar proceeding is in contemplation at Stuttgard, & there can be but little doubt, that an understanding subsists between the two Sovereigns who oppose any attempt at encroachment on their independence by Prussia.

Rumours of the existence of a Treaty of offensive & defensive Alliance between Bavaria & Austria, have been at different times circulated, as well here as elsewhere, & as they have of late again assumed an appearance of consistency, I took an opportunity of asking M. von der Pfordten if there was any foundation for them. His Excellency at once said in reply to my question, that any such formal bond between the two Governments would be entirely superfluous, leaving me to understand, that the concert between them on this Question was so perfect, that nothing of that nature was required to strengthen it.

[61] Milbanke is referring to the Erfurt Union, cf. n. 115 in Prussia section.
[62] Not traceable.

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For my own part I believe this answer to be in strict accordance with the truth, but I ought to state on the other hand that I have heard from a Person usually to be relied on, & who possesses the means of obtaining correct information on this particular point, that if no Treaty has been signed, an interchange of Notes took place some time ago between these two Powers, to which an almost equal value may be attached, & which are by no means unlikely to form the Germ of a South German coalition against Prussia. At present my knowledge on the subject is far too vague & limited for me to do more than direct Your Lordship's attention to it, & I also doubt whether the plan which I suspect to be maturing, has as yet taken any very definite shape. But negotiations are certainly carried on with Wurtemberg, through what channel however I am ignorant, having for their object the adhesion of that Country to one common policy on German Affairs, which if I am correctly informed, goes somewhat beyond a mere defensive bond, should the Prussian Cabinet persevere in the designs imputed to it with reference to the less powerful States.

It appears to me however more than probable, that this idea is not limited to the Southern States alone, & I cannot help thinking that some intimation must have been given by the Northern Kingdoms,[63] that they are ready to seize the first favourable opportunity to free themselves from the conditional obligations they have lately contracted relative to the Prussian Project of a German Constitution. At any rate frequent allusion is made to the indisposition shewn by them to assist in the further development of the Prussian views, & hopes are unquestionably founded on their backwardness.

From M. von der Pfordten who still harps upon the part which he insists England is playing,[64] I could learn nothing beyond an expression of opinion that when Prussia became fully aware of the Magnitude of the resistance she would have to encounter in her endeavour to arrogate to herself a Supremacy over the rest of Germany in the sense she seemed to understand it, she would recoil from the difficulty of the undertaking, & become more reasonable in her pretensions.

M. von der Pfordten still seems to hold to the idea of a Directory on the principle of amalgamation of the smaller States with five or six of the greater – a plan which has been much discussed, & with which your Lordship is acquainted.[65] Bavaria he observed is quite disinterested in such an arrangement since not one of the smaller States would fall to her, & so far from desiring any new acquisition of Territory he was

[63] Saxony and Hanover.
[64] The British government was accused of being pro-Prussian.
[65] Cf. n. 75 in Frankfurt section.

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of the opinion he said that the rest of the Kingdom would only be a gainer if the Palatinate were separated from it.

Altogether this Government seems to me to be acquiring rather more firmness. It has at last ventured to institute an inquiry into the conduct of the Provincial Employés of whom a considerable number have been long known to be Members of Democratick Clubs, & to have been active in fomenting the revolutionary Spirit which has so fearfully agitated the Country. Amongst this class which is extremely numerous in Bavaria, it is remarkable that the Provincial Schoolmasters, who have it is true reason enough for discontent, are said to be most implicated.

In consequence of the discovery of certain Papers proving the treasonable organisation & designs of these Clubs to which I adverted on a former occasion numerous further arrests have been made.

