

ABSTRACT

"THE FOREIGN POLICY OF LORD MALMESBURY, 1858-9"

Lord Malmesbury was appointed Foreign Secretary on 26 February, 1858, in Lord Derby's Second Administration. In March he successfully ended the bitter quarrel with France which had resulted from Orsini's attempted assassination of Napoleon. Later in the year he secured the release of the two English engineers of the "Cagliari" from a Neapolitan prison. His attempt to mediate between France and Portugal in the dispute over the "Charles et Georges" was less successful.

In the East Malmesbury upheld the Treaty of 1856. Friction developed with France over the war in Montenegro, but the murder of the English and French Consuls at Jeddah led to Anglo-French co-operation in securing retribution. Crises over Serbia and the Danube placed Malmesbury on the side of France against Austria, but in the larger question of the Principalities, he contributed to an avoidance of a Franco-Austrian break.

His most important sphere of action was Italy. From January to May, 1859, he maintained constant diplomatic

pressure on all the Powers to preserve the peace. While upholding the Treaty of 1815, he hoped to settle the Italian Question by gradual reforms, and by inducing Austria to make concessions. He sent Lord Cowley on a mediating mission to Vienna in March, and in April occupied a central position in the negotiations for a Congress to consider the affairs of Italy. But events moved too quickly for him. The rising tempo of the "Risorgimento", Cavour's conspiracies, and the uncompromising behaviour of Austria, led to a Franco-Austrian War in May.

In the war Malmesbury maintained an impartial neutrality. He helped to localize hostilities by advising the German States not to support Austria. Before the Peace of Villafranca the Derby Government had resigned, on 18 June.

Thesis prepared by the Degree of
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By Harold A. (London)

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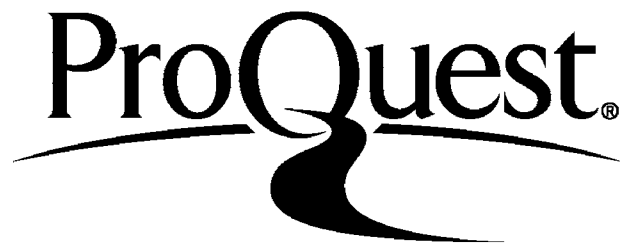
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CHAPTER I
ABBREVIATIONS

It has been found necessary to use only two abbreviations for sources, in the foot-notes. These are -

"Paris" for "Les Archives du Ministère des Affaires Etrangères, Paris",

and

"A. & P. Italy" for "A. & P. (1859, Session 2), Vol. XXXII, p.1; C.2524, "Correspondence respecting the Affairs of Italy".

CHAPTER I

Introduction and Biographical Background

A study of Lord Malmesbury's direction of British foreign policy from February, 1858 to June 1859, is important from more than one point of view. Between 1846 and 1866 Malmesbury was the only Tory to be in charge of the Foreign Office. His second, longer, and more eventful period of office is therefore a significant part of the history both of the Tory Party and of British foreign policy during the two middle decades of the century. It is equally important from an international aspect. These seventeen months saw sudden diplomatic acts and general movements of wide portent in Europe. In the first six months of 1859 two great military Empires went to war, a war which was the first to be fought in Western Europe since Waterloo. The Emperor Napoleon III launched an Italian adventure which might have been the opening of a Napoleonic period of military ambition, or an incitement to revolution throughout Europe, and which was, in fact, the start of the great Italian upheaval, which established a new nation in two years. In the Balkans, too, the seventeen months of Malmesbury's office were significant.

The Congress of Paris had left the solution of a number of Eastern questions to the future. It had established Commissions to rule the Danube, but had consigned their fortunes to the care of subsequent governments. It had given no definitive answer to the question of the Principalities, whose populations occupied the attention of the Powers throughout the summer of 1858, and defied them in the winter of 1858-9. Meanwhile the Montenegrins fought stubbornly to preserve and extend their independence, while in August, 1858, Western Europe was shocked by the Jeddah massacre, during which the French and English Consuls were killed by subjects of the Sultan. Important affairs outside Europe - the war in China, and the negotiations in Central America - were left largely to the specially appointed agents; but here, too, the ultimate responsibility lay with the Foreign Secretary. The second period of Malmesbury's tenure of power, and particularly the last six months of it, thus demanded quick decisions and a positive line of action in a variety of crises and developments throughout the world. The shaping of the Foreign Secretary's opinions, the tone of his official correspondence, and the formulation of his policy were of considerable significance for the prestige and welfare of England.

Malmesbury came to the Foreign Office in 1858 with

three disadvantages. In the first place, although Lord Derby's Party had established itself as the true Tory Party since the great Peelite split, it could not command a majority in the House of Commons. The Derby Ministry had to depend for the passing of its measures on support from one of the other groups which made up the House - Palmerstonians, Peelites or Radicals. In the second place, Malmesbury was among the less known of English statesmen, both at home, and, outside France, on the Continent. In the third place, his experience as a diplomat was limited to his period of office in 1852, which had not added to his reputation. Unlike Clarendon, he had not been in the diplomatic service, and unlike Granville, he had not been Under-Secretary at the Foreign Office. Writing of the Peelites in his journal, he remarked:

... nor do they forgive my sudden elevation to Cabinet office without having ever previously laboured as they have done through preparatory grades.¹

The first of these factors, the unstable position of the Derby Government, does not seem to have undermined Malmesbury's direction of foreign policy. He always acted as though his responsibility was as great as that normally held by the Foreign Secretary, and as though his tenure

1. Malmesbury; The Memoirs of an Ex-Minister, (1885 edition), p.285; entry for 6 Dec. 1852.

of power might be expected to last indefinitely. Only in the last weeks of office did foreign governments begin to prepare for the return of Palmerston and Russell. Malmesbury was irritated by their anticipation of his retirement, and justifiably so, because he had always regarded his task as a duty performed by a public servant, not as a post secured through his connection with Derby, nor as one step in his own career. Although always loyal to Derby as a friend, he had no strong feeling for party. When Ralph Earle, a young man who had owed his advancement in life to Disraeli, was seeking further promotion in the diplomatic service, he asked his benefactor to recommend him to the Foreign Secretary. He was unsuccessful; Malmesbury promoted to the vacant post a man recommended by Lord Clifden, who always voted against the Derby Government in the House of Lords. In a letter of complaint to Disraeli, Earle commented:¹ "I know how little party considerations weigh with Lord Malmesbury." While he was Secretary of State Malmesbury clearly did not think of himself as being dependent upon the fortunes of a political party. He was concerned rather with his responsibility as the Minister of the Queen specially appointed to direct foreign policy.

The second factor tending to weaken Malmesbury's position, the comparative obscurity of his name, was rendered

1. The Beaconsfield Papers. Earle to Disraeli, Confidential Downing Street, 12 Jan. 1859.

less important by the mutual friendship and confidence which existed between him and Derby. On no occasion in the whole of their careers did the two men disagree on any important point of domestic or foreign policy, and their names were frequently linked in contemporary conversation and correspondence. When Derby died in 1869, Malmesbury entered in his journal: "In him I lose my greatest friend, and the country a most brilliant statesman."¹

Nor did Derby ever allow criticism of Malmesbury to go unanswered. He supported him in the final stage of the Italian crisis in 1859, when Disraeli was urging that Malmesbury should be removed from the Foreign Office. The reputation of the Tory Prime Minister in 1858 was a high one. In 1852 Parliament had feared that he would return to an economic policy of rigid protection, but these fears had long since been dispelled, and his integrity as a leader was praised by opponents and supporters alike. Something of a dilettante in politics, he was nevertheless considered a distinguished orator, and was endeared to English society by the warmth of his personality and the fame of his racing stables. Malmesbury had a great advantage in being regarded as a "protégé" of Derby, in whose high reputation he could share.

1. Malmesbury, op.cit., p.662; entry for 23 Oct. 1869.

The third point, Malmesbury's lack of experience in the practice of diplomacy, was also counteracted by other factors. He had one considerable asset as a diplomat in the 1850s: he had been on close terms of friendship with Louis Napoleon in his youth, and had, from time to time, renewed his acquaintance since. Furthermore, if Malmesbury himself had no direct diplomatic experience, his grandfather and father had both been diplomats. His grandfather, the first Earl, had been Ambassador at the Hague under the Rockingham Whigs, had held numerous diplomatic posts under Pitt and had been paid handsome tributes by Mirabeau and Talleyrand. His father, the second Earl, was Under-Secretary for Foreign Affairs for a short period under Canning, and was appointed to the post by a letter which arrived a few minutes before the birth of the future third Earl; so that, as Malmesbury himself remarked in his Memoirs, it seemed that "the star of the Foreign Office was hovering over that locality."¹

Reasons other than astrological ones designed Malmesbury for the Foreign Office. Many of the details of his earlier life, his frequent travels in Europe, and his personal acquaintance with many of the significant figures of his day, gave him a sound mental background for the conduct

1. Malmesbury, op.cit., pp.1 - 2.

of foreign affairs. His life before 1858 had been more eventful than those of most of his contemporaries.

James Howard Harris, who was to become Lord Fitzharris in 1821, and the Third Earl of Malmesbury in 1841, was born on 25th March 1807. He was educated at Eton and Oriel College, Oxford, where his tutor was John Henry Newman. It is not surprising that a pupil of Newman should have maintained the high Tory philosophy of his father, or that he should have taken to his public career a deep respect for order and authority, whether it was the authority of the Established Church in England or of the treaty system which maintained the peace of Europe. Malmesbury, however, did not acknowledge any influence which he may have received from the future great theologian. The picture drawn in his Memoirs is of a pathetic figure, maltreated by his students, who, on one occasion, wedged him into the corner of the room by slowly pushing forward the table from which he was lecturing.¹ The anecdote, recorded by Malmesbury sixty years afterwards, was denied by the Cardinal himself in a letter to the Daily News.²

In the late 1820s Malmesbury travelled on the Continent.

1. Malmesbury, op.cit., p.14.

2. The Daily News, 13 Oct. 1884.

At Rome he made the acquaintance of Byron's Countess Guiccioli, and it was she who introduced him to ex-Queen Hortense, and the Queen's twenty-one year old son, Louis Napoleon.

He was a wild harum-scarum youth, or what the French call un crâne, riding at full gallop down the streets to the peril of the public, fencing, and pistol-shooting, and apparently without serious thoughts of any kind, although even then he was possessed with the conviction that he would some day rule over France.¹

When Malmesbury wrote these comments in 1885 he was perhaps forgetting that he himself at that age and time had been "apparently without serious thought of any kind". He enjoyed to the full the social pleasures of the small Italian courts, and the cosmopolitan society of Rome, where his chief occupations were gambling and shooting geese. He formed a close friendship with Louis Napoleon, and grew familiar with the revolutionary society which centred on the Bonapartes. On one occasion he helped Countess Guiccioli, who was a Roman subject to escape from the city, after she had been ordered by the police to remain. He observed that North Italy was "seething with hatred" for the Austrians and the Papal Power. He found the Neapolitan police corrupt, but the subjects of the King of

1. Malmesbury, op.cit., p.26.

Naples less discontented than those of the Pope. King Ferdinand did not seem to be personally unpopular; he "did not look like a tyrant, but rather the type of an English farmer."¹

These early impressions of the Neapolitan Bourbons may well have been present in Malmesbury's mind in 1859 when he carried out his determination of restoring diplomatic relations with Naples, at a time when he was still insisting that reform of the Papal States must be one of the bases of any Italian settlement.

In 1829 he returned to his home at Heron Court, but renewed his acquaintance with Louis Napoleon at times during the thirties, when the latter was in England, before his imprisonment in the Castle of Ham in 1840. In January 1845 a M. Ornano came to Malmesbury in England from Ham with a message from Napoleon asking Malmesbury to visit him on "a matter of vital importance". He could not carry out the obligation until April, when he secured the permission of Guizot to visit the prison. He found Napoleon unchanged by his years of imprisonment, and "very much pleased to see an old friend". Napoleon's plan was to accept the Presidency of Ecuador which had been offered to him, to promise Louis Philippe that he would never return

1. Malmesbury, op.cit., p.23.

to Europe, and so to secure his release. Malmesbury's rôle was to obtain the mediation of Sir Robert Peel with the French King. Napoleon's interest in Central and South America was apparently sincere since he talked with enthusiasm about "a new canal in Nicaragua".¹

Malmesbury remembered the conversation, and in 1858 when the Nicaraguan question was to the fore, reminded Napoleon of it in an official despatch.²

After his visit to Ham, he "returned to London deeply impressed with the calm resolution or rather philosophy, of the man". Peel was at first pleased with the idea of helping to secure Napoleon's release, but Aberdeen, as Foreign Secretary, firmly vetoed the scheme.³

A year later Malmesbury was returning home from White's Club when a man, whom he did not at first identify as Louis Napoleon, ran across the street and stopped his horse. He thus had the amusing opportunity of telling an Attaché of the French Embassy of Napoleon's escape from Ham to England, before the Embassy was officially informed.⁴

From this time on the two men remained almost constantly in touch with each other, and in March 1849,

1. Malmesbury, op.cit., pp.116-7.

2. F.O. 27/1239, No.966, Malmesbury to Cowley, Knowsley 21 Oct. '58.

3. Malmesbury, op.cit., p.118.

4. idem. p.127; entry for 27 May 1846.

Malmesbury had a long audience with the new President. Already at that early date he detected what was to be a consistent psychological weakness in the future Emperor. "He seemed to me very thin-skinned about the English newspapers and the reports regarding himself."¹

The remark was the first adverse criticism entered by Malmesbury in his diary concerning his distinguished friend; it was not to be the last.

In the complex and bitter domestic politics of the forties and early fifties, Malmesbury had taken an enthusiastic part. When the Tory Party disintegrated in 1846 over Peel's Repeal of the Corn Laws, Derby, then Lord Stanley, and Disraeli, were actively assisted by Malmesbury in rallying the protectionists, by his service as whip in the House of Lords. His conviction that Peel had betrayed the Conservative cause made him more extreme in internal politics than he ever was in foreign affairs, and added a rancour in his attitude to the Peelites, and especially to Lord Aberdeen, which was strangely out of character. A letter to Disraeli, written by Malmesbury before they had come into office in 1852, expressed certain general principles of his domestic policy. He rightly saw that the Peelites were doomed as a party, and wrote of them as

1. Malmesbury, op.cit., p.180; entry for 30 March 1849.

"half-pay officers ... without a single soldier - Puseyites, Pedants and crotchety, they are what the Cuban Governor said of the American pirates 'without a God, without a law, and without a flag'. Englishmen outside Parliament would not support a party which was called after a man's name. Derby's followers would be well advised to retain the name of 'Protectionist'. "If we gave it up we should break up into little Dillies - Stanleyites, D'Israelites, Granbyites..." "I had rather," he concluded, "lead a violent party than a moderate one."¹ His public action with regard to internal matters confirmed an extreme standpoint, and contrasted strangely with the moderation of his later direction of foreign policy. He was in this respect the exact antithesis of Palmerston.

On 22nd February 1852, Derby accepted the task of forming the first Tory Government to hold office for six years, and gave the Foreign Office to Malmesbury. A portrait made of him at the time by G.F. Middleton shows Lord Malmesbury as a still young and dignified figure, striking a pose which is dramatic even by Mid-Victorian standards of portraiture. But behind the pose, and behind the ample moustaches and side-whiskers, he appears

1. Beaconsfield Papers, Malmesbury to Disraeli, 6 Jan. 1852.

as a benevolent and good-natured man, with more than a touch of humour in the eyes and mouth.¹

In the opening months of 1852 economic policy was still the main theme of English politics, and the press and Parliament waited anxiously for the slightest indication of a resurrection of the old Corn Laws by the Tories. Derby's speech in the House of Lords, which contained a declaration of his policy, was thus looked at from the economic angle, and his general remarks on the principles which his Government would follow in Foreign policy did not give any immediate offence.² It was only when the Austrian Government had indiscreetly congratulated Derby on his speech, and Malmesbury had, still more indiscreetly, included the passages of congratulation in his Blue Book on Foreign refugees, that a storm was raised concerning the new Government's foreign policy. Malmesbury's relations with Austria then became confused with the thorny question of foreign refugees in England, and the Foreign Secretary received his first attacks from both Houses.

His first task in 1858 was to be the settlement of a dispute with France over foreign refugees in England,

1. The portrait is reproduced in Monypenny and Buckle: Life of Disraeli, Vol.IV, facing page 252. The original is now in Hughenden Manor.

2. Hansard, 3rd Series, Vol.CXIX, House of Lords 27 Feb. 1852.

a dispute whose immediate cause was Orsini's attempt on Napoleon's life. As a background to this later and more important phase of the Refugee Question an account must be given of the earlier phase of the question, which Malmesbury experienced in 1852. The influx of political refugees to England, after the various defeats of the 1848 revolutions, had been a source of irritation to all the absolutist Powers of Europe. When Palmerston, in a splendidly Palmerstonian moment, provided Louis Kossuth with a British fleet to convey him from Constantinople to England, it was perhaps not surprising that offence should have been felt in Austria. In 1851, Austria, Prussia, Russia and France had all complained of Britain's reception of political criminals, and the task had fallen upon Lord Granville, during his two months of office, to reply to them. His explanations were accepted by all the Powers except Austria, where Prince Schwarzenberg replied that he hoped "that the British Government will henceforth know how to make more ample and rigorous use than it has hitherto done of the legal means at its disposal and which it appears to judge sufficient to enable it to fulfil its international duties with regard to the proceedings of the refugees." Although the despatch was far from friendly in tone, Schwarzenberg did not, at least, request an immediate alteration in British Laws, as Napoleon III was to do in the graver refugee crisis

of 1858. Schwarzenberg's despatch, however, went on to explain that British travellers in the Austrian Empire could no longer expect the preferential treatment they had received "in other circumstances".¹ Granville merely acknowledged receipt of the despatch and so the situation stood when the Derby Ministry came into power.

The next move was made by Schwarzenberg. In a tone contrasting sharply from that of his previous despatches he wrote to Count Buol, then Ambassador in London, for communication to Malmesbury, a declaration of the "sentiment de véritable satisfaction" with which the Imperial Cabinet had heard the news of the formation of the new Government, and of the hopes which Derby's speech in the Lords had raised. But the speech, which, as has been said, was concerned mainly with domestic issues, had limited itself in foreign matters to a general statement of the desire of the new Government for peace and good relations with all other nations. Schwarzenberg seized the opportunity given by Derby's platitudes to imply that the new Government would treat the refugee question in a new light. Austria, for her part, he declared, had never contested England's right to give asylum to political refugees, but had merely

1. A. & P. (1852) Vol. LIV, p. 84. C. 1464, "Further Correspondence respecting the Foreign Refugees in London", No. 1, Schwarzenberg to Buol, Vienna, 4 Feb. 1852.

protested against abuse of that right.¹

Malmesbury was to become only too familiar with this argument before he had finished with the Foreign Office.

If Schwarzenberg's whole despatch was unwise, the warmth of Malmesbury's reply was perhaps equally so. The new Foreign Secretary wrote of the "liveliest pleasure" with which Her Majesty's Government had read Schwarzenberg's words, and referred to Austria as "the oldest ally of England".

Her Majesty's present Government, on succeeding to office found that the result of the events of the last few years had been to substitute for those friendly relations a tone of mutual suspicion if not of actual alienation, and to give to their diplomatic correspondence a character quite at variance with the dispositions which ought to subsist between them.

But with regard to the Refugee Question Malmesbury's response was the correct and traditional one.

He expressed the intention of "maintaining inviolate the sacred right of according hospitality" to political refugees, but of "discouraging and repressing as far as the law and the constitution warrant any attempt on the part of such exiles to abuse the hospitality they enjoy". He ended this, his first major despatch, with an expression of the personal friendship which he and Derby felt for

1. A. & P. (1852) Vol.LIV, p.96, No.7 Schwarzenberg to Buol, Vienna, 5 March 1852.

Prince Schwarzenberg.¹

If it was unwise to extend such affection towards the one Power which at that time was hated alike by Palmerstonians, Peelites and Radicals in Parliament, and by the vocal sections of opinion in the country, it was still more unwise to present the relevant documents to Parliament. On April 1, Mr. Monkton Milnes, always the defendant of foreign refugees, delivered a long tirade in the House of Commons against Malmesbury's exchanges with Schwarzenberg. The Austrian despatch "as he read it, meant, and was intended to mean, nothing less than this - that the Austrian Government recognised, in the accession of the present Ministry to office, an evidence of a change in the foreign policy of this country, and the indication of a totally different direction and impulse of the power of England on the Continent." Furthermore, Malmesbury had not regarded the despatch "as a mere matter of compliment", but "as a most serious and important manifestation of favour." There was considerable point in Milnes' argument when he continued to affirm that the Austrian Government should address its official despatches, not to the political party which happened to be in power in England, but to the Ministers of the Queen, whose foreign policy depended

1. A. & P. (1852) Vol. LIV, pp. 96, 97, No. 8. Malmesbury to Buol, F.O. 15 March 1852.

consistently upon certain broad and pure principles.

Malmesbury's application of the phrase "the oldest ally of England" to Austria was ill received by the House of Commons. Milnes believed that it belonged either to Portugal or to Turkey, and dates were later produced in favour of the former, Palmerston made a long and witty speech, referring to "the amicable Arcadian dialogue which has passed between the Austrian Government and the present Ministry".¹ Lord Beaumont attacked the Government on the same lines in the House of Lords, and thus gave Malmesbury the opportunity of replying. He wisely did not indulge in a defence of any 'rapprochement' with Austria, but ridiculed the idea that there had been any great significance in the correspondence which had been so much attacked. On the Refugee Question he affirmed that he would never change traditional policy. To those foreign governments who protested "I would answer them as the first Barons answered: 'Nolumus leges Angliae mutari'." Lord Beaumont had expressed the belief that there may have been secret correspondence between the Derby Government and Schwarzenberg, and this insinuation Malmesbury regarded as "very grave in its nature". But that Schwarzenberg's despatch of 5 March was unsolicited and unexpected was proved by

1. Hansard, 3rd Series, Vol.CXX, House of Commons
1 April 1852.

a simple study of the dates. It was "physically impossible" for Malmesbury, who entered office on 28 February to have written a despatch which would have encouraged Schwarzenberg to reply by 5 March. The Foreign Secretary boldly returned to the question of the "oldest ally", and defended Austria's right to the title. The first treaty with Austria was in 1202, whereas that with Portugal was not made until 1386. Fortunately for the dignity of the House of Lords, no one embarked upon a discussion of the academic question of what the terms "Austria" and "ally" might be stretched to signify.¹

The important aspect of the whole question lay in Malmesbury's future intentions with regard to Austria. Since 1848 the Habsburg Imperial Government had followed a policy of firm repression with regard to its subject races, and with this policy Britain had, at least, dissociated herself. Both the British public, and Palmerston when Foreign Secretary, had made it clear where their sympathies lay with regard to nationalist movements within the Austrian Empire. If Malmesbury had, immediately on coming to office, tried to restore friendly relations with Austria, his decision, whether

1. Hansard, House of Lords, 5 April 1852.

justifiable or not, would have been a grave one. The House of Commons at this time regarded foreign policy as closely linked to domestic policy. Thus, because they feared that the Tories would return to rigid protection at home, they feared also that Malmesbury would draw closer to the absolutist Governments in Europe, and away from a liberal foreign policy. In both cases they were over-stating and over-simplifying the issue. They were drawing a parallel between internal and external policies which was not a valid one, and they were forgetting Malmesbury's personal relations with Louis Napoleon. But the significance of this last point could not clearly be appreciated in the opening months of 1852, since the French President could still be regarded as part of the general European reaction, and was so regarded by radical Members of Parliament. The conception of a "liberal Empire" was deep in the future, and even the Austrian attitude to the new ruler of France had not yet crystallized, but varied according to who was dictating Austrian policy. Schwarzenberg tended to be more optimistic than Buol, and to hope for co-operation from a Frenchman who stood for order against anarchy.

Lord Beaumont's charge that Malmesbury had made secret diplomatic advances to Austria contained the

kernel of the attack upon him. It can be largely discredited by a detailed consideration of the correspondence between the Foreign Office and Austria during Malmesbury's first days of office, and before the arrival of Schwarzenberg's indiscreet despatch of 5 March. Despatches in Malmesbury's name, numbered 1 - 6, were sent on 2 March, but were merely transmissions of other despatches for the information of Lord Westmorland in Vienna, and having no direct bearing on Anglo-Austrian relations.¹ Thereafter passed a week when nothing was sent from the Foreign Office to Vienna, and on 9 March, despatches numbered 7 - 13 were of a similar nature.² A separate despatch on the same day reprimanded the Vienna Embassy for misusing the diplomatic bag by enclosing private mail for Lord Burghersh to Lord Fitzroy Somerset in the shape of a "large tin case... and a tin locked Hat Box".³ Such was the innocent character of the first week's official correspondence between Malmesbury and Vienna through Lord Westmorland, Schwarzenberg's ill-advised congratulations arrived on the next day, 10 March. It hardly seems likely that

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1. F.O. 7/397, Nos. 1 - 6 Malmesbury to Westmorland, F.O. 2 March '52.
 2. F.O. 7/397, Nos. 7 - 13 Malmesbury to Westmorland, F.O. 9 Mar. '52.
 3. F.O. 7/397 Separate, Malmesbury to Westmorland, F.O. 9 Mar. '52.

important secret negotiations could have been conducted through Buol in London, without hint of them being given to the British Embassy in Vienna. Nor is it easily credible that a comparatively young and inexperienced diplomat, as was Malmesbury in 1852, would have embarked, during his first week of office, on a private and secret correspondence with a foreign statesman, whom he did not know personally. These considerations, however, do not constitute final proof, which could be provided only by the official correspondence between Schwarzenberg and Buol, and the private papers of the men concerned. The available evidence suggests that the initial steps were taken by Schwarzenberg, and came to Malmesbury as a surprise if a pleasant one. His response was unquestionably more encouraging to Austria than a response from Palmerston in a similar situation would have been, but perhaps Granville, if he had still been in office, would not have acted so very differently from Malmesbury. Prince Schwarzenberg had applauded Derby's speech, and as Malmesbury explained to the Lords, "If the Prince expressed himself satisfied, so did I. I said to him; 'I'm glad you liked the speech'; the Prince gave me an opportunity of saying so."¹

1. Hansard, 3rd Series, Vol.CXX. House of Lords, 5 April '52.

Malmesbury had apparently quite honestly accepted as a mere compliment what Schwarzenberg had intended to be rather more. Whether the Austrian statesman was feeling his way towards a more concrete and formal understanding with Britain will never be known for certain, since any further negotiations which may have been contemplated were cut short by his unexpected death at 6 p.m. on 5 April. Westmoreland had been with him only three hours before, and had received from him "thanks for the cordial manner" in which Malmesbury had acknowledged Schwarzenberg's communications.¹

The Prince left no memorandum of Malmesbury's conciliatory despatch of 15th March, and Baron Werner, who was provisionally and temporarily in charge of foreign affairs, requested and obtained permission from Westmoreland to take a copy of the despatch, "as a record of the friendly terms on which Prince Schwarzenberg had placed his relations with the British Government at the close of his career."²

Sudden death left the Austrian Foreign Ministry in a sentimental mood. Werner concluded the short

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1. F.O. 7/401, No.37. Westmoreland to Malmesbury, Vienna, 5 April '52.
 2. F.O. 7/401, No.47, Westmoreland to Malmesbury, Vienna, 11 April '52.

correspondence which had been received with such mixed feelings in England on a lyrical note. He wrote privately to Westmorland:

of the British representative in the Treaty of London. The Treaty has always been rightly considered
 May the now happily prevailing reciprocal good feelings between our two countries - in matter and form - last as long as the Ocean bathes your shores and good Danube passes through our Country.¹

It is not necessary for the purpose of this thesis to consider in detail various other questions handled by Malmesbury in 1852. Of these the tragi-comedy of Mr. Mather received most attention from the English public. Mr. Mather was wounded by an Austrian officer in a misunderstanding in Florence. Malmesbury's handling of the case was not marked by any great efficiency or firmness, and received criticism from Parliament and the Press.²

The complex and ambiguous arrangements over the Schleswig-Holstein Question which culminated in the Treaties of 1852 played an important part in the history

1. F.O. 7/401, Enclosure in No.47, Private, Werner to Westmorland, Vienna, 9 April '52.

2. A. & P. (1852), Vol.IV. p.7: C.1491, "Correspondence respecting the Assault committed on Mr. Erskine Mather at Florence". The narrative of the incident has been told by De Groot, Emile; "The Florentine Tragedy of Mr. Mather of South Shields", Durham University Journal, June 1952, Vol.XLIV, No.3.

of that Question but scarcely belong to the history of Lord Malmesbury's foreign policy, although his signature appeared as that of the British representative in the Treaty of London. The Treaty has always been rightly considered as the work of Palmerston, so far as England was concerned. Malmesbury's share in producing the most historic document ever to bear his signature was mainly limited to an acceptance of the responsibility of signing. Nor has the question of Neuchâtel, which was adequately handled by him in 1852 any bearing upon his policy in 1858-9.

His last public act during his 1852 tenure of office was also his most significant one - the recognition of Louis Napoleon as the Emperor Napoleon III. In his announcement of the step to Parliament, he gave the impression that the Cabinet was united in its decision. On receiving officially from France the news of the establishment of the Second Empire "Her Majesty's servants thought it right to advise Her Majesty without delay, and cordially, to recognise the new constitution."¹ In fact, the decision seems to have been largely Malmesbury's own. When the Foreign Secretary made his announcement, Lord Derby, by his own confession to

1. Hansard, 3rd Series, Vol. CXXIII, House of Lords, 6 Dec. 1852.

Prince Albert, covered his face in his hands, and Albert himself expressed his disgust to Prince William of Prussia calling the move "a mistake to be buried along with others".¹ Yet the Queen had been kept fully informed of Malmesbury's negotiations, and had expressed her approval.² Only when the Foreign Secretary signed a secret Protocol with the Ambassadors of Austria, Prussia and Russia on December 3, deciding to recognise the new Empire, did the Queen express irritation at not having been consulted.³ Such an oversight on Malmesbury's part so soon after the Queen's dispute with Palmerston may well have led to malaise between the two, but there is no indication that Malmesbury's relations with the Court ever underwent any further strain. Although his point of view was seldom precisely the same as that of Queen Victoria and Prince Albert, Malmesbury remained on terms of good-will with them throughout his second period of office.

His speech to the Lords which distressed both Derby and the Prince Consort certainly seemed more calculated

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1. Letters of the Prince Consort, p.187, Prince Albert to Prince William of Prussia, Buckingham Palace, 23 Feb. '53.
 2. Queen Victoria's Letters Vol.11, p.492, Queen Victoria to Malmesbury, Osborne, 2 Dec. '52.
 3. idem., p.495. The Queen to Malmesbury, Osborne, 8 Dec. '52.

to please Napoleon than anyone else. He explained that since 1815 political movements in France had been directed solely by opinion in Paris. Paris had been responsible for the fall of the Bourbons, for both the rise and fall of Louis Philippe, and above all for the Republic of 1848. Only with the elections of Louis Napoleon as President, and now Emperor, was France, as opposed to Paris, expressing herself. Three times had the French people "expressed a wish for the same person in the most public manner, of which, perhaps, history can furnish an example." Since he had been in office, Malmesbury declared he had "found nothing but fairness and fair play" in his dealings with the French Government. The conception of war between the two countries was "an absurdity". Such a war would be "as useless as cruel, and as inglorious as useless".¹

The future was to justify Malmesbury's eagerness to recognise the Second Empire. Within a matter of months the Eastern Question was to produce its most important crisis of the century, and in that crisis and the war which followed it, Britain found in the Second Empire a firm and powerful ally. For almost twenty years Napoleon remained a basically sound, if not always trusted, friend

1. Hansard, 3rd Series, Vol.CXXIII, House of Lords, 6 Dec. '52.

of England. But the doubts of those who opposed immediate recognition of the Empire were understandable. The last time a Bonaparte had declared himself Emperor of the French, years of territorial ambitions and wars with England had followed. So completely had the old map of Europe been dissolved that the peace-makers of 1815 had been unable, and in most cases unwilling, to restore more than a superficial semblance of the past.

Fortunately for Europe the serenity and humanity of the new Napoleon contrasted with the feverish mental activity of his uncle. But only those, who, like Malmesbury, were close personal friends of Louis Napoleon, could be aware of the contrast, and so could be fully convinced that he would pursue a very different policy from that of his great predecessor.

The decision to give Napoleon the moral backing of English diplomacy did not mean an abandonment of the 1815 Settlement. The title "Napoleon III" seemed at first sight to imply that the two Bourbons and Louis Philippe had not been the legal sovereigns of France. Not only would this be a personal insult to Queen Victoria in view of her close friendship with the Orleanist Court, but it would imply that the commitments made by the three monarchs were no longer binding. Sharp exchanges took place between Malmesbury and the French

Foreign Minister, Drouyn de l'Huys, on the exact significance of the Numeral III. Malmesbury wanted a written note from the French Government giving an explicit assurance that the new title did not have too strictly legal a significance. Count Walewski, French Ambassador in London, at first insisted that Drouyn de l'Huys would never sign such a note.¹ With Cowley's help Malmesbury secured a change of heart from the French Foreign Minister, and on 3 December he could inform the Queen that he had been granted the desired written note, denying that the new title rendered the French Governments since 1815 illegal.² With an adequate, if paradoxical definition of the Numeral III, Malmesbury had proceeded to the formal recognition.

In February, 1853, when the Derby Government had been out of office for some weeks, it seemed to Malmesbury that the good-will of Napoleon which he had secured was already being lost by his successors. In a letter to Disraeli he claimed to have separated France from the "three Despots". "When we recognised the Empire there was no one thing she would not have done for us and with us." Now it seemed to Malmesbury that the four Continental Powers

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1. Malmesbury, op.cit., p.282; entry for 29 November '52.
 2. idem., p.284, Malmesbury to the Queen. F.O. 3 Dec. '52.

may well combine to partition the Ottoman Empire. "On Louis Napoleon the whole question rests... With him we can rule the world."¹ These extravagant considerations showed that Malmesbury's imagination ran riot when once he was out of office; but they showed more significantly, the high importance which he believed to rest in the Anglo-French alliance.

The cordial friendship between Napoleon and Malmesbury had thus been in no way weakened as a result of the latter's responsibilities as Foreign Secretary in 1852. When he visited the Emperor in March 1853, he was introduced to the Empress, who said that Napoleon had often spoken of him as an old friend. At a military banquet in the Tuileries the Emperor publicly thanked Malmesbury for all he had done, alluding to the recognition of the Empire and to Malmesbury's visit to him while in his prison at Ham. The latter allusion was a bold one in view of the presence of high ranking officers who had received their promotions under the Orleanist Monarchy.²

When the Derby Ministry resigned on 28 December 1852 Malmesbury's reputation as a statesman should have been considerably higher than it had been when he had taken office in the previous February. In the opening weeks he

1. The Beaconsfield Papers, Malmesbury to Disraeli, Heron Court, 12 February '53.

2. Malmesbury, op.cit., pp:297-8; entry for 20 March '53.

had conciliated Austria without surrendering Great Britain's position with regard to the Refugee Question, and in the closing weeks he had recognised the Second Empire and so secured the good-will of France. The year 1852 may well be taken to mark a turning point in Anglo-French relations. For centuries France had been the traditional enemy of England. During the long period when Palmerston had directed British foreign policy crises with France had been frequent. Only a few years before, war over the question of the Spanish Marriages had been an acute possibility. Yet in December 1852, Malmesbury could speak of the idea of war with France as "an absurdity". His remark was to set the tone in Anglo-French relations for the succeeding century.

It was precisely because his policy had been pacific and conciliatory towards all the Great Powers that Malmesbury's name had not made a deep mark on public opinion. His policy had not stirred partisans or critics of any of the Powers. A more dramatic or flamboyant attitude would have given him a more clearly defined reputation.

But if his relations with the rulers of foreign nations had been amicable, with their representatives in London there had often been more friction. He had dealt personally with two men with whom he was to handle more important business in 1858-9 - Buol and Walewski. Both

were Ambassadors in London in 1852; both were to be Foreign Ministers in 1858. With Count Buol Malmesbury opened relations in unfortunate circumstances. Granville had been involved in a dispute with the Austrian Government with reference to certain notes which had been presented to him by that Government, and which he had refused to read, since to do so would have admitted Austrian legal rights over Modena and the Papal States. Buol vented his ill-feeling on the issue in his first interview with Malmesbury.

He took a very high tone... was anything but agreeable, and he alternately tried to bully and to mystify me as to diplomatic usages, in a way which can only be accounted for from his supposing (and justly so) that he was dealing with an inexperienced hand.¹

In his Memoirs Malmesbury referred to the interview in stronger language, calling Buol's manner "most coarse and insolent".²

When Buol left London on his appointment as Foreign Minister after the death of Schwarzenberg, Malmesbury could not have been sorry to see him go. There is no evidence that any personal antipathy between the two men survived the unpleasantness of their brief personal

1. Malmesbury, op.cit., pp.234, 235, Malmesbury to Westmoreland, London 8 March '52.

2. idem., p.240.

acquaintance. On the other hand Malmesbury's personal attitude to Austria was always to be distant in tone, even when British Public policy demanded conciliatory acts. In contrast he always felt for the activity of Napoleon a warm personal concern, even when British public policy demanded a strong tone and a firm attitude. With Count Walewski his relations in 1852 were less unhappy. He had known the Polish son of Napoleon I for twenty years, having met him after the Polish Rebellion of 1831, when Walewski came to London on behalf of the Revolutionary Government. At that early date he had found the young Pole "very handsome and pleasing".¹ His opinion did not deteriorate as the result of their official relations in 1852. Though there was some friction over the question of the Numeral III, it was evident that Malmesbury intended Walewski to share in the praise which he gave to the French Government in his speech recognizing the Second Empire.

Not only in England had public opinion over-simplified the probable policy of the Derby Ministry of 1852. Abroad right wing parties had been disappointed. The clerical party in Sardinia had hoped and expected the Tory Government to form an alliance with Austria for the purpose of

1. Malmesbury, op.cit., p.221.

destroying the Sardinian Constitution. Since it had not done so, Derby was "rated a 'Rouge' of the first water."¹ If English public opinion had been less ludicrously mistaken, it had been far from correct in its prophecies. From the first, Malmesbury had been expected to draw close to Austria as part of a general policy of limiting free trade, and supporting established authorities against the aspirations of subject races and liberal political groups. Public opinion had forgotten, as it has constantly forgotten, that a high degree of continuity is inevitable in British foreign policy. Only when entirely new factors, born of revolution or war, appear in European politics, has British policy to be remoulded to fit the new conditions. When a Napoleonic Empire re-appeared in Western Europe the man who happened to be Foreign Secretary at the time had the considerable responsibility of deciding what tone to adopt. If Malmesbury had adopted a hostile attitude he would have been accused of too much devotion to the 1815 Treaties which had forbidden the re-appearance of a Bonaparte on the French throne. Because he cordially welcomed the new Empire, he was accused of Bonapartism. When, in February 1853, the Derby party decided that a defence of Napoleon should be undertaken in Parliament, and that it

1. F.O. 519/194, Hudson to Cowley, Turin, 21 April '52.

should be initiated by Disraeli, rather than by anyone in the Lords, Malmesbury wrote:

In February 1858, I wrote

I was rejoiced to hear it because the accusations against me of Bonapartism rendered it advisable that I should not lead the attack on the subject.¹

He had also been suspected of "Bonapartism" by the Belgian Minister, M. van de Weyer, who had been disappointed at Malmesbury's appointment in 1852 for that reason.² It is only when these early accusations against Malmesbury are considered, that those of an opposite nature with which he was charged in 1859 can be seen in their true perspective.

When Lord Derby's Government left office at the close of 1852, the new developments in the Eastern Question which were so soon to occupy the attentions of Europe had not been anticipated. In 1852 Malmesbury had been on the best of terms with the Russian Ministers, and on his resignation received private letters expressing friendly sentiments from both Count Nesselrode³ and the Minister in London, Baron Brunnow.⁴ The intervention of the Crimean

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1. The Beaconsfield Papers, Malmesbury to Disraeli. Heron Court, 12 Feb. '53.
 2. Malmesbury, op.cit., p.231.
 3. idem., p.291, Nesselrode to Sir H. Seymour, St. Petersburg.
 4. idem., p.290, Brunnow to Malmesbury, Chesham Place, 30 Dec. '52.

War between his first and second periods of office fundamentally altered Malmesbury's attitude to Russia as it did that of all Englishmen. In February 1858, future British relations with France, Austria or Prussia were a matter of speculation; but Russia had become firmly established as the national enemy. Whereas the Franco-Russian break was being rapidly mended, the Anglo-Russian break seemed to have become a permanent feature of the European scene.

Malmesbury had followed the course of relations with Russia closely since his tenure of office. On 27 May 1853, he asked a question in the House of Lords on the Turkish Question, before Parliament had expressed any great interest in the growing crises at Constantinople. His question was simply for official information but it contained the implication that the Government was not working closely enough with France at Constantinople, and that instructions to Lord Stratford de Redcliffe were not identical with those to the French Ambassador to Turkey.¹ The theme that unity of action between England and France was essential in the Near East was never sufficiently realized by the British Government which became entangled in the Crimean War. It was a theme to

1. Hansard, 3rd Series, Vol. CXXVII, House of Lords, 27 May '53.

which Malmesbury tried to adhere in 1858-9, with ultimate success so far as the Principalities were concerned, but with less success in the Montenegrin Question.

Lord Malmesbury's reputation when he was appointed again to the Foreign Office in 1858 was not affected by his supposed "Bonapartism" of 1852. Europe had changed in the intervening years. Napoleon had been allied to Britain in a war against Russia, and at the Congress of Paris had supported the nationalist aims of the Roumanians, and had approved of the nationalist sentiments of the Italians. He was now no longer classed on the side of "reaction", and it was no longer believed likely that a Tory Government could maintain friendship with him. Malmesbury's personal relations with him, and recognition of his Empire, were forgotten. But the close relations which the Derby Government had established with Prince Schwarzenberg in the last days of his life were apparently remembered, and it was consequently expected that Malmesbury would be more pro-Austrian than the Whig Ministers had been. The over-simplified idea of what his aims would be had persisted. Nor was his personal ability rated very highly. His reputation in 1852 had depended, due very largely to the skill of his opponents in Parliament, on his faltering handling of the Mather case, rather than on his able and successful negotiations over Napoleon's

title. But whatever his opinions and ability were thought to be, there was a certain respect in Parliament for the general dignity of his aims. It was realized that he was an example of that not uncommon type of Victorian statesman who combined a sense of political morality with a concern for national prestige. Lord John Russell probably did not think he was uttering a platitude, when he said of Malmesbury:

I think the noble Lord now at the head of the Foreign Office is likely to carry on the affairs of that department with great regard for the dignity and interests of England.¹

1. Hansard, 3rd Series, Vol. CXLIX, House of Commons, 15 March '58.

CHAPTER II

The Problems of 1858-9

Before considering in detail the questions with which Malmesbury was obliged to deal in the years 1858 and 1859, it is important to survey the whole diplomatic scene, and to examine the relationship of those questions with each other. The most striking characteristic of the Europe of 1858 was the long life which its territorial pattern had enjoyed. During the four decades which had elapsed since 1815 no great changes had been made in the map of Europe. The Kingdom of Belgium had been created; the first signs that the Ottoman Empire was crumbling had led to the independence of Greece, and the autonomy of Serbia, Moldavia, and Wallachia; the Republic of Cracow had been destroyed. But such developments as these were comparatively unimpressive. In no other period of equal length since the eighteenth century has Europe experienced such stability of frontiers. In 1858 there was a strong argument in favour of a conservative foreign policy.

If the map itself had not altered, one new factor of considerable significance had recently appeared in Western

Europe: the Second Empire in France. The very idea of a Second Empire was an indication that the long period of French eclipse had ended. When the new Empire proceeded to fight a victorious war in the Crimea, and, after the war, to continue increasing its army and building a modern navy, it became evident that the balance of power in Europe had shifted. Malmesbury's attitude towards the powerful new regime in France, and his reactions to French moves all over the world, were to be important aspects of his policy. If the Anglo-French Alliance was to be maintained, and English interests were not to suffer, one point had to be made clear: English prestige was not to be sacrificed for Napoleon's popularity with his subjects. This was the basic principle involved in the dispute which followed the Orsini Attempt of January, 1858.

Apparently still able to balance the growing military strength of France was the large army of the Austrian Empire. Austria had recovered from the threatened internal disasters of 1848. In the late 'fifties Hungarian nationalism was not an imminent danger. The threat came rather from unwise agitation from the military party, who were likely to secure the sanction of the young Emperor Francis Joseph for a fatal move. Count Buol, in charge of foreign affairs in 1858, stood for a moderate policy, but his diplomacy was devoid of subtlety. At any moment

he was capable of being blustered into an aggressive policy, and in the spring of 1859 he was destined to make one of the great diplomatic blunders of the century. Much depended on the British attitude to Austria, and any estimate of Malmesbury's policy will return continually to the question of whether or not he encouraged her in her several diplomatic errors.