FO 9/104: John Ralph Milbanke to Viscount Palmerston, No 84, Munich, 24 December 1849

Amnesty law; position of the ministry; von der Pfordten on German question

I have the honor to inclose to Your Lordship, herewith, a translation of the Amnesty Law,[66] on which after an unavailing dispute as to the modifications introduced into it by the Lower Chamber, which has only served to exhibit the weakness of the Upper Chamber, an agreement has at last been arrived at. The amendment which gave rise to most discussion, and nearly threatened a breach between the two Chambers was in favour of certain Classes of Publick functionaries in the Provinces on this side the Rhine, especially Schoolmasters and Members of the Clergy, who had been compromised in the late political movements, and whom the Government proposed to exclude from the benefits of the Amnesty although it was extended to the same Category of Persons in the Palatinate.

The Lower Chamber insisted upon the injustice of making any distinctions of this Nature, and passed an amendment which will have the effect of comprehending these Classes in the Amnesty, in spite of the opposition of the Government.

The Upper Chamber wishing to give proof of its conservative disposition, and naturally enough imagining that it was acting in the sense of the Government, thrice returned this amendment to the Lower Chamber as inadmissible, and seemed very much inclined to

[66] Enclosure (extract from the Law Gazette for the Kingdom of Bavaria): Amnesty law of 22 December 1849.

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make it a point of honour not to adopt it. In the mean time however the Ministry, which was for many reasons most anxious to have the Law passed in almost any shape, as the only chance of escape from the multitude of interminable law proceedings in which it must otherwise be involved, and in which its chances of a successful result were more than doubtful, turned suddenly round, and signified its readiness to accept the Law as amended by the Lower Chamber.

Thus the Upper Chamber finding itself deserted by the Government, and at open issue with the other power of the State, had no option but to yield on a question, especially in which, it could not either hope or claim the slightest sympathy in the Country. Still it did manifest some faint symptoms of an intention to vindicate its own independence, and it was finally spared the appearance of defeat by the Ministry taking upon itself to recommend the adoption of the principle it had originally opposed.

What I have stated above, relative to the law proceedings, which the Government would have been forced to institute had the law fallen to the ground, will in some measure explain its inconsistency in this affair.

The short experience which has been made in Germany of the system of Trial by Jury for political Offences,[67] has sufficed to shew that it is next to impossible to obtain a conviction, and it is a singular feature of the present times that the publick mind seems unwilling to admit, that any moral responsibility can attach to infractions of those laws directed against what have hitherto been looked upon as most serious political crimes: Whilst in all others of a social nature, the operation of this Institution may be said to be highly satisfactory.

As your Lordship may suppose the Ministry has been vehemently assailed on all sides for its conduct on this occasion, which has given fresh vigour to the complaints of its different enemies. The Ultramontane Party reproach it with not being sufficiently Catholick The Constitutional Monarchical Party with not being Constitutional enough. Whilst the radicals assert that it has in no way deviated from the system of Government pursued antecedently to the struggle for liberty of last year, and that consequently all the sacrifices made in the attainment of that object have been useless.

In my opinion the real position of the Ministry may be described in a very few words; Like most of the other Ministries in Germany, though perhaps not in such imminent danger, it subsists alone through the dissensions of its opponents, but its fate would be decided the moment the Centre and Left fractions of the Chamber should come to an understanding.

[67] Trial by jury was introduced by law in Bavaria on 3 August 1848.

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M. von der Pfordten tells me that he is under no sort of apprehension that any such combination will take place, and therefore, although worried and annoyed at the intrigues which are going on, he feels upon the whole tolerably secure as to the issue of them.

The last time I saw him, two days ago, he said he was much gratified at being able to state that late accounts afforded a hope that the Two Great Powers would at last agree upon the new organization to be given to the internal Affairs of Germany[68] – that in respect to the predominant influence, which one, or both of them would exercise over other States, it was unavoidable and would be nothing new. However I cannot doubt that some distrust has taken possession of his mind as to the extent to which that influence might possibly be carried, and it is quite evident from the language of my German Colleagues that other Governments are not entirely free from a similar feeling of doubt.

FO 9/107: John Ralph Milbanke to Viscount Palmerston, No 11, Munich, 25 February 1850

Discussion of new press law; position of the ministry

I have the honour to acknowledge the receipt of Your Lordship's Despatches to No 12 inclusive, and of one marked 'Circular' of the 15th Instant.

The Chamber of Deputies has, after a discussion which occupied no less than ten sittings, at length passed, by a Majority of 32, a Law for imposing a check on the licence of the Press.[69]

I should be uselessly taking up Your Lordship's time, were I to enter upon an examination of the niceties and technicalities of the Debate, and I shall therefore confine my observations to the general character of the Law, the principle of which may be shortly described to be the introduction of a System of Fines and imprisonment for Crimes and Misdemeanours of the Press, which, whether of a Publick or Private nature, are enumerated in almost every imaginable shade in the 54 Articles of which the Law consists.

One of its most important Provisions was presented in the II Article which prescribed 'That the Editor, or, in case he should not be forthcoming or insolvent, the Printer, should in all cases, and independently of his liability to punishment otherwise, be held responsible for any Fine imposed upon the Author or Publisher of a

[68] For the Austro–Prussian convention of 30 September 1849 cf. n. 137 in Prussia section.
[69] The law protecting against misuse of the press came into force on 17 March 1850.

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Work and for the Costs of the proceedings, reserving to him however his Ulterior claims against those individuals' was rejected almost without discussion, owing, as it was said, to the feeling of ill-humour created in the Lower Chamber by the unceremonious disregard to its wishes shewn in the Upper Chamber relative to the Law for the Emancipation of the Jews.[70]

It is possible that this circumstance may have had some influence on the decision of the Chamber, but it is not the less certain that the Committee had recommended that this Article should be altogether expunged long before the Vote of the Upper Chamber on the Jewish Emancipation Question had been recorded.

However the necessity of remedying the deficiency thus caused in the Law was so strongly felt that an amendment was subsequently introduced into Article X, to the effect that 'the Editor, or, when he shall not be forthcoming, the Printer shall independently of his liability to punishment otherwise, be responsible as well for the indemnity awarded to the injured Person, as for the Costs of the Proceedings to the same, or to the State, and be also civilly answerable when the Author is a Foreigner or a Bavarian subject residing out of the Kingdom'.

This amendment, as Your Lordship will perceive, in part supplies the void which the rejection of Article II would have occasioned, but most of the others are calculated to make the Law appear in the estimation of those who are versed in the jurisprudence of this Country, rather an imperfect specimen of legislation, and it seems to me that the additional Article appended to it in the Committee, according to which, 'in all cases of the application of penal laws to the Press, a question is to be put to the Jury as to the existence of attenuating circumstances' is specially intended to render its operation nugatory in all matters of a political nature, since experience has sufficiently proved how averse Juries are to pronounce verdicts against political offenders at all, & as it is quite clear that such an appeal to them will scarcely ever be made in vain the consequence must be that the minimum of punishment only will be awarded in most cases. Indeed this sentiment of tenderness towards Offenders of this description pervaded the whole of the amendments, which, almost without exception, proposed the reduction of the amount of Fines and the terms of imprisonment to about one half of what was fixed in the original Ministerial Project.

As for the Debate itself, I need hardly say that it was as usual distinguished by a vast mass of irrelevant matter and unpractical

[70] On 16 February the law for the emancipation of Jews was rejected by the first chamber by a large majority.

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verbosity, but this is a defect which I conceive to be inseparable from the present Electoral system, nearly approaching to Universal Suffrage with paid Deputies.[71] Of these latter, who can hardly be said to represent either the intelligence or the wealth of the Country, it naturally becomes the interest to spin out every discussion to its utmost possible length, and thus the general tendency is to wear out and weaken the Ministry for the time being.

On the present occasion the Government is, I understand, but ill satisfied with the result attained, although it no doubt gives some proof of a return to a more orderly feeling, and at any rate will enable it to exercise a certain degree of restraint over the immoral and subversive writings published in the Cheap Journals, which loudly call for some legal enactment against them. Upon this point there seems to be but one opinion, which has unquestionably acquired strength during the last few months among the well thinking portion of the community, for I do not think it would have been possible this time last year to have induced the Lower Chamber to give its sanction to any measure whatever which had for its object the remotest restriction upon the free action of the Press.