The Italian provinces formed the Achilles heel of the Habsburg Empire in the late 'fifties. The Magyars lacked a Sardinia, and the Slavs, who had a Sardinia in Serbia, were not ready for a nationalist rising. Only in Italy was there the possibility of revolt. Sardinia herself had reached a turning-point in her history, and was ready by 1859 to challenge German domination in Lombardy and Venetia. By his assistance in the Crimean War and his presence at the Congress of Paris, Cavour had secured a high place in the Concert of Europe for his nation of five million. Much, again, depended on Malmesbury's realization of the rôle which Sardinia was to play in the Italian rising.

Prussia, in 1858, was only a secondary Power. She had not recovered the prestige which she had lost by her ignominious policy during the Crimean War. The representative at Frankfort in 1858, and in St. Petersburg in 1859, Count Otto von Bismarck, was already making his presence felt

on the Prussian political stage, but was not yet a European figure. His Russophil tendencies were not adopted by the Government in Berlin, except in so far as they, like Russia, followed weakly in the path of Napoleon over Balkan issues. Baron von Schleinitz, the Foreign Minister in 1859, did not develop a coherent policy with regard to the Italian Question. Prussia was thus very much open to pressure from the British Foreign Office, and during the Franco-Austrian War, Malmesbury's influence in Berlin was considerable.

Russia, too, was experiencing a moment of eclipse. Her defeat in the Crimea had halted her policy of military expansion, and driven her warships from the Black Sea. In the spring of 1859, Prince Gorchakov was to exploit the Italian crisis for a return to the diplomatic scene, but Russia's rôle remained a secondary one. Nevertheless, the fear of Russian policy in the Eastern Question was still a major preoccupation with the Foreign Office in London. Malmesbury shared the distrust of Russia which, by 1858, had become an English tradition.

Only two questions during the years 1858-9 were sufficiently important to attract the attention of all the Powers. These were the crises over the Principalities and Italy. Other questions, those of the "Cagliari" and the "Charles et Georges", of Montenegro and Serbia, of

the Jeddah Massacre and the Danube, are of interest as illustrations of Malmesbury's foreign policy, but were not of vital concern to Europe as a whole. The question of the Principalities was the central diplomatic theme throughout 1858, and reached a crisis in the summer of that year, and again early in 1859, with the double election of Cusa. That it was of considerably smaller significance than the Italian Question became evident in the spring of 1859, when it was virtually forgotten in the midst of the diplomatic storms which heralded the war in North Italy. Even so, the Principalities would demand more than half a chapter in this thesis - compared with the three chapters devoted to the Italian Question - were it not for two other reasons. In the first place, Malmesbury accepted more personal responsibility during the Italian crisis than he had done during the Conferences over the Principalities in the summer of 1858, when Lord Cowley had been plenipotentiary in Paris. In the second place, the Principalities during Malmesbury's year and a half of office have already received detailed treatment in English by both Professor Riker and Mr. East, and Professor Riker's work can probably be regarded as the definitive one on the subject.¹ It remains for this thesis only to consider

1. Riker, T.W.: The Making of Roumania, (1931);
East, W.G.: The Union of Moldavia and Wallachia,
(1929).

the question from the standpoint of Lord Malmesbury, and to add occasional details from sources not before used in this context.¹

On the other hand the Italian crisis of January to May 1859, has received only slight treatment from English historians, and Malmesbury's tireless attempts to prevent the Franco-Austrian War have been dismissed as worthy only of pity, if not of contempt. The first half of an article by Mr. A.J.P. Taylor constitutes the only work in English to deal in a scholarly manner with the negotiations which unhappily formed a prelude to the war of 1859. But even this article must be considered rather as a distinguished précis of the section of diplomatic history treated here in detail in Chapters VII, VIII and IX. Nor does the conclusion of these three chapters agree with Mr. Taylor's statement that "Malmesbury... was definitely pro-Austrian, and had an intense dislike of Italian nationalism."²

As would be expected, the negotiations over the Italian Question, in which Malmesbury played so large a part, have been treated more fully in Italian than in English. Several works by Professor Franco Valsecchi, in

1. For example: The Beaconsfield Papers, and Italian publications and archives.

2. P.53, A.J.P. Taylor: "European Mediation and the Agreement of Villafranca", English Historical Review, January, 1936, Vol. LI.

particular, have dealt with the complex diplomacy of the spring of 1859,¹ but these have been based on Italian published documents, the English Blue Books, the Austrian archives, rather than on the Foreign Office papers at the Public Record Office, which constitute the main source for this thesis. Inevitably, Malmesbury's policy appears in a rather different light when it is seen through Italian eyes.

The principal theme of European history from February 1858, to May, 1859, was the drift to a Franco-Austrian War. Differences between the two nations throughout 1858 resulted from the arrangements which had to be made in the Principalities, the question of the Danube, and the Serbian crisis at the close of the year. But the final break was caused by the conversion of Italian nationalism from an idealistic dream to a practical programme, a conversion carried through by the genius of Cavour. Malmesbury's rôle in the various Franco-Austrian disputes was that of mediator. British interests, however, demanded that he should lean to the side of Austria in the question of the Principalities, and to the side of France in the question of the Danube. The need to maintain the Treaty of Paris required that he should join France in resisting Austrian arrogance over the Serbian crisis in the winter

1. See Bibliography, and footnotes to Chapter VIII.

of 1858-9. One of the functions of this thesis is to show that his final attempt at mediation over the Italian Question did not err on the side of partiality for Austria.

Two other events in the East, the war in Montenegro and the massacre at Jeddah, demanded contrasting treatment. In the former the traditions of Palmerstonian policy towards the Ottoman Empire required that Malmesbury should take an opposite stand from that of France, while the latter allowed and obliged him to identify British action with that of the French Ally.

In Western Europe the year 1858 provided a lull before the storm of 1859. Two questions, slight in their origins, but with important aspects, held the attention of the British Foreign Office. The first of these, the case of the "Cagliari", enabled Malmesbury to re-establish British prestige in Southern Italy, but gave an indication of the potential antipathy between him and Cavour. The second, the case of the "Charles et Georges", provided an opportunity for him to attempt formal mediation between France and Portugal, following the lines laid down by the famous Protocol of 1856. The failure of this and other attempts at mediation were of profound and tragic significance for the future of Europe.

Affairs outside Europe demanded occasional decisions from the Foreign Secretary. None of these played a large

enough part in Malmesbury's foreign policy to require separate treatment, but two of them, the war in China and the negotiations over Central America, can be conveniently considered in some detail here.

When the War in China broke out in 1857 Malmesbury had been particularly bitter in his condemnation in the House of Lords of Palmerston's policy, and especially of the action of Sir John Bowring and Consul Parkes during the incident of the "Arrow". He had declared:

I contend that the Government ought not to lose a moment in removing both Sir John Bowring and Mr. Parkes, as persons totally unfit for the situations which they now fill.¹

With these opinions he could not have felt any great enthusiasm for the irregular warfare which was being waged by English and French forces when he came into office. Lord Elgin's Mission had left England nearly a year before, and because of the immense distance at which he was to operate, Elgin had been given an unusual independence of action, within the limits of his original instructions from Lord Clarendon.² Some idea of his remoteness from

1. Hansard, 3rd Series, Vol.CXLIV, House of Lords, 26 Feb. 1857.

2. A. & P., (1859, Session 2), Vol.XXXIII; "Correspondence relative to the Earl of Elgin's Special Mission to China and Japan, 1857-9", p.1, No.1; p.4, No.2; p.6, No.3; all three Clarendon to Elgin, 20 April 1857.

the Foreign Office is given by the fact that his first despatches addressed to Lord Malmesbury did not reach England until 27 July, 1858, when the Tory Foreign Secretary had already been in office for five months.¹ Under such conditions Malmesbury cannot be considered as having held any directing influence over the Elgin Mission. He was limited to approving or disavowing what Elgin had already accomplished some weeks before. Any indications he might give for future action were too late or too hypothetical to be regarded as valid instructions. It was impossible at that late date to put into practice the opinions which he had expressed in Parliament in 1857. Even Sir John Bowring was not recalled.

Malmesbury's apathy for the Chinese war, combined with his lack of contact with the Elgin Mission, gave a certain vagueness to his communications. In the early days of the Derby Ministry he expressed the hope of "an early cessation of the present state of hostility in China, and the renewal of friendly intercourse where it has been interrupted." The words reveal a lack of appreciation of Elgin's task, which was nothing less than the opening up of the ancient Empire to the diplomacy and trade of the

1. A. & P., (1859, Session 2), Vol. XXXVIII, op.cit., p.269, No.151, Elgin to Malmesbury (received 27 July), "Furious", Gulf of Pechelee, 9 May 1858.

West. The despatch was drafted by Mr. Hammond, the Permanent Under-Secretary, but Malmesbury appended to it a sentence to the effect that his Government had no new instructions to add to those of their predecessors.¹ Privately he wrote to Cowley that he wanted "to compress and shorten" "the Chinese row" as much as possible. He added: "We have no wish to 'go on and get as much as we can' which appears to be the spirit of Elgin's instructions."²

It was therefore without assistance from home that Elgin secured the important Treaty of Tientsin in the summer of 1858.³ Malmesbury's only contribution was to urge that a sufficient indemnity should be obtained from the Chinese to cover the expenses of the expedition. He procured an estimate from the War Office which put the expense incurred by the British forces at £500,000, exclusive of those incurred by the East India Company, whose troops had also been employed in China.⁴ Even when

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1. A. & P. *op.cit.*, p.166, No.95, Malmesbury to Elgin, F.O. 25 March 1858. Draft in F.O. 17/284, No.6, seen by Derby.
 2. F.O. 519/196, Malmesbury to Cowley, F.O., 9 March, 1858.
 3. The best account of Elgin's negotiations at Tientsin, and of Anglo-Chinese relations generally at this time is in: W.C.Costin: Great Britain and China 1833-60, (1937); for the Treaty of Tientsin, pp.258-272.
 4. F.O. 17/284, No.21, Malmesbury to Elgin, F.O. 21 May, 1858.

he heard that Elgin was on the point of signing the Treaty, Malmesbury's preoccupation was with the financial compensation to be obtained.¹ It cannot be denied that his despatches do not show a very inspired approach to a Treaty which was to establish formal diplomatic relations between England and China for the first time in history.

The Treaty was signed on 26 July, but not received by Malmesbury until 25 September. His reception of it was more large-minded than his anticipation of it had been. He drafted a despatch himself conveying "the highest satisfaction" with which the Government had received the Treaty, and congratulating Elgin on "the decision, judgment and ability" which he had shown.²

Once the main object of Elgin's mission had been accomplished, the Government became responsible for the next steps. Malmesbury had been throughout careful to retain identity of policy with France. He had in the first place informed the French Government of all his correspondence with Elgin, and in the second place had assured Elgin that whatever instructions he received would be reflected

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1. A. & P., (1859, Session 2), Vol. XXXIII, C2571, "Correspondence relative to the Earl of Elgin's Mission to China and Japan, 1857-9", p.335, No.172, Malmesbury to Elgin, F.O., 1 Sept. 1858; drafted from a minute in Malmesbury's hand, F.O. 17/284, No.50.
 2. A. & P. *idem.*, p.361, No.187, Malmesbury to Elgin, F.O. 25 Sept. 1858; draft in F.O. 17/284, No.51, seen by the Queen and Derby.

in the instructions from Paris to the French envoy, Baron Gros. In the winter of 1858-9 the two Governments displayed identity of policy in their decisions and counter-decisions. At first they decided to establish an Ambassador in Peking, but when discouraged by both Gros and Elgin, they modified the plan, and prepared to appoint only a Minister.¹ Gros and Elgin went further and recommended that, even for a Minister or Envoy residence in Peking should not be insisted upon. Cowley reported that Gros was favouring Nanking, to which Malmesbury added a minute to the effect that Nanking was not in the hands of the Chinese Imperialists but of the Taiping rebels.² At least his information appeared to be better than that of the French Ministry in their dealings ever since.

The British Government decided to send Mr. Frederick Bruce, Elgin's brother, to Peking to ratify the Treaty. Both Malmesbury and Derby were insistent that Bruce should reach Peking.³ They could not anticipate the disaster which this condition would entail. The failure of Bruce's Mission and the dramatic events of Elgin's second Mission do not belong to the history of Malmesbury's foreign

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1. Costin, op.cit., p.287. of Bruce's Mission and of the responsibility for its failure, see Costin, op.cit.
 2. F.O. 27/1288, No.17, Cowley to Malmesbury, 3 Jan.1859.
 3. Costin, op.cit., p.288. Cowley to Malmesbury, Paris 31 Dec. 1858.

policy. By the spring of 1859 his time was fully occupied with the crisis in Western Europe. He can claim no share in Elgin's initial success; nor can he be blamed for Bruce's failure.¹

The most important aspect of the Chinese affair in this context lies in the identity of Anglo-French action.

Elgin's driving energy had been a fortunate complement to the passive philosophising temperament of Baron Gros.

Speaking of the French Envoy's admiration for Elgin, Count Walewski, the French Foreign Minister, said that

"it was impossible for any man to speak of another in higher terms of eulogium".²

The same goodwill was reflected in the relations between Malmesbury and the French Foreign Ministry in their dealings over China.

There are many factors which refute the charge that

Malmesbury's period of office had ill effects on British

relations with France. The identity of his diplomacy with

that of the French Government in China is one of these.

The functions of the Anglo-French Alliance were not limited to Europe. Malmesbury's predecessors had despatched

another mission, less distinguished than Lord Elgin's, to

Friendship, Commerce and Navigation, the other a Treaty

1. For a full discussion of Bruce's Mission and of the responsibility for its failure, see Costin, op.cit., pp.287-301.

2. F.O. 27/1264, No.1653, Cowley to Malmesbury, Paris 31 Dec. 1858.

the opposite side of the world. The task given to Sir William Ouseley was to rectify the ambiguous British position in Central America. The British settlements on the Mosquito coast, and British relations with the Indian natives of the area, dated from the seventeenth century. But Britain had long since abandoned any claim to sovereignty over Greytown or the Mosquito coast. Ouseley was expected to relinquish the protectorate over the territory, and to substitute for it formal agreements with the Central American Republics. A treaty with Nicaragua, where an inter-oceanic canal was projected, was particularly desirable.

Malmesbury showed a greater personal interest in the Ouseley Mission than he did in the Elgin Mission. Draft despatches to Ouseley were usually made from detailed minutes by the Foreign Secretary, who kept himself fully informed of Ouseley's activities, and was impatient for results. When the Derby government came into office, Ouseley was in the United States. In August, 1858, he was sent instructions to proceed to Central America, and to negotiate two treaties with Nicaragua, "one a Treaty of Friendship, Commerce and Navigation, the other a Treaty relative to the Mosquito Indians and to the Rights and Claims of British Subjects". He was furnished with sample

treaties, the drafts of which had been prepared by Malmesbury's private secretary, Mr. Bidwell but with modifications by the Foreign Secretary himself.¹ No material alterations were to be allowed in the treaties without reference to London, and Malmesbury added the hope that Ouseley's task would be completed by Christmas.²

His main concern was that Ouseley should not sign a general treaty of friendship with Nicaragua unless he procured, at the same time, the special treaty which would protect the rights of British subjects in the Mosquito territory when the British protectorate terminated. Throughout the autumn and winter the Mission was dogged by ill luck, of which the culminating stroke was the serious illness of Ouseley.³ Malmesbury's relations with him had deteriorated. Ouseley had spent too much money in Washington; his reports from Nicaragua were "meagre"; he was excessively sensitive of criticism from the Foreign Office.⁴ Far from completing his task by Christmas, 1858, he had succeeded only in obtaining the

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1. F.O. 15/97, No.24, Malmesbury to Ouseley, F.O. 9 August 1858; printed draft treaties enclosed.
 2. F.O. 15/97, No.26, Malmesbury to Ouseley, F.O. 9 Aug.1858.
 3. F.O. 15/101, No.6 Malmesbury to Ouseley, F.O. 12 Feb.1859.
 4. F.O. 15/101, No.8, Malmesbury to Ouseley, F.O. 16 Feb. 1859 and Separate, Malmesbury to Ouseley, 23 March 1859.

general treaty from Nicaragua by the end of January 1859. Malmesbury declared that the British Government would reserve the right of ratification until the special treaty settling the Mosquito territory was signed.¹ The Nicaraguans resisted the signing of the Mosquito Treaty, using as their excuse the threat of invasion by the American filibusters.²

The question of the filibusters enflamed Malmesbury's imagination, and stimulated several eloquent despatches. The leader of the filibusters, William Walker, had led his handful of American adventurers into Nicaragua in 1855. A considerable army of Nicaraguan "liberals" had joined him, and he had for a time established himself as President. He had apparently considered annexing the Republic to the United States, or alternatively of establishing himself as a permanent dictator. The United States Government disowned him, but were suspiciously negligent in preventing his filibustering raids.³

In 1858 his return to Nicaragua with another expedition appeared imminent. Malmesbury was determined that any

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1. F.O. 15/101, No.15, Malmesbury to Ouseley, F.O. 23 March 1859.
 2. F.O. 15/101, No.19, Malmesbury to Ouseley, F.O. 14 April 1859.
 3. The colourful story of Walker's life is told in Scroggs, W.O.: Filibusters and Financiers, (New York, 1916).

filibustering raid on Nicaragua while Ouseley was in the country should be resisted. H.M.S. "Caesar" of 90 guns and "Diadem" of 35 guns were despatched to Grey Town. The United States Government were invited to send their own warships, and were informed that the British Government trusted that they would prevent any renewal of Walker's activities.¹

Again Malmesbury secured identical action from the French Government, who were also contemplating treaties with the Central American Republics. He reminded them of the savage attacks which had already been made on the "harmless and effeminate" Nicaraguans "by a band of Pirates who recognised no divine or human law".² "Even the seventeenth century", he commented, "debarred the Filibusters from the privileges of human Society, and condemned them to death without a grave".³

The French Government responded to Malmesbury's eloquence, and sent a naval force to the Caribbean, but the

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1. F.O. 5/689, No.149, Malmesbury to Lord Napier, Minister at Washington, F.O., 22 Oct. 1858.
 2. F.O. 27/1239, No.914, Malmesbury to Cowley, Achnacarry, 8 Oct. 1858. As is explained later in the text, Malmesbury carried on the work of the Foreign Office from Achnacarry, while on a shooting holiday in Scotland in the autumn of 1858.
 3. F.O. 27/1239, No.966, Malmesbury to Cowley, Achnacarry, 21 Oct. 1858.

United States Government reacted in a hostile sense. General Cass, the Secretary of State, expressed his belief that any British action against the Filibusters would be an infringement of the Clayton-Bulwer Treaty, which provided that neither Great Britain nor the United States should "occupy, fortify, colonize, assume or exercise any dominion over ... any part of Central America".¹ The Clayton-Bulwer Treaty had complicated Anglo-American relations ever since its signature in 1850, when its aim had been to prevent either nation from acquiring exclusive control over the canal which was ultimately to be built. Disagreement over the interpretation of the Treaty lasted throughout Malmesbury's period of office, and was, in his words, "a source of unceasing embarrassment". But he was reluctant to take the initial step of proposing its abrogation. When Lord Napier, the Minister in Washington, privately informed General Cass that Britain was ready to abrogate the Treaty, Malmesbury approved his action, but instructed him to abstain from further discussion.² Napier, whom Clarendon had considered "too Yankee" had already gone beyond his instructions.³ When Cass sent a

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1. F.O. 5/689, No.182, Malmesbury to Napier, F.O., 26 Nov. 1858.
 2. F.O. 5/688, No.23, Malmesbury to Napier, F.O. 8 April 1858.
 3. F.O. 391/4, Clarendon to Hammond, 15 March 1858.

Note to the British Government declaring that the United States would not agree to the abrogation of the Clayton-Bulwer Treaty, Malmesbury replied with dignity that he had never proposed it.¹ But secretly he was exasperated with the United States Government. He explained to Napier that American obstinacy had necessitated the attempt to reach independent agreement with Nicaragua, through the Ouseley Mission.² But even if Ouseley succeeded in honourably relinquishing the British Protectorate of Grey Town and the Mosquito territory, British possession of the Bay Islands, regarded by the Americans as the main infringement of the 1850 Treaty, would remain. Ouseley had strict instructions not to mention the Bay Islands to the Central American Governments.

General Cass spoke loosely of an Anglo-American War, but Malmesbury assured the French Government that the disagreement over the Clayton-Bulwer Treaty was not sufficient to cause so grave a result.³ While there can be little doubt that he was irritated by the immediate American attitude to Central America, Malmesbury's basic

1. F.O. 5/689, No.107, Malmesbury to Napier, Potsdam, 18 March 1858. Drafted by Malmesbury while in Prussia with the Queen, and transmitted through the Foreign Office and seen by Derby.

2. F.O. 5/689, No.108, Malmesbury to Napier, Potsdam, 18 Aug. '58. Quotation from the State Department Archives.

3. F.O. 27/1240, No.1228, Malmesbury to Cowley, F.O. 21 Dec. '58.

outlook was in sympathy with the idea of the "manifest destiny" of the United States. Mr. Dallas, the United States Minister in London, reported him as having said in July, 1858,

that he was one of that class of statesmen who believed that all the southern part of North America must ultimately come under the government of the United States: that he had no objection to what seemed the inevitable course of things; that, on the contrary, he thought it would be beneficial as well to the population occupying the countries referred to as to the United States, and the rest of the world.¹

The possibility of a break with the United States in 1858 was removed when Walker's threatened attack failed to materialise. But the Filibusters had one unfortunate effect on British policy; Malmesbury's promise to the Nicaraguan Government that the British Navy would assist them to repel attack, so long as Ouseley was on their soil, had made them less eager for his departure. Responsibility for the final relinquishing of the British protectorate over both the Mosquito coast and the Bay Islands was left to Malmesbury's successors. But his respect for the law must have been satisfied when Walker was captured by the British Navy in 1860, and, after a trial

1. Rippey, J.F.: Historical Evolution of Hispanic America, (1942), p.404, quotation from the State Department Archives.

in Honduras, executed.

Another part of Central America was to be of greater significance for the European Powers in the not so distant future. Already the possibility of intervention in the Mexican civil war was being discussed in 1858. Malmesbury's attitude is expressed in a private letter to Cowley. He repeated that he regarded an ultimate American annexation of Mexico as "probable and not at all dangerous to European interests". It would be against Britain's interests "to meddle with such a hornet's nest".¹

He frequently repeated in formal despatches his refusal to consider British intervention, although his decision disappointed his French Ally. The establishment of a Catholic Monarchy in Mexico was not yet a practical item of French policy, but was already shaping as a favourite wish of the Emperor.² The more immediate likelihood in 1858 was of intervention by Spain. Although Malmesbury declared that "any attempt on the part of Spain to reestablish Spanish supremacy in Mexico" would be "an act of suicidal folly", he would not countenance American references to the "so-called Monroe Doctrine".³

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1. F.O. 519/196, Private, Malmesbury to Cowley, Achnacarry, 28 Sept. '58.
 2. F.O. 27/1264, No.1644, Confidential, Cowley to Malmesbury, Paris, 30 Dec. '58.
 3. F.O. 27/1240, No.1097, Malmesbury to Cowley, 20 Nov. '58. Draft seen by Derby and the Queen.

He shared in principle the distaste which all English statesmen had shown for the Monroe Doctrine, but his toleration of the expansion of the United States across North America showed that he was perhaps nearer to acceptance of the spirit of the Doctrine than any of his predecessors had been.

Apart from two remote regions of China and Central America, British foreign policy in Malmesbury's period was concentrated upon Europe. Even these two extra-European questions interested the Foreign Office mainly in terms of English relations with the other European Powers and with the United States. The significance of Malmesbury's policy in both China and Central America, in its application to the principal theme of this thesis, lies in his concern to maintain unity of action with France. The succeeding years were to show that the attitudes of the French and British Governments to Central America were fundamentally different, and that the French attitude was grotesquely mistaken. But so long as Malmesbury's term of office lasted, Napoleon's approach to American issues remained a moderate one, and French policy followed cautiously in Malmesbury's wake.

To all the questions with which he had to deal, whether in distant quarters of Asia and America, or before the footlights of European diplomacy in the Balkans and Western

Europe, Malmesbury brought certain broad principles of policy. It will be valid to state those principles here, and to restate them in the concluding chapter, after their application to specific questions has been examined.

In the first place his policy was one of peace. Not only was it necessary for Britain herself to remain at peace, but it was important for her prosperity that the other Powers should remain at peace with each other. It is perhaps true that at no time in the nineteenth century had Britain very much to gain from a war between other Powers in Europe. But Malmesbury's aversion to war was even stronger than that of most British Foreign Secretaries. His tireless attempts to keep the peace between France and Austria in the spring of 1859 have few parallels in English diplomatic history. He displayed the same antipathy to small wars, like those in China and Montenegro, as he did to major wars in Western Europe. Nor did he relish the kind of British naval action with which Europe had become familiar during Palmerston's period at the Foreign Office. The only independent naval action of his own period, the bombardment of Jeddah by H.M.S. "Cyclops", was due to a misunderstanding. In connection with it, Malmesbury can be accused of incompetence, but not of aggressiveness.

Linked with his desire to maintain peace in Europe was his respect for the existing treaty system. The

Treaty of Vienna had preserved peace for nearly half a century, and the Treaty of Paris gave a fair promise of peace in the East. This did not mean that they could not be modified, but simply that any modification would have to be sanctioned by all the Powers who had signed. The great Treaties were the law of Europe, and to disrespect them was to open the flood-gates to international anarchy. In this sense Malmesbury's policy was basically a conservative one.

In another sense it conformed to the most profound principles of Tory philosophy. Where Lock^e had started his system of thought with an abstract Utopia, an ideal to be attained, Burke, the great Whig who provided so sound a Tory philosophy, demanded that the existing organic system should be conserved, and allowed to develop and evolve into something better. The approaches of Lord John Russell and Malmesbury to the Italian Question were to illustrate this contrast between Whig and Tory thought. Russell was concerned with certain abstract principles; freedom and independence, constitutionalism and unity. Obsessed with these, but incapable of concentrating on the practical steps needed to secure them, he could not formulate a coherent or effective Italian policy. Malmesbury, on the other hand, concentrated on the existing conditions in Italy; disunity and corruption,

misgovernment and the resulting disrespect for any government. Without thinking of an ultimate goal, he proposed reforming the worst aspects of the Italian scene. Where Russell was prepared to risk revolution in order to establish liberal institutions, Malmesbury was inclined to encourage reforms as a preventive of revolution. Russell was not properly aware of the intermediate stages necessary for the attainment of his policy. Malmesbury's policy lacked long vision, but his starting point and his initial steps were firm ones. He was to concentrate on preserving what was best in European political life, and then securing the most easily attainable improvements. He knew that whatever evils the 1815 Settlement had bequeathed to Europe, it had provided one supreme blessing, the blessing of peace between the Western Powers. His preoccupation was to conserve that peace. witness an event which shook the alliance almost to its foundations, and, as a by-product, brought Lord Malmesbury to the Foreign Office at Downing Street. This was Orsini's attempt on the life of Napoleon.

The Palmerston Ministry, which had seemed so firmly entrenched at the close of 1857, was driven from office in a few weeks by the agitation which accompanied the Orsini attempt on both sides of the Channel. Lord Malmesbury

CHAPTER III

The Orsini Attempt and its Aftermath

As was his custom, the Emperor Napoleon III gave a reception to members of the Diplomatic Corps to celebrate the New Year, on January 1, 1858. Europe seemed to have reached one of the more peaceful moments in its history. The Emperor spoke kindly to all present, and asked Lord Cowley to convey his congratulations to the Queen on the success of her troops against the Indian Mutiny.¹ The Anglo-French Alliance, which had brought the Crimean War to a successful conclusion, and which even then was engaged on a war in China, was still the dominant factor in the relationships of the Powers of Western Europe. But before three weeks of the new year were to be out, Paris was to witness an event which shook the Alliance almost to its foundations, and, as a by-product, brought Lord Malmesbury to the Foreign Office at Downing Street. This was Orsini's attempt on the life of Napoleon.

The Palmerston Ministry, which had seemed so firmly entrenched at the close of 1857, was driven from office in a few weeks by the agitation which accompanied the Orsini Attempt on both sides of the Channel. Lord Malmesbury

1. F.O.27/1241, No.1, Cowley to Clarendon, Paris, 1 Jan. 1858.

came to office when violent language was still being exchanged by the two nations, and his first task was to deal with the issue which had proved too difficult for his predecessors. Any verdict on his handling of the issue must depend partly on the extent to which Britain, and especially the Palmerston Government, can be blamed for the disaster of the Orsini Attempt, and for the Anglo-French hostility which resulted.

The three bombs which had been thrown at the Emperor and Empress on January 14, 1858, in the Rue de Pelletier, and which had killed or wounded 156 people, had been made in Birmingham, and the plot evolved in London.¹ These facts at least, could not be denied. Since 1856 Felice Orsini had lived in London, where he was a popular speaker at public meetings, which he entertained by the stories of his adventures: condemned to the galleys by a Papal tribunal at Rome, he had been released by Pius IX's amnesty in 1846; imprisoned by the Austrians in the fortress of Mantua, he had escaped in a style which followed the best traditions of the opera.² Of the three other men who ^{were} tried

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1. The best account of the Attempt itself is still that which occupies Book XIII, Vol. II, of La Gorce; Histoire du Second Empire (1908). Equally detailed but more highly-coloured and less accurate accounts are contained in Marcel Boulenger; L'Attentat d'Orsini (1927), and Guiseppe Nerbini's Introduction to Orsini; Memorie scritte da lui medesimo (1908).
 2. La Gorce, Vol. II, Bk. XIII, pp. 212-3.

at Paris for assisting in the attempted assassination, Pieri, the Tuscan, had been living at Birmingham, Rudio, the Venetian, at Nottingham, and Gomez, the Neapolitan, at different places in England.¹ The bombs had been made by a Mr. Taylor of Birmingham, and revolvers found on the accused had been sold to Pieri by Messrs. Hollis and Heath, also of Birmingham.²

News of French anger with Britain over the plot soon began to arrive. Only three days after the disaster Lord Cowley telegraphed from Paris that "serious agitation was getting up against the continued protection given to refugees in England".³ Naturally more concerned with public opinion in France than in England, the British Ambassador never ceased to hope that legislative action would be taken by the British Government with the object of avoiding friction between the two nations. When Lord Palmerston introduced his "Conspiracy to Murder" Bill it appeared to be the wish of all responsible British diplomats and politicians, whether in or out of office, that the Bill should pass. At first an even stronger measure had apparently been considered. The Count de Persigny, who was

1. Moniteur, 26 Feb. 1858.

2. F.O.519/187, Hammond to Cowley, Private, F.O., 4 Feb. 1858.

3. F.O.27/1241, No.64, Tel. Cowley to Clarendon, Paris 17 Jan. 1858.

then Ambassador in London, reported to Count Walewski on January 22 that Clarendon had expressed to him "the desire of Her Majesty's Government... to obtain the power of sending away foreigners who may fairly be suspected of conspiring against the life of a foreign sovereign".¹ But the Bill as introduced by Palmerston on February 8 contained nothing so drastic as the deportation of suspected conspirators. All resemblance to an Alien Bill was scrupulously avoided. The Government measure proposed regarding conspiracy to murder thenceforth, not as a misdemeanour, but as a felony; which, in practice, merely increased the punishment which could be given to men already found guilty of conspiracy. The Bill passed its first reading by 299 votes to 99, but was virtually defeated ten days later, when an amendment by Mr. Milner Gibson was passed by 234 votes to 215.² Derby's party, led in the Commons by Disraeli, had voted for the introduction of the Bill on Feb. 9, but felt that the situation had so changed by February 19 that they had no alternative but to support Milner Gibson's amendment.

The reason for the change of temper in the House during those ten days, and for Palmerston's ultimate defeat,

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1. F.O.27/1242, No.98, Cowley to Clarendon, Paris 22 Jan.58.
 2. Hansard, 3rd Series, Vol.CXLVIII, House of Commons 9 and 19 Feb. 58.

illustrate the difficult problem with which Malmesbury was faced on his succession to office. Eight days after Orsini and his friends had thrown their bombs the first of a series of letters appeared in the "Moniteur", letters written to the Emperor by French Colonels, expressing, with Gallic extravagance, their loyalty to him, and their rage at the attempt on his life. England was referred to as "ce repaire d'assassins", and the Emperor was begged to give the order to destroy it.¹

Before the House had discussed the question, Cowley had secured an interview with Napoleon and had pointed out that the publication of such addresses in the official journal of the Empire had produced an "evil impression" in England, and were likely to be "embarrassing... to Her Majesty's Government in their attempts to give greater security abroad against the machinations of ill-disposed persons". Napoleon at once assumed the pose of a misunderstood and maligned being, declared that he had allowed the publication of the offensive addresses only by "inadvertence", and expressed his willingness "to do anything in his power to remedy the evil caused".² A further assurance to this effect was contained in a despatch

1. Moniteur, 22, 27, 28, and 31 Jan. '58.

2. F.O. 27/1243, No. 174, Cowley to Clarendon, Paris, 6 Feb. '58.

from Walewski to Persigny on February 6.¹ But the addresses had already had their effect, and the ten days between the readings of the Bill gave the Commons time to digest a more important French indiscretion. The official notification that France hoped that the British Government would do something about the refugees had come in the form of a despatch from Walewski, dated January 20 and destined to become notorious in the succeeding weeks.

The despatch made it clear to the House that Palmerston's measure, however intrinsically valid, had been introduced at that precise moment to satisfy the wishes of a foreign Power. After levelling invective against those refugees who used all "the excesses of the Press and the violences of language" and who elevated assassination to a doctrine, Walewski asked:

Is hospitality due to assassins? Ought the English legislation to contribute to favour their designs and their plans, and can it continue to shelter persons who, by their flagrant acts, place themselves beyond the pale of common right and under the ban of humanity?²

To this the reply could at once have been made that the laws of England already forbade conspiracy to murder, so

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1. A. & P. (1858), Vol. LX. p.129; c2317 "Despatch from Count Walewski to Count Persigny", Paris, 6 Feb. '58.
 2. A. & P. (1858). Vol. LX p.115; c2305, "Paper respecting Foreign Refugees." Walewski to Persigny. 21 Feb. '68.

that, if there was any failing, it was in the execution of those laws rather than in the framing of them. If anyone, the English police, not the legislature, should be requested to make reforms. But Walewski was doubtless prevented from lodging complaints against the English police by the fact that the French police had been still more negligent. Sir Richard Mayne, who was responsible for the measures taken by the London police against the conspirators told Count Vitzthum von Eckstaedt, the Saxon Minister, that he had given timely information to the Paris police that Orsini had left England for Belgium, whence he would go to Paris to attempt the Emperor's life. Because of this information the French police inspected all trains from Belgium but missed Orsini, who came by road.¹ The French legation at Brussels, also, had warned the Paris police of the departure of Pieri for Paris, but he too eluded capture until half an hour before his friends' attempt.² Only after the event did the French police take full measures to protect the Emperor. When Lord Cowley gave a ball a week afterwards, Napoleon did not arrive by the normal route along the Faubourg St. Honoré.

1. Vitzthum von Eckstaedt; St. Petersburg and London, Vol.1, p.231.

2. Boulenger, op.cit., p.24.

Instead, according to Ralph Earle, Disraeli's private informant at the Paris Embassy, the Imperial guest came "through the garden, where there is no road and consequently the track was difficult and fatal to flower-beds and lawn".¹

If Clarendon had seen fit to reply to Walewski's despatch of January 20 he might have cited another point, which was, in fact, used by Cowley in conversation with the French Foreign Minister. Ever since the formation of the Empire, the French authorities had deported political undesirables to England, making, as Clarendon himself had once phrased it, "a Penal Settlement of British soil".²

Ninety-seven political exiles had been sent to England from Calais, and ninety-five from Boulogne, in 1857 alone.³

To Cowley's remonstrances on the point Walewski good-humouredly replied that in future such individuals would be sent to America.⁴

It did not require knowledge of these details of France's own failings to convince the House of Commons that an answer should have been made to Walewski's despatch of

1. Beaconsfield Papers; Earle to Disraeli, Paris, 26 Jan. '58.

2. F.O. 27/1242, No.88, Cowley to Clarendon, 20 Jan. '58.

3. F.O. 27/1242, No.95, Cowley to Clarendon 22 Jan. '58.

4. F.O. 27/1242, No.98, Cowley to Clarendon, Paris 22 Jan. '58.

January 20. The responsibility, which was ultimately to be accepted by Malmesbury, should, the House felt, have been immediately accepted by Clarendon. Mr. Milner Gibson's amendment expressed the opinion that the "Conspiracy to Murder" Bill should not have been introduced until a reply had been given to the French Government. But something could be said in defence of Clarendon's silence. Cowley, who strongly defended the attitude of the Foreign Office, argued that, while it was prudent not to reply officially to Walewski's despatch until tempers had cooled, he had not been prevented from expressing Clarendon's private instructions "far more fully, and I cannot but believe more satisfactorily, than would have been the case had my language been clothed in a more official garb".¹ In a private letter the same day Cowley remarked:

In my life I never heard of so mistaken a vote, for had you done what the House says you ought to have done, replied to Walewski's despatch, you would have begun a polemic which might have had the worst results.²

Cowley was overlooking the intangible factor of prestige which had by then obscured the more objective arguments of Malmesbury: "I am afraid that your task will be a very difficult one. The feeling on both sides the water seems

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1. A. & P. (1858), Vol.LX. p.133; C.2321, "Despatch from Her Majesty's Ambassador at Paris", Cowley to Clarendon 20 Feb. '58.
 2. F.O. 519/223, No.36, Cowley to Clarendon, Paris 20 Feb. '58.

diplomats. Once there was a shadow of doubt that the actions of Her Majesty's Government were being dictated by a foreign Power, radical M.P.s like Mr. Roebuck could draw invidious contrasts with Britain's attitude towards the first Napoleon and remind the House that Britain was an "oasis in a desert" of despotism. In the concluding sentence of his speech in the debate on the first reading Lord John Russell had expressed what was to become the sentiment of the majority during the final debate. "Let those who will support the Bill of the Government; in that shame and humiliation I am determined not to share".¹ Palmerston resigned on February 21, and Derby had formed his Government by the 24th.

Lord Malmesbury thus took up his duties at the Foreign Office when the country was in the throes of a crisis with her strongest ally, the Power which, since the Crimean War, had played a dominant rôle in European politics. Cowley had told Walewski that the new Foreign Secretary's "name was a guarantee that the new Government would have at heart to maintain the Alliance", but added privately to Malmesbury: "I am afraid that your task will be a very difficult one. The feeling on both sides the water seems very bad..."².

1. Hansard, 3rd Series, Vol. CXLVIII, House of Commons 9 Feb. '58.

2. F.O.519/223, Cowley to Malmesbury, 1 March '58.

Malmesbury himself had no illusions about his new post. On the night of his appointment he entered in his diary the observation: "In giving me the Foreign Office Lord Derby has imposed a very great responsibility on me. At this moment our relations with France are in a state of more than tension".¹

His immediate reaction to the Attempt on Napoleon's life had been one of relief that the friend of his youth, and the statesman whom he still admired and trusted, had escaped unhurt.² Since Palmerston's Conspiracy Bill had never reached the House of Lords, Malmesbury had not publicly expressed an opinion on it. The entries in his diary had been limited during the crisis to objective accounts of day to day Parliamentary activity, and had criticized neither Government policy in introducing the Bill, nor Clarendon's handling of the affair at the Foreign Office. But there is one indication that his individual influence had already been a moderating one. Persigny had reported that at first Derby had been inclined to oppose any suggestion of legislative measures. But the French Ambassador himself, the King of the Belgians, and Disraeli had persuaded the Tory leader to allow the introduction of Palmerston's Bill. Then follows a significant passage in Persigny's

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1. Malmesbury: Memoirs of an Ex-Minister, (1885), p.417.
 2. idem., p.414.

despatch:

Mais c'est surtout, je m'empresse de le dire, l'influence de Lord Malmesbury qui a été prépondérante dans cette circonstance. Lord Malmesbury est toujours pour l'Empereur l'ami le plus sincère et le plus dévoué. Il n'a pas manqué de me prévenir de tout ce qui pouvait favoriser ou menacer le succès de nos demandes, et il l'a fait avec une franchise et une loyauté complète.¹

In a straight conflict between the French Government and a band of Italian Criminals in London, there would have been no doubt where Malmesbury's sympathies would have been placed. His affection for the Emperor, and his hatred of revolution and violence would have outweighed other considerations. Thus in the first days of February he had tried to give France unofficial help, and even advised Persigny on how best to secure the success of his "requests". But the ten days between the two readings of the Bill had altered Malmesbury's position, as it had that of the Derby Party as a whole. His appointment to office was due to England's refusal to grant those very French requests with which he had at first sympathised. Now that he had himself become responsible for the official language of Great Britain in her quarrel with France, an approach different

1. Archives, Ministère des Affaires Etrangères, Paris; Correspondence Politique, Angleterre, Vol.709. No.15 Persigny to Walewski, London 5 Feb. '58. Henceforth the single word "Paris" will be used as an abbreviation for the French Foreign Ministry Archives.

from that of his predecessors was needed, since their approach had been rejected by the House of Commons.

If the Derby Ministry was to survive, the Conspiracy Bill would have to be permanently abandoned. Further, Walewski's despatch of January 20 was still unanswered. Malmesbury had the not inconsiderable task of securing from the French Government some form of apology for past insults, while Britain refused to make the slightest concession to French distress at the Orsini Attempt.

In a moment of honesty Walewski admitted to Cowley "that he did not attach much value to the Bill itself", but feared the results if Malmesbury replied to his despatch of January 20 "without at the same time pursuing the Bill".¹ But Malmesbury was caught up in the net of domestic politics. If the new Government attempted to pass a Bill remotely connected with the foreign refugees, Lord John Russell, Mr. Gladstone, and their followers would oppose it; and if the Derby Ministry were defeated, they would be succeeded by Russell at the head of a radical government.

Meanwhile no time was being lost in replying to Walewski's notorious despatch. As early as February 24 Malmesbury saw Persigny, and informed him that he was going to have the seals of the Foreign Office. According to the French Ambassador the two men had known each other for

1. F.O. 519/223, Cowley to Malmesbury, Paris, 1 March, '58.

twenty years, and on this occasion put aside all formality and chatted "comme de vieux amis... à coeur ouvert". Persigny frankly admitted that he believed the situation "mille fois plus délicate qu'avant la présentation du Bill". The Derby Party had undertaken the grave responsibility of defeating the Government by turning the issue into "une question de dignité entre deux grands pays". Malmesbury refused to be drawn into a discussion of his party's policy, but grasped Persigny's hand and asked him to say quite frankly "si l'Empereur ne veut pas la guerre, s'il n'est pas trop blessé de tout ce qui a eu lieu, s'il veut sincèrement notre amitié..." Persigny's surprise at the questions made it sufficiently clear to Malmesbury that at Paris there was, at least, no thought of war. The new Foreign Secretary concluded his remarks by affirming that a request would have to be sent to Walewski for an explanation of his despatch of January 20, but added:

Nous ferons ensemble cette lettre, et d'accord avec votre gouvernement, nous concerterons la demande et la réponse; puis, immédiatement après, nous représenterons le Bill ou tout autre mesure.....¹

Whether he still believed, at this stage, that the Bill could be continued with is doubtful. But his first interview with the French Ambassador had avoided friction.

1. Malmesbury, op.cit., pp. 420-1, Malmesbury to Derby, Paris; Correspondance Politique, Angleterre, Vol. 709. No. 26. Persigny to Walewski, London. 24 Feb. '58.

On March 1 he had two more formal interviews with Persigny, and Derby another. The Ambassador was shown "the model of such a despatch as might satisfy the House of Commons". He did not object to the tone of this first draft, but begged that an argument in defence of English law might be avoided. Already Malmesbury was beginning to find it difficult to deal with Persigny; "his violence and excitability make interviews anything but agreeable". Furthermore, Cowley was requested to mention to the Emperor an embarrassing failing on the part of his Ambassador; Persigny was on intimate terms with Palmerston, and confided diplomatic secrets to the Opposition.¹ Another point of irritation in the interviews of March 1 had been Persigny's inability to appreciate the workings of the British Constitution. With French logic, he argued that the Conspiracy Bill had not been defeated; on the contrary, it had passed its first reading by a majority of 200. The adverse vote had merely supported an amendment to the effect that Walewski's despatch of January 20 should be answered. Once this answer had been sent, the Government could proceed with the Bill. It was in vain that Malmesbury explained that those who voted for the introduction of the Bill had not supported its principle, but merely consented to listen.