Still in despite of this apparent advantage, it is by no means proved to me that the position of the Ministry has gained much in solidity. The personal intrigues, which always play so prominent a part at German Courts of second order, are again actively at work, particularly against Mr von der Pfordten, who is accused by one Party of being too liberal, and by the other of being too reactionary. The Rumours of an approaching change had latterly acquired so much consistency that it was deemed expedient to contradict them in the Semi-Official Journal[72] by a Statement of the King's determination to uphold his present Ministry, and this step appeared to be the more called for, as a refutation of the presumptions founded on the Votes given against the Government by the Royal Princes on the Jewish Emancipation Question.

I have good reason for believing that the explanation of the rejection of that Law in so abrupt a manner is to be sought, not so much in the convictions of the Upper Chamber as to its dangerous consequences, as in a dogged intention to make a sort of assertion of independence and by availing itself of the unpopularity of the measure, shew the Lower Chamber that it would not submit to its dictation on every occasion.

The result however, as might be expected has unfortunately been to produce a feeling of jealousy and soreness between the two

[71] For the Bavarian electoral system cf. p. 370.
[72] *Neue Münchener Zeitung.*

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legislative Assemblies, which cannot fail materially to affect their future deliberations, and the necessity of removing which as speedily as possible is, I am told, strongly felt by one at least of the Royal Princes, as well as by other influential members of the Upper Chamber. To my mind, the whole of this affair bears an impression of having been got up by the High Church Party to turn out the President[73] of the Council of Ministers, who adds to his other disqualifications in their eyes, that of being a Protestant.

FO 9/107: John Ralph Milbanke to Viscount Palmerston, No 39, Munich, 9 May 1850

Discussion in the Landtag on the position of the Bavarian government in German affairs

[. . .] Prince Wallerstein availed himself of the opportunity offered, by their presentation[74] to the Chamber, to address to the Minister for Foreign Affairs[75] various interpellations as to the actual state of the German Question, and especially as to the part which the Bavarian Government was taking in it. He inquired whether in the eyes of the Government there still existed an entire Germany. Whether the Bavarian Government had steadfastly adhered to its solemnly expressed opinions. Whether the German Governments were determined to resist all Foreign interference with the development of their internal arrangements, and so on? He declared it to be an incontestible fact that the Federal Constitution of Germany[76] could not be restored, that this had been positively rejected by the Nation, and that it would be impossible to struggle against such a decided conviction. The German People, he said, required a strong united Constitution with 'States', and a popular Assembly by which it could feel as one Nation, be recognized by Foreign Powers, and develope [sic] its internal institutions.

The Prince passed in review all that has taken place during the last two years, which, he asserted, had only led to the deep humiliation of Germany. He alluded to the ill success of the National Assembly at Frankfort on the Constitution Question, and predicted the same

[73] Ludwig von der Pfordten.

[74] At this session of the *Landtag* von der Pfordten presented two notes which were addressed by him to the Austrian secretary of legation at Munich on 3 May 1850. In them von der Pfordten agreed in principle to the idea of reintroducing the Federal Diet under Austria's presidency.

[75] Ludwig von der Pfordten.

[76] Act of the Confederation of 8 June 1815.

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result to the Assembly at Erfurt.[77] He said that a Government which had trodden under foot all Constitutional Rights could not represent the sentiments of Germany, and however honest its intentions might be, could not acquire the sympathy of the German People; His reproach against the Bavarian Government was, he observed, that whilst it resisted the Prussian propositions, it had not maintained the wished for independence at Vienna, for from the moment in which its negotiations at Berlin[78] had failed, it had thrown itself unconditionally into the Arms of Austria. It had, it was true, also negotiated at Vienna, and had honorably declared that if Austria were not at that moment in a condition to join Germany, Bavaria could not avoid sending Representatives to the Parliament upon the understanding however that the Three Kings Union should previously undergo the necessary modifications.

Prince Wallerstein adverted to the unhappy confusion which still prevails on these matters, and terminated his speech by the Questions, some of the principle of which I have introduced above.

Mr. von der Pfordten in reply said, that most of the Questions addressed to him were already answered by the Papers he had just laid before the Chambers, but that those which bore reference to the conduct of other German Governments were totally beyond his competency; He thought that the only point therefore which required an answer was, whether the Bavarian Government was determined to oppose all interference on the part of Foreign Powers in the internal Affairs of Germany, and this question he did not hesitate to answer in the most decided affirmative; He agreed with the Prince that the situation of Germany wore a most serious aspect, but he thought that it was less alarming now than it was some months ago, because all the German Governments could scarcely fail to arrive at a conviction of the indispensable necessity of coming to an understanding, and because the actual moment of a crisis was always less dangerous than when it was still at a distance.

Whatever may come, he continued, German Unity must be strictly German, and as far as the Bavarian Government has a word to say, no Foreign Power shall interfere with it. However it is to be well understood that existing Treaties with Foreign States must be conscientiously observed, and in this respect a distinction is necessarily required to be drawn between Internal and External Affairs: With the former no Foreign Government has the Right to meddle, and as far, he observed, as he knew, no step had been taken by the Bavarian

[77] For the Erfurt Diet cf. n. 156 in Prussia section.

[78] Berlin Conferences, which led to the Three Kings' Alliance of 26 May 1849.

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Government which could afford the remotest cause for apprehension on this point.

FO 9/107: John Ralph Milbanke to Viscount Palmerston, No 41, Munich, 16 May 1850

Proposed laws on entails and reform of the upper chamber

The Ministers have at length presented to the Upper Chamber two of the Laws which have been of late so loudly clamoured for by the Opposition in the Lower Chamber.

The first relates to Trusts, (Fideicommis)[79] the Right of appointing which, under the proposed new law, ceases to be any longer a privilege of the Nobility: The second has reference to the reform, or rather extension, of the Upper Chamber, and in it the elective principle is for the first time admitted in this Country. The Law says that the Government is determined to maintain the fundamental character of the Upper Chamber, which is composed of hereditary Nobility, and Members named for life.

In future however it is proposed that the hereditary Peerage shall not be limited to landed Proprietors of Noble birth alone, but shall be bestowed as a reward of talent or services on such other landed Proprietors as shall have previously conveyed their Estates in Trust, or in other words, established a Fideicommis; and in order to facilitate this arrangement it is judged expedient to reduce the qualification required for a seat in the Upper Chamber to less than one half. Under the Law[80] as it now exists, the annual payment of 1200 Florins in the shape of land and Seigneurial Taxes is requisite, but by the provisions of the new Project a similar payment of 520 Florins as land and House Tax is substituted.

In addition to the above changes, it is intended to introduce into the Upper Chamber Sixteen Members, two for each Province of the Kingdom, to be chosen for Life by popular Election from amongst those who are the most highly taxed.

This is the substance of the Ministerial plan which is open to much criticism, and is so little likely to give satisfaction, that it is very doubtful whether it will have in the Lower Chamber the Majority of two thirds required by the Constitution.

[79] Entails.

[80] Law of 9 March 1828 regarding the formation of the chamber of *Reichsräte*. The draft law presented by the government in 1850 and again in 1851 did not receive the approval of the first chamber.

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FO 9/108: John Ralph Milbanke to Viscount Palmerston, No 50, Munich, 7 July 1850

Motion in Bavarian Landtag to replace ministers at foreign courts with chargés d'affaires; Wallerstein's views on foreign policy; bitterness against England

[. . .] In reference to the Foreign Department, a distinct motion, having for its object to abolish the entire class of accredited Ministers to Foreign Courts, and to replace them by Chargés D'Affaires, was brought forward, and was carried against the Government by a Majority of One. After a sharp attack had been made by Prince Wallerstein against the Government on account of its Foreign Policy, to which, as it led to the exhibition by Mr von der Pfordten of some bitterness against England, which appears to me to have been wholly inappropriate and uncalled for, I shall, in as few words as possible, direct Your Lordship's attention.