1. Malmesbury, *op.cit.*, pp.420-1, Malmesbury to Cowley, London, 2nd March '58.

"Not one of them need vote for the second reading". "We have ascertained (and to our great disappointment)," Malmesbury wrote to Cowley, "that we could not carry the Bill another stage".¹ A further interview took place between the two men on the following morning, but when Persigny admitted that he had no additional instructions from Paris, Malmesbury bluntly informed him that any further discussion on the English laws would be confined to Cowley and Walewski.²

Persigny's reports to Paris during the first days of March had become increasingly bitter and outraged. He accused the Derby Government of inciting anti-French sentiments in the country, and declared that the Government was no longer in command of the situation. Up to a point he was right. The distinction between a policy which attempts to follow the wishes of public opinion, and a policy which is driven by demagogic agitation is not always a clear one. But he went too far when he claimed that the Tory Party had no longer behind it "le grand pays des intérêts, du bon sens et de la raison, mais seulement la coalition des passions, des intrigues et des ambitions".³

At this point the Foreign Office discovered that it

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1. F.O.519/196, Confidential, Malmesbury to Cowley, London, 2 March '58.
 2. F.O. 27/1234, No.26, Malmesbury to Cowley, F.O.3 March '58.
 3. Paris; Correspondence Politique, Angleterre, Vol.710, No.32, Confidentielle, Persigny to Walewski, London, 5 March '58.

had made a strange error, an error which acts as a reminder of the conditions in which Lord Malmesbury worked: the small, shabby building in Downing Street which constituted the old Foreign Office, with the handful of men who formed the staff, and whose offices were connected by dark, narrow passages.¹ A despatch from Cowley written on February 23 had never been seen by Malmesbury, and had not been mentioned to him by Clarendon, Mr. Hammond the Permanent Under-Secretary, nor by Persigny.² This despatch had done no less than report a partial apology on the part of Walewski for his despatch of Jan. 20, and to "express the astonishment and regret" of the Foreign Minister that he could have been so misunderstood by the House of Commons.³ The lost despatch had made its existence known only when Clarendon referred to it in the House of Lords on March 2. It made Malmesbury's task appear appreciably less difficult, but the negligence of the Foreign Office must have appeared almost ludicrous to Cowley when he read the postscript to Malmesbury's private letter which had informed him of the discovery.

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1. Sir Edward Hertslet; Recollections of the Old French Foreign Office.
 2. F.O. 27/1234, No.27, Malmesbury to Cowley, F.O. 3 March '58.
 3. A. & P. (1858), Vol.LX, p.121; C2333 "Correspondence respecting Foreign Refugees in England, "No.1 Cowley to Clarendon, Paris, 23 Feb. '58.

It appears by some strange accident that the unlucky despatch has been again mislaid and we want a copy sent by telegraph as soon as possible.¹

While to Malmesbury in London the situation was beginning to look brighter, to Napoleon in Paris the affair still appeared displeasing. The Emperor assured Cowley that "he was quite ready to give the most ample explanation" of Walewski's fateful despatch but urgently enquired if the Conspiracy Bill was to be dropped. Cowley could not yet give a definite answer, but gingerly asked if "something else" would "satisfy His Majesty". Whereupon Napoleon made the startling statement that Persigny had orders "de rompre ses relations" if the Bill was abandoned.² Clarendon had told Hammond that Persigny had spoken to him vaguely of such an order. "It would be deplorable if diplomatic relations between the two countries were broken off on such a ground", had been the Under-Secretary's comment.³ It can scarcely be doubted that the Emperor had at some time given the order to Persigny, and that Walewski's ignorance of the fact placed the Ambassador in an embarrassing position in England. The contrast between the temporarily

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1. F.O.519/196, Malmesbury to Cowley, London, 2 March '58.
 2. F.O.519/223, Cowley to Malmesbury, Paris, 3 March '58.
 3. F.O. 519/187, Hammond to Cowley, Private, F.O. 2 March '58. See Appendix I.

hostile attitude of Napoleon and the temporarily conciliatory attitude of Walewski gives a clue to Persigny's strange subsequent behaviour, and his ultimate resignation.

The Ambassador had desperately wanted to threaten Malmesbury with the breaking of diplomatic relations when the Tory Government had refused to reintroduce the Conspiracy Bill. In a bitter "post mortem" of the affair Persigny complained to Walewski that he had never received authority from the Foreign Ministry to do so. He had been "dévoté du désir" to say to the British Ministers;

Reculer devant le Bill, c'est préciser le sens du vote du 19 Février, c'est déclarer que ce vote a été la dépêche de la France, et alors je demande mes passeports¹.

He argued that the Tory Ministry would then have had to choose between two evils, and would have chosen the smaller - the reintroduction of the Bill. Apparently he still believed that the Government could pass the Bill through Parliament. He did not realise that the English Government would have had a third choice open to them - the choice of resignation. Rather than soil their fingers with Palmerston's Bill the Derby Government would very probably have resigned, and if France had persisted with her threat a

1. Paris; Correspondance Politique, Angleterre, Vol.710, No.34, Persigny to Walewski, London, 8 March '58.
See Appendix. I.

subsequent Government ^{might?} may have been obliged to go to war with her. That Persigny had never threatened Malmesbury with the breaking of diplomatic relations suggests that Napoleon had given him only the vaguest of orders on the question. Otherwise the Emperor's personal authority would surely have rendered any orders from the Foreign Minister unnecessary. The embarrassing situation in which Persigny had found himself was typical of the position which can arise when a virtual autocrat gives a personal, but unofficial, and imprecise order to an agent, without at the same time transmitting it to the ministry concerned.

After the various delays, the document which Malmesbury had prepared with the high object of restoring the Anglo-French Alliance was despatched to Cowley on March 4. It was competently written, and was destined to give Malmesbury a good reputation as a diplomat for the first few months of his period of office. Starting with the expression of a general desire on the part of Her Majesty's advisers to maintain "close and friendly relations" with France, it went on to appeal for frankness in settling the present difficulty. It expressed confidence in Walewski's real intention in writing his despatch on January 20, and satisfaction at the assurance contained in Cowley's despatch of February 23 - the one which had, in fact, been mislaid by the Foreign Office - from which it quoted at some length.

Returning to the original, offensive, despatch, Malmesbury quoted the more violent phrases descriptive of the activities of refugees in England, and added:

All the **offenses** which His Excellency enumerates, on being proved to the satisfaction of a jury, subject the person convicted to the infliction of penalties more or less severe".

He concluded with the hope that "His Excellency will not hesitate, with that frankness which has characterised his conduct, to offer an explanation which cannot fail to remove any existing misconception.¹ This document was accompanied by a private letter to Cowley, telling him to present it at once, unless he saw good reason to the contrary.²

Cowley accepted the responsibility laid on him by the qualifying clause, and did not present the despatch. A series of private and official exchanges followed between Malmesbury and Cowley, as to the precise wording of the despatch, Cowley keeping constantly in touch with Walewski. The negotiations were becoming something of a conspiracy between the two Governments to concoct beforehand despatches which would satisfy public opinion in the two countries.

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1. A. & P. (1858). Vol.LX. p.121; c2333, "Correspondence respecting Foreign Refugees in England". N.2 Malmesbury to Cowley, F.O. 4 March '58.
 2. Malmesbury, op.cit., p.421, Malmesbury to Cowley, F.O. 4 March '58.

Walewski believed that this course had been definitely decided upon between Malmesbury and Persigny, and Cowley, for his part, apparently saw nothing unwise or immoral in such a practice, but, on the contrary, regarded it as being "very advisable".¹

On March 5 the French became again uncompromising. Walewski had received a telegram from Persigny, declaring that he had refused to communicate Malmesbury's despatch, which lay, still unrepresented, in Cowley's hands. This telegram, coupled to the fact that it could no longer be doubted that the Conspiracy Bill had been abandoned, stiffened Walewski's attitude. He told Cowley that he must now withdraw from any arrangement of composing despatches unofficially before sending them officially, "and must hold himself free to make such an answer to London as the altered circumstances might render necessary."² On March 7 Cowley secured a short interview with Napoleon at the Tuileries. He informed the Emperor that Malmesbury's despatch had arrived and was "exceedingly friendly". The Emperor "curled his moustaches, shrugged his shoulders and said very little, and that little was not said in a friendly tone". He had clearly been influenced by violent telegrams from Persigny.

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1. F.O. 519/223, Cowley to Malmesbury, Paris, 4 March '58.
 2. F.O. 519/223, Cowley to Malmesbury, Paris 5 March '58. and Paris, Correspondance Politique, Angleterre, Vol. 710, No.34, Walewski to Persigny, Paris 5 March '58.

Nevertheless Cowley was now more optimistic, believing that the French would no longer demand an attempt to proceed with the Bill.¹ The same day he at last received orders to present Malmesbury's despatch of March 4 in its original form.² Walewski received it with great courtesy, and promised to answer it in a day or two. He could at once say that "nothing could have been further from his intention than to convey in his despatch of January 20... any imputation whatever on the morality or honour of the British nation".³ Malmesbury knew that this alone would not be enough and telegraphed the hope that Walewski's long-awaited despatch would explicitly deny that he had ever intended to state that the law of England sheltered assassins.⁴

The negotiations were not yet out of the wood. On the morning of March 10 an Imperial Council was held, and Walewski's idea of replying briefly was overruled. A rhetorical speech by Disraeli to his constituents had not

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1. F.O.519/223, Cowley to Malmesbury, Paris 7 March '58.
 2. F.O. 27/1234, No.43, Tel. Malmesbury to Cowley, F.O. 7 March '58.
 3. A. & P. (1858), Vol.LX. p.122; c233, "Correspondence respecting Foreign Refugees in England". No.3, Cowley to Malmesbury, Paris, 9 March '58.
 4. F.O. 27/1234, No.50, Tel. in cypher, Malmesbury to Cowley, 9 Mar. '58.

been made at the happiest moment, and had diminished Walewski's influence with the Emperor and his colleagues. The Council prepared the draft of a reply, which was to be from the Emperor himself, and this was confidentially shown to Cowley by Walewski. Cowley was far from satisfied. Although the draft was a long one, it still contained no answer to Malmesbury's "observation that the People of England thought the despatch of January 20 an imputation upon the purity of British Law". Walewski grudgingly agreed to re-model the draft and refer again to the Emperor.¹ The adjustment requested by Cowley was made in the despatch, which would have been sent on the evening of March 10, had the French Messenger not missed the train.² It thus eventually bore the date March 11, and was delivered to Persigny on the afternoon of the 12th. The unfortunate Ambassador, for whom the despatch came as a deep humiliation, was ill, and obliged to get out of bed to deliver the document to Malmesbury. "He thinks all the annoyance this business has occasioned him is the cause of his illness," Malmesbury naively observed in his diary. On presenting the despatch Persigny declared that he would

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1. F.O.519/223, Cowley to Malmesbury, Paris, 10 March '58.
 2. F.O. 27/1245, No.66, Tel. Cowley to Malmesbury, Paris 7.15 p.m. 10 March '58. and No.67, Tel. Cowley to Malmesbury, Paris, 10 p.m., 10 March '58.

respecting Foreign Affairs in England", No. 5 Malmesbury to Persigny, Paris, 11 March '58. The despatch was also printed in the Quarterly.

offer his resignation to Paris.¹

Walewski's final text left little to be desired. It was not, as had at first been intended, in Napoleon's name, but expressed the Emperor's conviction "that the reconciliation of two great nations, after ages of antagonism, could be sincere and lasting only on one condition, namely that the honour of one should never be sacrificed to the honour of the other." The tone then changed to one of injured dignity as Walewski explained that the Emperor had never required "the support of foreign Governments to increase his personal security", and that his sole concern had been to save the Alliance. Most important was the statement referring directly to Walewski's despatch of January 20:

It never entered my thought to consider English legislation as designedly sheltering the offender, and, to borrow Lord Malmesbury's own words, as screening him from punishment".²

Malmesbury was delighted with the despatch, which was better than he had expected, and had arrived in time for Disraeli to read to the House that same day. The Chancellor of the Exchequer was thus enabled to make a dramatic announcement such as he loved to make:

1. Malmesbury, op.cit., p.423.

2. A. & P. (1858). Vol.LX, p.123; C2333, "Correspondence respecting Foreign Refugees in England", No.5 Walewski to Persigny, Paris, 11 March '58. The despatch was also printed in the Moniteur, 16 March '58.

.... within the last hour Her Majesty's Government received a despatch from the French Ambassador in answer to a similar document... and I have great pleasure in informing the House that those painful misconceptions which have unhappily for a time subsisted between the Governments of the two countries have entirely terminated..."

The House, however, expressed neither gratitude nor admiration, but went off at a tangent to discuss the "Cagliari" Question, with which Lord Malmesbury would soon have to deal.¹

A few days later the Foreign Secretary laid before Parliament the correspondence which had taken such pains to procure. In his speech to the Lords he made a kind reference to Walewski and declared:

"Her Majesty's Government place the highest value upon that alliance, which has been of such consequence to the happiness of Europe."²

Persigny's offer to resign was accepted by the Emperor. Both Malmesbury and Count Vitzthum misquoted in their Memoirs the telegram sent from Walewski with the news, as: "Votre démission est accepté".³ Though discourteous enough, Walewski's telegram was not, in fact, so abrupt as this, but read:

1. Hansard, 3rd Series. Vol.CXLIX, House of Commons 12 Mar. '58.

2. idem., House of Lords, 15 March '58.

3. Malmesbury, op.cit., p.427; Vitzthum, op.cit. Vol.1. p.235.

... Sa Majesté me charge de vous dire qu'il est impossible de ne pas accepter votre démission.¹

The telegram was abbreviated by Malmesbury's imagination in his Memoirs, and probably copied thence by Vitzthum into his own Memoirs, which were not published until three years after Malmesbury's.

One of the main factors in the whole dispute had been the personal antagonism between Persigny and Walewski. The Marquis Emanuele d'Azeglio, Sardinian Minister in London and nephew of the famous Massimo d'Azeglio, told Cavour that Persigny had resigned because of "divergences graves" with Walewski.² On the surface it would seem that the Ambassador had deserved his fate, since his dealings with Palmerston, which he had freely admitted to Malmesbury, had made it impossible for the Foreign Secretary to work through him. The position had not been improved by the generally neurotic behaviour of Madame de Persigny, whose habit of bursting into tears on social occasions had irritated Malmesbury.³ Having once written his despatch of January 20, Walewski, on the other hand,

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1. Paris, *Correspondance Politique, Angleterre*, Vol. 710, Telegram, Walewski to Persigny, Paris, 20 March '58.
 2. *Archivio Storico, Ministero degli Affari Esteri*, Rome; Cartella '86.
 3. Malmesbury, op.cit., passim.

seems to have repented of his initial anger with England at the Orsini Attempt, and to have been eager to make amends. But Napoleon was less eager to do so. On the contrary, the Emperor had ordered Persigny to break off diplomatic relations with Britain if the Conspiracy Bill was abandoned. Walewski's conciliatory attitude by-passed Persigny, and prevented this drastic outcome. Ultimately there was nothing for Persigny to do but to tender his resignation, and so force the Emperor to choose between his two ministers.

In the settling of the crisis Walewski had appeared as the friend of England, and Persigny as her enemy; but appearances were deceptive. Cowley's verdict was the exact opposite. In 1856 he had called Persigny "one of the few honest men about His Majesty". In 1858 he still believed that Persigny had the interest of the Anglo-French Alliance at heart and was alarmed only when English action or language appeared to threaten it. Walewski, on the other hand, was basically hostile to the Alliance, and his conciliatory attitude during the crisis had been due to a desire to embarrass Persigny.¹ On hearing of Persigny's resignation Queen Victoria wrote

1. F.O. 519/223, Cowley to Malmesbury, Paris, 13 March '58.

5. Malmesbury, *op. cit.*, p. 427, 24 March '58.

to King Leopold:

I grieve to say we lose poor Persigny,
which is a real loss - but he would resign.
Walewski behaved ill to him.¹

The Sardinian Minister commented:

Le départ cause à la cour de bien sincères
regrets, l'esprit de doctrine et de dévouement
à l'alliance ayant acquis à ce diplomate
une bienveillance toute particulière et bien
méritée...²

Malmesbury was subsequently to learn, in dealings over Balkan Questions, that Walewski was trying to draw France closer to Russia. Nevertheless, in having worked through Cowley rather than Persigny, Malmesbury was justified. The crisis had demanded tact and understanding, qualities in which the unstable French Ambassador had noticeably lacked. Nor did Malmesbury suffer any illusions with regard to Walewski, as an entry in his diary shows: "Walewski in his heart is no friend to the English Alliance, and is all for Russia".³

It had finally been found expedient for the French

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1. Letters of Queen Victoria (1908 edition), Vol.III, p.276. Queen Victoria to the King of the Belgians, Buckingham Palace, 23 March '58.
 2. Archivio di Stato, Turin, Lettere Ministri Gran Bretagna, File No.126, No.1445, Emanuele d'Azeglio to Cavour, London, 7 April '58.
 3. Malmesbury, op.cit., p.427, 24 March '58.

and British Governments to patch up the quarrel which had resulted from Mr. Taylor's well made bombs. To do so there had been a temporary and tacit understanding not to send officially nor to publish, despatches, without previous informal consultation. The decision poses general questions of some magnitude; Is a government justified in pretending to its public that a despatch from a foreign Power is spontaneous and sincere, when in fact that despatch has been drawn up only after considerable secret consultation between the two governments? Or, again, is a government justified in first presenting a despatch unofficially, either on paper or in substance, to a foreign power, with the object of enquiring if its subsequent official presentation will be acceptable? In the House of Commons on March 18, a Mr. Crauford asked if Malmesbury's despatch of March 4 had been dealt with in this way. Disraeli, speaking for the Government, would have found the question difficult to answer, had he been strictly honest. Malmesbury's despatch had clearly been communicated by Cowley to Walewski some days before its official presentation, and according to Persigny it had been shown to him, and he had flatly refused to transmit it. Disraeli, however, wisely avoided the real issue, and declared that the despatch had been delayed for other causes - Malmesbury's need to send it to Osborne for the

Queen's approval, and bad weather in the Channel which held up the Messenger.¹

The real justification for Malmesbury's embarking on this tortuous form of secret diplomacy lies in its results. If the French and British publics were deceived, they gained by their own deception. Because they believed the two important despatches to be spontaneous and original, the Anglo-French Alliance was restored to a safe footing.

Napoleon III took other steps aimed at preventing a repetition of the attempted assassination. Besides important internal measures in France, he introduced reforms in the Passport system, which had repercussions in England. Orsini had arrived in France with the passport of an English friend, Thomas Allsop, the literary associate of Coleridge. Allsop himself escaped to America after the Attempt.² Of the other conspirators, Rudio and Gomez had forged English passports with the unlikely names of "Silva" and "Swiney" respectively.³ Napoleon's action was thus understandable. But to Englishmen of 1858, passports, like Income Tax, were regarded as a temporary

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1. Hansard, 3rd Series, Vol.CXLIX, House of Commons, 18 Mar.'58.
 2. F.O. 27/1235, No.172, Malmesbury to Cowley, F.O., 5 April '58.
 3. Boulenger, op.cit., pp.26-7.

evil.

It had been the practice for Englishmen to land in France without passports provided they were not travelling into the interior. This was now to be stopped, and Englishmen travelling to Paris would be obliged to have their passports "visé" by French authorities.¹ The new regulations caused extreme inconvenience to British travellers, especially as they were unable to obtain visas for their passports on the sea-coast. After Malmesbury's arrival at the Foreign Office Walewski obligingly offered to permit French Consular Agents at Dover and Folkestone to affix visas, if Her Majesty's Government favoured the idea.² Malmesbury approved;³ but French strictness remained irksome. Angry speeches were made in Parliament, while the British Consuls at Cherbourg and Boulogne reported difficulties to the Foreign Office. Walewski declared to Cowley that

if it were practicable for the French authorities at the ports or on the frontier to distinguish Her Majesty's subjects from foreign refugees, and if it were possible to establish an exemption in their favour, Her Majesty's subjects might come and go to and from France without passports.⁴

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1. A. & P., (1858), Vol.LX, p.149; C.2356, "Correspondence respecting Passports", No.13, Cowley to Clarendon, 16 Feb. '58.
 2. idem., p.156, No.30, Cowley to Malmesbury, Paris, 3 March '58.
 3. idem., p.157, No.33, Malmesbury to Cowley, F.O., 8 March '58.
 4. idem., p.162, No.43, Cowley to Malmesbury, Paris, 29 March '58.

The assurance had a cynical ring and could not have been very comforting. When the correspondence on the passport question was presented to Parliament, it displayed considerable energy on Malmesbury's part, rather than any effective results. Yet there is evidence that the French Government would willingly have conciliated Britain, if they had been able to do so without offending other nations, to whom the passport reforms equally applied. When Colonel Claremont, the British Military Attaché at Paris, landed at Calais in the middle of March, he found that the new system had not been enforced. On further enquiry, he was told that the Calais authorities, on reading the accounts of passport changes in the newspapers, had referred to Paris, and had been told to ignore them. Cowley supposed from this that there was no intention of stopping British travellers at Calais, even if their passports were not in order. This sign of basic French good-will could not, of course, be committed to Malmesbury's Blue Book.¹ The immediate significance of the Orsini Attempt, even from a European point of view, lay in its effect on Anglo-French relations. But its more lasting effect was to be on the Italian Question. In Italy it was regarded

1. F.O. 27/1245, No.96, Confidential, Cowley to Malmesbury, Paris, 15 March '58.

not so much as the work of a few refugees from England, but as a manifestation of the doctrines of Mazzini even though Orsini had personally denounced his former leader. When Orsini and Pieri were guillotined, it seemed that everyone of significance connected with the plot had been eliminated, since Rudio was a frightened and poverty-stricken youth, and Gomez was an ignorant hired assassin. But the conspiracy may have been more vast than was then thought. As late as 1908 the aged Rudio declared that Francesco Crispi had been involved, and convincing confirmation of this was provided by a friend of Orsini's brother. It even appeared possible that Crispi had thrown one of the bombs.¹ The British Foreign Office was open to blame, as was the French police, for not suspecting that the plot had wider ramifications than appearances suggested. The most dangerous of all Italian nationalists was a constant illustration of Britain's leniency towards foreign revolutionaries. Giuseppe Mazzini had been living in England since 1837, with the short absence in 1848-9 when he had helped to establish the Roman Republic, and again in 1853 when he had organized the rising in Milan. In the earlier forties respectable circles in England had felt uncomfortable at

1. Introduction by Giuseppe Nerbini to Orsini:
Memorie scritte da lui medesimo.

his presence; but when Sir James Graham, as Home Secretary in 1844, had opened Mazzini's letters, there had been considerable public indignation. The Post Office scandal and Carlyle's letter to The Times, in which he described the refugee as "a man of genius and virtue, a man of stirring veracity, humanity, and nobleness of mind",¹ had acted as a warning to the Government in its future dealings with Mazzini. Malmesbury, whose personal acquaintance with many of the more significant figures of his day was one of his main attributes as Foreign Secretary, had met him at a Madame Parodi's, but his only observation had been that Mazzini was "more terribly marked with the smallpox than anyone I ever saw."²

Whether Mazzini was directly associated with the plot or not, he defended Orsini soon afterwards in a letter to The Times, a letter which repeated his familiar accusation that Napoleon was a tyrant. "Is not Mazzini punishable if convicted of this?" Cowley asked. The letter appeared in The Times when Malmesbury was taking over direction of the Foreign Office, and the dispute with France at its peak. Cowley believed that the best way to persuade Napoleon to accept the dropping of the

1. The Times, 19 June 1844.

2. Malmesbury; op.cit., p.295, 7 March 1853.

Conspiracy Bill was to show him that the English laws already provided sufficiently against conspiracy. To do this Mazzini should be charged with publicly defending actions which had been declared criminal by a law court.¹ It is arguable that Malmesbury should have taken steps at least to enquire into the legal position in England of Europe's greatest conspirator. There is no evidence that he did so.

The only Frenchman involved in the plot, the wisest of Orsini's accomplices, Dr. Simon Bernard, had never left England at all. A one-time naval Surgeon, Bernard had been nick-named "le Clubiste" for his activity in 1848. It was he who had received the bombs which Orsini had ordered in Birmingham, had arranged for them to be sent to Brussels, had hired Rudio for the Attempt, and had procured for him a false passport. Here, then, seemed an opportunity for the British Government to give Napoleon satisfaction without offending against their own constitution.

But from the very moment of Bernard's arrest, it was clear that popular feeling against France was being utilized for his defence. According to Hammond, when

1. F.O. 519/223, Cowley to Malmesbury, 1 March 1858.

Bernard was charged, "there were a good number of refugee-looking people in the police court, and an attempt at murmurs when the first witness, a French police officer, gave his evidence."¹ The law officers of the Palmerston Government had proposed trying Bernard for conspiracy to murder, the very crime for which the new Bill was framed. The new law officers of the Derby Government substituted a simple charge of murder on the grounds that an Englishman, a Mr. Battie, had been killed by Orsini's bombs. Bernard was tried by a Special Commission, presided over by Lord Campbell, the Lord Chief Justice, in whose opinion "the evidence was overwhelming to establish the complicity of the accused."² But the Jury were influenced by the popular sentiment against France which had resulted from the Addresses of Napoleon's Colonels and the Commons debates. They returned a verdict of "not guilty", and Bernard was acquitted.

The result of the trial was a severe blow to Malmesbury. He had hoped that with the execution of Bernard the satisfactory state of English Law would have been brought home to Napoleon, and in a letter to the Queen

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1. F.O. 519/187, Hammond to Cowley, Private, F.O., 15 Feb. '58.
 2. Spencer Walpole: The History of Twenty-five Years, (1904), Vol.1, Chapter 2.

he had declared the law itself to be as much on trial as Bernard.¹ He described the scene in court when the jury returned its verdict with great bitterness; "There was cheering and every sort of rascally demonstration disgraceful to our country."²

It might now have appeared to the French Government that Walewski's conciliatory despatch of March 11 had been wrung from them under false pretences. Cowley must have feared the worst when he received a long letter from the Empress Eugénie the day after Bernard had been set free. "I see the tranquillity of my life destroyed", the Empress wrote; "the assassins are now strong, sanctioned as they are by England ... Since Bernard's acquittal these men have your moral support."³ That Bernard remained a menace to the Emperor cannot be doubted. In December the French Foreign Ministry had information that he was working with Mazzini in a plot to utilize Sir Charles Shaw's new "infernal machine", which was composed of twenty-five cannon.⁴ But from this ambitious plot

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1. Letters of Queen Victoria, Vol.III, of the 1908 Edition, p.273, Malmesbury to the Queen, Whitehall, 7 March '58.
 2. Malmesbury, op.cit., p.431, Malmesbury to Cowley, F.O. 15 April '58.
 3. Wellesley, op.cit., p.163, Empress Eugénie to Cowley, Paris, 18 April '58.
 4. F.O. 519/208, Walewski to Cowley, Paris, 11 Dec. '58.

nothing resulted.

Napoleon's own reaction to the defiant verdict of the English jury was strangely negative. In March he had decided to patch up the English Alliance, and he probably felt that it was too late now to reverse that decision. The French public was already forgetting Orsini's outrage, and no good would come of reminding them of it. Malmesbury's diplomatic ability was not to be put to a further test. Any ill-feeling which might have resulted was more than balanced by the arrival of the new Ambassador.

Marshal Pélissier, created Duke of Malakoff for his services in the Crimea, was an old friend of England. He was received with great ovations from the English public, and remarked to Malmesbury, with a soldier's straightforwardness:

After such a voluntary demonstration from the English people how can I obey my instructions, which are that I am to behave with the strictest reserve to everybody in this country?¹

The Marshal lacked diplomatic ability and experience, but these were no longer the immediate needs of a French Ambassador in London. The aura of good-will which surrounded his relations with the English statesmen was,

1. Malmesbury, op.cit., p.432, 22 April '58.

for the moment at least, more important.

Yet another of Orsini's connections gave cause for Anglo-French friction, and this time involved Sardinia. This was Thomas Durell Hodge, a young Englishman. Less than a fortnight after the Attempt the French Minister at Turin told the British Minister, Sir James Hudson, that a British resident at Nice - who turned out later to be Hodge - had papers bearing upon the atrocity, and Hudson declared that all the British authorities would assist in any necessary investigations.¹ Clarendon approved of this conciliatory attitude.² Hodge was eventually arrested at Genoa, after the police had found some remarkable documents in his possession. These included letters of introduction to various men in Italy, among them Garibaldi, and a diary with entries of an exclamatory nature. The entry for January 18 read: "Orsini the noble - the beloved Orsini - has been arrested - Great God! now must my promise be redeemed." It appeared from other passages in the diary that Hodge had promised to take care of Orsini's two children, who were at Nice, if the latter were executed. One of the letters of introduction from

1. F.O. 67/234, No.17, Hudson to Clarendon, Turin, 25 Jan. '58.

2. F.O. 67/232, No.21, Clarendon to Hudson, F.O., 30 Jan. '58.

Orsini to Luigi Fabrizi, implied that Hodge would be useful to the nationalist movement, as he was "young, rich and independent".¹

On March 2 Persigny informed Malmesbury that the French Government had requested the extradition of Hodge, and that the Sardinian Government had replied that for their part they would undertake it, but that Great Britain's permission would first have to be asked, as Hodge was a British subject. Cavour's handling of the case was scrupulously correct; he was determined to offend neither of the two great Western Powers, whose support he might so soon need for his ambitious schemes in Italy. Malmesbury's attitude was no less correct. Emanuele d'Azeglio had explained the Hodge case to Malmesbury even before the latter had come into office, and had asked for advice. Malmesbury had replied that the Sardinian Government should do nothing until proofs of Hodge's guilt were obtained.² Cowley was now instructed to tell Walewski

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1. F.O. 67/234, No.26, Hudson to Clarendon, Turin, 16 Feb. '58. The letter from Orsini to Fabrizi, London, 26 Nov. 1857, is printed on p.251 of Orsini: Lettere, edited by A.M. Ghisalberti (1936). Professor Ghisalberti does not state that Hodge was the bearer of the letter.
 2. Archivio di Stato, Turin, Lettere Ministri Gran Bretagna, File No.126. No.1434, Emanuele d'Azeglio to Cavour, London, 8 March '58.

that "Her Majesty's Government are perfectly willing to assist in bringing to condign punishment any Englishman who may have disgraced his Country", but that first they would have to investigate all the evidence.¹ If Hodge was to be charged with the crime which in England would be called "conspiracy", the Extradition Treaty between France and Sardinia would not bear upon the case; if he was to be charged with having committed a felony - such as being accessory before the fact in a case of murder - then he could be extradited.² The British Foreign Office further wanted to know what precedence there was for the working of the Franco-Sardinian Extradition Treaty: had France, placed in the same position as Sardinia now was, ever extradited anyone?³

As the evidence reached the Foreign Office, Malmesbury's attitude of correctness turned to one of disgust at the French request. Even before submitting Hodge's papers to the Law Officers of the Crown, he directed Cowley to point out to Walewski "how frivolous are the grounds on which

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1. F.O. 27/1234, No.19, Malmesbury to Cowley, F.O. 2 March '58.
 2. F.O. 67/232, No.2, Telegram, Malmesbury to Hudson, F.O. 1 March '58.
 3. F.O. 67/232, No.12, Telegram in cypher, Malmesbury to Hudson, F.O. 6 March '58.

the accusation has been brought against Mr. Hodge, who appears to be a person of a very silly character."¹ The Law Officers returned a very definite answer: if Hodge had been in England he could not have been charged with "any criminal offence whatever".² Strengthened with their opinion Malmesbury informed the Sardinian Government that he could not consent to Hodge's extradition.³ Cavour secretly agreed with Malmesbury's opinion of Hodge, and characterized him as "un pauvre jeune homme, d'une simplicité primitive".⁴ Cowley, however, began to have misgivings. Walewski had furnished him with a list of people extradited under the treaty, and it appeared that a Spaniard had been sent from Sardinia to France in 1856, against the wishes of the Spanish Government.⁵ In Malmesbury's eyes this showed how dangerous it was to "create exceptional cases", and merely accentuated the embarrassing position in which Sardinia was placed of having

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1. F.O. 27/1234, No.49, Malmesbury to Cowley, F.O. 8 March '58.
 2. F.O. 67/239, S.H. Walpole (Home Secretary) to Malmesbury, Whitehall, 13 March '58.
 3. F.O. 67/232, No.23, Telegram in cypher, Malmesbury to Hudson, F.O. 13 March '58.
 4. Cavour e l'Inghilterra, Vol.II, Book 1, Cavour to Emanuele d'Azeglio, 30 March '58.
 5. F.O. 27/1245, No.100, Cowley to Malmesbury, Paris, 16 March '58.

to offend either Britain or France.¹

French surrender on the issue came suddenly. A commission was sent to Genoa from Paris to interrogate Hodge, and when it had made its report, Walewski announced that the French Government would no longer insist on the Englishman's extradition.² The "Commission Rogatoire" may well have been a face-saver, and it seems probable that the Emperor had intervened to end this, the last dispute with England over the Orsini Attempt.

In the main issue of the Conspiracy Bill and Walewski's offensive despatch British diplomacy had triumphed. On the smaller issue of Bernard France had been powerless, or unwilling, to act; and in the still smaller issue of Hodge, her steps had been counteracted by Britain. Only on the question of Passports had the British Foreign Office been obliged to accept French demands and even to adjust their own system. Yet the Anglo-French Alliance emerged from the dispute unscathed, and, if anything, strengthened. When Queen Victoria, Prince Albert, Derby and Malmesbury were entertained by the Emperor and his Ministers at Cherbourg in August, a spirit of genuine good-will

1. F.O. 27/1235, No.93, Malmesbury to Cowley, F.O., 17 March '58.

2. F.O. 27/1246, No.214, Cowley to Malmesbury, Paris, 3 April '58.

permeated the occasion, a spirit tarnished by no outstanding issue between the two countries.

An estimate of Lord Malmesbury's share in the happy outcome of a painful affair depends upon the answers to two questions. In the first place, was Napoleon forced, obliged or persuaded to retreat on the main question, or did he do so voluntarily, to conform to the bases of his own policy? Secondly, how great was the risk of war when Malmesbury came into office, and did he remove that risk?

In answer to the first question it must be stated that a basic point of Napoleon's policy was peace with England. Napoleon I had met disaster in war with England, and the fall of Louis Philippe could be traced to his antagonism of England over the Spanish Marriages Question. Napoleon III, who combined the name and reputation of the former with the moderation and humanity of the latter, seemed determined to make no such mistake. But if a wave of Bonapartist sentiment in France demanded an anti-English policy, he might have been forced to choose between such a policy and a loss of the confidence of the French people. After the Orsini Attempt Napoleon had clearly expected the British Government to introduce legislative reform of some kind or another. Palmerston of all people would

not have acted in the belief that France was forcing him, but he did clearly believe that to refuse to introduce a Bill would be an unnecessary insult to an Ally. When Belgium and Sardinia were requested by France to take certain steps against that portion of their Press which showed sympathy with Orsini's crime, both nations ultimately complied. Yet there were Belgians and Sardinians who were as vocal in their hatred of Napoleon as were Messrs. Roebuck and Kinglake; and the correspondence between Walewski and Cavour was not less indignant in tone than that between France and England.¹ The only difference was that Britain was a more powerful nation, and her Foreign Office, when it saw fit to reply to France, could do so with a stronger note of authority.

That the Derby Ministry was disappointed at being unable to continue with the Bill does not detract from Malmesbury's achievement. The relevant point is that the French Government had at first been unaware of the inability of the British Government to pass the Bill; and Malmesbury's success lies in having made them appreciate the position. This he had done by all the means at his disposal - official despatches, private letters,

1. N. Bianchi: Storia documentata della diplomazia Europea in Italia dall'anno 1814 all'anno 1861, (1870), Vol.VII, pp.390-95.

personal intermediaries. When Vitzthum von Eckstaedt went to Paris in March, he took with him a private message from Malmesbury to Napoleon to the effect that the Foreign Secretary would rather his Imperial friend asked for the moon than for Palmerston's Conspiracy Bill. After the visit, the Saxon Minister's comment was:

It is plain that Napoleon had already accommodated himself to the inevitable. If he was to give his resignation a gloss of dignity, he had to thank Lord Malmesbury for it.¹

Malmesbury's despatch of March 4 did more than any other single document to restore the Anglo-French Alliance. It achieved the double purpose of persuading Walewski to retract his mischievous words, and of enabling the Emperor to withdraw without too much loss of prestige. To this extent Malmesbury had influenced Imperial policy in England's favour.

To give a definite answer to the second question is less easy. Contemporaries expressed contradictory opinions with reference to the risk of war with France in the opening months of 1858. In a speech to his constituents at Slough, Disraeli declared that when the Tories came

1. Vitzthum von Eckstaedt, op.cit., Vol.I, pp.237-239.

into power, peace was a question "not of weeks or of days, but of hours". The remark led to an unusually sharp exchange between Clarendon and Malmesbury in the House of Lords.¹ If it is dismissed as a mere flight of rhetoric, the same attitude can scarcely be taken of a considered statement by Colonel Claremont on February 1:

I do not think that ... they contemplate going to war with us, but they may go on talking... until it becomes a point of honour not to recede.²

Lord Granville, a member of Palmerston's Cabinet, and leader of the Government in the Lords, wrote on the same day: "A war with France would not surprise me."³

But rumours of wars are interesting topics for public speeches and private letters, and Claremont's cautious remark was more than outweighed by Cowley's opinion on March 1. Discussing the "flare up against England", he wrote: "As to its leading to war, as some people pretend to suppose, the idea is simply absurd."⁴

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1. Hansard, 3rd Series, Vol.CL, House of Lords, 1 June '58.
 2. F.O. 27/1242, No.5, Conf., Claremont to Cowley, Paris 1 Feb. '58, enclosed in No.134, Cowley to Clarendon.
 3. Fitzmaurice: Life of Earl Granville (1905), Vol.I, p.288, Granville to Canning, London, 1 Feb. '58.
 4. F.O. 519/223, Cowley to Malmesbury, Paris, 1 March '58.

A factor which must have discouraged both Governments from thinking in terms of war was their alliance in China. In March, 1858, French and English armies were in joint occupation of Canton, and preparing for another campaign if the Chinese persisted in their attitude of defiance. An Anglo-French break over a European issue would undo the achievements which joint action had so far made possible in China.

While it can scarcely be claimed, then, that Lord Malmesbury saved England from war in 1858, the more moderate conclusion can be reached that his direction of the Foreign Office steered England through an unpleasant crisis. He had regarded the question purely as an Anglo-French one. He had not attempted to draw closer to Austria as a measure of security, nor had he fallen into the common English error of supposing that behind every anti-English move in Europe was Russia. It had been possible to ride the first crisis of his period of office without worrying about the general pattern of power in Europe. He had accepted the fact that the Anglo-French Alliance was worth restoring, and he had restored it with unexpected success.

CHAPTER IV

Two Attempts at Mediation: The Cases of the "Cagliari" and the "Charles et Georges"

One of the most admirable principles on which Malmesbury's foreign policy was based was his conviction that diplomatic negotiations should be continued to exhaustive lengths before any appeal to force should be made. Patience was perhaps his greatest virtue as a diplomat. He had displayed it in the crisis caused by the Orsini Attempt, and he was to display it to a greater extent, but with less reward, in the Italian crisis of 1859, which marked the culmination of his period of office. The belief in the potentialities of diplomacy took a more formal shape in his attitude to the 23rd Protocol of the Treaty of Paris, signed by the Powers on 14 April 1856. After the affair of the "Charles et Georges", Malmesbury wrote of the Protocol of Paris:

We had always considered that act as one of the most important to civilization, and to the security of the peace of Europe ... It recognised and established the immortal truth that time, by giving place to reason to operate, is as much a preventive as a healer of hostilities.¹

1. A. & P. (1859, Session 1), Vol. XXVII, p. 182; C2468, "Correspondence respecting the "Charles et Georges", No. 51, Malmesbury to Cowley, F.O., 30 Oct. '58.

The Protocol embodying Clarendon's original proposal at the Congress of Paris had expressed the wish of the Powers

that States between which any serious misunderstanding may arise, should before appealing to Arms, have recourse, as far as circumstances might allow, to the Good Offices of a friendly Power.¹

It has been generally assumed that the other plenipotentiaries had accepted this principle only in a spirit of cynicism. But for several years after 1856 the British Foreign Office made constant references to the Protocol, and for Malmesbury in particular it constituted a definition of one of the main functions of diplomacy. In the course of 1858 two incidents for which the Protocol seemed eminently suited presented themselves to him. In dealing with the first of these, the case of the "Cagliari", he carried negotiations for mediation to some length, but the issue was eventually solved by more traditional, and more forceful, diplomatic methods. For its solution Malmesbury can claim a considerable portion of the credit, but his success was not directly due to the method suggested by the Protocol of 1856. The new enlightened weapon of diplomacy, which he would have preferred to use, was not fully tested. On the contrary, the old Palmerstonian tactics of bluster

1. Hertslet; Map of Europe by Treaty, Vol.II, p.1279.

and threats which were to some extent forced upon him by public opinion and the urgency of the issue, proved only too successful.

The second incident, that of the "Charles et Georges", owed its solution still less to the methods proposed by the Protocol. Here the failure of Malmesbury's laudable attempts to solve an international question by appeal to an impartial judge seemed to prove that his hopes of preventing wars by the repeated use of mediation would never be realised.

(i) The "Cagliari"

The crisis caused by Orsini's Attempt had been settled in three months. The question of the "Cagliari", on the other hand, had been troubling the Foreign Office since June, 1857. It started, so far as England was concerned, as a simple question of British prestige in dealings with Naples. As such it was not satisfactorily settled by Clarendon in 1857, but was concluded with surprising speed and success by Malmesbury in 1858. But after the Derby Ministry had come into office, the simple issue of British prestige had become confused with claims made by Sardinia against Naples. Cavour had deliberately tried to involve Britain in a more complex dispute with Naples, and

Malmesbury's handling of the new elements introduced by Cavour may be differently interpreted.

In the 1850's Rubattino and Company, a Genoese shipping firm, was responsible for taking the mail and a small number of passengers from Genoa to the port of Cagliari, on the island of Sardinia, and to Tunis. A small steamer the "Cagliari", was employed on this routine task, which must have seemed to the crew to be one of the most peaceful and innocuous of occupations. But in the summer of 1857 the "Cagliari" became the victim of a sequence of violent events, which led to strong feeling in both public opinion and official circles in England and Sardinia, and at one moment seemed likely to form the pretext for a war between Sardinia and Naples, a war the real issue of which would have been Italian liberation.

The "Cagliari" left Genoa on the evening of 25 June with her usual cargo of mail, and an apparently normal collection of thirty-three passengers.¹ After she had been at sea for about an hour, twenty-five of the passengers produced pistols and daggers, declared themselves to be nationalist revolutionaries, and took possession of the ship, replacing Sitzia,

1. A. & P. (1857-8), Vol.LIX, p.11, C.2341, "Correspondence respecting the 'Cagliari' 22, Enclosure No.1 in No.17, Circular addressed by Count Cavour to Sardinian representatives abroad, Turin, 18 Aug. 1857.

the regular captain, by a seaman who was in the conspiracy.¹ The plan had been conceived by Carlo Pisacane, a deserter from the Neapolitan army, who had secured the assistance of two other political emigrants from Naples, Nicotera and Falcone. The three men were the purer type of Mazzinian, and were likely to stimulate sympathy among Republicans in France, and Radicals in England.

Pisacane decided to sail first for the Island of Ponza, capture the convict prison there, and thus secure more reasonable numbers for their expedition against Naples. The first aim was achieved with complete success. About four hundred convicts were released from Ponza and taken on board the "Cagliari". By far the greater number of them were ordinary criminals, but a few were political prisoners of high character, while some were naively described by a Mazzinian as being "semi-politici", which meant presumably that they had been imprisoned for ordinary crimes, but were not averse to helping a revolution which would give them their freedom.²

1. A. & P. (1857-8), Vol. LIX, pp. 351-398; "Appendix to the Correspondence respecting the 'Cagliari'," No. 3, Documents published in the work entitled, The Defence of the 'Cagliari'.

2. idem., No. 1, Neapolitan Court's Act of Accusation.

From Ponza the "Cagliari" sailed to Sapri, a point on the coast south of Naples where the rising was to be initiated. It failed as completely as Garibaldi's similar expedition was to succeed three years later. Unlike the peasants of Sicily, those of the Neapolitan mainland had no traditional hatred of the House of Bourbon, nor could they understand these strange young men from the north, whose incomprehensible slogans of "Viva l'Italia" and "Viva la Repubblica" seemed tainted with blasphemy. A force comprised of royal troops and peasants overpowered the Mazzinians; Pisacane was killed, and Nicotera captured.

After the landing at Sapri the "Cagliari" had been restored to Captain Sitzia, who, according to his own account, made a course for Naples, in order to report the events.¹ But when he had reached a point some miles south of Capri he was overhauled by two frigates of the Neapolitan navy, one of whom fired a cannon as a warning, ordered Sitzia on board, and finally took the "Cagliari" and her crew into custody.² This action on the part of

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1. A. & P. (1857-8), Vol.LIX, pp. 351-398. No.1. Documents, published in the work entitled The Defence of the 'Cagliari'.
 2. idem, No.2. Decision of the Commission of Prizes and Wrecks, sitting in Naples, pronounced on 28 Nov. 1857.

the Neapolitan frigates was to form one of the focal points for the arguments which filled the minds of diplomats and lawyers, in England, France, Naples and Gardinia, for the following year.

The international significance of the incident was not immediately apparent. Napoleon III's sympathies for Italian nationalism had not yet been aroused, as they were to be, paradoxically, by the Orsini Attempt. In the summer of 1857 the French Emperor still hoped to place a Murat on the throne of Naples. Nor had he at that time any understanding with Cavour. The British Foreign Office would have been still less interested, had it not been for the involuntary participation in the incident of two British subjects, Henry Watt and Charles Park, the engineers of the "Cagliari". They, with the rest of the crew, were placed in one of those Neapolitan prisons which Mr. Gladstone had made notorious, where they waited for Neapolitan justice to run its tortuous course. For the next six months the English Press, and questioners in Parliament, were intent on painting the two engineers as national martyrs suffering under the most monstrous tyranny in Europe. Certainly their plight was considerable. Watt, who had from the first been unstable and hysterical, was reduced ultimately to a state of recurring insanity, and even Park, who was more strong-minded, was suffering

from fits after a few months imprisonment.¹

Faced with the duty of securing fair treatment for the engineers, Lord Clarendon, as Foreign Secretary, was at once labouring under a disadvantage. He had himself been responsible for the breaking of diplomatic relations with Naples in 1856. The only British representative on the spot was the Acting-Consul, Mr. Barbar. It was hardly to be supposed that this official would be given the respect which might have been expected by a fully accredited minister. Signor Carafa, the Neapolitan Foreign Minister, refused even to grant him access to the engineers for five months.² The Rev. Mr. Pugh, English Chaplain at Naples, had been permitted to see the prisoners, but his visit gave unfortunately favourable impressions of their well-being. Failing to notice the overcrowded and insanitary state of the prison, the Reverend Pugh, in letters to Clarendon, commented on the "southern aspect" of the engineers' room, and the "extensive sea view of the Bay of Salerno". Since the engineers had complained that they had no books to read, he had left them an English

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1. A. & P. (1857-8), Vol.LIX, pp.3-5, C.2296, "Paper relative to the Imprisonment of the Engineers, Watt and Park, at Salerno."
 2. idem., pp.22, 35 and 41; C.2341, "Correspondence respecting the 'Cagliari'"; Nos.13, 23, and 53, Barbar to Clarendon, Naples, 11 Aug., 24 Sept. and 28 Nov. 1857.

Bible and Prayer Book.¹

The trial of the crew of the "Cagliari" did not begin until February, 1858. During the seven months' imprisonment of the engineers all Clarendon's efforts to have them released, or their trial held immediately, had been politely rejected by Carafa. The Palmerston Ministry used surprisingly moderate tones, both in their communications with Naples, and in their references to the affair in Parliament. On 4 December, 1857, when the engineers had been in prison for five months, Mr. Monckton Milnes encouraged Palmerston to make a statement in the Commons. The Prime Minister at that time was still being misled by the Reverend Pugh's accounts, and concluded an extremely complacent speech with the remark:

As far as things now stand, I do not feel that we have any complaint to make against the Neapolitan Government.²

Three days later he was obliged to modify the statement. More alarming reports had arrived, and it was now known that Watt had tried to kill himself.³ Still, however,

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1. A. & P. (1857-8), Vol. LIX, pp. 53-4, 58-9, 96-8; Enclosure in No. 50 (Barbar to Clarendon, Naples, 21 Nov. 1857), and Nos. 55 and 94, the Rev. G. Pugh to Lord Clarendon, Naples, 19 and 28 Nov. 1857, and 19 Jan. 1858.
 2. Hansard, 3rd Series, Vol. CXLVIII, House of Commons, 4 Dec. '57.
 3. idem., House of Commons, 7 Dec. 1857.

the Government gave no signs of taking a stronger line.

Malmesbury's arrival at the Foreign Office brought a change of tone. At once he saw that there was a weakness in the British position at Naples: Acting-Consul Barbar, although a conscientious man, was an inadequate representative. Hudson described him as "a quite sensible gentlemanly man with a Consular air, but without the inevitable blue coat and brass buttons".¹ But where the Reverend Pugh, for all his shortsightedness had succeeded in being admitted to the engineers, Mr. Barbar had failed. An Acting-Consul without a blue coat and brass buttons was evidently incapable of impressing the Neapolitans. Malmesbury decided to send someone else to reinforce him. He wrote privately to Cowley;

Pray mention that we think of sending some respectable gentleman to Naples to watch the trial of the Engineers and to give a fair and complete report of their state. He will merely take a letter to Carafa and not stay a day after the business is settled ... There is now only a Deputy Vice Consul to report of whom I personally know nothing.²

The special representative selected for this mission was the future Lord Lyons, then, at the start of his diplomatic career, Secretary of Legation at Florence.

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1. F.O. 519/194, Private, Hudson to Malmesbury, Turin, 9 July 1858.
 2. F.O. 519/196, Private, Malmesbury to Cowley, F.O. 1 March 1858.

Malmesbury wrote directly to Carafa to inform him of Lyon's mission,¹ and to Barbar, telling him to "act in strict subordination" to Lyons.² Official instructions to Lyons himself were that he should discover if the engineers had been properly treated according to the law of Naples, whether the trial, which was at last in progress, was being correctly conducted, and what was the state of the prisoners' health. To the Foreign Office draft Malmesbury added a paragraph in his own hand;

You are especially required to form your opinions and frame your reports, in a spirit and feeling as much as possible unprejudiced by any rumours or public accounts, which may have come to your knowledge.³

It is evident that while he was taking steps to ensure action Malmesbury was determined not to be prejudiced by the emotional appeal which reports of the misfortunes of Park and Watt had made on the British public.

At this stage there was no thought in Malmesbury's mind of appealing to a mediator. The reputation of the Derby Government depended upon the quick release of the

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1. A. & P. (1857-8), Vol. LIX, p.127; C.2341, "Correspondence respecting the 'Cagliari'", No.133, Malmesbury to Carafa, F.O., 3 March 1858. Draft in F.O. 70/296, Separate; corrected and initialled by Malmesbury.
 2. idem., p.128; No.134, Malmesbury to Barbar, F.O., 3 March 1858.
 3. idem., p.126; No.132, Malmesbury to Lyons, F.O. 3 March 1858; Draft in F.O. 70/296, Separate.

prisoners. There was time for only the briefest of direct arguments with Naples, and there was therefore not yet any question of setting in motion the slow mechanism of mediation. The charges made by the Neapolitan Government at Salerno against Park and Watt rested on three points. In the first place, they had been without passports. But, as Clarendon had already pointed out, it had been accepted custom for British merchant sailors to travel without passports, since it had been considered sufficient for their names to be entered on their ships' muster rolls. In the second place, a charge which at first sight appeared more serious was levelled against Park. A letter had been found on him, giving him information of the insurrection, and written by Miss Jessie White, Pisacane's English supporter, who subsequently married the Mazzinian, Mario.¹ But on closer consideration it became obvious that the letter had been given to Park only after the rebels had seized the ship, and was aimed at securing his passive acceptance of a "fait accompli", rather than any active co-operation. Had he regarded it as evidence of his guilt it was hardly likely that Park would have retained the letter to be discovered by Neapolitan officials. Miss White

1. A. & P. (1857-8), Vol.LIX, pp.219-20; C.2347, "Appendix to the Correspondence respecting the 'Cagliari'", No.1, Act of Accusation.

subsequently declared that the English engineers were innocent, and that she had written the letter at Pisacane's request, simply to inform them of his aims.¹ The third charge was the most ridiculous of all. The engineers were accused of directing the ship to Sapri after the revolutionaries had taken control. The Neapolitan Grand Court, who considered this "un grave elemento",² apparently believed that the engineers were responsible for her steering. Malmesbury dismissed these charges as "frivolous", in a despatch the sense of which Lyons was to convey to Carafa. He added:

You will not fail to press upon Signor Carafa, on every available occasion, that Park, no less than Watt, should be set at liberty.³

With reference to the third charge against the engineers, Malmesbury later caustically commented in a note to Carafa:

The Neapolitan Government can scarcely expect the British Government seriously to refute a charge which could only proceed from want of knowledge of the construction and navigation of steam-vessels.⁴

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1. Hansard, 3rd Series, Vol. CXVIII, House of Lords, 7 Feb. '58
 - 2 A. & P. (1857-8), Vol. LIX, p.165; C.2347, "Appendix to the Correspondence respecting the 'Cagliari'"; No.1, Act of Accusation.
 3. A. & P. (1857-8), Vol. LIX, p.138, C.2341, "Correspondence respecting the 'Cagliari'", No.146, Malmesbury to Lyons, F.O., 18 March '58.
 4. A. & P. (1857-8), Vol. LIX, p.448; C.2392, "Further Correspondence respecting the 'Cagliari'" No.11, Malmesbury to Carafa, F.O. 15 April '58.

The presence of Lyons at Naples, the increasing strength of Malmesbury's language, and the breakdown of Watt's health, eventually had their effect on the Neapolitan Government. The King, "to give a proof of deference towards Her Britannic Majesty", ordered that Watt should be released.¹ He arrived in London on 25 March, only a fortnight after the arrival of Lyons in Naples. Park's release was not long delayed. On 24 March he was removed on bail from the prison to the hospital at Naples,³ and on 8 April unconditionally released.⁴ Malmesbury had been in office for six weeks, and the objective for which his predecessors had striven for eight months without success had been reached.

The mere release of the engineers, however, was insufficient to appease British public opinion. Disraeli wrote to Mrs. Brydges Williams that "John Bull wanted King Bomba bombarded", and added, with a characteristic

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1. A. & P. (1857-8), Vol.LIX, p.150, C.2341, "Correspondence respecting the 'Cagliari'", Carafa to Barbar, 18 March '58, Enclosure in Lyons to Malmesbury, Naples, 19 March '58.
 2. idem., p.151, No.154, Malmesbury to Lyons, F.O., 25 March '58.
 3. idem., p.151: No.155, Lyons to Malmesbury, Naples, 24 March '58.
 4. idem., p.445, C.2392, "Further correspondence respecting the 'Cagliari'", No.9, Lyons to Malmesbury, Naples, 10 April '58.

blend of the sensitive and the cynical: "How terrible to shell Parthenope. One might as well think of bombarding Torquay."¹ A more reasonable way of punishing the Neapolitan Government than by shelling a popular resort for British tourists was to secure financial compensation. In this Malmesbury met more success than he expected. In a telegram which was not included among the 561 printed pages of the Blue Book he at first instructed Lyons to try to obtain £1,000 for each of the engineers. £1,000 was to be a minimum for Watt, who had lost his reason, but, if necessary, Lyons was to accept £500 for Park, who had by then recovered his health.² There followed a period of delay and bickering on the part of Carafa, who refused to state a figure. Finally Malmesbury fixed the sum himself at £3,000, and gave his despatch the character of an ultimatum by a final sentence:

Her Majesty's Government most earnestly hope that the messenger who conveys this letter to Naples, and who is instructed to remain there ten days, will be the bearer of a favourable reply.³

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1. Monypenny and Buckle: Life of Disraeli, (1910), Vol.IV, p.130, Disraeli to Mrs. Brydges Williams, Downing Street, 3rd April '58.
 2. F.O. 70/298, No.36, Lyons to Malmesbury, Naples, 26 April '58.
 3. A. & P. (1857-8), Vol.LIX, pp.582-5, C.2392, "Further Correspondence respecting the 'Cagliari'", No.43, Malmesbury to Carafa, F.O., 25 May '58.

on the eve of action, had quarrelled with the Republican leader,¹ but not to the extent of denouncing his plot to the Genoese authorities.

From the first, Cavour had hoped to associate England in his efforts to retrieve the "Cagliari" and her crew of innocent civilians. He believed that the capture of the ship on the high seas, after she had been placed under the control of Captain Sitzia, was an infringement of international law, and as such should be the concern of all nations, but especially of Great Britain, as the leading maritime nation. If the capture itself was to be condemned, still more so was the action of the Neapolitan Commission of Prizes and Wrecks, which had declared the "Cagliari" a "prize of war".² Clarendon had originally referred the question as to the legality of the capture and retention of the ship to the Law Officers of the Crown, but their answer had not been a unanimous one. When Malmesbury came into office he referred to the new Law Officers, but they, too, failed to agree. Sir Fitzroy Kelly, the Attorney General, believed that the

1. A. & P. (1857-8), Vol. LIX, p.17; C2341, "Correspondence respecting the 'Cagliari'", No.4. Hudson to Clarendon. Turin, 10 July 1857.

2. A. & P. (1857-8), Vol. LIX, p.428; C2392, "Further Correspondence respecting the 'Cagliari'", No.5, Memorandum by the Sardinian Government; communicated to Malmesbury by Emanuele d'Azeglio, 5 April 1858.

frigate had not had the right to seize the "Cagliari"; but Sir John Hardinge and Sir Hugh Cairns, the Advocate and Solicitor-General, believed that the Government of Naples had a perfect right to capture the ship and to try her crew, but they did not believe that she could be condemned as a prize of war.¹

Emanuele d'Azeglio obtained an independent verdict from the eminent lawyer, Dr. Phillimore, who drew up a memorandum ridiculing the Neapolitan position.² During the early spring of 1858 the true spirit of justice was being lost under the dead weight of legal arguments, and definitions of such phrases as "prize of war", "mixed war", and "pirate ship". The cobwebs were blown aside for a moment in the House of Lords, where Lord Redesdale defended the capture of the ship. He pointed out that if a foreign ship brought to the English coast a party of men, who thereupon broke open the prisons and tried to start a revolution, there was little doubt that Her Majesty's Navy would pursue and secure the ship in question.³

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1. A. & P. (1857-8), Vol. LIX, pp.401-6; C2361, "Further correspondence respecting the 'Cagliari'", Opinions of the Law Officers of the Crown, 12, 13 and 17 April '58.
 2. A. & P. (1857-8), Vol. LIX; pp.513-8; C2392, "Further Correspondence respecting the 'Cagliari'", Opinion of Dr. Phillimore, contained in "Reply of the lawyer Ferdinando Starace, to the opinion of Dr. Phillimore; enclosed in No.29, Lyons to Malmesbury, Naples, 4 May '58.
 3. Hansard, 3rd Series, Vol. CXLIX, House of Lords 18 March '58.

When the issue is viewed in this light, it becomes clear that however objective and legalistic English lawyers and Sardinian politicians might have tried to be, they unconsciously applied different standards to revolution in Naples from those which they would have applied to revolution in a constitutional country. The real question was not the definition of abstract principles of international law, but the continued toleration of the corrupt and decaying tyranny in the southern half of the Italian Peninsula.

Malmesbury himself was sceptical of the justice of Cavour's claims, and of the innocence of Captain Sitzia. Even if the Sardinian Government was hostile to Pisacane's expedition, it did not follow that the same was true of Rubattino and Company, or of Captain Sitzia personally. But Malmesbury believed that the Sardinian Government was involved. In his diary he wrote that Pisacane's object was "no doubt ... known to the Sardinian Government, and was to provoke a war either through the seizure of the ship or from the attack thus intended".¹ While it is possible to disprove this, it is intrinsically improbable. As soon as Park had been removed from prison

1. Malmesbury, op.cit., entry for 13 March '58.

to hospital Malmesbury telegraphed instructions to Lyons that he should be questioned in detail as to what had happened after the landing at Sapri. With regard to Sitzia, Malmesbury asked: "Did he really go away to Naples and do so voluntarily, or was he forced to do so?" From the tone of his questions it seems probable that Malmesbury was surprised when the interrogation of Park confirmed Captain Sitzia's own account.¹ But he had the good sense to keep his suspicions secret. The relevant despatches were not printed in the Blue Books.

An unfortunate incident in Anglo-Sardinian relations was brought to light in March. D'Azeglio forwarded to Malmesbury on the 10th a copy of a note which Hudson had sent to Cavour on 5 January. The note had apparently done no less than promise the Sardinian Government that the British Government was "disposed to object" to the proceedings of the Neapolitan Government "on the ground that the Neapolitan vessels of war had no right to pursue the 'Cagliari', and to capture her beyond territorial jurisdiction".² Malmesbury had seen no copy of Hudson's

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1. F.O. 70/297, No.15, Confidential, Lyons to Malmesbury, 25 March '58, including a quotation of Malmesbury's telegram of 22 March '58.
 2. A. & P. (1857-8), Vol. LIX, p.135; C2341, "Correspondence respecting the 'Cagliari'", Enclosure 2, Hudson to Cavour, Turin, 5 Jan. '58, in No.141, Hudson to Malmesbury, Turin, 15 March '58.

note of 5 January, and was shocked to discover, now, two months later, what its contents had been. He had carefully avoided passing an opinion on the legality of the capture of the "Cagliari", and had limited himself to denouncing the charges made against the engineers personally. He now discovered that his Turin Legation had not only expressed the very definite opinion that the capture had been illegal, but had informed Cavour that Her Majesty's Government were "disposed to object" to the action of Naples.

Malmesbury at once telegraphed to Hudson for a copy of his note of 5 January, and asked him to state "on what authority" he had made the astonishing statement.¹ Hudson's reply revealed the whole story. It appeared that Clarendon had requested him to enquire "whether the Sardinian Government was prepared to object to the capture of the 'Cagliari'", and had accordingly drafted a note asking for this innocuous information, and had sent it to his Chancery to be transcribed as a despatch. On receiving Malmesbury's demands for an explanation, he had visited the Sardinian Foreign Office, where, to his dismay, he found that his draft had undergone a strange

1. A. & P. (1857-8), Vol. LIX, p.134; No.140, Malmesbury to Hudson, F.O. 13 March '58; and F.O. 70/296, Telegram.

mutation in being converted to the despatch of 5 January. The Secretary of Legation had altered the whole sense of the note by adding the information that the British Government was "disposed to object", and Hudson had signed the finished despatch without reading its contents.¹ Hudson had thus been negligent, but the real guilt lay with the Secretary of Legation.

The Secretary was a Mr. Erskine. He had not before shown any marked independence of outlook, and had recently been congratulated by Clarendon for the "care and clearness" with which he had made a report on Sardinian finance.² But his alteration of Hudson's note could scarcely be dismissed as an error in copying. Malmesbury informed Hudson that his explanation of the affair was "unsatisfactory", and "Mr. Erskine's conduct ... quite inexcusable".³ Erskine was recalled from Turin, and made Secretary of legation at Washington.⁴ His independent essay at formulating foreign policy was over.

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1. A. & P. (1857-8), Vol. LIX, p.134; No.141, Hudson to Malmesbury, Turin 15 March '58.
 2. F.O. 67/232, No.5, Clarendon to Hudson, F.O. 16 Jan.'58.
 3. A. & P. (1857-8), Vol.LIX, p.136, C.2341, "Correspondence respecting the 'Cagliari'", No.142, Malmesbury to Hudson, F.O., 18 March '58.
 4. F.O. 67/233, Separate, Malmesbury to Hudson, F.O., 3 May '58.

of Malmesbury wisely did not attempt to conceal the incident from Parliament. He made a long statement in the Lords,¹ and presented a facsimile of Hudson's original draft of 5 January.² The episode created quite a stir in the diplomatic world. A correspondent wrote from Berne to Cowley: Government, but had been altered "by inadvertence" by the Secretary of Legation at Turin.³

All the foreigners are open-mouthed about Hudson's carelessness and Erskine's very odd conduct - to say the least - How is that to be explained?

The most unfortunate result of Erskine's action was the impression inevitably made on the Sardinian Government that Malmesbury was trying to abandon them by receding from the position which Clarendon had taken up. At first nothing was said to Turin, and Malmesbury probably hoped that they would pay no further attention to Hudson's note. If so, he was soon disillusioned. On 18 March d'Azeglio was instructed by Cavour to make a formal request to the British Government for assistance, in conformity with their opinion as expressed in the note

1. Hansard, 3rd Series, Vol.CXLIX, House of Lords, 29 April '58.

2. A. & P. (1857-8), Vol.LIX, p.409; C.2362, "Further Paper respecting the 'Cagliari'", facsimile of the draft of Sir J. Hudson's letter to Count Cavour of 5 January 1858.

3. F.O. 519/206, Private, Gordon to Cowley, Berne, 9 April '58.

of 5 January.¹ The request was imparted to Malmesbury in a note from the Sardinian Minister which asked for "the concurrence, and if need be, the co-operation of the British Government."² Malmesbury could only reply that the note of 5 January had not expressed the opinion of Her Majesty's Government, but had been altered "by inadvertence" by the Secretary of Legation at Turin.³ D'Azeglio agreed that "facts ought to be taken into consideration rather than documents",⁴ but it soon became evident that the episode had embittered Anglo-Sardinian relations, and had taken the "Cagliari" question to an uncomfortable stage.

That Erskine had been popular with the Sardinian Government is evident. D'Azeglio mourned his recall in a despatch to Cavour, commenting that the Secretary "had always given proof" of his concern "for Sardinian interests". Cavour added a minute on the same despatch to the effect that regrets at Erskine's removal were to

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1. Bianchi, *op.cit.*, Vol.VII, p.413, Confidential, Cavour to d'Azeglio, Turin, 18 March '58. Bianchi rendered Mr. Erskine as "Sir Herkine", but gave an otherwise accurate account of the negotiations from the Sardinian point of view.
 2. A. & P. (1857-8), Vol.LIX, p.140; C.2341 "Correspondence respecting the 'Cagliari'," No.148, d'Azeglio to Malmesbury, 23, Park Lane, London, 22 March '58.
 3. *idem.*, p.147; No.149, Malmesbury to d'Azeglio, F.O., 23 March '58.
 4. *idem.*, p.149, No.150, d'Azeglio to Malmesbury 23, Park Lane, London, 24 March '58.

be expressed in London.¹ D'Azeglio privately declared:

Au lieu de le désavouer je le nommerais
Ministre en place de Malmesbury car c'est
lui au fond qui a dit ce qu'il fallait dire.²

But the Envoy's attitude was not simply an amused and ironical one, as this quotation might suggest. After a conversation with Malmesbury he declared that he would offer his resignation to Turin.³ Cavour refused to accept it, pointing out that d'Azeglio's resignation would be taken to mean one of two things: either a disavowal of the language of protest which he had used in London, or else "une espèce d'acte d'hostilité, une démonstration hostile envers Angleterre."⁴ Either impression would have been undesirable.

There was still a measure of agreement between the two Governments. While again rejecting the idea that Cavour's Government was in any way bound "by the error of one

1. "Archivio di Stato", Turin, "Lettere Ministri, Gran Bretagna", File No.126, No.1458, d'Azeglio to Cavour, London, 11 May '58.

2. "Museo del Risorgimento", Turin, Colombo, No.392, d'Azeglio to his mother, 11 April '58.

3. idem., No.393, d'Azeglio to his father, 8 May '58.

4. "Archivio Storico, Ministero degli Affari Esteri", Rome; Cartella 85, Confidential, Cavour to d'Azeglio, Turin 29 April '58.

of its subordinate servants", Malmesbury agreed with Cavour that the capture of the "Cagliari" should be treated purely as a legal, not as a political question. He agreed also that the confiscation of the ship - as opposed to its mere capture - was an illegal act on the part of Naples. On this point the Law Officers had been unanimous. In view of this decision he would be prepared to extend "good offices and moral support at Naples with a view to obtain the restitution of the 'Cagliari'," but he hoped that Sardinia would act with "prudence and moderation".¹ In a telegram to Hudson he further declared that if Cavour did not accept the offer of moral support his silence would "appear to point out hostile measures which I know all Europe will oppose."²

Hudson was consistently hoping that he could offer Cavour stronger backing than Malmesbury was prepared to grant. He asked how far "moral support" would go, and what Britain would do if the King of Naples paid no attention.³ The answer to this was that Britain's offer

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1. A. & P. (1857-8), Vol.LIX, p.461; C.2392, "Further Correspondence respecting the 'Cagliari'," No.16, Malmesbury to Hudson, F.O., 24 April '58.
 2. F.O. 70/298, No.73, Telegram, Malmesbury to Hudson, 21 April '58.
 3. F.O. 70/298, No.75, Telegram, Hudson to Malmesbury, Turin, 22 April '58.

of good offices at Naples would be converted into a formal proposal of arbitration by some other, completely neutral Power. The "Cagliari" Question would then enter a significant phase: it would become an experiment in the methods proposed by the 1856 Protocol of Paris. Malmesbury believed that Austria, Prussia and Russia would also advise Naples to refer the question to an arbiter, and expressed his conviction that either Holland or Sweden would be a sound choice.¹ Cavour agreed that Sweden would be a satisfactory arbiter, and Hudson urged that Wachmeister, Swedish Minister at Naples, a "man of sound judgment, honest, straightforward and impartial", should be given the responsibility.²

Walewski, who had already disagreed violently with Cavour over the "Cagliari" affair, argued that Britain could not offer her good offices at Naples while diplomatic relations were suspended. Malmesbury dismissed the objection as "a red tape one founded on technical terms", and reversed his earlier predictions on the subject by adding:

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1. F.O. 67/233, No.107, Telegram, Malmesbury to Hudson, F.O., 30 April '58.
 2. F.O. 519/194, Private, Hudson to Malmesbury, Turin, 1 May '58; enclosed in Hudson to Cowley, 1 May '58.

There are indirect channels which can be brought upon her with as great effect as through a Minister.¹

Of what indirect channels he was thinking is not apparent, but one of them was probably Count Bernstorff, the Prussian Minister in London, who had considerable influence at Naples.

By the beginning of May the danger of an Italian War over the "Cagliari" seemed to be passing. Malmesbury frankly admitted to Cavour that he and the French Government had both feared that Sardinia intended to take up arms against Naples, and it was to prevent this that he had urged arbitration. He now enquired whether Cavour would prefer arbitration or mediation.² Privately he had written more firmly to Hudson denying that England had "any moral or political obligation to fight, for anything or anybody beyond Watt and Park", for whom the indemnity had still to be obtained. He "The constant deprecations of abandonment and coldness are therefore rubbish and not business."³

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1. F.O. 519/196, Malmesbury to Cowley, F.O., 1 May '58.
 2. A. & P. (1857-8), Vol. LIX, pp. 114-6, C.2392, "Further correspondence respecting the 'Cagliari'"; No. 31, Malmesbury to Hudson, F.O., 11 May '58.
 3. Malmesbury's words quoted in: F.O. 519/194, Private, Hudson to Malmesbury, Turin, 11 May '58; enclosed in Private, Hudson to Cowley, by M. Boileau.

The question of whether the assistance of a mediator or an arbitrator should be sought revealed a confusion over the terms. Malmesbury believed that "mediation" involved enforcement of the decision by the mediator, whereas "arbitration" was simply the passing of a verdict. When Cavour chose mediation Malmesbury expressed his regret, because he did not believe that a Power as small as Sweden could enforce its decision. Cavour was less concerned with precise definitions:

With regard to the objection that a small Power might decline to mediate because it could not enforce its opinion though it might arbitrate, he confessed he did not see how it would be better enabled to enforce its arbitration in case that were rejected.¹

In spite of an occasional note of bitterness in Sardinian despatches, especially in those written by d'Azeglio in London, Cavour's tone in conversations with Hudson was friendly throughout. He apologised when it seemed to him that the "Cagliari" discussions must be growing tedious to the British Government and said "that he would rather be considered anything save a Bore."² Relations between Cavour and Hudson grew daily closer.

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1. F.O. 67/235, No.116, Hudson to Malmesbury, Turin, 20 May '58.
 2. F.O. 519/194, Private, Hudson to Malmesbury, Turin, 23 May '58.

Austria never came openly into the dispute. But she had more reason than anyone to fear an Italian war, and Buol advised Naples to accept mediation.¹ King Ferdinand replied that if he accepted mediation, it would have to be by a Great Power.² The Neapolitan Government received further advice from Bernstorff, who reported a very confidential conversation which he claimed to have had with Malmesbury. The Foreign Secretary had apparently suggested that Naples should submit to all Sardinia's claims, including that for an indemnity, but should then put forward claims of her own. Neapolitan officials and soldiers had been killed in Pisacane's rising, and houses had been burned; for all this, compensation was due.³ The Neapolitan Government was wise enough not to follow this advice. It seems probable that Malmesbury had put it forward only as an informal and tentative suggestion, but, even so, the move had not been calculated to improve the situation. The Sardinian Government would never have paid compensation for crimes

1. Bianchi, *op.cit.*, Vol.VII, p.422, Buol to General Martini, Vienna, 10 May '58.

2. *idem*, Martini to Buol, Naples, 19 May '58.

3. *idem.*, Very private letter, Bernstorff to Carafa, London, 1 June '58.

1. *idem.*, (1857-58), Vol. LIX, p.116; C.2392, "Further Correspondence respecting the 'Cagliari'," No. 31, Malmesbury to Hudson, P.O. 11 May '58.

committed by Mazzinian revolutionaries, especially since by far the greater number of those revolutionaries had been Neapolitan subjects. That Malmesbury's conversation with Bernstorff was not wholly the invention of the Prussian diplomat is suggested by a remark in one of Malmesbury's official despatches to Turin:

It is not improbable that when Sardinia raises the question of indemnities before the Court of Reference, the Neapolitan Government will, on their part, put in a counter-claim for damage to life and property at Ponza and Sapri.

Of such points Her Majesty's Government are not and cannot be cognizant...¹

All further secret advice to Naples, and all further discussion about the possibility of arbitration or mediation, were cut short by the suddenness of the Neapolitan surrender. By the same despatch which granted an indemnity for Watt and Park, Carafa announced that the "Cagliari" and her crew would be surrendered, but to the British Government in the person of Mr. Lyons, not to the Sardinian Government. The Neapolitan Foreign Minister made it quite clear that he was retracting none of his legal arguments, but was merely bowing to superior forces:

1. A. & P. (1857-8), Vol. LIX, p. 116; C. 2392, "Further Correspondence respecting the 'Cagliari'," No. 31, Malmesbury to Hudson, F.O. 11 May '58.

The Government of the King, my august Sovereign, has never thought, nor can think, of having means to oppose the force which the Government of Her Britannic Majesty has at its disposal...

The Government of His Sicilian Majesty, after this, has no necessity to accept any mediation, referring every thing to the absolute will of the British Government.¹

The despatch hardly concealed Carafa's relief that further intervention in Neapolitan affairs would be avoided by his surrender, or his hope that the attention of Europe would henceforth be directed away from the Kingdom of the Two Sicilies. The small ship which had occupied so much of the time of diplomacy was returned by the British authorities to its rightful owners at Genoa.

Once the "Cagliari" Question had been settled Malmesbury hoped, during the autumn of 1858, to restore regular diplomatic relations with Naples. When the Queen visited Cherbourg in August, he had an opportunity of conversation with Walewski. Their main concern at that time was with the Balkans rather than with Italy, but they also discussed Naples. Walewski maintained that the overtures must come from Naples, but later suggested to Cowley that Britain might unofficially

Malmesbury, Paris, 17 Aug. '58.

1. A. & P. (1857-8), Vol. LIX, p. 597; No. 59, Carafa to Malmesbury, Naples 8 June '58.

Malmesbury, op. cit., p. 430, Malmesbury to Cowley, P.O. 13 April, '58.

encourage Naples to make such overtures.¹ During a short visit to Berlin later in August, Malmesbury mentioned the question to the Neapolitan Chargé d'Affaires, who was "red hot about it", and said that an answer would come from Naples in a week. But on 14 September Malmesbury had to confess that he had heard nothing further.²

His eagerness to restore normal diplomatic machinery in Naples had in no way influenced his general treatment of the "Cagliari" question in favour of Naples. Nor can his failure to restore that machinery be considered as a modification of his success in the prime issue. Within six weeks of coming to office he had secured the unconditional freedom of Watt and Park, and two months later he had obtained £3,000 compensation, and the custody of the ship and her crew. To some extent he had depended upon bluff, since he apparently believed that British naval strength in the Mediterranean at that moment was insufficient for any active measures. In a letter to Cowley discussing the "Cagliari" dispute, he wrote: "I wish we had half our China fleet here at home."³

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1. F.O. 27/1256, No.1075, Confidential, Cowley to Malmesbury, Paris, 17 Aug. '58.
 2. F.O. 519/196, Private, Malmesbury to Cowley, Achnacarry, 14 Sept. '58.
 3. Malmesbury, op.cit., p.430, Malmesbury to Cowley, F.O. 13 April, '58.

The remark also gives an indication of Malmesbury's estimate of the comparative importance of the Chinese and Neapolitan Questions. He was highly delighted at being able to bring the latter to so satisfactory a conclusion. When the telegram from Lyons announcing the Neapolitan surrender arrived, he kept it a secret from everyone, so that he might have the pleasure of announcing it personally to the Lords.¹

Lord John Russell, still at this time in a generous mood towards Malmesbury, had summed up the Foreign Secretary's achievements in an earlier debate in the Commons: Malmesbury had secured fair treatment for Sardinia, but had avoided an Italian War.² It must, however, be added, that Sardinia was dissuaded from demanding an indemnity by Malmesbury's insistence upon keeping the question of the engineers separate from the claims of Sardinia. From a British point of view he was justified in taking this line. It was far more likely that Naples would grant an indemnity for the engineers if their claims were kept separate. The duty of the Foreign Secretary was first of all to his fellow-subjects. But in advising Naples, however informally, to advance

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1. Malmesbury, op.cit., p.438, entry for 11 June '58.
 2. Hansard, 3rd Series, Vol.CL. House of Commons, 7 May '58.

counter-claims against Sardinia, he was introducing an unnecessary complication. Fortunately Cavour was content with the ship and crew, and did not provoke Naples into following Malmesbury's advice. Fortunately, also, Malmesbury's advice was never made public in England or Italy. If it had been, his opponents in Parliament would have had more reason for accusing him of deserting Sardinia.

The "Cagliari" Question forms an interesting prelude to the Italian Question of 1859. In the spring of 1858 Cavour had been obliged to play a lone hand. He had not yet acquired the support of Napoleon III, and his efforts to obtain direct co-operation from Malmesbury had not been too well rewarded. The British Foreign Secretary had been fully prepared to help Sardinia to obtain justice, but only by means of an impartial mediation. He was eager to utilize the diplomatic weapon which the Protocol of Paris had given to Europe. He was not eager to be entangled in a purely Italian dispute. So long as the Italian Question did not threaten the peace of Europe it was well to be impartial in any clash between Cavour and the petty despots. In London, Malmesbury's relations with d'Azeglio were unhappy, but this was partly due to the excessive zeal of the Sardinian Envoy, whom Cavour,

on one occasion, had accused of acting "like a great goose".¹ Cavour himself had scrupulously avoided any note of bitterness in his dealings with the British Foreign Office, but Malmesbury's distrust of the brilliant Piedmontese was already growing. Malmesbury's general approach to the political scene in Italy, on the other hand, had been an objective one. It was already apparent that his Italian Policy would be cautious and moderate. More significantly, his first attempt at mediation had not worked according to plan.

He was courteous in his correspondence with the Portuguese authorities.²

(ii) The "Charles et Georges"

His second attempt to refer an international dispute to the methods of mediation laid down in the Protocol of 14 April 1856, was, by the very nature of the case, unlikely to succeed. If it had been difficult to organize a mediation between Sardinia and Naples, in the question of the "Cagliari", it was to be still more difficult to persuade France to accept an impartial mediation between her and so weak a Power as Portugal, in the case of the "Charles et Georges". A verdict given against

1. F.O. 519/194, Confidential, Hudson to Malmesbury, Turin, 1 May '58, enclosed in Hudson to Cowley, 1 May '58.

France would have convicted French subjects, and even one French official, of taking part in the Slave Trade. The question of French honour was therefore so basically involved that the process of mediation proved unacceptable to her.

English concern over disguised slave trading had been expressed early in 1858 with reference to activities in the Portuguese province of Mozambique.¹ So zealous was the British Consul, Mr. McLeod, in fighting the Slave Trade, that he had to be privately instructed to be courteous in his correspondence with the Portuguese authorities.²

The Portuguese Government at home was as concerned as Britain to put down the trade. As proof of this, Senhor Menezes, whose administration as Governor-General of Mozambique had been notorious for its encouragement of the trade, was recalled, and Colonel Tavares d'Almeida appointed in his place.³ The Portuguese Prime Minister, the Viscount de Sá da Bandeira, was a philanthropist who hoped ultimately to make the institution of slavery itself

1. F.O. 84/1047, No.1, Clarendon to Howard, F.O., 4 Jan. '58.

2. F.O. 84/1047, No.2, Clarendon to Howard, F.O., 5 Jan. '58, minute in pencil by Clarendon.

3. F.O. 84/1048, No.3, Howard to Clarendon, Lisbon, 17 Jan. '58.

illegal throughout the Portuguese Empire.¹

The affair of the "Charles et Georges" was the immediate result of the new attempts to put down the Slave Trade at Mozambique. French ships had for some time been engaged in a scheme for the emigration of free negro labourers from Portuguese East Africa to the French Island of Réunion, or as it was still called at that time, Bourbon. The new Governor of Mozambique was determined to investigate the precise nature of this scheme and its approximation to the Slave Trade. Towards the end of February news reached Lisbon of the sensational result of the new Governor's policy. In November 1857, a French ship, the "Charles et Georges", was anchored for some days at the port of Conducia, two or three leagues from Mozambique. Suspecting that she intended to embark negroes, the Portuguese authorities sent a small naval vessel from Mozambique to investigate. It was found that on board the "Charles et Georges" were 110 negroes, who declared that they were not free labourers, but had been sold to the captain. This alone would have been sufficiently grave, but there was also on board a delegate of the French administration of Réunion, who

1. F.O. 84/1048, No.5, Howard to Malmesbury, Lisbon, 18 March '58.

3. 1858, p.129; No.5 Howard to Malmesbury, Lisbon, 12 Aug. '58.

could produce no contracts with the negroes.¹

The "Charles et Georges" was consequently taken into custody by the Portuguese authorities. The Governor of Mozambique submitted the case to a special Commission, who reported that there were grounds for legal proceedings.² The result of the legal proceedings was the condemnation of the ship as a slaver,³ and the captain to two years' imprisonment in chains. But not until 13 August, 1858, did the ship arrive at Lisbon with a Portuguese prize crew. Rouxel, the French Captain, appealed against the verdict of the court, and was released in Lisbon, apparently on parole.

The first diplomatic action on the part of the French Government took the form of a note from the Marquis de Lisle, Minister at Lisbon, to the Marquis de Loulé, Portuguese Foreign Minister, protesting against the capture. In conversation with de Loulé, the French Minister alluded to the probability that compensation would be required. To Mr. Howard, the British Minister

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1. A. & P. (1859, Session 1), Vol. XXVII, p.126; C.2468, "Correspondence respecting the 'Charles et Georges'," extract from the Jornal do Comercio of Lisbon, 24 Feb. '58, enclosed in No.3, Howard to Clarendon, Lisbon, 24 Feb. '58.
 2. idem., p.128; No.6, Howard to Malmesbury, Lisbon, 8 May, '58.
 3. idem., p.129; No.8 Howard to Malmesbury, Lisbon, 16 Aug. '58.

to Portugal, de Lisle explained that the "Charles et Georges" had left Réunion with the object of exporting negroes from Mozambique, before it was known that the practice had been forbidden by the Portuguese Government. Half of the negroes had been engaged in the French settlements of Madagascar and Mayotte, and the half which had come from Portuguese territory had been hired from an Arab Sheik, a Portuguese authority, who possessed a licence from the former Governor, Menezes, which entitled him to indulge in this kind of transaction. De Lisle admitted that Portugal had a right to forbid the exportation of negroes from her possessions, but since the Sheik's licence from Menezes had never been revoked, the purchase - or "engagement" - of the negroes had been a legal one, and the capture of the ship illegal.¹

So far Howard had offered no word of advice, and Malmesbury, who was in Germany, had probably paid little attention to the incident. In dealing with the Portuguese Foreign Minister, Howard was to labour under a disadvantage. The Marquis de Loulé suffered from a "chronic indolence and somnolence".

1. idem., p.130, No.10, Howard to Malmesbury, Lisbon, 28 Aug. '58.

He remains always calm, courteous and gentlemanlike in manner, but immovable in business matters. If a Foreign Minister makes a verbal communication, he soon dismisses it from his mind; if a written one there is little chance, indeed, of his even reading it....¹

But on being pressed for news by Howard, de Loulé informed him of an important discovery on 6 September. It now appeared that the sheik's licence which had partly legitimised the activity of the "Charles et Georges" was a forgery. Strengthened with this discovery, the Viscount de Sá, altogether a more competent and responsible Minister than de Loulé, spoke firmly to the French Minister. He remarked that "there were two methods of proceeding; that is to say, by force or by law. If the former was to be preferred, it would be for the French Government to take the vessel by that means; but if the latter, the laws of the country must be followed..." Howard, who had still received no instructions from London, at this point volunteered his first piece of advice. He remarked to de Loulé that he "thought it would be more prudent not to push matters to extremities."²

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1. F.O. 63/830, No.46, Confidential, Howard to Malmesbury, Lisbon, 8 April '58.
 2. A. & P. (1859, Session 1), Vol. XXVII, p.133; C.2468, "Correspondence respecting the 'Charles et Georges'," No.11, Howard to Malmesbury, Lisbon, 6 Sept. '58.

In a series of official notes the French continued their demands for the release of the ship. De Loulé politely rejected them. On 18 September, in a conversation with Howard, he gave the first hints that Portugal would resort to mediation. While making no formal application, he made it clear that Malmesbury's diplomatic assistance at Paris would be appreciated by the Portuguese Government.¹ Malmesbury did not immediately take up the idea with the enthusiasm. The reply from the Foreign Office was short and formal. Its draft was neither written nor initialled by the Foreign Secretary, who had by then returned from Germany, but had left for Scotland, whence he carried on the business of the Foreign Office during the intervals between shooting excursions. The despatch stated simply that "the friendly offices of Her Majesty's Government would not be wanting for the purpose of bringing about an amicable settlement..."² A more definite request for Malmesbury's good offices soon followed.³ Meanwhile the French Government had changed its ground. It had abandoned its two previous claims, that

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1. A. & P. (1859, Session 1), Vol. XXVII, p.138; No.14, Howard to Malmesbury, Lisbon, 18 Sept. '58.
 2. *idem.*, p.140; No.15, Malmesbury to Howard, F.O., 25 Sept. '58; draft in F.O. 84/1047, No.11.
 3. *idem.*, p.141; No.19, Howard to Malmesbury, Lisbon, 18 Sept. '58.

the ship had been captured outside Portuguese territorial water, and that the business had been legalized by the Sheik's licence from Menezes, as being no longer tenable. It now claimed that the "Charles et Georges" could not have been engaged on the Slave Trade because it had a Government official aboard. The claim was based on no code nor precedent of law, but simple faith in the virtues of French officials. By so paradoxical an argument the Imperial Government could reject the most concrete evidence. Cowley could hold out little hope to Malmesbury that France would modify her demands. He asked Walewski whether the French Government would accept "the arbitration of a friendly Power".¹ After two days Walewski replied in the negative.²

For five months the French Government had limited its action to presenting notes of increasing urgency at Lisbon. On 30 September it was known that some ships had been despatched to the Tagus,³ and three days later Admiral Savaud with two line-of-battle ships arrived

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1. A. & P. (1859, Session 1), Vol. XXVII, p.154; No.20, Cowley to Malmesbury, Paris 3 Oct. '58.
 2. idem., p.155; No.22, Telegram, Cowley to Malmesbury, Paris 5 Oct. '58.
 3. F.O. 27/1260, No.1265, Telegram, Cowley to Malmesbury, Paris 30 Sept. '58.

at Lisbon.¹ It was now evident that if Portugal was not to surrender on all points, firm and quick diplomatic action would have to be taken. This came almost at once from both Lisbon and London. The Portuguese Government directed their Minister at Paris to propose mediation, and to leave the choice of a mediator to France; apparently no mention was made of England.² Malmesbury had received Portugal's formal request for good offices on 5 October.³ On the next day he telegraphed to Cowley, instructing him strongly to deprecate any hostile proceedings against Portugal, and to put forward the Paris Protocol at a suitable time.⁴ To give force to these instructions he took measures more in tune with the spirit then prevailing in Paris. He requested the Admiralty to send a "small force" to the

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1. A. & P. (1859, Session 1), Vol. XXVII, p. 155; C. 2468, "Correspondence respecting the 'Charles et Georges'", No. 21, Telegram, Howard to Malmesbury, Lisbon, 4 Oct. '58.
 2. *idem.*, p. 156; No. 24, Telegram, Howard to Malmesbury, Lisbon, 5 Oct. '58.
 3. As is mentioned in the text below, the dates of the receipt of despatches was omitted from the Blue Book on the 'Charles et Georges', but the date of his reception of this important despatch was mentioned by Malmesbury in a speech to the Lords - Hansard, 3rd Series, Vol. CLII, House of Lords, 8 March 1859.
 4. A. & P. (1859, Session 1), Vol. XXVII, p. 156; C. 2468, "Correspondence respecting the 'Charles et Georges'", No. 25, Telegram, Malmesbury to Cowley, F.O., 6 Oct. '58.