The Prince called for a categorical denial, on the part of the Minister for Foreign Affairs, to certain questions which were based upon an Article on German Affairs published some time since in the 'Globe' newspaper,[81] described by His Highness to be the Semi-Official journal of the English Foreign Office, which says amongst other things, 'that the Bavarian Government had been guilty of the 'ineffable meanness' of inquiring of France, England, and Russia in how far they were disposed to tolerate those plans, which were at that moment under discussion in its own Country and Parliament, and it was only &ca.' 'Now', said the Prince, 'you will hardly suppose that I attach much importance to the latter part of this Article, for the support which the liberal cause throughout Europe has received from England during the last two or three years has in truth not turned out so very brilliantly for the cause of Freedom; and its results in Sicily and Italy are not of a nature to make me believe that the repulsive sentiments entertained by certain Cabinets towards that of Great Britain, have their origin in the steady and unceasing aid given to that Party, whose efforts are directed to the attainment of Freedom on every point of the Continent.'

'But that which the Semi-Official Organ of the English Ministry produces as a fact, is, that so early as last year, Bavaria and Wurtemberg had addressed themselves to those Foreign States with the intention of drawing them in their character of Guaranteeing Powers[82] into an interference in German Affairs, and the Assertion that especially Bavaria had inquired of these three Guaranteeing Powers, France,

[81] Oettingen-Wallerstein is referring to a leading article in the *Globe and Traveller* (London) of 18 March 1850.

[82] As signatories to the Vienna Congress Act of 9 June 1815, France and Russia were guaranteeing powers of the German Confederation.

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England, and Russia to what extent they were disposed to leave the German Parliament to its own devices is', continued the Prince, 'one which, if it be not positively repudiated by the Government as untrue, will determine me to pronounce myself against all diplomatick representation abroad'.

I pass over the opening sentence of the speech of Mr von der Pfordten, and shall confine myself to the defence which he endeavours to set up to the reproaches made against him on this subject. He said that translations of the Article in question had appeared in different German Papers, and that he therefore considered himself called upon to give explanations as to the part which he was supposed to have taken in the matter to which it related.

Having premised thus much he goes on in the following strain; which evidently bears reference to events which have lately occurred in quite a different quarter of the Continent,[83] and the mention of which, appears to me, to be quite inapposite here.

Indeed it would not be easy to explain why he thought proper to make allusion to them at all on this occasion, and I can therefore only look upon the terms in which he spoke of England as a mere ebullition of ill-humour, entirely without importance and unworthy of further notice.

His irritability however, arising probably from his disappointed hopes as to the expected result, found vent nearly in these words: 'It is least of all necessary that I should give to the honorable Member, who has brought the subject under discussion and who is certainly well initiated in the connective System of European Politicks, a more precise explanation why at this moment certain English Journals do not speak in a very friendly tone of Bavaria and her Government. When in certain cases one meets with what is disagreeable. When as a greater Power, one finds oneself at last compelled to admit towards a smaller Power that one has not always pursued the strict line of Right, it is quite comprehensible that such unpleasant reflections should find an outlet in some way or other'. He observed that the statement in the newspaper, although positive as to fact, was extremely vague, both as to the time and manner in which it was reported to have taken place, and he added that as it was notorious, that a change of the Bavarian Ministry had been effected during the course of last year, it only remained for him to assure the Chamber, that, as far as he was personally concerned, he could not during his tenure of Office, call to mind the slightest circumstance which could have given rise to the Article in question, beyond the customary communication

[83] Pfordten referred to the Don Pacifico Affair of 1850 in Greece.

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to the Bavarian Minister[84] in London, in common with those at other Courts, of the principal occurrences bearing on the German Constitution Question, and amongst them, of the Convention of the 27th of February last.[85] He sought to account for the newspaper Article by a reference back to a letter addressed to Your Lordship some months ago by Baron de Cetto, which he said had already furnished a subject of discussion and explanation, and upon which a construction had been put, which could never have been contemplated by the writer. The Motion, he continued, went to abolish all Missions at Foreign Courts; and that to deprive Bavaria at this moment of crisis of her Diplomatick Agents abroad would be to lay the axe to the root of her existence.

This Episode terminated, as I have already stated, in the Government's being outvoted, the numbers recorded being 54 to 53; but I do not imagine that the defeat will exercise any immediate practical influence on the existence of the Cabinet, which is beyond question gradually loosing the confidence of the country. [. . .]

FO 9/108: Alfred Guthrie Bonar to Viscount Palmerston, No 3, Munich, 16 October 1850

Conversation with von der Pfordten on affairs in Hesse-Cassel and Schleswig-Holstein

I have reason to believe that the late interview of the three Monarchs at Bregenz and the conferences held there by their Ministers,[86] have had the effect of strongly cementing the good understanding which has of late existed between the Governments of Austria, Bavaria, and Wurtemberg, and of drawing closer the bonds of amity and alliances between them.

During a conversation which I had this morning with M. von der Pfordten, His Excellency informed me that it was now firmly resolved to give force to the resolutions[87] of the Diet assembled at Frankfort – which hitherto have been attended with so little result.

[84] August Freiherr von Cetto.

[85] On 27 February 1850 Bavaria, Saxony, Württemberg, and Hanover, which had not formally signed the convention, concluded the so-called Four Kings' Alliance, with the declared intention of creating German unity. The draft constitution envisaged a directory of seven (Austria, Prussia, Bavaria, Saxony, Hanover, Württemberg, and the two Hesses) at the head of the confederation and a national parliament. Since the union required the full inclusion of Austria including its non-German parts, it meant de facto giving up the idea of unifying Germany as a national state. Austria, as initiator of the alliance, joined by means of a special declaration.

[86] Cf. n. 166 in Frankfurt section.

[87] For the resolution concerning Electoral Hesse cf. n. 160 in Frankfurt section.

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That the pretensions of Prussia, to command even in such States as acknowledged that Diet and looked up to it as their legal and competent organ, could not be admitted – and that, with regard to Hesse, it was determined that, on the first demand made to that effect on the part of the Elector, troops appointed by the Diet should enter the Electorate, in order to cooperate towards the restoration of order.

I asked His Excellency whether he had reason to suppose that Prussia would relinquish the menacing attitude she at present held, or whether the entrance of Bavarian and Hanoverian troops into the Electorate would not rather lead to an immediate collision with her. His Excellency replied, he did not know what might be the result, but that, be that what it might, it was now impossible for the Diet to retreat from the position it had assumed, and that it had now become incumbent on the Governments represented in that Diet to give becoming force to such resolutions as it might come to.

With regard to Schleswig Holstein M. von der Pfordten assured me that the Diet would use its utmost efforts in order to procure a cessation of those lamentable hostilities. I ventured to say to His Excellency, that perhaps the present might be the most propitious moment to exert such influence. That the so late Ratification by the Diet of the Treaty concluded with Denmark[88] in the name of the Confederation, presented a natural overture – whilst at the same time, the recent discomfiture sustained by the Holstein Army before Friedrichstadt,[89] as well as the difficulties, said to be daily increasing, in their finances, would probably render the Statthalterschaft[90] at the present moment more easily amenable to terms. His Excellency concurred with this opinion – he added however, 'but of what avail will be any resolution on the part of the Diet with regard to Schleswig-Holstein, if we be not prepared to enforce such decision, should our Counsels not prove sufficient? And yet, how again Prussia would probably oppose any action emanating from a decision of the Diet at Frankfort'.

It is plain that the Eventualities which may yet arise out of the present state of the Hesse Electorate, form now the principal subject of the deliberations of the Bavarian Cabinet – and probably on the settlement of that question will now mainly depend the solution of the numerous other German difficulties.