Tagus "to watch the proceedings" of the French squadron, "and for the protection of British subjects".¹ Two ships, the "Victor Emanuel" and the "Raccoon" were accordingly sent.²

Malmesbury's instructions to Paris and Lisbon had been scanty in the extreme. Lord Cowley, perhaps, was a sufficiently experienced Ambassador to require no more than an indication of the direction of the Government's policy. That was, briefly, that France should be dissuaded from using force, and that the mechanism of mediation should be put into operation. Malmesbury had indicated his policy thus far in the telegram to Cowley on 6 October. It might have been expected that Mr. Howard would need rather fuller instructions. In fact, two more days were allowed to elapse, and then Howard was sent a telegram which stated that the British Government would gladly give their good offices to Portugal, but added the strange advice that the Portuguese Government would be wise to drop the prosecution if any informalities had

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1. A. & P. (1859, Session 1), Vol. XXVII, p.157; No.28, Malmesbury to the Lord Commissioners of the Admiralty, F.O., 7 Oct. '58.
 2. idem., p.157; No.29, The Secretary of the Admiralty to Mr. Fitzgerald, Admiralty, 8 Oct. '58.

had accompanied the capture of the ship.¹

Returning to the idea of mediation in a conversation with Walewski, Cowley received a still more emphatic refusal. The French Foreign Minister declared that "the Portuguese Government had committed an overt act of violence against the French flag, and could not cover itself by an appeal to mediation". Cowley replied that he regretted "that his appeal had been in vain", and hastily ended a conversation which was clearly to be fruitless.²

A retrospective consideration of the case to this point leads to the conclusion that Malmesbury and Cowley were if anything erring on the side of too much concern for French sentiments. But at the time, the French were distrustful of Britain's part in the affair. The Marquis de Lisle believed that Portugal's resistance had been at the instigation of the British Government. It was quite untrue, as Howard sharply retorted, that Britain had encouraged the retention of the "Charles et Georges". On the other hand it was

1. A. & P. (1859, Session 1), Vol. XXVII, p.163; No.33, Telegram, Malmesbury to Howard, F.O., 9 Oct. '58. (Original words in F.O. 84/1047, No.15.)

2. idem., p.163; No.34, Cowley to Malmesbury, Paris, 10 Oct. '58.

now becoming evident that British officials had played a larger part in the capture of the ship at Mozambique than had been originally realized. It now emerged that Consul McLeod, in his zeal to put down the Slave Trade, had persuaded the Portuguese Governor to arrange for the capture. De Lisle believed that the presence of H.M.S. "Castor" at Mozambique had strengthened McLeod's hand, and that the Consul had collaborated with Captain Lyster of the "Castor" to force his advice on the Portuguese authorities. Howard denied that McLeod had played so large a rôle. Far from receiving help from Captain Lyster, the Consul had been offended because the Captain had called on him for only ten minutes, and had not waited to carry home his despatches.¹ The fact remained that Consul McLeod's energies had made him extremely unpopular in Mozambique. In September Malmesbury was obliged to ask the Portuguese Government if greater protection could not be given to him, since he had "been subjected to repeated indignities by certain parties there who are interested in the Slave Trade, in consequence of

1. A. & P. (1859, Session 1), Vol. XXVII, p. 165; No. 36, Howard to Malmesbury, Lisbon, 8 Oct. '58. Extract from F.O. 84/1049, No. 46, Confidential. The account of friction between Consul McLeod and Captain Lyster was not included in the Blue Book.

his exertions to put down that traffick."¹ The assaults on McLeod became so serious that he was obliged to leave Mozambique without instructions from London.² The Marquis de Loulé, to whom a zealot like Mr. McLeod must have been beyond comprehension, expressed his regret to Howard, but said that "he could not help thinking" that it was partly the Consul's own fault. McLeod had insisted upon living at a distance from Mozambique, in the midst of "a population irritated by the suppression of the Slave Trade, and had there given loud expression to his Anti-Slave Trade Sentiments." To protect him a detachment of soldiers would have had to be stationed nearby.³ Malmesbury, too, was secretly irritated at the activities of McLeod. In a private letter to Cowley he wrote:

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1. F.O. 84/1047, No.9, Malmesbury to Howard, F.O. 6 Sept. '58.
 2. F.O. 84/1047, No.10, Malmesbury to Howard, F.O. 8 Sept. '58.
 3. F.O. 84/1048, No.39, Howard to Malmesbury, Lisbon, 18 Sept. '58.

"Our Consul McLeod has, I hear, come home open-mouthed from Mozambique, glorying in having, by his own suggestion effected the capture of the "Charles et Georges", which, but for him, he says, never would have been touched. He then ran away home from the row he had raised."¹

The McLeod episode, considered apart from its context in the case of the "Charles et Georges" illustrates a general point: in his attempt to preserve the Anglo-French alliance, Malmesbury often had to contend with a distrust of France on the part of British representatives at remote Courts and consulates.

England was now deeply involved in the Franco-Portuguese dispute. Walewski was repeating de Lisle's implications that England was backing Portugal, while Count Lavradio, Portuguese Minister in London, was hoping that Malmesbury would offer Portugal more concrete assistance than his good offices. Cowley accurately described the situation as "a pretty kettle of fish".² In the middle of October the Portuguese began to climb down. The Marquis de Paiva, Minister in Paris, and Count Lavradio, who had arrived from London, put forward

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1. F.O. 84/1048, No.39, Howard to Malmesbury, Lisbon, 18 Sept. '58.
 2. F.O. 519/224, Cowley to Malmesbury, Chantilly, 10 Oct. '58.

a proposal in which Walewski confessed that he saw "the germs of an arrangement". The French warships were to leave Lisbon; the "Charles et Georges" was to be given up; the legality of the seizure was then to be determined by mediation.¹

Malmesbury came forward with his first original proposal on 15 October, and delivered it in identical despatches to Paris and Lisbon. He had clearly reached the conclusion that France could not be resisted on the basic point of the restoration of the ship. On the other hand the Portuguese Government were so evidently in the right by any standards of international or moral law that they could not be asked to admit themselves wrong on the question of the legality of the seizure. The despatch, which Malmesbury drafted himself at Achnacarry, declared that the Portuguese capture had in the first place been legal, since the French captain had been breaking Portuguese municipal law, not only by exporting Negroes, "who had all the appearance of being slaves", but also by anchoring "at a forbidden point within Portuguese waters". On the other hand

1. A. & P. (1859, Session 1), Vol. XXXVII, p.169; C2468. "Correspondence respecting the 'Charles et Georges'", No.39, Cowley to Malmesbury, Paris 13 Oct. '58.

Captain Rouxel of the "Charles et Georges" had obtained the negroes from the Sheik of Matabene, and need not have realized that the Sheik was a dependent of Portugal. It could be claimed that Captain Rouxel had assumed the Sheik to be an independent Chief, and had not knowingly broken Portuguese laws. On these grounds Portugal could drop the prosecution of the case, "without any sacrifice of her dignity and rights". But lest Britain should be felt to be sheltering the Slave Trade by the proposal, Malmesbury added the expression of a general opinion. "Her Majesty's Government" he wrote, "have never altered their opinion as to the analogous nature of the French scheme for exporting negroes with that of avowed Slave Trade."¹ de Malakoff had played a small part in the negotiation. Malmesbury's ingenious proposal proved impracticable. Cowley reported that Walewski had always made it quite evident that the sovereignty of Portugal over Matabene was not to be doubted. It was perhaps too late in the day for the French to plead innocence according to this entirely new hypothesis. But Cowley was now less pessimistic because Walewski was apparently prepared to accept

1. A. & P. (1859, Session 1), Vol. XXVII, pp.170-1; No.41, Malmesbury to Howard, F.O., 15 Oct. '58; No.42, Malmesbury to Cowley, F.O., 15 Oct. '58; Draft in F.O. 84/1047, No.20, Malmesbury to Howard, Achnacarry, 15 Oct. '58.

mediation "for the adjustment of questions arising out of the seizure;" provided that the ship and captain were first released.¹

The Portuguese Government decided to surrender to superior force as suddenly as the Neapolitan Government had done in the case of the "Cagliari". On 25v October the "Moniteur" announced that the "Charles et Georges" had been set free.

Until further information arrived in London it appeared to Malmesbury that the Portuguese Government had been forced into total capitulation by the armed forces of France. With this conviction he expressed his opinions of the situation to the French Ambassador. The Duc de Malakoff had played a small part in the negotiations. Malmesbury took the opportunity of a meeting at Windsor to discuss with the Marshal the broad issues which had been raised. He began by expressing "satisfaction ... that the dispute appeared to be terminated" but went on to say that he could not conceal "the painful impression" which the course taken by the French had created. He had viewed the French refusal to accept

1. A. & P. (1859, Session 1), Vol. XXVII, p.172; C2468, "Correspondence respecting the 'Charles et Georges'", No.44, Cowley to Malmesbury, Paris, 17 Oct. '58.

the good offices of Britain "with great concern".

"I pointed out to His Excellency how highly Her Majesty's Government valued the great principle established by the 23rd Protocol of Paris, which was signed by all the plenipotentiaries on the 14th of April, 1856 . . ."

Then followed the passage already quoted in which Malmesbury praised the principle of mediation. This portion of his despatch showed a blending of high idealism with sound practical sense. He believed in the practice of mediation not only because it was morally just, but also because it gained time during which tempers could cool, and so was sound policy in the most immediate, as well as the most general sense.

He reminded Malakoff of the analogous case of the "Cagliari". England and Sardinia had not sent ships-of-war to Naples on that occasion, although such action would doubtless have had immediate results. "But Count Cavour and Her Majesty's Government, mindful of the Protocol of Paris, acted strictly upon its spirit.."
Malmesbury did not mention that the "Cagliari" question had been settled ultimately not by mediation, but by an ill-disguised threat of force on his part. Nevertheless he had been eager to adopt mediation at Naples, which was not true of the French at Lisbon.

Adopting a still darker tone, Malmesbury mentioned the treaties which bound Britain to come to the assistance of Portugal if she were attacked. The good-natured Duc de Malakoff, who never used sharp or disagreeable language to Malmesbury, merely received these remarks "in the friendly sense in which they were offered", and said he would despatch them to his Government. Cowley, too, was instructed to repeat them to Walewski, but was not to return to the original issue, that of the French scheme of negro emigration, the "immorality and political dangers" of which he had often reminded the French Government. "Experience," Malmesbury wrote, "will doubtless prove to them that it must give rise to international disputes, massacres of the French crews, retaliatory cruelties to the negroes, and a general encouragement to the illegal Slave Trade all over the world".¹

Malmesbury's despatch constituted a sound judgement on the general merits of the case. If it had been written a few weeks - or even a few days - earlier, it would have been of more material assistance to Portugal in her uneven struggle.

1. A. & P. (1859, Session 1), Vol. XXVII, p.182; No.51, Malmesbury to Cowley, F.O., 30 Oct. '58.

At the time of his solemn conversation with Malmesbury Malakoff, Malmesbury did not know that France was in fact adopting the idea of mediation to a limited degree. Instructions had been sent to de Lisle to the effect that France would accept the mediation of the King of the Netherlands for the settlement of the indemnity which would be due "to the interested parties". The proposal had accompanied the offer to remove the French warships from the Tagus if the "Charles et Georges" was released. In Lisbon Howard urged de Lisle not to limit mediation to the question of the indemnity, but to extent it to the whole question, once the ship had been surrendered. But the Portuguese Government, like that of Naples in the case of the "Cagliari", was determined to make it quite evident that they were simply surrendering to superior force. The "Charles et Georges" was released before the other French ships had left the Tagus, and was actually conducted back to France by the warships. Further, the Portuguese Government refused to accept mediation with reference to an indemnity, and left France to fix whatever sum she wished.¹

1. A. & P. (1859, Session 1), Vol. XXVII, p.183; No.52, Howard to Malmesbury, Lisbon, 27 Oct. '58.

An unpleasant aspect of the affair from Malmesbury's point of view was the attitude of the Portuguese Minister in London. Count Lavradio believed that the British Foreign Secretary had deserted Portugal, and did not ~~aware~~ conceal his belief. Malmesbury telegraphed to Howard to find out how far Lavradio was expressing the feelings of the Portuguese Government.¹ To vindicate the charges he wrote a despatch which was seen by Lord Derby and the Queen, declaring that he had offered good offices even before requested to do so by Portugal, and that, since Portugal had not appealed to him under the ancient Treaty, "no opportunity was afforded to Her Majesty's Government of showing that on this, as on all other occasions, England is prepared to act on Treaty engagements".² A passage from one of Malmesbury's private letters to Cowley shows how bitter and undignified his personal quarrel with Lavradio became: on to say that

the Imperial Government had not lightly rejected the use of medi-
of the case
that there

"He accused you and all the Cabinet of an indecent absence for the purpose of shooting during such a crisis, upon which I told him that there were more indecent amusements than shooting and that I supposed that these being essentially Parisian had kept him at Paris from his post in London, where he ought to have been ..."³

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1. F.O. 84/1047, No.23, Telegram, Malmesbury to Howard, F.O., 3 Nov. '58.
 2. F.O. 84/1047, No.29, Malmesbury to Howard, F.O. 6 Nov. '58.
 3. F.O. 519/196, Private, Malmesbury to Cowley, London, 6 Nov. '58.

At the same time that Lavradio was accusing him of having abandoned Portugal, Malmesbury was advising Walewski to drop the demand for an indemnity.¹ Had the Portuguese Minister known this, and had he been aware of the strong language which Malmesbury had used in his conversation with Malakoff at Windsor, he would probably have modified his accusations. When more fully informed he wrote Malmesbury "a very handsome letter .. acknowledging himself entirely in the wrong".²

Malakoff's mild reactions to Malmesbury's strong words at Windsor were not shared by Walewski. He replied to Malmesbury's accusations with regard to the question of mediation with some warmth. He pointed out that the Paris Protocol was in no sense an obligatory undertaking, but was "the simple expression of a wish". Such a statement by Walewski reduced the Protocol to something less than a piece of paper, but he went on to say that the Imperial Government had not lightly rejected the use of mediation. With regard to Malmesbury's comparison of the case with that of the "Cagliari", Walewski declared that there was no "parity whatever". Whereas the

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1. Malmesbury, *op.cit.*, p.454, Malmesbury to Cowley, London, 3 Nov. '58.
 2. F.O. 519/196, Private, Malmesbury to Cowley, F.O. 9 Nov. '58.

"Charles et Georges" had been captured "without a shadow of right on the part of the Portuguese authorities", the "Cagliari" was liable to capture by Neapolitan cruisers "wherever they might meet with her". This opinion of the capture of the "Cagliari" was precisely the one Napoleon had been at pains to suppress when the earlier dispute had been in progress. Its publication in the English Blue Book must have given Walewski a moment of embarrassment. There was more point in his argument when he reminded Malmesbury that the "Cagliari" had not been a British ship, whereas the "Charles et Georges" was a French ship with a French official aboard. He could have gone still further, and asserted that Britain had not mooted the question of mediation in the "Cagliari" dispute until her two engineers were safe in England.

Walewski turned next to Malmesbury's allusion to the treaties which obliged Britain to give assistance to Portugal against foreign aggression. He regretted the allusion. As he had been convinced of the correctness of French action he had never feared that Anglo-French relations would be endangered. But he added:

"Be this as it might, no fear of consequences would prevent the French Government from doing

circumstances, could try the subjects, and condemn the vessel, of what they thought right, and what the honour of France demanded".¹

Walewski pretended not to know that the Anglo-Portuguese Treaty of 1660 had been mentioned specifically to Malakoff, nor that Prince Albert had told the French Ambassador that if a shot were fired at Lisbon Britain would have to consider the application of that Treaty.²

The Prince, as usual, was harsher in his censure of French action that was Malmesbury. He had written to Baron Stockmar:

"The old Napoleonic method is being insisted on with Portugal, and all justice is being trodden under foot 'in re Charles et Georges' - an indication that France will not employ her growing power at sea for the advantage of the world".³

Malmesbury did not want Cowley to continue his "post mortem" with Walewski, but persisted with his argument that the case of the "Charles et Georges" had been analogous to that of the "Cagliari". Both cases had involved the question of whether one Power, in given

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1. A. & P. (1859, Session 1), Vol. XXVII, p.193; C2468, "Correspondence respecting the 'Charles et Georges'", No.60, Cowley to Malmesbury, Paris, 9 Nov. '58.
 2. F.O. 519/196, Private, Malmesbury to Cowley, London, 6 Nov. '58.
 3. Martin: Life of the Prince Consort (1879), Vol.IV, p.332; Prince Albert to Baron Stockmar, 25 Oct.'58.

circumstances, could try the subjects, and condemn the vessel, of another Power. Britain and Sardinia had appealed to the Protocol of Paris in the Neapolitan dispute and France thus "had a fair and recent precedent for following the same course".¹ At that point the exchange between Malmesbury and Walewski was allowed to rest.

The Emperor Napoleon had not openly played a part in the affair of the "Charles et Georges". He had presided at meetings of the Council of State, and there can be no doubt that he approved, if he did not suggest, the sending of warships to Lisbon, and the other measures taken by his Ministers. But he had been careful not to be personally associated with an incident which brought with it the bad odour of the Slave Trade. He was probably genuinely distressed to learn that the scheme for the emigration of negroes from East Africa to Réunion approximated so closely to that trade. As soon as the case of the "Charles et Georges" was settled, the British Government came to an arrangement with the French Government by which the Negro Emigration Scheme

1. A. & P. (1859, Session 1), Vol. XXVII, p.196; C2468, "Correspondence respecting the 'Charles et Georges'", No. 61, Malmesbury to Cowley, F.O., 11 Nov. '58.

was to be replaced by the importation of coolies from India. A memorandum in Malmesbury's hand gave detailed directions for the mission of Sir F. Rogers to Paris to negotiate the arrangement.

"It is indispensable", Malmesbury wrote, that the French should give up entirely for a term the Negro Emigration Scheme - during which the new one would be on trial."¹

The practice of importing Indian coolies to Réunion continued until 1882. Some good had thus ultimately emerged from the case of the "Charles et Georges" and the exertions of Consul McLeod.

In anticipation of Parliamentary criticism and a demand for a Blue Book, the Foreign Office had a selection of the papers concerning the case privately printed. An unusual difficulty had to be faced, in that the Portuguese Government were preparing their own selection to lay before their Parliament. Howard was provided with a copy of the Foreign Office draft and instructed "to guard as far as possible against any papers being laid before the Portuguese Parliament in a different shape to that in which they will appear

1. F.O. 96/26, Note by Malmesbury, 10 Dec. '58.

before the public in this country."¹ When the affair was eventually debated in Parliament, Lord Wodehouse began his attack in the Lords by referring to a unique omission in Malmesbury's Blue Book: the practice of giving the date on which the despatches were received by the Foreign Office had not been followed. Moving from the particular to the general, Lord Wodehouse argued that Britain had encouraged Portugal to follow a course which "involved her in antagonism with France", and yet Malmesbury had offered good offices only in a half-hearted and ineffective manner. Cowley had not been given full and urgent instructions to encourage France to adopt mediation. To this last point Malmesbury replied, with remarkable honesty:

"Lord Cowley ... is one of those Ministers who do not require that a long rigmarole - if I may so term it - of phrases and instructions, which are generally, I believe, written rather for Parliament than for the Minister himself - should be addressed to him."

On the more general point, Malmesbury made it clear that he did not believe Portugal to have been so completely in the right as the evidence suggested.

1. F.O. 84/1047, No.42, Confidential, Malmesbury to Howard, F.O., 26 Nov. '58.

When the authorities of one nation seize a "Government ship" of another nation, for an infringement of municipal or international law, "the question at issue must be solved by diplomacy, and not by a peremptory act such as that which was resorted to by the Portuguese Government". But the weak link in this part of his argument was the definition of the "Charles et Georges" as a "Government ship". His tenet was certainly true of naval ships, but to what extent a ship was rendered official by the presence on board of a Government servant was less certain. As regards the omission of the dates of incoming despatches in his Blue Book, Malmesbury apologized and said that it had been due to "some carelessness in the office".

Yet on the whole he came out of the debate well. The distinguished Judge, Lord Kingsdown, devoted his first speech in the Lords to a support of Malmesbury's policy on legal points, and even stated that "from the papers it was evident" that the "Charles et Georges" had not been engaged on the Slave Trade.¹ The opinion was perhaps more an unintended tribute to the discreet selection of documents contained in the Blue Book, than

1. Hansard, 3rd Series, Vol. CLII, House of Lords, 8 March '59.

a final verdict. Cowley, to whom all the documents and evidence had been available, reached a sound final conclusion on the case:

"There can be no doubt, in any reasonable mind, that the ship is virtually a slaver, yet the presence of a French Government delegate on board of her, renders her position somewhat exceptionable, and perhaps the Portuguese would have done the wiser to have released her, and to have treated the matter diplomatically afterwards."¹

The point which Malmesbury's critics missed, perhaps intentionally, was that even so great an aim as the suppression of the Slave Trade does not justify the employment of any means to attain it. Malmesbury rightly calculated that good relations between England and France were of more service to England, and to the world, than was the taking of a solitary step towards abolishing the Slave Trade. The question had clearly been an embarrassment to the French Government, who wanted nothing less than a quarrel with a weak Power over such a subject. The diplomatic measures taken by Malmesbury added to the embarrassment of France, without antagonizing her unduly. As so often in the 'fifties, Disraeli was absurdly wrong in his judgement. His belief that the

1. F.O. 519/224, Cowley to Malmesbury, Paris, 8 Oct. '58.

French Government had deliberately prolonged the affair in order to cause friction with the Derby Government¹ was the reverse of the truth.

In his detailed handling of the case Malmesbury was more open to criticism. His profound belief in the benefit of mediation had not encouraged him to act as quickly as the occasion demanded. He admitted to the Lords than on receiving Howard's despatch by which the Portuguese Government formally requested his good offices at Paris, he had let a day slip by before telegraphing to Cowley.² He apparently did not think the admission a significant one, but at that time - the last week of September - important decisions were being reached at Paris, and every day counted. In the autumn of 1858 Malmesbury was rarely in London. On 5 August he had gone with the Queen to Cherbourg for the meeting with Napoleon.³ And on 8 August he left Cherbourg, still with the Queen, for Germany, although he confessed that he had "Very little Political work" there.⁴

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1. Monypenny, op.cit., Vol.IV, p.222, Confidential, Disraeli to Derby, Downing Street, 7 Jan. '59.
 2. Hansard, 3rd Series, Vol. CLII, House of Lords, 8 March '59.
 3. Malmesbury, op.cit., p.443.
 4. idem, pp.444-5.

Not until 3 September did he arrive in London, and then left immediately for Scotland¹ where he stayed on a shooting holiday until 15 October.² He was thus in Scotland during the climax of the Portuguese crisis, and his despatches were written from Achnacarry. Lavradio and Malakoff had to be interviewed by Hammond or Fitzgerald, and, if it did no other harm, Malmesbury's absence from the Foreign Office meant delay while despatches went to and from Achnacarry.

But his diplomacy must be judged by its effectiveness rather than his habits of work. The one positive achievement to which he had largely contributed had been the discarding by France of her scheme of Negro Emigration; and this had been done without disturbing Anglo-French relations. In a more negative sense his policy had dissuaded Portugal from carrying her resistance beyond the limits of prudence. If he failed to arrange mediation, this had been due less to his own delays and lack of firmness than to French determination to take a strong line. In the case of the "Cagliari" Malmesbury had succeeded in spite of the failure of mediation; in the case of the "Charles et Georges" mediation had failed in spite of Malmesbury's belated enthusiasm that it should succeed.

1. Malmesbury, op.cit., p.446.

2. idem., p.451.

CHAPTER V

The Eastern Question I: Montenegro, The Jeddah
Massacre, and Serbia

British Foreign policy in the last century was more consistent in Eastern Europe than in Western Europe. During the middle decades of the century the British attitude to the Eastern Question did not undergo basic changes. Maintenance of the Ottoman Empire remained the dominant theme. Whereas the policy of the British Government in the West varied according to the political complexion of the Cabinet and the personal opinions of the Foreign Secretary, in the Balkans policy was not fundamentally influenced by party politics. An individual Minister like Gladstone may have questioned the validity of that basic policy, but never did the Foreign Office nor a single united Cabinet introduce a variation. In this sense Lord Malmesbury's policy towards the Eastern Question was less individual than his policy towards France, Austria or Italy, and less easily identifiable as a Tory policy. But his handling of Eastern affairs was inevitably marked by his own personality, a personality not complex nor subtle, but always positive and often forceful.

None of the questions resulting from the decay of the Ottoman Empire had received a definite solution at the Congress of Paris. Five separate questions can here be selected from the complex pattern of Eastern affairs as deserving special treatment. These are: the renewed outbreak of war between the Montenegrins and Turks, the murder of the British and French Consuls at Jeddah, the diplomatic crisis which resulted from the revolution at Belgrade, the negotiations between the Powers to settle the organization of the Principalities, and the attempts to carry out the Treaty of Paris with regard to the Danube.

The departure of Lord Stratford de Redcliffe from Constantinople inevitably weakened the British position in the East. The man who had dominated the Porte for a quarter of a century, and had come to personify Whig philosophy more completely, perhaps, than any statesman in London, could not easily be replaced. When Stratford returned on a special mission of leave-taking from the Sultan in 1858 his despatches must have made it evident to the Derby Government that the Christian populations of the Ottoman Empire regarded the retiring Ambassador as something of a saint. His functions on the mission consisted in laying foundation stones and receiving petitions of extravagant praise from Christian bodies.¹

1. F.O. 78/1372, Special Mission of Lord Stratford de Redcliffe.

Malmesbury's relations with Stratford de Redcliffe had not been happy. The Ambassador had been understandably offended when Derby had given the Foreign Office to Malmesbury in 1852, after offering it the year before to Stratford.¹ When the Derby Government came to power for the second time, Stratford resigned, partly as a mark of respect for the Palmerston Government.² Malmesbury could thus appoint a man of his choice to Constantinople. He chose Sir Henry Bulwer, who had been the British representative on the International Commission in the Principalities in 1857, and who probably knew more about the local politics of Bucharest than any other British diplomat.

But Palmerston believed that the appointment of Bulwer was a symptom and a cause of a decline of British influence in the East under the Derby Government. Evidence for Palmerston's secret opinion of Malmesbury's foreign policy in the East comes from a strange source. Earle, Disraeli's informant in the Paris Embassy, received detailed accounts from a Commander Georges de Klindworth

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1. S. Lane-Poole: The Life of Lord Stratford Canning (1888), Vol. II, pp. 219-224, and Malmesbury, op.cit., p.229, entry for 23 Feb. '52.
 2. Lane-Poole, op.cit., Vol.II, pp.446-7.

of conversations between the latter and Palmerston. On 16 February, 1859 Palmerston expressed the opinion:

"Bulwer n'est qu'un homme d'exécution, un instrument comme Lord Cowley, et tant d'autres de nos agents diplomatiques."¹

Any agent succeeding Stratford would have appeared by contrast to be a negative instrument, but Bulwer's handling of Eastern affairs in 1858 and 1859, and more especially of the Principalities Question, proved him to be more than a rubber stamp.

The first question with which the new Ambassador had to deal on his arrival in Constantinople, and the first Eastern question to demand the attention of the new Foreign Secretary, was that of Montenegro. The small mountainous

1. Beaconsfield Papers, "Pièce secrète. Continuation de l'entretien avec Lord, le 16 Février 1859", enclosed in: Secret and Confidential, Earle to Disraeli, 16 Feb. '59. The long secret reports by Georges de Klindworth which are used here and in later chapters were not mentioned in Monypenny's Life of Disraeli, although that work was based on an otherwise exhaustive use of the Beaconsfield Papers and frequently refers to Earle's secret correspondence with Disraeli. The only printed references to Klindworth are in H. Friedjung: Der Kampf in die Vorkenschaft in Deutschland 1859 bis 1866, Vol. II, p.525, where he is referred to as an informant, not of Disraeli, but of Palmerston; and in A.J.P.Taylor: "European Mediation and the Agreement of Villafranca", English Historical Review, Jan., 1936, Vol. LI, p.54. Mr. Taylor speaks simply of Klindworth being "in the pay of both England and Austria".

principality had not been mentioned in the Treaty of Paris in 1856. The extent and nature of its independence or autonomy was an open question, and had been debated throughout 1857.¹ But, as Malmesbury was frequently to remind the French Government,² Ali Pasha had declared during the Congress that the "Sublime Porte looked upon Montenegro as an integral part of the Ottoman Empire" and, since the Plenipotentiaries had passed over the statement in silence, it was apparent that they had not disagreed with it. In the course of 1857, however, France had been turning increasingly to Russia in Eastern Europe, and Walewski was already tentatively putting forward the idea of the independence of Montenegro under its astute ruler, Prince Danilo.³ More immediately important than the de jure independence of Montenegro was the de facto right of possession of a small disputed area of territory around Grahavo on the frontier between Montenegro and Herzegovina. When, towards the end of April, a Turkish army, under Kiani Pasha, occupied Grahavo, it became evident that the

1. Charles-Roux: "La Russie, la France et la Question d'Orient après la guerre de Crimée", Revue Historique, Vol. CIX, 1912, pp.272-306.

2. For example: F.O. 27/1236, No.376, Malmesbury to Cowley, F.O., 18 May '58; and F.O. 27/1237, No. 475, Malmesbury to Cowley, F.O., 5 June '58.

3. F.O. 27/1246, No.140, Cowley to Malmesbury, Paris, 23 March '58, and No.163, 26 March '58.

that the Powers were not agreed on the legality of the move, and had no conclusive evidence to prove the rightful ownership of the area. The French and Russian Governments declared that it was Montenegrin and followed the request of Prince Danilo in urging the Turks to evacuate. Alison, Chargé d'Affaires at Constantinople, stoutly declared that Grahovo was Turkish, and based his convictions on reports from Mr. Churchill, the nearest British Consul to Montenegro.¹ Malmesbury was less emphatic than Alison, but telegraphed to Cowley: "It is at least doubtful but my belief is that it is Turkish."² He could not therefore agree to use menacing language to the Porte, but limited himself to telling Musurus, Turkish Ambassador in London, that it was in the Porte's own interest to leave the question in the hands of the five Powers.³ He refused to join France in threatening to recognize Montenegrin independence and assured Malakoff that "Her Majesty's Government would not join France and Russia in an unprovoked act of aggression against an unoffending ally".⁴

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1. F.O. 78/1347, No.171, Telegram, Alison to Malmesbury, 8 May '58.
 2. F.O. 27/1236, No.326, Telegram, Malmesbury to Cowley, F.O. 10 May, '58.
 3. F.O. 27/1236, No.338, Malmesbury to Cowley, F.O. 11 May '58.
 4. F.O. 27/1236, No.364, Malmesbury to Cowley, F.O. 15 May '58.

But a constructive policy as an alternative to the French proposals to coerce the Porte had to be formulated. Malmesbury decided that the doubtful frontier must be traced and agreed upon by a Commission of the five Powers. He discussed the idea with Malakoff and the Russian Minister, Baron Brunnow, and was relieved to find that the latter would consent to a commission settling the frontier, without again mootng the question of the Sultan's sovereignty over Prince Danilo.¹

Napoleon's Government agreed, and while the Turkish troops were still advancing, in the first days of May, instructions were sent to the British and French Ambassadors in Constantinople to urge the Porte to accept an armistice and international commission.² At first the Grand Vizier did not like the idea and referred to "the embarrassment the Porte would be plunged into were it pressed upon her"; but Turkish objections were soon overcome.³

In spite of his growing distaste for Prince Danilo, Malmesbury assumed in his original proposals of a Commission

1. F.O. 27/1236, No.323, Malmesbury to Cowley, F.O. 10 May '58.
2. F.O. 65/513, No.105, Telegram in cypher, Malmesbury to Lord Wodehouse, Minister in St. Petersburg, F.O. 6 May '58.
3. F.O. 78/1347, No.173, Telegram, Alison to Malmesbury, 10 May '58.

that a Montenegrin representative would join those of the Powers and Turkey. But when the Porte again raised objections he was fully prepared to omit inviting a Montenegrin Commissioner, and even Walewski was not dogmatic on the point.¹ It was clear to Malmesbury, however, if it was not to the Porte, that Turkish authority would be strengthened rather than weakened by a formal Montenegrin acceptance of any settlement which resulted from the Commission. Nor would Russia allow Montenegro to be ignored. As a compromise it was finally agreed that Danilo should send a delegate, who should observe the proceedings but not play the full role of commissioner.²

While Montenegro might with reason be expected to be able to provide a diplomatic agent to sit on the Commission, it was less likely that she would be able to provide an engineer qualified to join the work of mapping the frontier. On a telegram from St. Petersburg a minute in Malmesbury's hand commented:

"The idea of finding a Montenegrin Engineer is supremely ridiculous."³

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1. F.O. 27/1236, No.367, Telegram, Malmesbury to Cowley, F.O., 17 May '58.
 2. F.O. 27/1237, No.566, Malmesbury to Cowley, F.O. 23 June '58.
 3. F.O. 97/351, Malmesbury's minute on telegram, Lowther to Malmesbury, St. Petersburg, 17 June '58.

The comment is indicative of his accurate estimate of the lack of civilization in the small principality. His verdict on the point was tacitly accepted by the other Powers. He was clear also in his conception of the functions of the Commission. In a long despatch to Bulwer he affirmed that they did not include any consideration of the question of the Sultan's suzeraineté "over the mountain of Montenegro itself". The sole task of the Commission would be to determine "the state of the Montenegrin frontier in the year 1856",¹ All the Powers were interested in establishing such a line, and thus agreed to limiting the Commission to this tangible aim.

Meanwhile, on May 12 and 13, one of the great victories in Montenegrin history had been won. The truce, which both sides had been persuaded to adopt, had been broken and a struggle between considerable forces had developed at Grahovo. According to the French, who were better represented on the spot than the other Powers, the Turkish army of 8,000 was cut to pieces by a Montenegrin force of 5,000.² The French Government pretended to believe that

1. F.O. 78/1348, No.5, Malmesbury to Bulwer, F.O. 7 June '58.

2. F.O. 27/1249, No.436, Telegram, Cowley to Malmesbury, Paris, 14 May '58.

the Turks were responsible for breaking the truce, but Malmesbury accepted the more likely verdict of Consul Churchill at Ragusa that the Montenegrins were the guilty party. Enraged at Danilo's gesture of defiance to Europe, Malmesbury wrote to Cowley:

"These are the brigands the French are supporting You should induce the French to understand that it can do them no credit to be partisans to such fellows, although they are justified in joining with us and the three other Powers to put a stop to a war which may spread throughout Turkey."¹

The immediate effect of the renewal of fighting was to render any work by the Commission on the ground temporarily impossible. It was consequently decided that the bulk of the work should be transferred to Constantinople, and the engineers alone sent to the Montenegrin frontier after a boundary had been settled on the map by the Ambassadors to the Porte.² To re-establish the truce Malmesbury could only appeal to the French Government to use its influence to dissuade Danilo from any further fighting. This he did repeatedly. Not only did France have stronger political influence with Montenegro than Britain had, but she was also in a better

1. Malmesbury, *op.cit.*, pp.435-6, Malmesbury to Cowley, F.O. 14 May '58.

2. F.O. 78/1348, No.215, Telegram in cypher, Malmesbury to Alison, 23 May '58.

position technically. Churchill, although temporarily at Ragusa as Commissioner, had his permanent Consulate at Scutari, while the French had a consul at Ragusa.¹

In spite of a growing conviction that the Montenegrins were morally in the wrong, Malmesbury's policy remained moderate. Buol even believed that Britain was aligning herself with France in threatening Turkey.² Malmesbury explained to Vienna that while he had urged the Porte to keep the truce, he had no intention of joining France and Russia in talk of Montenegrin independence. He made it quite clear that the fundamental aims of British policy in the Near East were always present in his mind:

"Her Majesty's Government are as anxious as Count Buol can be that the Turkish Empire in Europe should retain its full balance as established by the late war and will in all matters relating to that state and object oppose any other policy ..."³

The British Government's suspicions of Napoleon's intentions grew sharper when French frigates arrived in

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1. F.O. 27/1236, No.370, Telegram, Malmesbury to Cowley, F.O. 14 May '58.
 2. F.O. 96/25, Telegram, Malmesbury to Loftus, 17 May '58.
 3. F.O. 96/25, Malmesbury to Loftus, 18 May '58.

the Adriatic Malmesbury suggested that they should "take care as far as they can that the presence of the squadron in that Sea will not mislead the population of the coast". As a precaution he requested the Admiralty to send a small ship to observe and report on the proceedings of the French squadron, but "without appearing to watch their movements".¹ It subsequently emerged that the French "squadron" consisted of only two frigates, who anchored quietly before Ragusa.²

In the summer of 1858 the tempers of European statesmen were roused by one of the periodic reversions to barbarity which characterized the relations between Christian and Moslem within the Ottoman Empire. On this occasion the Christians were responsible for the atrocities. According to the reports of the British Vice-Consuls at Mostar the Turkish village of Kolashin was fired by the Montenegrins. About five hundred Moslem civilians were massacred, two hundred women and children being burnt alive. Malmesbury wrote a strongly worded despatch to Paris, and his attitude towards the Montenegrin

1. F.O. 27/1236, No.375, Malmesbury to Cowley, F.O., 18 May '58.

2. F.O. 27/1250, No.497, Telegram, Cowley to Malmesbury, Paris, 21 May '58.

2. F.O. 27/1250, No.1271, Cowley to Malmesbury, Paris, 2 Sept. '58.

3. F.O. 27/1250, No.1271, Cowley to Malmesbury, Paris, 30 Sept. '58.

Question was subsequently coloured by his anger at the massacre.¹ Cowley privately congratulated him on his "excellent despatches" on the atrocities at Kolashin.² The French Government refused to co-operate in an enquiry into the event,³ but Malmesbury still hoped to work with France rather than in spite of her. In August the Porte, seizing the opportunity offered by the Montenegrin atrocities, addressed a circular to the Powers calling attention to the acts of violence and outlawry in the northern parts of the Empire, and expressing its intention to demand compensation from Montenegro. Before replying to the circular Malmesbury wished to know the attitude of the French Government, since he had "no desire to pursue a different line". He believed that "the acts of the Montenegrins should be at once disavowed and condemned", but that "it would be useless to insist on the demands for compensation from so poor a people". Returning again to the basic issue raised - the moral authority of the Porte throughout the Empire - he expressed his apprehension that Montenegrin behaviour would "serve to bring

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1. F.O. 27/1238, No. 805, Malmesbury to Cowley, F.O. 25 Aug. '58.
 2. F.O. 519/224, Cowley to Malmesbury, Paris, 2 Sept. '58.
 3. F.O. 27/1260, No.1271, Cowley to Malmesbury, Paris, 30 Sept. '58.

vengeance and retribution upon the whole mass of Christians in the East by destroying all the moral and executive Power of the Porte over her Subjects".¹ Malmesbury realized that the sufferings of the Christians were due not to the tyranny of a fanatical Moslem government, but rather to the weakness of an over-lenient administration, and its inability to prevent religious feuds. The only immediate method of improving the conditions of the Christians was to bolster up the moral authority of the Porte, so that the Hatti Humaioun of 1856 could become a practical programme.

The French Government remained silent on the Kolashin atrocity, but both Thouvenel at Constantinople, and Benedetti, Chargé d'Affaires at the French Foreign Ministry in the absence of Walewski, secretly blamed the Montenegrins.² But the danger of the war increasing, its scale and extent was now passing, Malmesbury, home from Prussia, was on his shooting holiday in Scotland. In a private letter to Achnacarry, Cowley wrote:

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1. F.O. 27/1238, No.822, Malmesbury to Cowley, Potsdam, 27 Aug. '58. Draft seen by Derby and the Queen.
 2. L. Thouvenel: Trois années de la Question d'Orient, (1897) p.246, Thouvenel to Gramont. The only date given is 1858, but the letter was evidently written soon after the Kolashin atrocities.

3. F.O. 27/1240, No.1136, Malmesbury to Cowley, Potsdam, 27 Aug. '58.

"I hope that nothing will now occur to interrupt your repose and the successful war which I trust you are waging on the Grouse".¹

The Ambassadors in Constantinople signed a map and protocol on 8 November, settling the question of the small disputed area around Grahovo in Montenegro's favour.² Napoleon had sent a personal letter to the Sultan, as a result of which the Porte had graciously accepted the line of frontier suggested by the majority of the Commissioners.³ That the settlement was in a small way a diplomatic defeat for Britain did not prevent the Foreign Office from experiencing relief that the frontier was at last established. Malmesbury contented himself with warning Paris and St. Petersburg that Britain would not tolerate any infringement of the settlement by Danilo. He hoped that good relations between the Powers would not again be imperilled "because a petty chieftain may disregard the arrangement to which they have arrived after such tedious exertions".⁴ It seemed better to him that the small village should be declared Montenegrin than that the

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1. F.O. 519/224, Cowley to Malmesbury, Paris, 3 Sept. '58.
 2. Hertslet: Map of Europe by Treaty, Vol.II, pp.1353-4, and map.
 3. F.O. 27/1262, No.1446, Cowley to Malmesbury, Paris, 7 Nov. '58.
 4. F.O. 27/1240, No.1108, Malmesbury to Cowley, F.O.,²³
[continued overleaf]

question should be left any longer in doubt. In a telegram to Bulwer he had commented: "It is a greater object to us to have the question settled than any particular line of boundary."¹

For Malmesbury's remaining months of office it is as diplomatic discussion of Montenegro was concerned only with the International Commission of engineers who were to mark the new boundary on the ground. They had not started their work at the time of his resignation in June, 1859. But by the spring of 1859 the question of Montenegro, which had so preoccupied European diplomats a year before, had become a very small factor in the complex pattern which threatened to draw all the Powers into war.

Malmesbury's handling of the Montenegrin crisis had been on the whole satisfactory. The minor territorial settlement of November, 1858, had been in a sense a diplomatic defeat for Britain, since Grahovo had been handed over to Prince Danilo. It could even be argued that Napoleon's private letter to the Sultan had foiled Bulwer's attempts to decide the matter in Turkey's favour, while Malmesbury had been peacefully shooting grouse in

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Nov. '58; and F.O. 65/514, No.70, Malmesbury to Sir John Crampton, Minister in St.Petersburg, F.O. 24 Nov. '58, (identical despatches).

1. F.O. 78/1351, No.291, Telegram, Malmesbury to Bulwer, F.O. 23 Oct. '58.

Scotland. But Malmesbury had never publicly declared Grahovo to be Turkish, and even his expressions of private opinion to Cowley had been far from emphatic. Nor had the agreement of November 8 appreciably injured the reputation of the Porte, who had not regarded it as a major issue. Much more important for the integrity of the Ottoman Empire was the preservation of the Sultan's suzerainty over Montenegro. Malmesbury had resisted Montenegrin independence with great firmness at a time when any weakness on his part might have left the Porte undefended.

An aspect of the Montenegrin negotiations which appeared ominous for Britain was the growing concern of the French Government for the good-will of St. Petersburg. The Franco-Russian alignment, which had been apparent immediately after the Congress of Paris in the disputes over Bolgrad and the Isle of Serpents, had been still more marked throughout 1857. The Montenegrin War in the spring of 1858 gave Napoleon and his Russophil Foreign Minister a further opportunity to gain credit with Alexander II and Prince Gorchakov. But the new development had not been allowed to damage the Anglo-French Alliance. Napoleon was apparently satisfied with the small territorial gain for Montenegro, and Malmesbury had reason to be content with the French withdrawal on

the question of full independence.

Another question, tragic enough in its origins, served to cement the Anglo-French Alliance in the East. On the 15 June, 1858, the Arabian port of Jeddah was the scene of the most violent anti-Christian outbreak which the Ottoman Empire had experienced since the end of the Crimean War. The Indian owners of a ship anchored at Jeddah had tried to consider it as being under Ottoman law. A local tribunal declared that the ship was British, but in defiance of this verdict the crew hoisted the Turkish flag. The hoisting of the crescent was the signal for a Moslem riot, which ended in the murder of Mr. Page, the British Consul, and of M. Eveillard, the French Consul, and his wife. The consulates were looted and destroyed and a massacre of Christians followed.

Captain Pullen, whose ship, the frigate H.M.S. "Cyclops", was anchored at Jeddah, had played a part in resisting the surrender of the Indian ship from British to Ottoman jurisdiction. He could do little during the massacre but rescue survivors. The case of the Indian ship had been only the immediate cause of the outbreak. For some time Moslem fanaticism had been growing in Jeddah, and had been intensified by the rising prosperity of the European colony and the increasing number of steam

boats in the harbour.¹

The massacre had taken place during the night of 15 - 16 June, but because of the remoteness of Jeddah from Constantinople Malmesbury did not hear of the tragedy until 11 July, when he received the news by telegram from Bulwer. As he subsequently told the Lords, he "did not lose an hour" in sending back instructions.² Bulwer was to inform the Porte that Britain would require the "most ample reparation". Instructions were also sent via Malta, to H.M.S. "Cyclops" to return from Suez to Jeddah, whence she had sailed after the massacre, "and to obtain if necessary summary punishment on the murderers of the two Consuls".³ The wording of Malmesbury's first telegrams is significant in view of later developments.

The Porte's reaction appeared equally prompt. Bulwer privately assured Malmesbury that the Turks had been

1. A detailed account of the massacre was given in the Moniteur, 15 July '58. A report of the events was made by Malmesbury to Parliament; Hansard, 3rd Series, Vol. CLI, House of Lords, 19 July '58. A secondary source briefly narrating the massacre is Spencer Walpole, op.cit., Vol.IV, pp.32-33. The details given by Spencer Walpole of the case leading to the massacre are accurate, but he speaks of subsequent British action as being taken by "Lord Palmerston's Government".
2. Hansard, 3rd Series, Vol. CLI, House of Lords, 19 July '58.
3. F.O. 27/1237, Telegram in cypher, Malmesbury to Cowley, F.O., 11 July '58.

"thrown into a state of consternation at the massacre", but that they would do everything they could "in the shape of atonement".¹ Ali Pasha, the Grand Vizier, had at first been inclined to doubt the truth of the reports, but declared that he would feel "the greatest sorrow" if they were confirmed.² Once the truth could no longer be doubted the Porte announced that Ismail Pasha, a divisional general, was to be sent to Jeddah with a large force and a firman for the summary punishment of the murderers.³ The Sultan sent his Secretary to Bulwer to assure him that "there was nothing which he would not do to testify to his own feeling and satisfy the British Government."⁴ The Grand Vizier was only too aware that Jeddah was a port and was therefore at the mercy of impetuous British naval commanders. He begged Bulwer to see that the British Navy did not "proceed to extremities against Jeddah", before the arrival of Ismail Pasha.⁵

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1. F.O. 519/167, Cowley's Précis of Bulwer's private letter to Malmesbury, dated Constantinople, 14 July '58.
 2. F.O. 78/1349, No.47, Telegram in cypher, Bulwer to Malmesbury, Constantinople, 13 July '58.
 3. F.O. 78/1349, No.59, Telegram in cypher, Bulwer to Malmesbury, Therassia, 16 July '58.
 4. F.O. 78/1349, No.61, Telegram, Bulwer to Malmesbury, Therassia, 17 July '58.
 5. F.O. 78/1349, No.70, Telegram in cypher, Bulwer to Malmesbury, Therassia, 20 July '58.

His fears were soon justified. Captain Pullen returned to Jeddah with the "Cyclops", and bombarded the town. News of his action was an unpleasant shock for the Foreign Office, where Malmesbury's initial orders had not been intended to be followed by so violent a step. At Constantinople Bulwer heard of the bombardment with keen apprehension. He was not sure if the Turkish reaction would be one of fear or indignation but he commented grimly: "For some weeks to come at all events no one's life will be safe in certain parts of this Empire." He undertook the task of informing both the Grand Vizier and the French Ambassador of Pullen's action. While he was speaking to Ali Pasha a despatch from Musurus in London arrived, and confirmed the news. The Grand Vizier was "alarmed and in some degree excited," and remarked that since the Porte "had done everything in her power" she "might have expected to be better treated". Bulwer feared that the Sultan might be obliged by popular pressure to "take up the matter in the most serious manner" and lodge a formal protest. But he could report one favourable factor: Thouvenel had received the news in the best spirit, and had expressed the opinion that France should share responsibility for an unforeseen development.¹

1. F.O. 78/1350, No.147, Telegram in cypher, Bulwer to Malmesbury, Therassia, 23 Aug. '58.

When the news of the bombardment reached Western Europe Malmesbury was in Prussia with the Queen. He drafted a despatch himself from Potsdam instructing Bulwer to tell the Porte "that Her Majesty's Government regret very much this unfortunate event", but on reflection apparently decided that this was too abject, and altered "unfortunate event" to "occurrence". He explained that instructions which had been originally sent to Pullen from the Foreign Office via the Admiralty had been modified by a second telegram instructing the Captain to await the arrival of Ismail Pasha before taking any action. This second telegram had reached Suez only after the departure of the "Cyclops" for Jeddah.¹ In a telegram to Bulwer from Potsdam Malmesbury stated more briefly but more pointedly:

"I regret the hasty action of Captain Pullen but he must be supported".²

Once the unfortunate incident had taken place the Foreign Secretary was clearly adopting the right policy in refusing to denounce Pullen's action. His theme that the second

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1. F.O. 78/1350, No.146, Malmesbury to Bulwer, Potsdam, 23 Aug. '58.
 2. F.O. 78/1350, No.175, Telegram in cypher, Malmesbury to Bulwer, 20 Aug. '58.

telegram had unfortunately reached Suez too late was scarcely sufficient as an explanation, since the question at once arose: what was intended by the first telegram, and did Pullen misinterpret it? Nevertheless, polite language to the Porte, coupled by firm support of Captain Pullen, was now the only course open which was at once prudent and dignified. Meanwhile the Captain had associated himself with Ismail Pasha in the opening of the investigation at Jeddah, and had then returned to Suez, so that the position was not so bad as it had at first appeared.¹ Malmesbury's next telegram adopted a stronger line:

Our excuse will be extraordinary outrage rendering it necessary to take the law into our own hands...²

The extra-legal, human argument was unanswerable: a British Consul had been murdered because a local governor could not - or would not - keep order; the quickest means of delivering retribution was in the shape of British shells. More sober men than Pullen had reacted

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1. F.O. 96/25, Telegram, Malmesbury to Bulwer, Potsdam, 26 Aug. '58.
 2. F.O. 78/1350, No.177, Telegram in cypher, Malmesbury to Bulwer, Potsdam, 27 Aug. '58.

in a similar manner to the original news of the massacre.

Cowley had written privately to Malmesbury:

What a horrible history at Jeddah. Why did not the "Centaur" [sic] blow the place to atoms?¹

But subsequently Cowley and Bulwer had both been more timid than Malmesbury.

If Pullen's action had been understandable in human terms, there had clearly been confusion in the issuing of his first instructions. As Malmesbury had informed the Lords, he had requested the Admiralty to take action within an hour of hearing the news of the massacre.

The source of the instructions which eventually reached the "Cyclops" is a minute in Malmesbury's hand:

Assuming that we have a heavy steamer in the Red Sea apply to Admy. to order by telegraph to Malta that she should repair at once to Jeddah and obtain summary punishment on the murderers of our Consuls. Leave it to the Captain's judgement to use force if necessary.²

Evidently Malmesbury did not envisage an immediate bombardment of the port when he wrote these words. He telegraphed to Bulwer:

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1. F.O. 519/224, Cowley to Malmesbury, Paris, 11 July '58.
 2. F.O. 26/25, Note in Malmesbury's hand, 11 July '58. Underlining in the original.

wished the Captain to use force only after more judicious methods had failed to secure summary punishment of the murderers; he did not intend him to establish his authority by an initial display of force. But Malmesbury's orders underwent a transition at the Admiralty, as the following note by Hammond indicates.

I found at the Admiralty that the instruction which was sent off in consequence of our letter of 11th, was in so many words an authority to 'bombard' the place if redress was refused. Our letter did not however use so ugly a word.¹

The Admiralty, thinking of "punishment" in terms of bombs and shells, had misinterpreted the intentions of the Foreign Office. But Malmesbury was also to blame for not having made his original instructions explicit.²

The Pullen incident did not lessen the demands of the British and French Governments for punishment of the criminals and financial compensation for the victims. Malmesbury realized that if necessary the temporary prestige of the Porte within the Ottoman Empire would have to be sacrificed to maintain British prestige in the East. He telegraphed to Bulwer:

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1. F.O. 96/25, Note in Hammond's hand, 23 July '58.
 2. Nowhere is there any indication of the extent or duration of Captain Pullen's bombardment, or of the damage done, or casualties inflicted.

Even great political objects as they regard
our Alliance with the Porte must yield to
the paramount principle of supporting British
and Christian prestige in those regions.

The murderers must be publicly executed and the
Pasha given "the power of life and death... without
tedious references to Constantinople". He added that
marines would be used to take possession of Jeddah if
justice was not obtained.¹

The question of the Pasha's power to sentence the
criminals to death was a difficult one. One of the great
abuses in the Empire before 1856 had been the power over
life and death held by local officials, and it had
been explicitly reformed by the Hatti-Humaïoun of that
year. It was therefore essential that the Pasha should
receive formal permission from the Sultan before passing
a sentence of death. Bulwer was afraid lest the
British and French Commissioners at Jeddah should demand
the execution of the murderers before the Sultan's
permission arrived. He believed that "for the sake of
India" it was important "to show clearly that the Head
of the Faith is on our side."² Furthermore, there were

1. F.O. 96/25, Telegram, Malmesbury to Bulwer, F.O.
15 July '58.

2. F.O. 78/1349, No.85, Telegram in cypher, Bulwer
to Malmesbury, Therassia, 24 July '58.

F.O. 27/1258, No. 729, Malmesbury to Cowley, F.O.
31 July '53.

at Mecca 300,000 pilgrims whose return home would scarcely make for religious peace.¹

As regards financial compensation the Sultan had come forward with a personal offer before the bombardment of Jeddah by H.M.S. "Cyclops". A million piastres were to be divided among the surviving victims of the massacre; a pension of a thousand francs per month for life was awarded to the daughter of the murdered French Consul, and the equivalent amount to the heirs of the British Consul, if he had any.² In addition to the Sultan's gift the British and French Governments decided that a levy should be made on the inhabitants of Jeddah to provide a more substantial compensation for the sufferers. Walewski suggested to Cowley that the town should pay immediately three million francs as a first instalment, and that the Customs revenue should be seized as security.³ Malmesbury replied that three million francs was too large a sum to expect.⁴ After six or

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1. F.O. 78/1350, No.147, Telegram in cypher, Bulwer to Malmesbury, Therassia, 23 Aug. '58.
 2. F.O. 78/1349, No.77, Telegram, Bulwer to Malmesbury, Therassia, 21 July '58. These facts were given to Parliament by Fitzgerald; Hansard, 3rd Series, Vol.CLI, House of Commons, 22 July '58.
 3. F.O. 27/1256, No.967, Cowley to Malmesbury, Paris, 29 July '58.
 4. F.O. 27/1238, No. 729, Malmesbury to Cowley, F.O., 31 July '58.

seven weeks of debate the French Government agreed to accept Malmesbury's ideas on the indemnity.¹

Difficulties were still to be encountered at Jeddah. After his arrival at the port, the Turkish general, Ismail Pasha, declared that he had no powers as a commissioner. Instead of trying the criminals on the spot with the help of the English and French Commissioners, he departed for Constantinople with thirty-six prisoners. Malmesbury demanded an explanation from the Porte.² Ismail Pasha even refused to send back to Jeddah the prisoners whose evidence was required by the Commissioners, but on representations being made by Bulwer the Grand Vizier agreed to send a formal Commissioner and to have the needed prisoners returned. Ali Pasha was still uncomfortable at the thought that the British Commissioner had H.M.S. "Cyclops" and a force of marines at his disposal. Bulwer, also apprehensive, asked Malmesbury: "Is Captain Pullen a proper person to be in a position to act on discretionary orders?"³ The reply

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1. F.O. 27/1259, No.1211, Telegram, Cowley to Malmesbury, Paris, 17 Sept. '58.
 2. F.O. 78/1351, No.236, Telegram in cypher, Malmesbury to Bulwer, F.O., 5 Oct. '58.
 3. F.O. 78/1351, No.257, Telegram in cypher, Bulwer to Malmesbury, Therassia, 11 Oct. '58.

might well have been made that Pullen's presence appeared to be the only factor which prevented the Porte from avoiding its obligations.

The Porte still delayed sending its Commissioner to Jeddah. Malmesbury was obliged to threaten again "to take the matter into our own hands," adding as a reminder that there were "five men-of-war off Jeddah with marines."¹ His threat had the desired effect. The very next day the Porte announced the name of its Commissioner - General Segid Pasha - who was to proceed in a few days.² Tension was further relaxed when Captain Pullen, whose services were required elsewhere by the Admiralty, was succeeded as Commissioner by Mr. Walne, the Consul at Cairo.³ But still the Turkish Commissioner did not arrive. By the middle of November Malmesbury's patience was so far spent that he informed the Porte that he would be obliged to instruct his own Commissioner to proceed without waiting for Segid Pasha. Any decision reached by the British and French Commissioners before

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1. F.O. 78/1351, No.292, Telegram in cypher, Malmesbury to Bulwer, F.O., 24 Oct. '58.
 2. F.O. 78/1351, No.302, Telegram in Cypher, Bulwer to Malmesbury, Therassia, 25 Oct. '58.
 3. F.O. 78/1351, No.333, Telegram, Malmesbury to Bulwer, F.O., 9 Nov. '58.

the arrival of their Turkish colleague would be binding on him, even though he should disagree with it.¹ Once again the Porte was stirred into life, and Segid Pasha at last despatched.

Meanwhile the trials of the accused had been conducted at Jeddah by the normal legal authorities, and a number of men found guilty of murder had already been executed. But the British and French Governments feared that the more influential criminals would be acquitted, unless their Commissioners played a fuller part in the trials. Malmesbury warned Walewski, however, that the two Commissioners could not entirely take over jurisdiction of the case. The alternative was for the Commissioners to be associated with the Turkish authorities in the same way as a British Consul was associated with a British judge when a British subject was tried in Turkey for murder. In any case it was desirable that the Commissioners should be present at the trials, should be allowed to submit evidence, and should have the right to appeal to the Porte against any verdict of the local court.² With all these points Walewski expressed

1. F.O. 78/1352, No.350, Telegram, Malmesbury to Bulwer, F.O., 15 Nov. '58.

2. F.O. 27/1240, No.1109, Malmesbury to Cowley, F.O., 23 Nov. '58.

complete agreement.¹ The Porte quietly submitted.²

Feeling that the trial of the criminals was now running smoothly, if slowly, Malmesbury turned his attention to the question of the indemnity, which had been forgotten by all parties for several months. The new year had begun, and the history of the Jeddah massacre was now six months old. Yet the Porte had taken no steps to exact the promised indemnity from the town. Malmesbury commented: "This is too bad," and instructed Bulwer to set the matter right.³ Bulwer was half convinced by the Porte of the difficulty of the situation; the town of Jeddah had been bombarded; some of its inhabitants had been hanged, while others were awaiting hanging; the Arab population was already accusing the Sultan of being sold to the Christians. The Porte felt that it was unwise to antagonize the town further, but fully undertook to pay the indemnity itself.⁴

In March the French Government, wearying of the

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1. F.O. 519/9, No.1519, Cowley to Malmesbury, Paris, 28 Nov. '58.
 2. F.O. 78/1352, No.412, Telegram, Bulwer to Malmesbury, Constantinople, 6 Dec. '58.
 3. F.O. 96/26, Telegram, Malmesbury to Bulwer, 17 Jan. '59.
 4. F.O. 78/1422, No.87, Telegram in cypher, Bulwer to Malmesbury, Constantinople, 31 Jan. '59.

whole affair, withdrew their Commissioner. Malmesbury expressed his regret at the step,¹ but by then was himself fully occupied with the crisis in Western Europe. When he resigned from office in June, the indemnity still remained unpaid.

His handling of the Jeddah affair should not be judged solely by his inability to secure an indemnity. By exploiting Captain Pullen's unwise action in shelling the town, and by a judicious use of threats, he had at least secured a measure of justice. Many of the culprits had been hanged, and any further tendency to unrest was suppressed by the presence of British marines. On the other hand he had not been tempted to use more force than was necessary. Stratford de Redcliffe enquired in the House of Lords whether there was any truth in a rumour that the Government had considered occupying Mecca or seizing some religious symbol from the holy city. Malmesbury could truthfully reply that the rumour was quite unfounded.²

The murder of the two Consuls had a happy effect on Anglo-French relations in the East. At a time when the

1. F.O. 27/1281, No.286, Malmesbury to Cowley, F.O., 19 March '59.

2. Hansard, 3rd Series, Vol.CLI, House of Lords, 19 July '58.

questions of Montenegro and the Principalities were alienating the two Powers the tragedy at Jeddah did much to sustain the alliance. The French Government showed itself consistently eager to fall in line with British ideas, and had been prepared to countermand orders to Thouvenel, rather than offend Malmesbury. Only in the spring of 1859, when Napoleon's Government was concerned with more pressing matters in the West, did it abandon common efforts with Britain at Jeddah.

The deeper importance of the tragedy had been its indication of the great evil of religious strife in the Ottoman Empire. The combined talents of European statesmen in 1856 had been unable to devise a means of taming Moslem fanaticism. The civilized ideas behind the Hatti-Humaïoun had not been translated into social facts. Palmerston's long direction of the Foreign Office had succeeded only in propping up the decaying walls of the Turkish Empire. Malmesbury's great familiarity with the personalities and problems of Western Europe was supplemented by no first-hand knowledge of the East. It was not likely that he could mitigate the evils in Turkey in eighteen months, when Palmerston, with the help of the immense prestige of Stratford de Redcliffe, had not succeeded in the course of many years. Malmesbury had shown

energy in taking the measures immediately demanded by the Jeddah disaster; he could not hope to cure the disease of which it was a symptom.

The Jeddah affair had shown that the French Government regarded their alliance with England as a working organization. A brief but sharp crisis over Serbia in the winter of 1858-9 tested Malmesbury's disposition towards Franco-Austrian rivalry.

The revolution of December, 1858, which replaced Alexander Karageorgević by Milosch Obrenović did not cause any great friction between the Powers, but a surprising declaration by the Austrian Government immediately after the revolution led to hasty and heated exchanges. The part played by the Powers in the revolution itself was limited to consular influence, and Mr. Fonblanque, the British Consul, was probably less partisan than the consuls of Austria, Russia or France. In recommending the Porte to accept Milosch, once the revolution had proved successful,¹ Malmesbury was simply following the traditional British policy of recognizing a de facto government, especially when it had been brought to power without bloodshed and in accordance with the great weight

1. F.O. 27/1352, No. 472, Cowley to Malmesbury, Paris 21 Dec. 1858.

1. F.O. 78/1352, No. 457, Telegram in cypher, Malmesbury to Bulwer, F.O., 27 Dec. '58.

of public opinion. His readiness to recognize an Obrenović ruler in Serbia did not mean that British policy was yet prepared for Serbian independence, or even for the removal of the Turkish garrison from Belgrade. In the spring of 1859, when war in Italy was imminent, there were rumours of a Franco-Sardinian attempt to encourage a Serbian movement of independence. Walewski had to assure Cowley that the rumours were false.¹ He went further and instructed the French Consul to warn Prince Milosch that France would view with displeasure any attempt to declare independence.² On the question of the Sultan's sovereignty over Serbia, France and England were in closer agreement than they were over the parallel question with reference to Montenegro.

At the end of December, 1858, the Austrian Government shocked the Governments of the other Powers by the sudden announcement that if the Turkish fortress in Belgrade was attacked, and the Pasha in command asked for help, Austrian troops would be sent to defend it. The French Government immediately insisted that the declaration was in contradiction to the 29th Article of the Treaty of Paris, which

1. F.O. 27/1294, No.472, Cowley to Malmesbury, Paris 21 April '59.

2. F.O. 27/1297, No.777, Cowley to Malmesbury, Paris 2 June '59.

3. F.O. 78/1358, No.469, Telegram in cypher Malmesbury to Bulwer, F.O. 31 Dec. '58.

stated quite simply : "No Armed Intervention can take place in Serbia, without previous agreement between the High Contracting Powers."¹ Malmesbury pointed out to the Austrian Minister, Count Apponyi, that the French were correct in their claim, and added that he "greatly regretted" the Austrian move. He telegraphed to Constantinople to urge the Porte to send orders to Belgrade not to demand assistance "except in extremity". But it seems probably that he secretly sympathised with the intentions behind the Austrian Government's declaration and was surprised and irritated only by the indiscreet method which they had adopted. He commented to Bulwer:

The moral effect of Austrian troops would be fatal. On the other hand if Belgrade which is purely a Turkish fortress fell in the hands of the insurgents the Porte would be at their mercy and the object of the Treaty of Paris is to defend the integrity of the Ports.²

The definition of Belgrade as "purely a Turkish fortress" rings a little strangely, but Malmesbury had appreciated the paradoxical nature of the situation. Austria, by offering assistance, if required, to Turkey, had broken a clause of the Treaty of Paris, although that Treaty was primarily intended to defend Turkey.

1. Hertslet: Map of Europe by Treaty, Vol. II, p. 1262.

2. F.O. 78/1352, No. 464, Telegram in cypher Malmesbury to Bulwer, F.O. 31 Dec. '58.

Legally, however, Napoleon's Government was on firm ground in remonstrating with Austria. The French Chargé d'Affaires at Vienna was instructed to inform Buol that the French would "oppose by all the means in their power so flagrant a violation" of the Treaty. Cowley was convinced that the French Government were not seizing upon the illegality of the Austrian declaration as a means of picking a quarrel, or of diminishing Austria's moral prestige in Europe, but that they seriously regretted the Austrian move. Walewski spoke of it "without any acerbity of manner", and explained his position to the Austrian Ambassador, Baron Hübner, "very amiably... though without any concealment of the gravity of the crisis." Hübner, always mild and inoffensive, made no attempt to defend the Austrian declaration. In speaking to Cowley, Walewski made it clear that he would appreciate Malmesbury's diplomatic support at Vienna, although he made no formal invitation.¹

In reply to Malmesbury's expressions of regret Buol made a first attempt to defend his declaration on legal grounds. He admitted that armed intervention in Turkey was forbidden by the Treaty of Paris, unless all the signatories had previously agreed to it. But he argued that

1. F.O. 27/1264, No.1657, Cowley to Malmesbury, Paris 31 Dec. '58.

military aid to the Porte, when requested, did not constitute "armed intervention". The point was a fine one. Approaching the question in a more concrete manner, he said that his announcement had been made simply to discourage the Serbian insurgents from attacking the fortress. Any protest from the other Powers against his announcement would have the opposite effect, as would Malmesbury's advice to the Porte not to request aid.¹

Malmesbury was pursuing his usual policy of admitting a degree of justice in French criticisms of Austrian policy, but trying to modify those criticisms. He wrote a note to Malakoff which caused temporary friction with Walewski. The note confirmed his agreement with the French on the basic illegality of the Austrian move, but then repeated his conviction that the move was nevertheless understandable, in view of the consequences which would follow the surrender of the Belgrade fortress to the Serbs. Walewski objected to the note on two points: in the first place he disapproved of the formal method of a note being used, since it would demand a formal answer; and in the second place the contents of the note - Malmesbury's attempt to excuse Austrian policy - gave him "great concern".

¹ F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 1 Jan. '59.

Cowley answered the charges with his usual tact. He assured Walewski that the medium of a formal note had been adopted simply because Malmesbury had been absent in the country when the crisis developed, and could not interview the French Ambassador. He had, however, invited Malakoff to Heron Court, his country house, but the latter had been unable to accept. As regards the contents of the note Cowley again affirmed that British policy agreed with French policy in principle. Malmesbury had condemned the Austrian announcement, and his language in Vienna had not "been wanting in firmness". The final comment in the note to Malakoff, expressing Malmesbury's opinions of the dangers which would result from a Serbian occupation, "should rather be considered as a friendly proceeding towards the French Government as evincing" his "desire to have no reserve in treating with this question of general importance." Finally Cowley reminded the French Foreign Minister that Malmesbury had warned the Porte not to ask for Austrian assistance. Walewski was obliged to agree that Malmesbury's intentions had been wholly praiseworthy. But Cowley was left with the impression that if Austrian forces moved into Serbia, Napoleon would go to war. He added: "I trust that no attack will be made on the fortress at Belgrade, and that this matter will thus fall

to the ground."¹

His hope soon appeared likely to be fulfilled. Bulwer telegraphed that the Porte had ordered its Pasha at Belgrade not to accept Austrian assistance; the fortress was quite strong enough to resist any attack, and no attack was, in fact, probable.²

Although the crisis was now easing, it was still prolonged by Austrian obstinacy. In addition to making their announcement to the Powers, the Austrian Government had sent positive orders to the general on the Serb frontier to march into Belgrade if requested to do so by the Porte. They now refused to revoke the order.³ Buol tried to dismiss the matter as unimportant: the danger to Belgrade had passed; the Porte had declined Austrian offers of aid; the "notification" of the Austrian general thus became a "dead letter" which needed no recall.⁴ But Malmesbury was as dissatisfied as the French Government with this attempt on Buol's part to pass over an embarrassing situation.

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1. F.O. 27/1288, No.13, Confidential, Cowley to Malmesbury 3 Jan. '59.
 2. F.O. 78/1422, Telegram in cypher, Bulwer to Malmesbury, Constantinople, 6 Jan. '59.
 3. F.O. 96/26, Telegram in cypher, Malmesbury to Bulwer, 8 Jan. '59.
 4. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 10 Jan. '59.

The number of general legal points and questions of definition which had been brought forward to support the various arguments was remarkable for so short a crisis. One last point remained to be debated - a point so abstract that it was rather one of pure logic than of international law. In a conversation with Cowley, Walewski claimed that Austria's declaration had itself been a violation of the 29th Article of the Treaty of Paris. Cowley protested that a threatened violation was not the same as an actual breach. When the argument was reported to Malmesbury, who always had an appetite for questions of abstract logic, he supported Cowley's point with enthusiasm, and pointed out that a promise of friendship would not earn the same gratitude as a formal treaty of alliance.¹ The parallel was scarcely a valid one. Most treaties of alliance are conditional upon certain eventualities, but are still binding legal documents. In the same way the Austrian offer to the Porte was a formal transaction, dependent upon a circumstance which was at least possible, if not probable. As such it could be regarded no less easily as a breach. The question, like most questions of international law, resolved itself into one of definitions. Once

1. F.O. 27/1279, No.45, Malmesbury to Cowley, F.O., 10 Jan. '59, Draft seen by Derby and the Queen.

diplomats have appreciated that an argument of definitions is a fruitless one, they consider the "spirit" of the law, or the real intentions of the original law-makers. In this case Austria had clearly broken the spirit of the Article on Serbia in the Treaty of Paris, but had, paradoxically, acted according to the general spirit of the whole Treaty, by planning to defend the Ottoman Empire. It was this verdict on the Austrian act which Malmesbury had already tried to express.

Since Austria had refused to revoke the orders to her general, the British Foreign Secretary, acting entirely without prompting from France, took an unexpectedly strong line. He ordered Lord Augustus Loftus "to place formally on record a written declaration in the form of a Protest on the part of Her Majesty's Government that they would consider the employment of Austrian troops for the defence of... Belgrade without previous agreement with the other powers parties to the Treaty of Paris, as a breach of the 29th Article of that Treaty..."¹ At that Malmesbury was prepared to leave the matter. He did not believe that his protest would ever have to be acted upon, but it would serve to remind Austria that if a crisis ever developed at Belgrade Britain would not countenance a

1. F.O. 27/1279, No.46, Malmesbury to Cowley, F.O., 10 Jan. '59. Draft seen by Derby and the Queen.

2. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 12 Jan. '59.

solitary Austrian intervention. At the same time both the Russian and Prussian Governments were making formal demands to Austria that the orders to the general should be revoked, and the French Government was lodging a formal protest.¹ Malmesbury believed that the position had now altered as a result of the Porte's rejection of Austria's offer. Buol, he felt could now well afford to withdraw his orders "out of deference to the advice of the other Powers leaving the consequences upon their heads." Before knowing that the Russian Government had already added the weight of their representations at Vienna, he even went so far as to request St. Petersburg to send a formal protest similar to his own.² In spite of pressure from all the other Powers, Buol still stubbornly refused to re-call the order. Loftus reported that the truth was that the order had been given by the Emperor himself without Buol's knowledge. It would be useless to press the Austrian Government further.³ Loftus, never a very confident diplomat, was nervous of the idea of lodging a formal protest. He suggested to Malmesbury that he might read a despatch to Buol and leave a copy, rather than

1. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury.

1. F.O. 27/1288, No45, Cowley to Malmesbury, Paris, 10 Jan. '59. No.48. Confidential, Cowley to Malmesbury, Paris, 10 Jan. '59.
2. F.O. 65/531, No.21, Telegram in cypher, Malmesbury to Crampton, F.O., 10 Jan. '59.
3. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 12 Jan. '59.

write a formal note. The milder course was being adopted by the French and Prussian Chargés d'Affaires.¹ Malmesbury accepted the suggestion and merely altered the words of his despatch from: "to place formally on record a written declaration in the form of a protest" into "to read and give a copy to Count Buol of this despatch as a formal record of a protest."² The effect of using a milder medium for lodging a protest was to some extent outweighed by the fact that Malmesbury had now aligned his action with that of France. Once the various protests had been delivered, the crisis was tacitly allowed to die. The Austrian Government had shown itself only partially penitent, but it had felt the full weight of the Anglo-French Alliance on the side of respect for the Treaty of Paris.

The crisis had illustrated one of the bases of Malmesbury's foreign policy: a respect for treaties. In his eyes the Treaty of Paris was not less important than the Treaty of Vienna. If Austria were allowed to disregard the former, France could not be dissuaded from disregarding the latter. So far as the incident had

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1. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 17 Jan. '59.
 2. F.O., 27/1279, No.92, Telegram, Malmesbury to Cowley, F.O., 18 Jan. '59.

been a purely Franco-Austrian struggle, Malmesbury had shown himself completely impartial. He had made excuses for Austria in Paris, but had been firm in his language at Vienna. He had finally considered taking even stronger action at Vienna than the French, and had changed his mind only at the request of a nervous agent. His prompt and insistent advice to the Porte had been the main factor which prevented the crisis from developing further. This, rather than Walewski's veiled hints of war, had nullified Austria's unwise move. Of the many potential causes of a Franco-Austrian break, one, at least, had been avoided.

French alliance is a safe alliance with Austria, and, as a complement to this, departing from the enlightened Eastern policy which Gladstone had maintained at the Congress of Paris. The charge is no more justified with reference to his policy over the Danube, than it was with regard to his attitude to the brief Serbian crisis.

The Congress of Vienna had declared the Rhine to be an international river, differing fundamentally from those rivers, no matter how large, whose banks were all in the possession of one nation. The Congress of Paris had extended to the Danube those principles which had been laid down in 1815 for international rivers. The

articles dealing with the Danube were in some respects the most enlightened in the whole Treaty of 1856. They had been included CHAPTER VI assistance of France and England, and in the teeth of Austrian opposition. But England

The Eastern Question: The Danube and the Principalities
 had been represented by one of the most respected of his statesmen. Malmesbury's critics would

In the Serbian dispute Malmesbury had resisted the attempt by Austria to ignore the Treaty of Paris. He resisted another attempt still more firmly with reference to the Danube. Contemporary critics of his policy, and several subsequent historians have accused him of shifting from the French alliance to a new alignment with Austria, and, as a complement to this, departing from the enlightened Eastern policy which Clarendon had maintained at the Congress of Paris. The charge is no more justified with reference to his policy over the Danube, than it was with regard to his attitude to the brief Serbian crisis.

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articles dealing with the Danube were in some respects the most enlightened in the whole Treaty of 1856. They had been included at the insistence of France and England, and in the teeth of Austrian opposition. But England had been represented at the Congress by one of the most respected of Whig statesmen. Malmesbury's critics would presumably expect him, as a Tory Minister, to have rejected the principle of free trade and free navigation on the Danube, and to have been at least tolerant of Austria's claim to special rights of navigation. In fact, the exact opposite is the truth. In the practical course of negotiations he proved to be stubborn in his defence of the principle of internationalism on the River. In at least one instance he was firmly opposed to Austrian schemes on the Danube, where his predecessors had been prepared to concede Austrian rights.

The most lasting of all the measures taken by the Treaty of Paris was the creation of the European Commission of the Danube. That it was originally intended to be a temporary body does not remove the fact that its establishment in the first place was a sound step. British policy had been instrumental in forming the European Commission in 1856, and consistently supported its prolonged existence into the twentieth century.

During Malmesbury's period the Commission appeared threatened at one time by Austrian policy, and the British Foreign Secretary was obliged to act firmly, in unison with France, to resist the threat. The Riverain Commission, which had been intended as permanent, was already moribund in 1858. But a step taken by the Riverain Powers, in direct breach of the Treaty of Paris, provided a passing crisis over the Danube and demanded a strong line from Malmesbury.

This step was the ratification on 9 January 1858, without reference to the other Powers, of the "Navigation Acts" which had been signed in the first place, on 7 November 1857, at what was to prove the last meeting of the Riverain Commission.¹ Protest from the Western Powers was based not, at first, on the content of the Navigation Acts, but on the very fact that they had been signed by the Riverain Powers without the sanction, or even the knowledge, of the signatories of the Treaty of Paris. The Austrian Government had been obliged to carry through the Acts by her commitments with the Austrian Danube Steam Navigation Company.² But the step was

1. The text of the Navigation Acts is in Sturdza: Recueil de documents relatifs a la liberte de Navigation du Danube, pp.51-66.

2. Hajnal, H.: The Danube, pp.801.

regarded in France and England simply as a gesture of defiance, a gesture all the more unwise since the Danube was on the agenda of the Conference to be held by the Powers at Paris in the summer. Cowley wrote to Sir Hamilton Seymour at Vienna: would have been an understandable -- though a mistaken -- line of policy. Malmesbury

It is impossible to exaggerate the bitterness which is felt here with respect to the Ratification business... I dread the Conference in which Austria will get such a slap in the face, as may lead to serious consequences.¹

When Hüber attempted to present Walewski with the published report of the convention, the French Foreign Minister refused to accept it officially, declaring that if he did so he would be obliged to denounce its validity.²

But France took no further action for the time being, and when Malmesbury arrived at the Foreign Office at the beginning of March, Austria appeared to be carrying her point. Cowley at once assured the new Foreign Secretary: "The silence of France is rather to be attributed to the complete exhaustion of all argument, than to a desire to conciliate Austria."³

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1. F.O. 519/223, Cowley to Seymour, Paris, 3 January '58.
 2. F.O. 27/1243, No.169, Cowley to Clarendon, Paris, 6 Feb. '58.
 3. F.O. 27/1245, No.81, Cowley to Malmesbury, Paris, 13 March '58.

Malmesbury, for his part, had no intention of remaining silent. He entered office when the storm with France over the Orsini Attempt was at its noisiest. To have secured the good-will of Austria, by leaving the Danube question in abeyance, would have been an understandable -- though a mistaken -- line of policy. Malmesbury did not consider it. Instead he wrote in some warmth to Vienna that "Great Britain would not allow the rights secured to her by Treaty with Turkey to be set aside by any regulations made by the Danube Riverain States."¹ Buol's rejoinder seemed to imply that ancient treaties with the Porte had been largely superseded by the Treaty of Paris; to which Malmesbury objected with great firmness. He was surprised, he wrote, "that the Cabinet of Vienna should contend that Treaty engagements between Powers could tacitly and by a side-wind be rendered inoperative."² Again he was taking his stand on the validity of treaties, whether they were the great ones of 1815 and 1856 or small commercial treaties between two powers.

As usual the first Western statesman to analyse the

1. F.O. 7/535, No.37, Malmesbury to Seymour, F.O., 23 March '58. Draft seen by Lord Derby.
2. F.O. 7/535, No.83, Malmesbury to Seymour, F.O., 9 April '58. Draft by Hammond, with additions in Malmesbury's hand.

situation in all its aspects was Cavour. Seizing the opportunity to exploit Austrian isolation, he drew up a long memorandum on the Navigation Acts, denouncing them as an attempt to ignore the wishes of the Congress of Paris, to dissolve the European Commission, and to invest the Riverain Commission with full powers.¹ The memorandum was sent to Malmesbury, who surprised d'Azeglio by replying briefly that he agreed with Cavour on every point.²

After the plenipotentiaries of the Powers had settled their bitter differences on the Principalities in the Conferences of Paris during the summer of 1858, they wearily turned to the question of the Danube. Malmesbury's instructions to Cowley were of a general nature, left the details to the Ambassador, but strengthened his hand by making it clear that the British Government would not compromise on the basic issue. They desired "that the most uncontrolled freedom of navigation should exist in the Danube; that no impediment should be placed on the trade of vessels coming from any quarter

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1. "Archivio Storico, Ministero degli Affari Esteri," Rome; Cartella 85, Memorandum by the Sardinian Cabinet, Turin, 27 March '58.
 2. "Archivio di Stato", Turin; Lettere Ministri Gran Bretagna, File No.126, No.1445, Emanuele d'Azeglio to Cavour, London, 7 April '58, and enclosure, Malmesbury to d'Azeglio, F.O., 6 April '58.

with any and all of the Danube ports."¹ On the eve of the Danube session itself Malmesbury added to these general instructions the advice that Cowley should at all events avoid a breakdown of the Conference. If necessary he should spare the Riverain States the full "humiliation" which could be caused by the "precipitate course adopted by them in defiance of repeated warnings". This was apparently to be done by persuading Austria and the other signatories of the Navigation Acts to declare, as informally as they wished, that those Acts were not intended to supersede the Treaty of Paris, nor to limit free navigation on the River.² In view of the content of the Navigation Acts, and the mode in which they had been presented to Europe, such a declaration would have been paradoxical. But it would not have been the first time that a paradoxical declaration had saved Europe from a diplomatic dilemma.

During the Conferences on the Principalities Cowley had gained considerably in diplomatic stature. The final conferences on the Danube were dominated by him. Walewski left it to him to denounce the Navigation Acts, Riverain Powers. It is significant in indicating that

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1. F.O. 27/1237, No.533, Malmesbury to Cowley, F.O., 17 June '58, Draft seen by Lord Derby.
 2. F.O. 27/1238, No.712, Malmesbury to Cowley, F.O., 27 July '58. Draft seen by Lord Derby and the Queen.

which he did, both in detail and principle.¹ The result was that the Conference as a whole turned against Hübner, even Turkey, the other Riverain Power represented, voting against Austria. Fuad Pasha, Turkish plenipotentiary and Foreign Minister, had come from Constantinople armed with orders to vote with Austria, but afterwards confessed that he had been deterred from doing so by the terrifying aspect of Lord Cowley.

Only one point of detail discussed at the Conference may be mentioned as being relevant to the study of Malmesbury's foreign policy. In his solitary defence of the Navigation Acts Hübner quoted a Memorandum issued by the British Foreign Office on 23 April 1857, which had stated:

The Riparian States Commission should report to the conference at Paris that it had drawn up a list of rules for the navigation and the policing of the river, not however that the Conference should ratify or confirm what the Commission had done, but that it should take cognisance of the fact that a list of rules should be drawn up.²

The statement appeared to justify the action of the Riverain Powers. It is significant in indicating that

1. The detailed argument used by Cowley is given in Hajnal, *op.cit.*, pp.85-6.

2. *idem.*, p.86.

predecessors of Malmesbury at the Foreign Office had been prepared to recognise Austrian rights on the Danube, and limitations of international rights, which Malmesbury himself refused to acknowledge.

Although the vote had gone against Austria at the Conference she did nothing immediately to repeal the Navigation Acts. Hübner had promised Walewski that he would secure full explanations of the signing of the Acts from all the Riverain Powers, but by January 1859 no explanation had been presented.¹ Walewski sent Malmesbury a Memorandum on the line to be taken with Austria, and Malmesbury expressed full agreement with it. He had himself already spoken to Apponyi, and begged the Austrian Government to take up the Danube question with the least possible delay.²

As usual the Austrian Government procrastinated, but on 1 March 1859 the Navigation Acts were at last altered, and signed in their new form by the Riverain States. The altered Acts still did not comply in every respect with the expressed wishes of the Conference of Paris, but the modifications were sufficient to enable Austria to persuade

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1. F.O. 27/1279, No.2, Malmesbury to Cowley, F.O., 1 Jan. '59.
 2. Paris, "Correspondance Politique, Angleterre", Vol.712, No.2, Malakoff to Walewski, 7 Jan. '59.

the Powers to let the matter rest.¹

The dispute over Austria's Navigation Acts had ranged from the principle involved by the fact that they had been signed at all, to the argument that their detailed measures limited free navigation on the Danube. But there was an additional point of dispute: the implication by Austria that the time was approaching when the European Commission would have to be dissolved and its functions inherited by the Riverain Commission. Here Austria, rather than England and France, was on the side of the letter of the Treaty of Paris, if not of its spirit. Article XVIII of the Treaty specifically stated that the European Commission should finish its work in two years, and then be succeeded by the Riverain Commission.² The two years were exhausted by March 1858, but by then the work of clearing one of the Danube mouths, which was the main function of the European Commission, had scarcely started. Malmesbury was convinced that in the circumstances the European Commission should be preserved, at least until the works were completed, rather than that its powers should be taken over immediately by the Riverain

1. The detailed alterations in the Navigation Acts are given in Hajnal, op.cit., pp.87-8.

2. Hertslet; Map of Europe by Treaty, Vol.II, p.1259.

Commission. He ordered Cowley to press this view upon the Conference, where the majority opinion again supported him.¹ The European Commission thus survived the Conference, to have its life repeatedly prolonged in the year went, perhaps, too far, in claiming that the Danube future.

Austria still did not fully accept the verdict of the Conference. In reply to the English and French protests that he had not answered objections to the Navigation Acts, Buol replied that, once satisfactory regulations for navigation on the Danube were accepted by the Powers, they would be obliged to dissolve the European Commission. Malmesbury refused to fall into this trap. He told Apponyi that the new Austrian theme of dissolving the European Commission was "much more objectionable" than the Navigation Acts themselves. The Treaty of Paris may have "erroneously assumed that the European Commission would have accomplished its work in two years", but it had certainly never intended that work to be completed by anyone else.²

1. F.O. 27/1238, No.800, Malmesbury to Cowley, F.O., 25 Aug. '58; in reply to F.O., 27/1257, No.1073, Secret and Confidential, Cowley to Malmesbury, Paris, 17 Aug. '58.

2. F.O. 27/1279, No.117, Malmesbury to Cowley, F.O., 25 Jan. '59. Draft seen by Lord Derby and the Queen.

1. Memoire sur la Liberte du Danube et sur l'Etat de navigation du 7 Novembre, 1857, (1858).

The Conference of Paris of 1858 probably did not realise the extent of its achievement in preserving the European Commission. A French pamphlet published that year went, perhaps, too far, in claiming that the Danube clauses of the Treaty of Paris had brought the "dawn of civilization to the Orient".¹ But the significance for the future of the small group of men who had been installed at the port of Galatz was considerable. Malmesbury's share in the decision to prolong the Commission was clearly an appreciable one. In making it, his action had been closely identified with that of the French Government, and he had been obliged to overcome the obstructive attitude of Austria. But his policy had been based primarily upon England's own economic interests in the Danube, not on the need to maintain the French Alliance. To prevent Austria from claiming for the Riverain States a monopoly of legislative power with regard to navigation on the Danube, and to preserve the European Commission for the work of improving the mouths of the River, were both points of policy dictated by purely English interests, irrespective of the alignments of the Powers. Before the Crimean War

1. Mémoire sur la Liberté du Danube et sur l'Acte de Navigation du 7 Novembre, 1857, (1858).

the guilty party on the Danube from the point of view of international trade had been Russia. Russian tolls and restrictions had discouraged and hindered free navigation on the lower Danube, as a deliberate policy to stimulate the trade of Odessa. Now that Russia had been driven back from the Danube, her rôle had been acquired by Austria. Britain's task was to see that the remedies prescribed by the Treaty of Paris were not discarded. Nevertheless, Malmesbury had not worked independently, but had been careful to act in concert with France. So long as French policy was concerned with the maintenance of Treaties it was important to encourage and to praise it. Any attempt by Austria to ignore, to misinterpret, or to misapply the Treaty of Paris had to be resisted. Such an attempt was harmful not only in itself in connection with the Eastern question, but also as a precedent for possible French action in the West.

In the Danube Question the choice of policy for Malmesbury had been a simple one. British economic interests had coincided with the desire to maintain the Anglo-French alliance, and neither of these had necessitated any attack on the material or moral interests of the Ottoman Empire. In the question of the Principalities the issue was more complex. If it was assumed that the

uniting of the Principalities of Moldavia and Wallachia was a first step towards an independent Roumanian state, then Malmesbury's interest in maintaining the Anglo-French alliance clashed with his interest in preserving the Ottoman Empire. In other Eastern questions British policy had remained constant since 1856, but with regard to the Principalities it had been almost reversed. The reversal, however, had already been carried through before Malmesbury came into office. The contrast is not between Clarendon's policy towards the Principalities and Malmesbury's policy, but between Clarendon's support of the idea of union at the Congress of Paris, and his subsequent rejection of that idea. The lowest ebb of Anglo-French relations over the Principalities had been reached in the summer of 1857, when France had temporarily broken off diplomatic relations with Turkey, and the crisis had been ended only by the ambiguous arrangement at Osborne. No parallel Anglo-French crisis over Eastern affairs occurred in Malmesbury's period, although the Franco-Austrian crisis over the Principalities during the 1858 Conference was perhaps a sharper one than that of the year before. But in the 1858 crisis England successfully mediated.