[88] The Peace of Berlin, concluded between Denmark and Prussia on 2 July 1850 (cf. n. 176 in Prussia section), was ratified by the Frankfurt Rump Diet on 3 October 1850.

[89] Between 29 September and 4 October 1850 Friedrichstadt, which had been occupied by Danish troops since August, was besieged by Holstein troops, in vain, and with great loss of life.

[90] Cf. n. 55 in Hanse Towns section.

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FO 9/108: Alfred Guthrie Bonar to Viscount Palmerston, Confidential, No 21, Munich, 23 November 1850

Conversation with von der Pfordten on German affairs; Bavarian prejudices against Prussia and Austria

I regret that it is not in my power to give Your Lordship any fresh information from hence as to the state of the negotiations going on at Vienna. I have had today a long conversation with Monsieur von der Pfordten – but, for more than 48 hours, the Bavarian Government have had no tidings from Vienna, and have heard of no progress having been made towards a settlement of the questions treating there.[91]

Much anxiety however has been evinced in Munich, since the opening of the Diet in Berlin; and particularly since it has become known, on whom has fallen the election to the two offices of President and Vice President of the Lower Chamber – Count de Schwerin and Mr Simson are, both of them, said to be persons remarkable for their strong sentiments of jealousy and opposition towards Vienna – and it is feared that they may be the cause of forcing the Prussian Government to a rupture with that of Austria.

It would be difficult to describe to Your Lordship the state of extreme agitation in which M. von der Pfordten has been during the last several days, and with which he watches every phase in the proceedings at Vienna.

He told me today, that he has no longer any hope that War may be avoided. But he is stronger and louder than ever in his language against Prussia, and can no longer command himself when adverting, as he does at every instant during a conversation on the present state of affairs, to her alleged 'mauvaise foi'. He says he firmly believes that the Chambers have been allowed to meet at Berlin at this, so inopportune, moment; only because the Prussian Government, certain beforehand of the opinions which would prevail in them, were willing to raise this new barrier to a reconciliation with Austria. [. . .]

But I may not conceal from Your Lordship my firm belief, and it is an opinion which I find to be very generally shared by other Members of the Diplomatick Body, that the fear of war is not the paramount cause of the deep anxiety of M. von der Pfordten at this moment. I believe that if he have done nothing to retard it, at least he has done little sincerely to assist in furthering a reconciliation between the two Great Powers, or to foster that spirit which alone could lead to that desired end. M. von der Pfordten is personally too bitterly inimical towards Prussia – as the language which I have more than once

[91] The negotiations in Vienna concerned the settlement of the crisis in Electoral Hesse.

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thought it my duty to quote to Your Lordship, must testify. The Bavarian Newspapers, and especially the semi-official 'New Munich Gazette', have all along done more than any others in Germany, to rouse and to excite national prejudices, and to embitter and envenom the general feeling. The whole Cabinet shares, I believe, the opinions of M. von der Pfordten – and he is by far the most influential Member of this Cabinet. But whilst they follow with an anxious and jealous eye every act and every word both of Prussia and Austria, what they fear more than even the most prolonged war, is a possible agreement between Vienna and Berlin, in which not sufficient care shall have been taken of the interests of Bavaria.

Bavaria imagines, that if now a war were to break out in Germany, and that she were to appear, with so large a force as she is now able to command, by the side and as the ally of Austria, on the battle ground, she would then have a voice, and that voice be listened to, in the new arrangements which, on Peace being again proclaimed, would necessarily follow the conclusion of that Peace. Whilst, under other circumstances, she trembles, that matters might possibly be confided by the rest of Germany to the sole conduct of the two Great Powers, and that there Bavaria might fail to possess all the influence which she desires, and claims to exercise in the Councils of Germany.

I believe that the having been left, at so important a moment as the present one, for three days without any communication so ever from Vienna, and such I am informed to be the case, is the more probable cause of the alarm and of the state of mind, so visibly anxious, of M. von der Pfordten just now.

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