Nevertheless, British policy had undergone a change

since Clarendon's speeches in favour of union in 1856, and there was no point in trying to conceal the fact. At the 1858 Conferences Cowley openly admitted that his "opinion would be found to be in contradiction with the declaration of the First Plenipotentiary of Her Majesty at the Congress of Paris."¹

The motion in favour of union introduced into the House of Commons by Gladstone in May, 1858, could be thus claimed as being consistent with the Government's policy of 1856. In the ensuing debate the basic questions involved on both sides were clearly stated: whether Russian expansion into the Balkans could be prevented more easily by saving - or even curing - the "Sick Man", or by allowing the birth of a Christian nation astride Russia's path to Constantinople. Lord Robert Cecil, who was himself to handle the Eastern Question in exactly twenty years time, expressed the extreme opinion that if the Crimean War had been fought abandoned, but more completely its work, even if it became "simply to maintain the Ottoman Empire... then we certainly should have acted most foolishly". But the result of the division gave Malmesbury a mandate to pursue with his anti-unionist policy. Only 114 supported

1. F.O. 27/1250, No.519, Cowley to Malmesbury, Paris, 23 May '58.

2. F.O. 27/1250, No.519, Telegram, Malmesbury to Bloomfield, 20 May '58.

Gladstone's motion; 292, largely swayed by a speech from Palmerston, opposed it.¹

Malmesbury's main concern before the opening of the Conference was to secure some support for Cowley from the other Powers. The Power whose policy could least be predicted was Prussia. On the eve of the Conference he telegraphed to Bloomfield in Berlin, instructing him to secure Prussia's opposition to "Union and consequent Independence".² The attempt failed. Prussia, for the time being following Napoleon's policy in the East, voted for the French scheme of partial union. With regard to Austria Malmesbury knew that the direction of her policy would tally with that of his own. His only fear was that Austrian opposition to union would be extreme and irrational, and would go even farther than Turkish opposition. At all costs a Franco-Austrian break must be avoided. The Conference must not be abandoned, but must complete its work, even if it became necessary to sacrifice points of policy regarding the new constitution of the Principalities. Once the issue had been joined at the Conference Malmesbury used all

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1. Hansard, 3rd Series, Vol. CL. House of Commons, 4 May '58.
 2. F.O. 64/454, No. 64, Telegram, Malmesbury to Bloomfield, F.O., 20 May '58.

his influence to prevent the withdrawal of Austria. He assured Buol that England, Austria, and Turkey would together prevent the emergence of an objectionable settlement. On the other hand if Austria withdrew in exasperation from the Conference it would be harder to modify the French schemes.¹ In their aim of preventing the collapse of the Conference, Malmesbury and Cowley were to succeed. But in her attempt to discourage extreme measures from either side Britain inevitably incurred displeasure. Malakoff read to Malmesbury a despatch from Walewski "whose tone was one of friendly complaint against Her Majesty's Government for the attitude they had assumed at the Conference." Malmesbury replied that:

It was unfair for the French Government to declare on such an occasion 'Those who are not for us are against us', and to argue that a difference of opinion as to a Rouman Parliament inferred an unfriendly feeling on the part of Great Britain against France. The real fact had been that Her Majesty's Government had never ceased to persuade Austria to discuss Count Walewski's project with care and temper, and they had not a little tended to dissuade her from a positive resistance.²

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1. F.O. 7/536, No.71, Secret and Confidential, Malmesbury, to Loftus, F.O., 4 June '58. Reproduced as Appendix II.
 2. F.O. 27/1237, No 458, Malmesbury to Cowley, F.O., 21 June '58. Draft seen by Lord Derby and the Queen. Parts of this despatch are quoted in East: Union of Moldavia and Wallachia, pp.157-8.

The rôle of mediator between France and Austria was already becoming a familiar one to Malmesbury. Cowley was delighted with his expression of the British position, and wrote him privately:

I hope you will not take it amiss in an old diplomatic stager, although your subordinate, complimenting you on your excellent despatch ... If anything can shame the Emperor and Walewski into temperate proceedings, this despatch will do it.¹

The most bitter aspect of the debate with France centred on the interpretation of the agreement reached at Osborne in August, 1857, between Napoleon and Walewski on one side, and Prince Albert, Palmerston and Clarendon on the other.² The events leading to Osborne may be briefly summarised: the Congress of Paris had decided that elections should be held in the Principalities to indicate the wishes of the population regarding union.

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1. F.O., 519/224, Cowley to Malmesbury, Paris, 23 June '58.
 2. In addition to the accounts of the Osborne meeting and pact in East, *op.cit.*, and Riker: The Making of Roumania, (1931), there is a full discussion of the agreement, with relevant documents, in Alice M.C.Carter: "New Light on the Pact of Osborne, 9 August 1857", pp. 215-223, Cambridge Historical Journal, Vol.V, 1935-7, and Notes and Communications (1937), 1: Harold Temperley: "More Light on the Pact of Osborne", pp.315-323, of the same volume.

The elections had given a clear verdict against union, but France and Russia had demanded their annulment on the grounds that they had been corrupt. England had at first joined Austria and Turkey in resisting the demand. Napoleon visited Osborne to prevent a breach with England, and a compromise was reached. Palmerston and Clarendon agreed that the elections should be annulled, and Napoleon apparently agreed to abandon the idea of ultimate union under a single Hospodar. But no signed convention resulted from Osborne and the "gentlemen's agreement" was subsequently open to different interpretations. Malmesbury's position with regard to the Osborne agreement was a difficult one. He had not been present himself, and at the time he had apparently believed that the British Government had secured nothing. Immediately after the meeting had taken place, he entered in his diary:

Lord Palmerston has given way on the question of the Principalities, so the Emperor has gained his point by his visit to Osborne... I do not pretend to judge whether Palmerston was right or wrong, but his defeat must have cost him a bitter pang.¹

Malmesbury was not alone in believing that Osborne was a

1. Malmesbury, op.cit., p.403, entry for 14 Aug. '57.

British defeat. Stratford de Redcliffe had not only condemned the agreement, but at first had been disinclined to obey instructions resulting from it. But when Malmesbury himself became responsible for interpreting the agreement in 1858, it became obvious to him that the question was not so simple as he had supposed. Cowley sent him a copy of the Agreement which he had obtained at the time, but his version had no legal significance, since it had been signed by no one. A version amended by Persigny had been signed independently by Walewski, but this French version was apparently never shown to Malmesbury.¹ In conversations with Malakoff, Malmesbury faithfully upheld the view of his predecessors on the pact.² The question really resolved itself into a definition of the expression "union". Napoleon claimed that he had merely given up the idea of a single Hospodar by the Osborne compromise, but that he could still seek for other forms of political union.³ No evidence could be produced to disprove the claim. But the stand made by Cowley and Malmesbury, in support of the Austrian

1. Carter, op.cit., p.220.

2. F.O. 27/1237, No.481, Malmesbury to Cowley, F.O., 7 June '58, draft seen by Derby and the Queen.

3. F.O. 27/1252, No.669, Cowley to Malmesbury, Paris, 15 June '58.

plenipotentiary and Government, modified Walewski's scheme of union, and the constitution of the Principalities which eventually emerged from the Conference of 1858 was not so far removed from the spirit of the Pact of Osborne.

Hostility between France and Austria at the Conference finally centred itself upon the dispute over the flag for the Principalities. The Austrian Government feared that a united Rouman state would lead to unrest among Austria's own Rouman subjects. One flag for both Principalities would have strong symbolic significance for many Roumans within the Habsburg Empire. In this sense the question of the flag was a more vital one for Austria than for Turkey herself. This aspect of the Austrian argument seems at first to have escaped Malmesbury. His initial representations that Austria should not leave the Conference argued as though Austria's only concern was the maintenance of the Ottoman Empire.¹ Britain's opposition to the union of the Principalities could only be that it would lead to independence and a further weakening of Turkey. But Austria's opposition to union, and above all to a single flag, was occasioned by

1. Despatch reproduced as Appendix II.

the more immediate fear of nationalist movements within her own borders. "out of deference for His Lordship's opinion" Malmesbury quickly appreciated this point later, when he and Cowley proceeded to mediate on the question of the flag. The solution suggested by Malmesbury was that the Principalities should be allowed a common flag, but that it should bear "some outward and visible sign" of the Porte's sovereignty. Such a flag the Austrian Roumans would not view with envy or wish to share.¹ The suggestion was calculated to please the Porte more than either Austria, France, or the Principalities and was rejected by the Conference.² It is indicative of the ignorance of the plenipotentiaries in the question which they were handling in such detail, that subsequent information showed that the flags of the Principalities already contained a Turkish emblem, in the shape of three stars. At Constantinople, Ali Pasha, who had been Grand Vizier since January, told Bulwer that he was anxious to retain the three stars, but added

1. F.O. 27/1237, No.537, Malmesbury to Cowley, F.O., 17 June '58. Draft seen by Lord Derby.

2. East, op.cit., p.159.

2. Text in Hertzel: Map of Europe by Treaty, Vol. III, p.1329.

humbly that he would "consent at once" to any proposal from Malmesbury, "out of deference for His Lordship's opinion".¹ Britain's concessions in the direction of union for the Principalities had evidently not lost her the confidence of the Porte.

The problem of the flag was resolved by an inspired proposal from Cowley. The Principalities were to retain their separate flags, but under each would fly a permanent pennant common to both.² The acceptance by France and Austria of this scheme, after the breakdown of the Conference had seemed inevitable was a triumph for British mediation.

The Convention was signed on 19 August.³ Neither Cowley nor Malmesbury had any illusions about the achievement in less apparent than Cowley's, but it is far from being negligible. He exerted a mediating influence on France through Malmesbury, on Austria through Metternich, and on Turkey through Palmerston. If it is true that Cowley's arguments had the more weight in Malmesbury's mind, it is probably true also that Malmesbury's

1. F.O. 78/1349, No.21, Telegram in cypher, Bulwer to Malmesbury, Therassia, 7 July '58.

2. East, op.cit., p.159.

3. Text in Hertslet: Map of Europe by Treaty, Vol.II, p.1329.

1. East, op.cit., Vol.II, (1864), p.159.
2. F.O. 27/1238, No.701, Malmesbury to Cowley, F.O., 24 July '58, draft seen by Lord Derby.

Pray show Palmerston the Principalities Reform Bill, and tell him I hope ours next year will be better.¹

To an observation from Kisselev, Russian plenipotentiary at the Conference, that the proposed constitution was "most democratic", Malmesbury observed that "what might appear democratic to a Russian, may appear in a very different light to an English mind."² He was being strangely ahead of his time in his use of the term "democratic" in a respectful rather than an abusive sense.

Nevertheless, to have agreed upon a Constitution, a Title, and a Flag for the Principalities was a considerable achievement. Malmesbury's share in the achievement is less apparent than Cowley's, but it is far from being negligible. He exerted a mediating influence on France through Malakoff, on Austria through Loftus, and on Turkey through Bulwer. If it is true that Cowley's arguments had the more weight on Walewski in Paris, it is probably true also that Malmesbury's arguments were invaluable at Vienna and Constantinople. To assist him at one stage of the negotiations, Cowley had written to the Foreign Secretary:

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1. Malmesbury, op.cit., Vol.II, (1884), p.134.
 2. F.O. 27/1238, No.701, Malmesbury to Cowley, F.O., 24 July '58, draft seen by Lord Derby.

I venture to ask your Lordship for the powerful influence which you possess at Vienna.¹

As a result of the Convention of Paris the Principalities were to elect their separate Hospodars in the winter of 1858-9. French agents on the spot were more extravagant in their support of Rouman nationalist sentiments, than was Napoleon's Government in Paris. The elections caused Anglo-French friction, as it became evident that the French Consuls not only refused to help their colleagues in preventing corruption, but indulged in doubtful proceedings themselves. When Bulwer reported that the French Consul in Moldavia was the author of the unionist party's public documents, and was being bribed by the nationalist leader, Michael Sturdza, Malmesbury lodged a formal protest in Paris.² In view of the irregularities, he urged that the Conference of Paris should be reassembled. The Convention of August 19 was being broken; the plenipotentiaries of the Powers should meet to reaffirm their decisions. Walewski was not enthusiastic over the idea, and Buol refused to consider it.³

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1. F.O. 27/1254, No.809, Secret and Confidential, Cowley to Malmesbury, Paris, 6 July '58.
 2. F.O. 27/1279, No.8, Malmesbury to Cowley, F.O. 3 January '59.
 3. Riker, op.cit., p.189.

When Colonel Alexander Cuza, a nationalist leader of the 1848 risings, was elected Hospodar of Moldavia in January 1859, Malmesbury was not unduly concerned. Cowley had told Walewski that Britain would not recognize Cuza, and the Porte at once requested a Conference. But Ali Pasha had not assisted Malmesbury in requesting a Conference in November and the English Government now felt that the time for Conferences was past. Malmesbury believed that Cuza's election must be allowed to stand. "The point of paramount importance", he wrote "is that the tranquillity of the Principalities should not be disturbed."¹

His complacency was shattered by the election of Cuza as Hospodar of Wallachia also. Cuza had not been strictly eligible as a candidate in the Moldavian elections, because of his low income, but this Malmesbury had been prepared to overlook. His double election was a more basic infringement of the Convention of Paris, since it made nonsense of the decision to prevent a union of the executives. Malmesbury informed Malakoff that his Government "owe it to themselves not to allow a Convention which they have signed only six months ago to be set aside by an intrigue". But before making a definite pronouncement

1. idem, p.199.

3. East, op. cit., p.156.

he preferred to await the reactions of the Porte.¹

It was not Malmesbury's strongest moment. To follow the policy of the Porte at all was bad enough, but to await a definite step by the Porte was ill-advised, since the Porte so frequently took no step at all. Meanwhile Malmesbury was apparently open to persuasion by Malakoff. The French Ambassador reported that he had expressed to the Foreign Secretary the conviction of the French Government that whatever happened the Powers could now no longer ignore the manifest wishes of the Principalities for union. Malmesbury was impressed by the argument, and declared that his Government would seek agreement with France on the "best method of conciliating the actual state of things, with the engagements undertaken by the Convention of the 19th August."²

Whether it was through French pressure, or as an acceptance of the seemingly inevitable, Malmesbury finally decided to recognise Cuza's double election. He telegraphed to Bulwer that the Porte must be persuaded to accept the single Hospodar, but only as an exceptional case.³ Further, he was now determined that the Conference

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1. D.O. 27/1280, No.207, Malmesbury to Cowley, F.O., 11 Feb. '59, Draft seen by Lord Derby and the Queen.
 2. Paris "Correspondance Politique, Angleterre," Vol.712, No.22, Malakoff to Walewski, London, 18 Feb. '59.
 3. East, op.cit., p.166.

of Paris should be re-summoned. In his eyes the greatest harm caused by the affair was the disrespect which had been shown for a Convention signed by all the Powers. He secured the agreement of the French Government for a modification of the Convention by a Conference, to allow the double election to stand, but to declare that it did not imply a full and permanent union of the Principalities.¹ The other Powers agreed to be represented at a Conference.

Palmerston secretly condemned Malmesbury's decision to recognise the double election. Evidence of Palmerston's opinion comes from the confidential source already mentioned; the secret correspondence between Georges de Klindworth, and Ralph Earle, Disraeli's personal spy in the Paris Embassy. Palmerston told de Klindworth that Cuza's election was a perfect mockery of the Conference of Paris, and added:

Il est très possible que les Ministres cèdent là-dessus. Lord Malmesbury en est bien capable..... Si pareille chose arrive, les Russes rieront bien.²

De Klindworth reported another private conversation,

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1. F.O. 96/26, Telegram in cypher, Malmesbury to Bulwer, 13 Feb. '59.
 2. Beaconsfield Papers; letters from Ralph Earle; Secret and confidential, 16 Feb. '59, enclosing "Pièce secrète: Continuation de l'entretien avec Lord..." Anonymous, but in the hand of Georges de Klindworth.

this time with Apponyi, in which Malmesbury was personally attacked. The Austrian Minister protested that Palmerston had been "more firm and correct" in the Eastern Question than Malmesbury "has been so far". Moving from the particular to the general, Apponyi added a very interesting observation. In Kindworth's words:

M. d'Apponyi s'exprime très bien sur le compte du Ministère de Lord Derby et il désire ardemment qu'il puisse se maintenir au place, seulement il m'a avoué qu'il aimerait bien a voir un autre personnage que Lord Malmesbury placé à la tête du Foreign Office.¹

Apponyi's wish to have Malmesbury removed from the Foreign Office makes an additional eloquent refutation of the charge that the Foreign Secretary was Austrophil. The indication would seem to be that Malmesbury's personal influence drew the Derby Cabinet away from a "rapprochement" with Austria. His friendship for Napoleon was an important factor in the maintenance of the French Alliance and the preservation of neutrality in the coming war, and as such must have been resented by the Austrians.

The Conference of Paris duly met again in April for the humiliating formality of recognizing Cuza, while making reservations for the future. It was abruptly

1. *idem*, Secret and Confidential, Earle to Disraeli, 16 Feb. '59, enclosing letter dated "Londres, le 16 fevrier", also anonymously by de Kindworth.

terminated by the outbreak of the Franco-Austrian War in the last days of the month. By March the Italian Question had dominated European diplomacy, and for Malmesbury, as for the other statesmen, the Principalities had become very much of a side-issue. The unionists of Moldavia and Wallachia had defied the Powers, and circumstances, coupled to their own shrewdness, had given them the victory.

Much can be said both for and against Malmesbury's policy towards the Principalities. During the important conferences of 1858 his direction of policy had been sound; he had materially helped to prevent a Franco-Austrian break. But after the election of Cuza he had lost his hold on events, and no clear direction of policy can be defined. This may have been due in part to his preoccupation with Italian affairs. Over the character and potentialities of Cuza he was sadly mistaken. He accepted the verdict of his Consuls at Bucharest and Jassy that the new Hospodar was a weak and irresponsible man, more interested in gambling and drinking than in politics, and that he was a figurehead for others. Consul Churchill even reported that Cuza was safer than most candidates, from which Malmesbury concluded that he would be content with the Hospodariat of Moldavia and reject that of

Wallachia.¹ When insisting that the Conference must meet to regularise the double election, Malmesbury added: "The men who put up Cuza as a sham would be caught in their own trap."² The remark appears ludicrous in the light of Cuza's subsequent career.

To some extent, then, Palmerston's private condemnation of Malmesbury's policy after the double election was justified. The Foreign Secretary had not taken a firm line, but had vacillated between rejection and recognition of Cuza, between the maintenance of a European Convention and political expediency in the Principalities. Yet he was faced with no obvious alternative to his final decision. To have withheld recognition indefinitely would merely have caused further unrest and ill-will in the Balkans. To have broken consular relations with the Principalities, as Austria did, would have been ineffective and petty. His only course was to legalize events by reassembling the Conference, and the main charge against him is that he did not demand this immediately, but awaited the Porte's reactions.

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1. F.O. 96/26, Telegram in cypher, Malmesbury to Bulwer, 9 Feb., '59.
 2. F.O. 96/26, Telegram in cypher, Malmesbury to Bulwer, 13 Feb. '59.

A more profound criticism is that he did not appreciate the growing significance of nationalism among the few politically conscious leaders in the Balkans. He referred at times to the rights of the inhabitants of Moldavia and Wallachia to self-rule and an effective political system, but never to the rights of the Roumanians to an existence as a single nation of one language and religion. In 1856 he had been prepared to give the Principalities to Austria. The scheme of allowing Austria to remain permanently in the Principalities after the Crimean War, to placate her for the cession of the Duchies of Parma and Modena to Sardinia, had been recommended by Cowley, Hudson and Cavour. During a visit to Turin Malmesbury, too, had given his blessing to it.¹ But Malmesbury had not, at least, been so hypocritical as Cavour, who wrote in 1858 of the noble aspirations of the Roumans struggling for their national rights - an aspect of the question which he had apparently overlooked in 1856 when something was to be gained by including the Principalities in the Habsburg Empire.²

at so early a date. The *Satell-Hundert* had been published

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1. F.O. 519/194, Private Hudson to Cowley, Turin, 19 Oct. '56; and Chiala: Lettere di Cavour, (1883) Vol. II, p.158, Cavour to Massimo d'Azeglio, Paris, 8 Dec. 1855.
 2. idem., Vol. II, p.340, Cavour to Villamarina, Turin, 29 Aug. '58.

One statesman in England in 1858 was in a position to regard the question of the Principalities objectively, and his frank opinion puts the affair in a deeper perspective. At the time of Osborne the Prince Consort had privately told Cowley "that a great deal more fuss was made about the union of the Principalities than it merited, and that he could not see why we were so much against it."¹ That a united Roumania did no harm to British interests became evident with the passing of the years. On the other hand Gladstone was mistaken in supposing that a free and united Roumania would be a bulwark against Russia, as the war of 1877 proved. Nor can it be said that Malmesbury adopted a dogmatically anti-unionist position. His rôle was that of a mediator between the extreme positions of France and Austria, and throughout 1858 his mediation was marked with success.

In his general policy towards the Eastern Question Malmesbury had maintained Palmerston's principle of preserving the Ottoman Empire. To have attempted an alternative policy would have been rash and unjustifiable at so early a date. The Hatti-Humaioun had been published only two years before. Even the most optimistic of

1. Wellesley: The Paris Embassy during the Second Empire, from the papers of Lord Cowley, p.123.

reformers could not have expected the sweeping changes recommended to have been put into practice so soon. Twenty years later British policy towards the Ottoman Empire had to be reconsidered, but by 1858 no one could say that the reforms would not ultimately be undertaken. The only safe way of preserving peace in Eastern Europe was still the strengthening of the Ottoman Empire. That Malmesbury continued this policy, did not thereby unduly antagonise France, and helped to prevent a Franco-Austrian break, shows the measure of his success in handling the Eastern Question.

When Napoleon had been driven from Italy in the 1820s, they were, in fact, "both under the influence of the same spirit which the former history and the latter may naturally inspire even at the present day. During the three decades which elapsed he had sustained a continual and hostile attitude of Italy and the Italians. In this regard he was prepared to deal with the 1859 crisis as a solution to the Italian question, the master-stroke of Malmesbury's policy.

1. Letters of Queen Victoria, 1858, to the Queen, Whitehall.

CHAPTER VII

The Italian Question 1; Malmesbury and Cavour,
February, 1858 to February, 1859.

Viewed in retrospect the questions of 1858 appear as little more than a prelude to the crisis with which Malmesbury's career was to culminate, the crisis in Italy in the spring of 1859, a crisis which led to two years of wars, revolutions and diplomatic confusion and ended only when a new nation had been created in Western Europe.

When Napoleon had been his personal companion in Italy in the 1820s, they were, in Malmesbury's words, "both under the influence of those romantic feelings which the former history and present degradation of Italy may naturally inspire even at a more advanced time of life".¹ During the three decades which had elapsed since those days, he had sustained a continual first-hand experience of Italy and the Italians. In this respect he was fully prepared to deal with the 1859 crisis. A peaceful solution to the Italian Question seemed destined to be the master-stroke of Malmesbury's policy, and to furnish him

1. Letters of Queen Victoria, (1908), Vol. III, Malmesbury to the Queen, Whitehall, 7 March '58.

with a final opportunity to employ his favourite weapon of mediation. But the weapon was broken in his hand by the full blast of Italian nationalism. Circumstances, combined with his own failings, limited his success to the maintenance of British neutrality and to the localising of the war. The immense political, cultural and popular upheaval of the "Risorgimento" partly justified the war policy of Cavour, and proved too strong for the peace policy of Malmesbury.

An Italian historian has defined Malmesbury as "Cavour's adversary in 1859." In the same article the suggestion is made that the British Foreign Secretary was stirring up Europe against Sardinia.¹ A study of all the evidence renders the theme untenable. In so far as the definition of Malmesbury as Cavour's adversary implies that he sympathised in every respect with Austrian policy in Italy the suggestion is a false one. While Count Buol consistently refused to admit the existence of an "Italian Question", Malmesbury not only recognised its existence, but was determined that something should be done to remedy the evils from which the Italians were suffering. He became Cavour's adversary only when it became apparent that the remedies proposed by the Sardinian

1. "L'avversario di Cavour nel 1859: Lord Malmesbury" Nuova Antologia, 16 March 1936, XIV, an anonymous article.

statesman did not stop short of war.

No other political leader in charge of foreign affairs was so preoccupied with the peace of Europe as Malmesbury. Gorchakov was determined to keep Russia from war, but was prepared for advantages from a war between the other Powers. Napoleon had already conceived the idea of an Italian war, given certain circumstances. Buol was not unwilling to fight for the "status quo" in Italy, and perhaps for the destruction of Sardinia. Above all, Cavour was convinced that Italy could be created only after the French had been persuaded to defeat the Austrians. Almost alone, Malmesbury believed that the peace in Western Europe, which had lasted since Waterloo, must not be disturbed.

Another Italian historian has claimed that the British peace policy in 1859 was dictated by the military and financial weakness which followed the Italian Mutiny.¹ This would have accounted for a desire to remain neutral, but not for Malmesbury's profound hopes that all the nations could be kept at peace. Before the crisis reached an acute stage Malmesbury stated the British attitude to war and peace in clear terms:

1. Signoretti: Italia e Inghilterra durante il Risorgimento (1950).

The Policy of Her Majesty's Government is simple and intelligible. It is, to maintain the peace of Europe, as a blessing paramount to all others, whether to Europe as a whole, or to each of the nations.

England is not an aggressive Power. With her large Empire, she adopts a defensive position, but cannot desire to enlarge her territory.¹

In his conception of the peace of Europe as "a blessing paramount to all others", Malmesbury was to find himself opposed to Cavour, for whom the independence and unity of Italy not only justified, but demanded, war. The two men were of fundamentally contrasting personalities. Cavour was essentially a professional politician, who had devoted his whole life to public service. Since youth he had dreamed of becoming Prime Minister of United Italy. Malmesbury had received no political nor diplomatic training, but regarded his ministerial post as a natural responsibility which had fallen upon him as an English peer and friend of Lord Derby. It was at times a burden and never a positive pleasure. Cavour's absorption in politics was abnormal. He visited Florence for the first time in the last year of his life, and confessed that this

1. A. & P. (1859), Vol. XXXII, p. 58; C2524, "Correspondence concerning the affairs of Italy", No. 32, Malmesbury to Cowley, F.O., 26 Jan., '59. This Blue Book will henceforth be abbreviated as "A. & P., Italy".

was the first occasion on which he had found pleasure in art galleries.¹ For an educated Italian the confession was a strange one. In contrast, Malmesbury had made a valuable collection of Italian Renaissance works including more than one Titian.² But the two men had met personally, and according to Massari, who knew Cavour intimately, they had been close friends.³

The question of the "Cagliari" had led to friction between Cavour and Malmesbury. The antipathy was heightened by Malmesbury's distaste for what he believed to be the irresponsible ambition of Sardinia. Early in 1859 he privately confessed to Cowley that he could "muster no patience towards that little, conceited, mischievous state now called 'Sardinia'".⁴ His distaste was extended to King Victor Emmanuel whom he had described in 1855 as being "as vulgar and coarse as possible."⁵

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1. Massari: Ricordi biografici del Conte di Cavour, p.379.
 2. A catalogue of the sale of Malmesbury's collection of paintings is preserved among the Beaconsfield Papers at Hughenden.
 3. Massari, op.cit., p.296.
 4. Wellesley, op.cit., p.175, Malmesbury to Cowley; no date given but apparently at some time in the first three months of 1859.
 5. Malmesbury, op.cit., p.372, 29 Nove., '55.

But there has been a mistaken tendency among historians, both Italian and English, to confuse Malmesbury's antipathy for Sardinia with a general dislike of the Italians. His error lay rather in not appreciating the rôle Sardinia was to play, than in any deliberate opposition to Italian interests.

Typical of Malmesbury's distrust of Sardinia was his credulity of a strange rumour in the spring of 1858. He believed that the port of Villafranca had actually been ceded to Russia, and telegraphed to Turin for information.¹ The truth was less alarming, although sufficient to cause offence to the British Government. The Russian Lloyd's Steamship Co. had been ceded buildings in Villafranca by the Sardinian Government.² Cavour explained that the cession was a purely commercial one, similar to that which had been made several years before to the United States Government in La Spezia. The English, if they wished, could have the same concessions in Cagliari. The rumour had been spread in London, he declared, by men who favoured the Austrian alliance.³ But the incident

1. F.O. 67/233, No.5, Telegram, Malmesbury to Mr. West, Chargé d'Affaires, F.O., 12 Sept. '58.

2. F.O. 27/1259, No.1235, Confidential, Cowley to Malmesbury, Paris, 20 Sept. '58.

3. "Archivio Storico, Ministero degli Affari Esteri", Rome; Cartella 85, Cavour to Count Corti, Chargé d'Affaires in London, 18 Sept. '58.

had added to Malmesbury's fears of an alliance between France, Sardinia and Russia.

Meanwhile there was growing cause for alarm in the condition of Italy. Already in the spring of 1858 there had been news of fresh discontent, this time in the Modenese province of Massa and Carrara. Cavour wrote to the Governments in London and Paris, ostensibly for advice, but with the obvious aim of reminding them that the Italian Question was becoming dangerous to European peace. In a despatch to d'Azeglio, a copy of which was to be left with Malmesbury, he declared that the facts which he had to relate were so incredible that he had been unable to believe them until completely reliable information had arrived. Massa and Carrara had been in a state of siege for six months, under the arbitrary rule of Austrian army officers. All laws had been suspended. A curfew had been imposed. All trials were secret. Refugees flocked into Sardinia every day.¹ Malmesbury's official information from the Duchies and Tuscany was not very reliable. The Minister in Florence was Lord Normanby, who had been recalled from Paris by Malmesbury himself in 1852, and with whom

1. F.O. 79/198, No. 33, Confidential, Normanby to Malmesbury, Florence, 29 April 58.

1. "Archivio di Stato", Turin, Cartella 85, Confidential, Cavour to Emanuele d'Azeglio, Turin, "April 1858", Received 19 April.

3. A. & P., Italy, 35, No. 5, Malmesbury to Cowley, F.O. 10 Jan. 56.

relations were still strained. But on being instructed to make a report, Normanby dismissed Cavour's charges as extravagant, and added that the Sardinian Government was breaking an extradition treaty with Modena by allowing criminals to cross the border.¹ Still not satisfied, Malmesbury enquired of Walewski what the French Government intended doing. Walewski replied that Cavour's story was "unsupported by proof of any kind", and that he would not interfere.² There the matter was allowed to rest. Cavour had not succeeded in securing any protest from London or Paris, but he had followed his determined policy of keeping the Italian Question constantly before the eyes of the Powers. The Duchies of Parma and Modena had a large part to play in his scheme of the following spring.

Coupled to Malmesbury's horror of war was his fear of revolution. A disturbance in Modena could lead to an Italian rising, and an Italian rising could lead to a European Revolution. An Italian war would be "a war of opinions", among which "those of a Republican hue will not be the faintest."³ He envisaged a grim picture of

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1. F.O. 79/198, No.33, Confidential, Normanby to Malmesbury, Florence, 29 April '58.
 2. F.O. 27/1248, No.358, Cowley to Malmesbury, Paris, 2 May '58.
 3. A. & P., Italy, 35; No.5. Malmesbury to Cowley, F.O. 10 Jan. '59.

anarchy and war throughout the Continent. He could not forget that the last time war had been waged in Western Europe it had lasted intermittently for over twenty years, and had spread from Lisbon to Moscow. It seemed probable to him that war in Italy would spread to the Rhine and even to the Balkans. The Italian and Eastern Questions were closely linked in his mind, if only by the fear of a Franco-Russian Alliance. When the complex negotiations in the spring of 1859 appeared to be breaking down he sent a despatch to Constantinople, informing Bulwer of the situation. To Hammond's draft, he added the sentence:

Under these menacing shadows Your Excellency will doubtless see the expediency of maintaining our relations with the Porte on the most friendly and even intimate footing.¹

To prevent a European war Malmesbury's safest weapon appeared to be the Anglo-French Alliance. To retain identity of action with France would prevent Napoleon from falling under the influence of Cavour. Throughout 1858 Malmesbury successfully pursued this policy. After the Queen's meeting with Napoleon at Cherbourg in August, Malmesbury wrote to Walewski:

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1. F.O. 78/1423, No. 209, Malmesbury to Bulwer, F.O., 7 April '59.
 2. F.O. 27/1293, Confidential, Claremont to Cowley, Paris, 30 March '59; enclosed in: No. 362, Confidential, Cowley to Malmesbury, 1 April '59.

Ne prenons jamais de grandes mesures sans nous entendre et nous mettre autant que possible d'accord. Voilà ma politique.¹

In the French Foreign Minister he had a close ally on the side of peace in Italy. The two links in his official communication with the Emperor - Walewski and Cowley - were both inclined to be less sympathetic towards the Italians than Malmesbury was himself. But the deterioration of Walewski's influence in Paris had unfortunate effects on Malmesbury's Italian policy. Walewski was inevitably the main recipient of the official correspondence between the two Powers, and yet he was rapidly losing the Emperor's confidence. Napoleon informed Colonel Claremont, the British Military Attaché, in the midst of the crisis, "that Count Walewski was a traitor, that he deceived everyone, saying black to one and white to another."² Cavour's direct links with Napoleon, through his own personal contacts and his unofficial agent, Nigra, gave him an advantage over Malmesbury in the struggle to influence French policy. Cowley's rare return as once an ambassador, Malmesbury characterized it as "a most hostile move on the part of the Emperor". In December the Ambassador found that Napoleon

1. F.O. 519/196, Malmesbury to Walewski, London, 8 Aug. '58; enclosed in: Private, Malmesbury to Cowley, 8 Aug. '58.
2. F.O. 27/1293, Confidential, Claremont to Cowley, Paris, 30 March '59; enclosed in: No.362, Confidential, Cowley to Malmesbury, 1 April '59.

still hoped that England would join him in a war with Austria "for the freedom of Italy." Cowley assured him that however much England "may sympathize with the desire of the Italians to be freed from Austrian rule", her respect for treaties was still greater.¹ That Napoleon was determined to maintain the English Alliance is clear. He reminded Cowley how consistently he had upheld the Alliance throughout 1858, and referred particularly to his abandonment of the French scheme of Negro Emigration in Africa, at the request of England, after the affair of the "Charles et Georges". He still assured Cowley that he would respect existing treaties and not "support Sardinia in waging an unjust war."²

Malmesbury's personal friendship for Napoleon had weathered the occasional storms of 1858, and was to survive the Italian crisis; but as Cavour's influence grew in Paris, so Malmesbury's bitterness towards Napoleon's policy increased. When, in January 1859, Cowley gave the false information that Persigny was to return at once as Ambassador, Malmesbury characterised it as "a most hostile move on the part of the Emperor."³

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1. F.O. 519/224, Cowley to Malmesbury, Paris, 6 Dec. '58.
 2. F.O. 27/1289, Separate and Confidential, Cowley to Malmesbury, 20 Jan. '59.
 3. Malmesbury, op.cit., p.460, entry for 23 Jan. '59.

In the event, Persigny did not return until the Franco-
Austrian
 Prussian War had started, and by then Malmesbury had
 relented sufficiently to receive him on friendly terms at
 the Foreign Office.¹

In an attempt to offset Cavour's influence, even
 Malmesbury wrote a private letter to Napoleon in December,
 expressing his convictions on the Italian Question. With
 reference to Austria's rule over Lombardy and Venice he
 upheld the 1815 Treaty:

It is sound Policy as well as sound honesty,
 to leave Austria in quiet possession of her
 Italian Dominions... I would ask the Emperor
 how can we who have conquered Ireland, and
 hold all India by the Sword, in common decency
 be the Quixotes of Italy?

January, 1859. In these arguments Malmesbury remained
 The question did not display very coherent reasoning.
 Either Austrian rule in North Italy was just or it was
 unjust. If it was unjust, then analogies with other
 examples of racial domination were irrelevant. But
 Malmesbury went on to state his belief that something
 could be done "to ameliorate the Government of Central
 Italy, by which I mean the Roman States." France and
 Austria as the two Catholic Powers should co-operate in
 the task, and England would "give her moral, and if

1. Malmesbury, op.cit., p.484, entry for 14 May '59.

2. F.O. 67/236, No.167, Hudson to Malmesbury, 19 July '58.

necessary her material assistance to establish another distribution... of the Pope's Territory, or a forced improvement of the Pope's Government."¹ Here, then, was a definite proposal. Malmesbury was prepared for steps to be taken to reform the Papal States, and even to alter the map of Central Italy, since this would involve no breaking of Treaties, and no Franco-Austrian War.

Napoleon had already gone too far with Cavour to consider Malmesbury's more moderate proposals for the regeneration of Italy. The broad lines of policy which had been laid down in the summer of 1858 at Plombières, were to be drawn up as a formal but secret Treaty on 18 January, 1859. Of these agreements Malmesbury remained largely ignorant. But it is relevant to consider how much he knew or guessed of the Franco-Sardinian Alliance, and how much he should have known or guessed. That Cavour had met Napoleon in July at Plombières was common knowledge, and Hudson had duly reported the fact.² But of what had passed at the meeting both Hudson and the French Foreign Minister at Turin, Prince de la Tour d'Auvergne, apparently were ignorant, in spite of their intimacy with Cavour.

1. F.O. 519/196, Private, Malmesbury to Cowley, F.O., 7 Dec. '58. To be shown to the Emperor.

2. F.O. 67/236, No.167, Hudson to Malmesbury, Turin, 19 July '58.

Hudson was told that the meeting had been arranged to patch up the quarrel which had resulted between France and Sardinia after the Orsini Attempt. Cavour explained that Walewski had caused the quarrel, and that Napoleon had regretted it.¹ By adding a note of scandal Cavour made his story more credible. It might even have been true that the earlier dispute had been mentioned at Plombières. Malmesbury's reports from Paris were no less deceptive than those from Turin. Walewski knew nothing of the secret agreement, but told Cowley that "Cavour had been intriguing as usual against Austria." He believed, however, that the main discussions had been concerned with the Principalities, and that the results, which apparently satisfied Cavour, "were purely imaginary."²

Captain Harris, Minister at Berne, and Malmesbury's brother, heard in October the rumour that a secret treaty had been made between France and Sardinia, but did not believe it. Cowley added his own scepticism to the report.³ Not until 1st April 1859, did he admit that

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1. F.O. 67/236, No.174, Hudson to Malmesbury, Turin, 7 August '58.
 2. F.O. 27/1256, No.976, Confidential, Cowley to Malmesbury, Paris, 30 July '58.
 3. F.O. 27/1261, No.1372, Cowley to Malmesbury, 17 Oct. '58.

it could no longer be doubted that an agreement for action in Italy had been reached.¹ Malmesbury had already guessed this by February. An entry in his diary gives an extravagant picture of the interview, with Cavour persuading Napoleon that unless he took up the cause of Italy the "Carbonari" would assassinate him.² When Malmesbury had been living in Italy in the 1820s the "Carbonari" had been a strong force in the South. By 1858 their influence was dead. Cavour was probably less familiar with them than was Malmesbury himself. The British Foreign Secretary did not realise that the cause of Italian nationalism had passed into more respectable hands.

Hudson suspected by 9 January that a specific agreement existed between France and Sardinia to join in a war against Austria.³ Nine days later his suspicion was justified when, unknown to him, the secret Treaty was signed. On 23 January the "Moniteur" denied rumours which had reached the Belgian Press concerning the Treaty.⁴

1. F.O. 27/1293, No.364, Most Confidential, Cowley to Malmesbury, Paris, 1 April '59.

2. Malmesbury, op.cit., p.466, entry for 16 Feb.'59.

3. A. & P., Italy, p.43, No.15, Hudson to Malmesbury, Turin, 9 July '59.

4. The Moniteur, 23 Jan.'59.

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on this despatch is printed
Italy p.410, No.207, but Cowley's
comment was not included in the Blue Book.

Among this confusion of rumours and denials, suspicion and scepticism, Malmesbury was justified in publicly assuming that no secret treaty existed. That he had private suspicions is evident, but to have allowed his private suspicions to discourage his peace policy would have been unpardonable. He had no proof that France and Sardinia had drawn up a programme of war. To have accepted any rumours which happened to have been circulating in Europe would have made his position as mediator impossible.

The first definite news of the Treaty of 18 January reached him not from Paris or Turin, but from Constantinople. Bulwer telegraphed the information on the eve of the war.¹ Cowley questioned Walewski about it, but received another denial, simply because the French Foreign Minister himself was still uninformed of the Treaty, although the war had by then already started. Walewski made the obvious comment that "under present circumstances an offensive and defensive treaty became necessary". Even now Cowley expressed the opinion that no treaty had been signed.² He was consistently unaware of Cavour's

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1. F.O. 78/1423, No.240, Telegram in cypher, Bulwer to Malmesbury, Constantinople, 26 April '59.
 2. F.O. 27/1295, No.591, Cowley to Malmesbury, Paris, 1 May '59. An extract from this despatch is printed in: A. & P., Italy p.410, No.507, but Cowley's misleading comment was not included in the Blue Book.

influence over Napoleon, and the false impression which his despatches sometimes gave contributed to Malmesbury's ultimate failure.

Another secret French Treaty about which Malmesbury was equally ill-informed was that signed with Russia on the 3 March 1859.¹ One of the preliminaries to the Franco-Russian agreement had been the visit of Prince Napoleon to the Tsar at Warsaw in the previous September. Again Cowley was not told the truth. Walewski explained that "it was simply a visit of courtesy and His Imperial Highness was charged with no mission."²

But the Villafranca incident had already excited Malmesbury's suspicions regarding the Russian position in Cavour's entente with France. The British Government's fear of a Russian return to the diplomatic scene was the only possible cause for any predilections for Austria. This Cavour failed to realize. Villamarina, his Minister in Paris, sent a long account of a reception given to the Diplomatic Corps by Kisselev, the Russian Minister, during

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1. The text of this Treaty, and a detailed account of the negotiations leading to it, are in Sumner, B.H.: "The Secret Franco-Austrian Treaty of 3 March '59", English Historical Review, 1933, Vol. XLVIII, pp. 65-83.
2. F.O. 27/1260, No. 1283, Confidential, Cowley to Malmesbury, Paris, 30 Sept. '58.

Russia

which Cowley and Hübner withdrew to the window throughout the soirée and spoke together in low tones, while Walewski and Kisselev stood in the centre of the room, talking gaily together.¹ Such reports did not convince the Sardinian Government that any apparent British predilections for Austria were caused by antagonism to Russia rather than to the hopes of Italy. Italian historians, generally, in condemning foreign policy of the Derby Government, have failed to appreciate the British preoccupation with Russia. Professor Valsecchi, alone, has realised that one reason for Malmesbury's refusal to join the Italians in their second war of liberation was that a defeat of the Austrians in the West might have given the Russians advantages in the East.²

The Russian Government did not take any great pains to reassure Malmesbury regarding its new position in Europe. Gorchakov continually affirmed Russia's desire to remain at peace, and reminded Sir John Crampton, whom Malmesbury had appointed Minister at St. Petersburg, that

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1. "Archivio di Stato", Turin; "Lettere Ministri, Francia," File 285, No.7, Villamarina to Cavour, Paris. 18 Jan. '59.
 2. Valsecchi, F.: "La Mediazione Europea e la Definizione dell' Aggressore alla Vigilia della Guerra del 1859", Rassegna Storica del Risorgimento, June 1937.

the great task of emancipating the serfs would alone dictate a peaceful policy. But when Malmesbury asked him to give his opinion "throwing aside all feeling favourable towards the parties in question", Gorchakov replied that he could not do this.

We cannot weigh France and Austria in the same balance. Our relations with the former are cordial, with the latter they are far from being so.¹

In March and April of 1859 the Foreign Office heard rumours that Russia was sharing in the Franco-Sardinian Alliance, and they could not be sure that her share would be limited to a benevolent neutrality. Malmesbury's reaction to the rumours was a growing sense of bitterness against Napoleon. But above all he associated the secret treaties with Cavour, the evil genius of European diplomacy, whose clandestine negotiations threatened to frustrate any British attempt at mediation.

The first war scare of 1859 was caused punctually on New Year's Day by Napoleon's words to Hübner at the reception at the Tuileries. More than one of the foreign diplomats overheard the Emperor's remark "that although the relations between the two Empires were not such as

1. F.O. 65/534, No. 34, Crampton to Malmesbury, St. Petersburg, 26 Jan. '59.

he could desire, he begged to assure the Emperor of Austria that his personal feelings towards His Majesty remained unaltered."¹ The remark was rendered less innocuous than it appeared by the severe tone in which it was made, and the fact that it could be overheard by the other members of the Diplomatic Corps. It led to panic on the Paris Bourse, and feverish discussion throughout Europe of the likelihood of war.² Disraeli postponed a trip to the country, and hastened to the Foreign Office to discuss the situation with Malmesbury. But the Foreign Secretary was just leaving for a week at Heron Court. Disraeli wrote to Derby: "I have no hesitation in saying to you that he ought to be at the Foreign Office, and nowhere else."³ Malmesbury had taken Napoleon's words at their face value, and for once he was right and the rest of the world wrong. The war scare was premature. A week's holiday taken in January was less harmful than a week in March or April would have been.

The Franco-Austrian War was to be fought primarily for the liberation of Lombardy. But in January the issue

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1. A. & P. Italy, p.31; No.1, Cowley to Malmesbury, Paris, 1 Jan. '59.
 2. F.O. 27/1288, No.52, Cowley to Malmesbury, Paris 11 Jan. '59.
 3. Monypenny and Buckle, op.cit., p.221. Confidential, Disraeli to Derby, Downing Street, 4 Jan. '59.

could not have been so briefly defined. On considering the Italian Question, Malmesbury's thoughts always turned first to Rome: the unhappy political and social conditions of the inhabitants of the Papal States, and the dangerous presence of French troops in Rome, and of Austrian troops in the Papal Legations. Napoleon's attitude to the Italian Question had been clarified by his contacts with Cavour, but he was still concerned with other issues besides the liberation of the Austrian provinces. One of these other issues was the Roman Question. Villamarina's account of the scene at the New Year's Day Reception, in his despatch to Cavour, gives an interesting detail which has not been given in other accounts, and which puts the incident in a slightly different light. According to the Sardinian Minister, Napoleon's words about his relations with Austria were half addressed to the Papal Nuncio:

La Nonce Apostolique... a changé immédiatement de couleur et est devenu hic et nunc, pâle comme un mort. Et ce n'est pas sans raison; car j'ai vu de mes propres yeux, que pendant que l'Empereur adressait au Baron Hübner les paroles en question, Sa Majesté Impériale tenait constamment les yeux fixés sur le représentant du Saint Siège.¹

1. "Archivio di Stato," Turin: "Lettere Ministri, Francia", File 285, Confidential, No.43, Villamarina to Cavour, Paris, 4 Jan. '59.

Malmesbury was evidently not alone in his preoccupation with the Roman Question. But his position with regard to the Papal States was clearer than that of either Napoleon or Cavour. Napoleon was embarrassed by the presence of his own troops in Rome. Malmesbury, on the other hand, believed that the most promising approach to the Italian Question lay in an attempt to secure evacuation of the foreign armies from Rome and the Legations, and reform of the Papal Government. When Hudson passed through Paris on his return to Turin after a short leave in England, he was reported by Villamarina to have made a remarkable statement. He claimed to be returning to his post only on the understanding from the English Government that they would support a uniting of the Italian States into three parts, and the reduction of the Papal territory to Rome and its environs.¹ That Malmesbury ever accepted such a condition must be doubted; but the more general assumption can be made that Hudson, with his advanced views on Italian nationalism, was prepared to return as Minister to Turin only because he had been convinced by Malmesbury that something would be done for the unhappy subjects of the Pope.

1. Carteggio Cavour-Nigra, Vol.I, p.206, Villamarina to Cavour, Paris, 21 Nov. '58.

In spite of Malmesbury's conviction that all was not well with the temporal rule of the Papacy, there was no bitterness in his relations with the Pope. In this his contrast with Cavour was marked. By 1858 Pius IX had abandoned his earlier interest in Italian politics, and was concerned exclusively with purely religious dogmas, of which his favourite was the dogma of the Immaculate Conception, proclaimed four years earlier. Politics was left to his Secretary of State, Cardinal Antonelli. England had no formal diplomatic relations with the Papacy, but Mr. Odo Russell, officially Secretary of Legation at Florence, acted as a private agent for the British Government. His interviews with the Pope and Antonelli were always friendly in spirit, but through him Malmesbury conveyed the tone of his policy to the Pope in January of 1859. The Foreign Secretary expressed the conviction that war between France and Austria would be less likely if "the Governments of Italy were spontaneously to consider... the means of improving the administration of their several States for the benefit of their subjects, and to offer substantial guarantees that such improvements once agreed upon should be honestly carried out." In another sentence he gave a simple statement of his whole approach to the Italian question.

The Government and people of this Country sympathize sincerely with the wrongs of the Italian people, but they feel that those wrongs will be redressed more effectively by peaceful than by violent means.¹

What evidence there is suggests that Malmesbury was accurate in assuming that that part of the Pope's territory which was known as the Legations constituted the worst ruled area of Italy. A long memorandum prepared by the French Foreign Ministry for its own information supports this belief.² In the early days of the 1859 crisis Malmesbury feared that the greatest danger to peace in Italy was the possibility of a rising in the Legations, followed by Austrian intervention.³ To prevent such a result he was prepared for greater changes in the Papal States than elsewhere, even for territorial changes. He was prevented from openly proposing these changes himself only by Britain's position as a Protestant Power, but he constantly urged France and Austria to reach an agreement on what changes were necessary, and then

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1. F.O. 43/69, No.5, Confidential, Malmesbury to Odo Russell, F.O., 13 Jan. '58. Draft by Hammond. Initialled "M". Seen by Derby and the Queen.
 2. Paris, "Mémoires et Documents, Italie", Vol.36, "Note sur l'état des Légations, 1856".
 3. F.O. 67/240, No.2, Telegram, Malmesbury to Hudson, F.O., 3 Jan. '59.

to press their opinions on the Pope. His attitude to the Pope's Temporal Power was the enlightened one which was subsequently to be adopted by Döllinger, Acton and liberal-minded Catholics all over the world. He wrote privately to Cowley:

We are ready, if Austria and France choose to join, to improve the Legations, to give our moral support, and even to consider a reconstruction of the Central territory if we see hopes of improving the condition of the people without weakening the spiritual authority of the Pope.¹

He repeated this offer formally to the French Government a few days later, but made it clear that any redistribution of territory in Central Italy would have to be accepted by all the signatories of the Treaty of 1815.² There is no reason to suppose that Malmesbury made such offers in any spirit of cynicism, or that he depended upon Austria to reject them. The phraseology of his despatches makes it clear that he was in earnest in his expressions of desire for reforms in Central Italy, not only from a philanthropic point of view, but because he believed

1. Malmesbury, op.cit., p.456, Malmesbury to Cowley, F.O., 7 Jan. '59.

2. A. & P., Italy, p.34; No.5, Malmesbury to Cowley, F.O., 10 Jan. '59.

that peace could be preserved only by some alteration of the "status quo".

When he repeated the identical theme to Austria, Count Buol replied that it was "a most dangerous doctrine" and "subversive of the Treaties of 1815". In a conversation with the Austrian Foreign Minister, Loftus replied forcefully for Malmesbury. In Italy, he declared, "the present state of things is intolerable, and cannot last".¹ If, after this conversation, Buol could have read subsequent accounts of Malmesbury's supposed predilections for Austria, he would have been puzzled to know by what reasoning their authors had reached their conclusions.

The situation in the Papal States was aggravated by the presence of the French and Austrian armies. As a prelude to any territorial adjustments an evacuation of both armies would be necessary, to avoid any risk of collisions. In urging Austria to take the first step in proposing an improvement of the conditions of Central Italy, Malmesbury referred to the French and Austrian occupation of the Roman States, and declared that it was

1. A. & P., Italy, p.13, No.26, Loftus to Malmesbury, Vienna, 20 Jan. '59.

4. A. & P., Italy, p.85, No.71, Malmesbury to Viscount Chelsea, P.O., 26 Feb. '59.

"their public duty to terminate it."¹

In this aspect of the question unexpected aid was soon given by the Papal Government itself. Cardinal Antonelli confidentially informed Malmesbury that he had requested "the early and complete withdrawal of the French and Austrian troops", not, of course, as a prelude to changes, but because "the condition of the Papal States is so satisfactory."² "Much to the Cardinal's disgust", the French response to the request was to land 300 more men at Civita Vecchia.³ Two days later Malakoff called on Malmesbury and announced the French intention to withdraw their troops from Rome, in consequence of the Papal request.⁴ Yet when the war started at the end of April the occupational force was still there, as it was to be, with one short interval, until 1870. Antonelli, with admirable patience, was still addressing official notes to the French and Austrian Governments in the middle of March, "thanking them for the occupation ... States would have solved the Italian question was clearly

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1. A. & P. Italy, p.38, No.8, Malmesbury to Loftus, F.O., 12 Jan. '59.
 2. F.O. 43/69, No.20, Telegram in cypher, Odo Russell to Malmesbury, Rome, 23 Feb. '59.
 3. F.O. 43/69, No.23, Telegram in cypher, Odo, Russell to Malmesbury, Rome, 24 Feb. '59.
 4. A. & P. Italy, p.85, No.71, Malmesbury to Viscount Chelsea, F.O., 26 Feb. '59.

and demanding the evacuation in the course of the present year."¹ French behaviour was an embarrassment to Malmesbury. He had announced in Parliament that the Pope had requested evacuation, and on being further questioned by Clarendon, said that he could not conceive that the French and Austrian Governments would refuse.² The House of Lords was either merciful or forgetful, for it never reverted to the subject.

If Malmesbury's initial approach to the Italian Question had produced no results, the fault was not principally his own. He had received co-operation from neither France nor Austria. Least of all had Cavour shown any interest in constructive reforms in Central Italy. The Sardinian statesman was concentrating his argument on the conditions of Lombardy, and the Duchies of Parma and Modena, since it was with reference to them that he could best exploit grievances against Austria. That a mere evacuation of foreign troops from the Papal States would have solved the Italian Question was clearly a vain hope. When Disraeli expressed it to Derby, the

1. F.O. 43/69, No.25, Telegram in cypher, Odo Russell to Malmesbury, Rome, 13 March '59.

2. Hansard, 3rd Series, Vol.CLII, House of Lords, 25 and 28 Feb. '59.

3. Idem., p.35, No.7, Malmesbury to Hudson, F.O. 12 Jan. '59.

Prime Minister was wisely sceptical.¹ But Malmesbury was evidently not suffering from this particular other illusion. For him, evacuation of the foreign armies was only a first step to wider measures. On the other hand he had no conception, as Cavour had, of securing the wider measures by means of war and revolution. His programme for Italy would have been a slower one than Cavour's, but one, perhaps, less painful for Europe. His plan was, in his own words, "an Italian regeneration unstained by deeds of violence and bloodshed."² To prevent bloodshed in Italy he regarded it as his duty to restrain Cavour. He warned Sardinia that she would not be able to maintain an independent policy in a Franco-Austrian war, and that "her interests would not be consulted either in the prosecution or at the conclusion of the war."³ In a limited sense his warning was to be justified by subsequent events. The conclusion of the war by the Peace of Villafranca was certainly not in tune with Sardinian policy. Napoleon's failure to secure the liberation of Venice was to lead to Cavour's resignation. But in the long run it cannot be denied

1. Beaconsfield Papers, Private, Derby to Disraeli, Knowsley, 6 Jan. '59.

2. A. & P. Italy, p.37, No.8, Malmesbury to Loftus, F.O., 12 Jan. '59.

3. idem., p.36, No.7, Malmesbury to Hudson, F.O. 12 Jan. '59.

that the war was to justify itself, at least so far as the interests of Sardinia were concerned. By no other methods could the annexation of Lombardy have been immediately achieved, nor could Italy have been so quickly united without an initial military defeat of Austria. Malmesbury was ill-informed if he imagined that he could dissuade Cavour from a war policy merely by arguing on the lines of Sardinian political expedience - a subject on which Cavour himself was clearly the better judge. But the British Foreign Secretary did not take his argument so far as his Permanent Under-Secretary would have done. In the rough draft Hammond had written that if Sardinia embarked on war "she will only have herself to thank for the ruin which it will inevitably entail upon her; and she may be assured that some Powers, who may make use of her now as an instrument to serve their purposes against Austria, will cast her away when they have no further need of her." Malmesbury was discreet enough to omit this passage in his despatch.¹

Meanwhile King Victor Emmanuel had opened the Sardinian Parliament with the dramatic speech which constituted an incident similar to Napoleon's remark to Hübner at the New Year's Day Reception. The speech,

1. F.O. 67/240, No.6, Malmesbury to Hudson, F.O., 12 Jan. '59.

probably written by Cavour, had culminated with the statement: "We are not insensible to the cry of suffering which is raised towards us from so many parts of Italy."

We are not insensible to the cry of suffering which is raised towards us from so many parts of Italy.¹

Malmesbury commented in his diary: "The King of Sardinia has made a speech which can only mean war."² But he took up the challenge and again addressed an appeal to Cavour. He accused the Sardinian Government of exciting "those who are oppressed, and those who indulge in impossible theories, to look to Sardinia as the champion of both, and to trust to the sword of Savoy for a realization of their desires". He acknowledged that "the wrongs which portions of the Italian people have endured" were "almost intolerable", but was, "convinced that it is not by provoking the terrible curse of a European war that any part of Europe will acquire real freedom, or her people obtain happiness". He repeated his argument that war would stir up Republican revolution, and that Sardinia would gain nothing from "this deadly lottery". He added a profounder warning: "if Sardinia,

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1. A. & P., Italy, p.46, Enclosure in No.19, Hudson to Malmesbury, Turin, 10 Jan. '59.
 2. Malmesbury, op.cit., p.458; entry for 12 Jan. '59.

as the model of a constitutional state, adopted a policy of aggression, she would create an ugly precedent. She would "show the world that a popular Government may be as unwise and grasping as the single mind of an ignorant or despotic ruler."¹ The despatch was written in a more vigorous prose than Malmesbury usually employed. It called forth a milder but more lengthy reply from Cavour.

The Sardinian Prime Minister had already remarked that the King's phrase acquired its grave significance only by being separated from its context. The whole speech was merely a statement of a situation with which everyone was already familiar.² After Hudson had read Malmesbury's despatch to him he went further and declared that the speech, far from exciting agitation in Italy, had already had a tranquillizing effect. By assuring the Italians that their suffering was not ignored by all those in power in Europe, it had dissuaded them from desperate enterprises.

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1. A. & P. Italy, p.41; No.11, Malmesbury to Hudson, F.O., 13 Jan. '59. The despatch is also printed in: Temperley, H. & Penson, L.M.: Foundations of British Foreign Policy.
 2. "Archivio Storico, Ministero degli Affari Esteri", Rome; Cartella 88, Confidential, Cavour to E. d'Azeglio, Turin, 16 Jan. '59.

2. "Museo del Risorgimento", Turin; Colonna (see Bibliography under "Manuscript sources"), No. 128, E. d'Azeglio to his mother, 24 Jan. '59.

La révolution n'est réellement à craindre en Italie que lorsque les populations opprimées et souffrantes ne voient luire sur aucun point de l'horizon un rayon d'esperance lorsqu'elles se croient abandonnées par tous les Gouvernements qu'elles supposaient être favorables à la cause de la liberté et de la civilisation.¹

Malmesbury did not reply to this specific argument. But his natural retort would have been that the people of Italy should be encouraged to look for help from the Powers, not from the independent action of Sardinia.

The gap between the policy of Malmesbury and that of the Sardinian Government was widening. As Cavour grew more outspoken in his conviction that war with Austria was necessary, so Malmesbury came increasingly to regard him as his main antagonist in his struggle to preserve the peace. Emanuele d'Azeglio wrote home contemptuously of the British Government's inability to understand the situation:

On ne connaît pas grandchose ni a nos instincts antitedesques ni au rôle que nous pouvons être appelés a jouer comme représentant une idée Italienne... On ne peut juger la question en ne connaissant pas les bases fondamentales d'après lesquelles on part.²

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1. "Archivio Storico, Ministero degli Affari Esteri", Rome; Cartella 88, Confidential, Cavour to E. d'Azeglio, Turin, 21 Jan. '59.
 2. "Museo del Risorgimento", Turin; Colombo (see Bibliography under "Manuscript Sources"), No. 396, E. d'Azeglio to his mother, 24 Jan. '59.

D'Azeglio's "fundamental bases" included the dogma that Italy could be created only by an immediate war against Austria. That Italy was, in the event, created in this way does not prove that it was the only possible method. The Habsburg Empire was already declining.

Time was on the side of Italy. Malmesbury was right in his belief that to force a war in the spring of 1859 was to undertake a grave responsibility.

There was an element of self-deception in the Sardinian case. Once they had assumed that war was sound Italian policy, they convinced themselves that it was impossible to preserve the peace. By 7 February d'Azeglio was writing: "J'ai vivement déploré la guerre et ne sais pourtant pas comment on conservera la paix".¹ Yet Malmesbury was to show in the course of the next two months that the specific causes which threatened Europe with war could be settled by peaceful means.

Only one factor could not be so settled - the irrational but essentially human desire of the Italians to drive the Germans from Italy, without waiting for the effect of time or the slow bargaining of diplomacy. For this cause the Sardinian diplomats were apparently prepared

1. "Museo del Risorgimento", Turin; Colombo No.397, E. d'Azeglio to his father, 7 Feb. '59.

3. idem., Cavour to Masgari, 17 Feb. '59.

for a war, longer and even more terrible than that of 1859. D'Azeglio wrote:

On n'obtiendra rien de stable ou d'utile, si on ne procède pas par un cataclysme général qui permette d'élever un nouvel édifice sur les ruines de l'ancien.

For this reason, he added, the English Ministers wished him in "toutes les régions de Belzebub".¹

Cavour's private letters were not less uncompromising. He believed that Malmesbury was favouring Austria, and at one moment evidently even expected England to give Austria material assistance. On 1 December, 1858, he wrote: "We cannot hope to modify the policy of England in our favour. It has become Austrian. We must adapt ourselves to this."² By the middle of February his imagination had become still more fertile. He wrote to Massari:

My resolution does not change. We will make war on Austria, and if it comes to the point we will make it against England ... I am resigned to seeing Genoa bombarded by the English.³

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1. "Museo del Risorgimento", Turin, Colombo No.398, E. d'Azeglio to his mother, 4 March '59.
 2. "L'avversario di Cavour nel 1859; Lord Malmesbury", Nuova Antologia, 16 March 1936, XIV, Cavour to E. d'Azeglio, 1 Dec. '58.
 3. idem., Cavour to Massari, 17 Feb. '59.

No statement coming from the British Foreign Office had ever given grounds for such apprehensions.

The next stage in his diplomatic duel with Cavour was a formal request by Malmesbury for Sardinian griveances. He asked Cavour "instead of indulging in generalities... to specify in detail the evils which he signalizes both with regard to the Austrian and the Papal States."¹ To ask for Cavour's opinion on the situation in Lombardy was scarcely the action of a partisan of Austria. Count Buol would probably have regarded it as an improper move. Cavour took immense pains in his reply. He telegraphed to Prince Napoleon, asking him for the Emperor's advice.² From Paris he was advised to ask for "tout ce qui peut être raisonnablement stipulé en faveur des populations du centre de l'Italie." This apparently included the abrogation of Austria's treaties with the Duchies; the establishment of constitutional governments in Tuscany and the Duchies; reforms, secularization of the government, and evacuation of foreign armies in the Papal States. But Prince Napoleon added cynically:

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1. A. & P. Italy, p.75, No.58, Malmesbury to Hudson, F.O., 12 Feb. '59.
 2. Carteggio Cavour-Nigra, Vol.II, p.16, Cavour to Prince Napoleon, 17 Feb. '59.

Cette négociation n'aboutira probablement pas, cependant elle aura le grand avantage d'engager l'Angleterre.¹

The first draft of the Sardinian reply was prepared by a subordinate at the Foreign Ministry, Domenico Carutti. It showed the moderation of its author by implying that if Lombardy were better governed the Lombards could be reconciled to Austrian rule. Such an implication would have played into Malmesbury's hands by allowing him to ignore the question of Lombardy for the time being, while he concentrated on reforms and steps towards unity in Central Italy. But Cavour rigorously altered the draft. The final memorandum was an open onslaught on the Treaty of 1815, a frank statement of the doctrines of Italian nationalism. The Austrians, Cavour declared, were not established, but encamped in Lombardo-Venetia. While many governments in history had been worse than the Austrian government in the Italian provinces, none had been more universally detested. This was the natural result of the rule of a people differing in race, customs, tastes and language from their rulers. With regard to Central Italy he repeated the reforms recommended to him by Prince

1. Carteggio Cavour-Nigra, Vol. II, p.13, Prince Napoleon to Cavour, Paris, 17 Feb. '59.

Napoleon.¹

The Memorandum was sent to London accompanied by a long despatch in which Cavour replied, rather belatedly, to Malmesbury's proposals concerning the Papal States. The Sardinian statesman rejected the idea that an evacuation of the foreign armies would be beneficial, unless it was preceded by reforms.² In this he was probably more far-seeing than Malmesbury. But interest in the Roman Question was already giving way to the more imminent issues in the North.

Cavour's Memorandum was printed by the Foreign Office for its own information - an indication that Malmesbury was genuinely interested in the Sardinian attitude.³ After the publication of Malmesbury's Blue Book on Italy, the Duke of Argyll attacked him for having elicited Cavour's Memorandum of March. In a letter to The Times, Argyll declared that Austria had a just grievance against Malmesbury for having encouraged the production of such a document.⁴ A criticism from a Liberal peer

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1. Carteggio Cavour-Nigra, Vol. II, pp.26-38, Memorandum by the Sardinian Government for England, Turin, 1 March '59. Carutti's draft and Cavour's final document.
 2. "Museo del Risorgimento", Turin, Archivio Carutti, Cartella 66, No.5, Copy of official letter Cavour to E. d'Azeglio, Turin, 3 March '59.
 3. F.O. 67/243, No.77, 3 March '59, and enclosures; printed on 9 March '59.
 4. The Times, 25 July '59.

to the effect that Malmesbury had embarrassed Austria was as unusual as it was significant.

The debate between Malmesbury and Cavour in January and February of 1859 had been conducted in a leisurely fashion. Although it was concerned with the question of war and peace, there was little suggestion that war was imminent. Throughout March the sense of urgency was to increase, and throughout April Malmesbury's every effort seemed a last-minute attempt to avert war. But already at the opening of the year there were many signs of material preparation for war, and Malmesbury was perhaps guilty of excessive optimism in the early stages of the crisis. His information of French preparations for war had been often contradictory. In June 1858, Cowley had sent Colonel Claremont to the South of France to enquire into military and naval developments, and at the same time had asked for reports from the Consuls at Cherbourg and Brest. All these reports convinced Cowley that the British Government had "nothing to apprehend" from France.¹ The preoccupation of the British public in the summer of 1858 had been with the large French programme of naval

1. F.O. 27/1251, No. 581, Confidential, Cowley to Malmesbury, Paris, 2 June '58.

1. F.O. 27/1251, No. 581, Confidential, Cowley to Malmesbury, Paris, 2 June '58.

building, which gained publicity by the Queen's visit to Cherbourg in August. But Malmesbury, at least, never seriously believed in a French naval war against England, for which there was no possible motive. The real cause for alarm was the size of the French army. The threat was not to England, but more generally to the peace of Europe. On August 21 Claremont reported that the French army would consist of 392,400 men by the following year, and that this would be increased to over 600,000 by calling out the reserves. For the 1850's the figures were formidable.¹

The reports from France did not get any more alarming as the war approached. In January, 1859 when Malmesbury was at his most optimistic phase, the Prussian Government confidentially informed him that they believed war between France and Austria to be imminent. He replied that the best information which he could obtain suggested that the French Army was not ready for a major campaign that year.² As late as April the British representatives in France were still sending home deceptive reports.

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1. F.O. 27/1251, No.49, Claremont to Cowley, Paris, 21 Aug. '59; enclosed in No.1112, Confidential, Cowley to Malmesbury, Paris, 23 Aug. '58.
 2. F.O. 519/196, Most Secret, Malmesbury to Bloomfield, F.O., "January", 1859; enclosed in: Private, Malmesbury to Vowley, Heron Court, 7 Jan. '59.

Claremont had reported on the troops collecting in the neighbourhood of Lyons, but Napoleon had experienced little difficulty in persuading Cowley that the concentration had no significance. In a despatch which was omitted from the Blue Book, Cowley wrote:

I am not disposed to think that at the present moment, the Emperor wishes by this demonstration to do more than to afford a certain countenance to Sardinia, and perhaps give weight to his plenipotentiaries in the ensuing Congress.

Malmesbury did not allow miscalculations regarding the military situation to weaken his efforts for peace. He did not believe that war would be made in the first instance by France, but by Sardinia. Both Napoleon and the Austrian Government were prepared for war, given certain circumstances, but for Cavour war had become a basic tenet of policy, a fundamental necessity which did not depend upon circumstances. Where Malmesbury misjudged Cavour was in supposing that he could be drawn away from this policy by simple persuasion or by bargaining over details. The Foreign Secretary told Malakoff that Cavour's obstinacy reminded him of a saying of the Duke

1. F.O. 27/1293, No.358, Cowley to Malmesbury, Paris, 1 April '59.

of Wellington. It was better to keep dangerous men inside one's own party, than outside, the Duke had argued, "... comme aux Indes, pour avoir raison d'un éléphant indocile, on le place pendant un certain tems entre éléphants privés et dociles".¹

Malmesbury and Cavour were both eager to keep each other on the same side, since each regarded the other with profound distrust. Cavour was unjustified in distrusting Malmesbury's basic attitude towards Italy. He was right in assuming that Malmesbury would use every diplomatic device to prevent the war.

It has generally been supposed that Cavour's relations with Palmerston and Russell were happier than his relations with Derby and Malmesbury. Of this Cavour himself was sometimes doubtful. In December 1856 he wrote to Emanuele d'Azeglio that Palmerston and Russell were "in their words at least, a hundred times worse than the Tories. Because of this we sincerely hope that the Tories remain in power."² Earlier he had written to Villamarina: "Mieux valent Malmesbury et Derby que

1. Paris, "Correspondence Politique, Angleterre," Vol. 714, No.42, Malakoff to Walewski, London, 13 April '59.

2. Cavour e l'Inghilterra, Vol.II, Book 1, p.241, Cavour to E. D'Azeglio, 1 Dec. '58.

Palmerston et Clarendon".¹

These sentiments did not survive the crisis of 1859, but that they were expressed at all indicates that the contrast between the Italian relations of the Tory and Whig Governments has usually been over-stated. The turning point in the relations between Malmesbury and Cavour was marked by the diplomatic exchange in the early weeks of 1859. By the first day of March it was clear that the two men were approaching the Italian Question from opposite standpoints. Cavour was carefully planning a Franco-Austria War, and preparing the ground for the annexation of Lombardy, Tuscany, the Duchies and, if possible, Venice. Malmesbury was still hoping for "an Italian regeneration unstained by violence or bloodshed".

1. Carteggio Cavour - Nigra, Vol.I, p.171, Cavour to Villamarina, 19 Oct. '58.

CHAPTER VIII

The Italian Question: The Projected
Congress March and April 1859

I care for neither Austria nor France,
but Lord Derby and I are determined to
use every effort to prevent war, which
would cost 100,000 lives and desolate
the fairest parts of Europe. My whole
mind is occupied by that object.¹

Malmesbury had written these words during the first phase of the Italian crisis in January. By the end of March, when negotiations were entering upon a more intense stage, he began to fear that both Austria and France were only too ready to resort to war. If that were the case, the responsibility for evading war fell all the more heavily on his shoulders. On 24 March he wrote: "I feel that it is an imperative duty in me to prevent so awful a

1. Malmesbury, op.cit., p.459; entry for 12 January '59.

calamity as such a bloody war would be".¹

His attempt to keep the peace in Italy by encouraging reform of the Papal States, as an initial step, had borne no fruit. Nor had he succeeded in convincing Cavour that a war with Austria would be an incorrect approach to the Italian Question. But towards the end of February he secured a token victory. He asked Buol for a formal declaration that Austria had no intention of attacking Sardinia. In a despatch to Apponyi on 25 February, Buol gave a satisfactory reply. Malmesbury repeated the general request for a passive declaration at Turin, in a note presented by Hudson to Cavour on 14 March. The reply from Cavour was less reassuring, because more honest. He explained that "en presence des actes agressifs commis par l'Autriche", the mobilization of her army of Italy, and the construction of new fortifications, the Sardinian Government would have the right to provide for her defence, "même par la voie des armes". All the same, since the British Government had recognized the abnormal state of Italy, and was trying to find a remedy, Cavour was prepared to give the required assurance that his country would not

1. Malmesbury, op.cit., p.470; entry for 24 March '59.

2. Hansard, 3rd Series, Vol. CXXII, House of Lords, 18 April '59.

attack Austria.¹ Neither of the declarations was worth a great deal in itself. But by eliciting them, Malmesbury had reaffirmed British interests in peace.

He was determined to be an active mediator, and was convinced that Britain was more favourably placed for the task than any other Power. When reviewing the negotiations in retrospect, he said in Parliament:

While the relations of France, Austria and Sardinia were ... in an alarming condition, the relations of this country with the whole world were, on the contrary, of a most satisfactory character ... In the events which subsequently took place England was from this circumstance and her power the country which in all Europe was best qualified to act as mediator and negotiator.²

So far he had only played with the idea of mediation. The decision to send Lord Cowley on a mission to Vienna was his first positive move. Cowley was to enquire into the exact nature of the Franco-Austrian dispute, and to make it quite clear, informally, that English mediation would be at the disposal of the two Imperial Governments. He took with him a letter from the

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1. "Archivio Storico, Ministero degli Affari Esteri," Rome; Cartella 88, Cavour to E. d'Azeglio, Turin, 17 March '59.
 2. Hansard, 3rd Series, Vol. CLIII, House of Lords, 18 April '59.

Queen to the Emperor Francis Joseph, a letter which the Cabinet had worded for her.¹ It offered her good services to the two Emperors, and expressed her conviction that the circumstances which threatened peace were not "beyond the reach of diplomatic skill".

Emanuele d'Azeglio at one point in his correspondence gives the impression that the idea of the Cowley Mission was originated by Napoleon.² But it was always subsequently regarded as Malmesbury's scheme, and the British Foreign Secretary, frequently in close consultation with his Prime Minister, was responsible for the form and direction of the Mission. His opinion of his Ambassador in Paris was always a high one. Writing privately to Cowley he declared that he was "the only man who can carry out our views with respect to France, Austria and the Italian Question".

Cowley was not intended to limit himself to the general offer of good services. He was again to urge evacuation and reform of the Papal States, and he was to mention the difficult question of the Duchies. Cavour's

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1. Letters of Queen Victoria, (1908), Vol. III, p. 321, Derby to the Queen, Downing Street, 21 Feb. '59.
 2. Cavour e l'Inghilterra, Vol. II, No. 891, E. d'Azeglio to Cavour, 25 Feb. '59.

[continued overleaf]

strongest argument against Austria lay in her Treaties with the Duchies of Modena and Parma, the Treaties of 1847 which allowed - and even obliged - Austria to intervene in the event of revolution. The Congress of Vienna had envisaged intervention against revolution in Italy only if sanctioned by all the Powers. Austria's separate treaties with the Duchies were on very doubtful legal grounds and gave her an influence in Italy which Metternich himself had not claimed until the very end of his career. Cavour continually demanded their abrogation. Cowley was to propose their amendment at Vienna.¹ Napoleon's good-will for the Mission was sought, and apparently granted. But among proposals which Napoleon suggested for Austrian consideration were the abrogation of the separate Treaties with the Duchies, and "the adoption by all the States of Italy of a system of Government which would admit of the taxes being voted by an assembly of some sort". Cowley did not think that the British Government would object to any of Napoleon's points. As to Austria's reactions to them, he was, with good reason, more doubtful.²

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1. Malmesbury, *op.cit.*, pp.464-5, Malmesbury to Cowley, F.O., 13 Feb. '59.
 2. A. & P., Italy, p.80, No.65, Cowley to Malmesbury, Paris, 16 Feb. '59. From F.O., 27/1290, Separate.
This is an unusual example of a despatch which Cowley
[continued overleaf]

On being told that Cowley was coming to Vienna, Count Buol declared that he would "personally rejoice to see an old and valued friend". But he added a note of ominous warning: he would not accept a conference on Italy, nor consent to forced reforms or Independence of Italian States.¹ Francis Joseph expressed similar sentiments, and referred to Austria's "readiness to accept war should it be forced on her".² The odds against successful mediation by Malmesbury were clearly heavy.

Cowley's talks with Buol and the Emperor at Vienna were informal and secret. A plan which was discussed, but which was not openly proposed until some time after Cowley's return to Paris, was the neutralization of Sardinia. Cowley wrote privately to sound Walewski on the idea. He stated that he had not even informed his Government in London of this aspect of his talks, but wanted to know Walewski's opinion first. Cowley's argument was that if Sardinia disarmed, Austria could be persuaded to annul her treaties with the Duchies. Sardinia could be granted neutrality, and would experience

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had regarded as so confidential, that he did not number it in his series, and yet which was reproduced without expurgation in Malmesbury's Blue Book.

1. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 21 Feb. '59.
2. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 22 Feb. '59.

immense saving by the disbanding of her army. Walewski, normally not more sympathetic towards Italy than was Cowley, on this occasion discouraged further consideration of such a scheme.¹

Buol made it clear that Austria would not abrogate her separate treaties under existing conditions, but might reconsider the question if she could obtain other guarantees of internal peace in Italy, and one such guarantee would be the neutralization of Sardinia. Cowley could advance the discussions no further, but apparently hoped that even this might develop into a real concession.² He returned to London to report to Malmesbury in greater detail.

Malmesbury was even more optimistic than Cowley, and after a conversation with Derby and Cowley was surprised to find that Derby did not expect much success from Cowley's Mission. The Prime Minister was evidently more realistic at this stage. Malmesbury noted in his diary: "The Austrians have agreed to all we ask."³

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1. F.O. 519/225, Cowley to Walewski, Vienna, 2 March '59.
 2. F.O. 519/225, Cowley to Malmesbury, Vienna, 4 March '59.
 3. Malmesbury, op.cit., p.468; entry for 13 March '59.

The statement was simply inaccurate, and was typical of the kind of loose remark which Malmesbury was apt to enter in his diary, and which gives the superficial opinion that he was Austrophil. In the course of the next six weeks he was to state more considered expressions of opinion which give a different impression.

If Malmesbury and Cowley believed that the Mission had succeeded in preparing the ground for mediation, Buol's reports gave no reason for such optimism. According to these he had flatly refused to consider abrogation of the separate treaties, and had merely reminded Cowley that Austria had never used the Treaties, and that there was no reason to suppose that she ever would. If Cowley was satisfied with this, he was, in Buol's opinion, satisfied with little.¹ The two-faced behaviour of the Austrian Foreign Minister was probably not due to a desire to deceive Cowley, so much as to his own difficult internal position. According to Loftus, who retained a very favourable opinion of Buol's honesty, the war party was gaining power in Court at this time.²

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1. Die auswärtige Politik Preussens, 1858-1871, Vol. I, pp. 322-3, Note 1 to No. 191, Buol to Apponyi, 10 March '59, and Buol to Koller, Minister in Berlin, 6 March '59.
 2. Lord Augustus Loftus: Diplomatic Reminiscences, Vol. I, p. 319, and Vol. II, p. 25.

Malmesbury was subsequently criticised by Palmerston for not having given the Cowley Mission a more formal character, and for having left its objects so vague.¹ At the time Apponyi, too, had told Klindworth that he regretted the vague manner in which Malmesbury spoke of the Mission.² Certainly it is true that Malmesbury's approach to the Cowley Mission had lacked a sense of urgency. But as the months of March and April passed, and war became ever more difficult to avert, his diplomacy became increasingly firm and clear. The Cowley Mission had been only a tentative start to the process of mediation. Nevertheless, it had done more good than harm. It had again emphasized Britain's interests in diplomatic, rather than a military, solution to the Italian Question.

If Cowley had not been firm enough in his dealings in Vienna, Malmesbury's agent in Turin was a source of weakness to British policy in the opposite sense. Sir James Hudson was growing more sympathetic towards the policy of Cavour than he was towards that of his own

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1. Hansard, 3rd Series, Vol. CLIII, House of Commons, 18 April '59.
 2. Beaconsfield Papers, Letters from Klindworth, 18 Feb. '59; loose, but probably enclosed in a letter from Earle to Disraeli.

Government. At a time when information from Turin might have been vital, Hudson's despatches were short and infrequent. D'Azeglio observed that he was very lazy and that consequently Malmesbury was ill-informed about internal events in Sardinia.¹ But during the last three weeks of the crisis, before the outbreak of war, Hudson was on leave in England. He left affairs in the Turin Legation in the hands of the Secretary, Mr. West, in whom Malmesbury had more confidence, and arrived in London fearing that he would not be allowed to return. After seeing him, Malmesbury noted in his journal:

He is more Italian than the Italians themselves, and he lives almost entirely with the ultras of that cause. I had reason to complain of his silence, and quite understand how disagreeable to him it must have been to aid, however indirectly, in preventing a war which he thought would bring about his favourite² object, namely the unification of Italy.

By the "ultras of that cause" Malmesbury probably meant principally Cavour. By the second week of April, he had come to think of Cavour as an extremist. But Hudson's fear of the true "ultras", the Italian Republicans, was

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1. "Museo del Risorgimento", Turin, Colombo, No.400, E. d'Azeglio to his mother, 21 March '59.
 2. Malmesbury, op.cit., p.475; entry for 11 April '59.

as great as Cavour's.

The conviction that Malmesbury was considering recalling him was well-founded. In a private letter to Cowley the Foreign Secretary remarked:

We ought to have another man at Turin but I am hampered by the rule, become general since I was last in office, that no change can be made without the approbation of the Ministers themselves.¹

There had been a typical row with Hudson in the middle of March. Malmesbury, having secured the formal declaration from Buol that Austria would not attack Sardinia, instructed Hudson to inform Cavour. Hudson employed the assistance of Giuseppe Massari, the future biographer of Cavour, to convey the information in a confidential note. On hearing from d'Azeglio the manner in which Cavour had received the important piece of information, Malmesbury wrote indignantly to Hudson:

I must desire you ... to state to me who Mr. Massari is, and the reasons why you thought proper to select him to carry a confidential message between yourself and Cavour, instead of employing

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1. F.O. 519/196, Private, Malmesbury to Cowley, London, 29 March '59.

for such a purpose the Secretary of Legation, or one of the gentlemen attached to your Mission.

Hudson replied that the occasion had been the great "festa"¹ of "Mardi Gras", and that it would consequently have been difficult for him, or for anyone from the Legation, to find Cavour.² But the incident had shown that Hudson was on such intimate terms with Cavour that he could use the Count's confidential agents to carry out Foreign Office business.

Malmesbury did not remove Hudson from Turin, partly, no doubt, as he had explained to Cowley, because there were few precedents for the recall of Ministers in the Diplomatic Service, but partly also because the two men were personal friends. In the autumn of 1858 Hudson had joined Malmesbury at Achnacarry, and Malmesbury's diary contains light-hearted anecdotes of Hudson's shooting adventures.³ Nor could Hudson's experience of Italian affairs be thrown away, although his knowledge of the

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1. F.O. 67/240, No.77, Malmesbury to Hudson, F.O., 14 March '59.
 2. F.O. 67/243, No.107, Hudson to Malmesbury, Turin, 19 March '59.
 3. Malmesbury, op.cit., p.449, entry for 3 Oct. '58.

Italian political scene was not as infallible as is usually suggested. When Palmerston and Russell came into power in the summer of 1859 Hudson sent them a long printed memorandum which he had prepared in May. In tracing the development of nationalist thought in Italy, the memorandum defined Balbo and Gioberti as constitutionalists and monarchists.¹ The definition was true of Balbo, but Gioberti had favoured a federation presided over by the Pope, and in the subsequent advance of his thought from neoguelphism to a social democracy of the French pattern there had been little room for monarchism.² Nevertheless Hudson was better informed of Italian affairs than anyone else of equal eminence in the British diplomatic world. Malmesbury's policy with regard to him could be criticized from two standpoints. From one point of view it might be argued that the mutual confidence between Hudson and Cavour should not have been wasted, but used to maintain close relations with Sardinia. From the opposite point of view it might be claimed that Malmesbury should have replaced

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1. F.O. 67/244, Memorandum by Hudson, 12 May '59; printed and sent to the Cabinet, 13 July '59.
 2. The best and most recent critique of Gioberti's thought is an article by the late Professor Adolfo Omodeo: "Vincenzo Gioberti et la sua evoluzione politica", pp.86-155 of La Difesa del Risorgimento, (1951).

Hudson rather than leave an untrusted representative at so important a post. To the first charge the fundamental argument must be repeated: Cavour's acceptance of the need for war with Austria made it inevitable that Malmesbury should dissociate his policy from Turin if he was still to work for peace. To the second charge it can be pointed out that Hudson was granted leave at a convenient moment. His absence from Turin during the vital last three weeks of April left the Legation in the hands of West, who tried to carry through Malmesbury's policy to the letter.

Before the Cowley Mission was completed a diplomatic move came from an unexpected quarter. A Russian proposal of a Congress to settle the Italian Question served as a reminder that Prince Gorchakov did not intend to be excluded from European diplomacy indefinitely. Malmesbury did not resent Russian participation. On the contrary, he had written to St. Petersburg in January to try to secure Russian co-operation in the attempt to preserve peace.¹ He could not therefore object when, on 21 March, the Russian Government made a formal proposal to the other Powers, that a Congress on Italian affairs

1. A. & P. Italy, p.39; No.9, Malmesbury to Crampton, F.O., 12 Jan. '58.

should be held.¹ But Gorchakov's move was evidently an attempt to wrest the diplomatic initiative from Malmesbury. It showed contempt for Cowley's Mission, the result of which could not possibly have been estimated so soon. Gorchakov had frankly informed Sir John Crampton a few days before, that "he had not much hope" of the Mission's success.² Cowley was personally offended but succeeded in concealing the fact. He wrote privately to Hammond that he disliked the idea of a Congress, and added: "All that a Congress can effect we [England] might have effected single-handed..."³ Later he protested that the Russian proposal had been made unofficially to the French Government several days before his return to Paris, although the official presentation of a note by the Russian Minister was made only after Cowley had seen Napoleon on his return on 17 March.⁴ He might have protested further that even

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1. A. & P. Italy, p.152; No.137, Crampton to Malmesbury, St. Petersburg, 21 March '59.
 2. F.O. 65/535, No.89, Confidential, Crampton to Malmesbury, St. Petersburg, 16 March '59.
 3. F.O. 391/3, Cowley to Hammond, Paris, 20 March '59.
 4. F.O. 27/1294, No.471, Cowley to Malmesbury, Paris, 21 April '59.

the official Russian proposal was made in Paris three days before it was made to the other Powers.

Cowley was understandably more sensitive about these points than Malmesbury, who did not allow them to obscure the basic issue, which remained the preservation of peace between France and Austria. The British Foreign Secretary quickly retrieved the diplomatic initiative after its temporary capture by Gorchakov. There had been some confusion over the Russian proposal. It was known in Western Europe a few days before it was Officially made. Malmesbury had first heard of it from Paris, and for a short while had actually imagined that the proposal came from Napoleon and not from Gorchakov. He heard of it from Malakoff on 19 March, and at once asked the French Ambassador to send back the British conditions for a Congress. On the 20th he informed Count Brunnow, the Russian Minister in London, of his conditions, with the strange result that the Russian Government was informed of the terms under which Malmesbury would accept their Congress, on the day before they proposed it.¹

1. F.O. 519/196, Private, Malmesbury to Cowley, 26 March '59.

The conditions which Malmesbury drew up for the Congress took the form of Four Points. They were to form the basis for the discussions of the next month, and constitute his major contribution to the struggle for peace. They also contained the seeds for a regeneration of Italy, a slow and cautious reforming and uniting of the worst governed and most helpless states.

Statements of the Four Points were not always the same. Usually they differed in wording, and occasionally there were serious differences of content. The Russian Government accepted them, at the same moment as it formally proposed the Congress, in the following form:

1. The evacuation by France and Austria of the Ecclesiastical States.
2. The adoption of measures of administrative reform in these and perhaps other Italian States.
3. The prevention of any aggressive measure on the part of Austria or Sardinia.
4. The modification of the separate Treaties between Austria and certain Italian States.¹

The precise wording of this statement was Crampton's. Malmesbury's own wording, in his proposal to Paris, was:

1. *ibid.*, p. 244, No. 130, Malmesbury to Congress, P.O.

1. A. & P., Italy, p. 152; No. 137, Crampton to Malmesbury, St. Petersburg, 21 March '59.
19 March 1859, enclosed in Malmesbury to Crampton, London, 19 March 1859.

1. How evacuation of the Roman States by the armies of Austria and France can best be accomplished.
2. Whether any, and if any, what, reforms can be made in the internal administration of those States, and of the Duchies of Parma, Modena, and Tuscany.
3. The means by which peace may be preserved between Austria and Sardinia.
4. The substitution for the Treaties of 1847 between Austria and the Duchies of Parma and Modena, of a union of the minor States of Italy among themselves.¹

In these two versions Points 2 and 4 were appreciably different, and Malmesbury's addition of the supplementary phrase to his own version of Point 4 was significant. Two days earlier, in his informal acceptance of the idea of a Congress, and after a meeting of the Cabinet, he had written to Malakoff a private note in which he had listed the Four Points more briefly, as:

L'Evacuation.

La Réforme.

Sécurité de Sardaigne contre invasion
Autrichienne.

Substitution d'un plan pour le sécurité des
Gouvernemens des petits Etats pour les
Traités avec l'Autriche de 1847.²

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1. idem., p.144, No.130, Malmesbury to Cowley, F.O., 21 March '59.
 2. Paris: "Correspondance Politique, Angleterre", Vol.712, Note, Malmesbury to Malakoff, 5.30 p.m., 19 March '59, enclosed in Malakoff to Walewski, London, 19 March '59.

In this case it was Point 3 which had been differently stated. Walewski was quick to notice the variations, and enquired which version was to be regarded as the correct one.¹ Malmesbury replied that the version which he had proposed formally in his despatch to Cowley was to be considered as official.² But in fact subsequent statements of the Points continued to have differences of phraseology.

The origin of Malmesbury's Four Points can be traced to his instructions to Cowley before the Ambassador left on his mission to Vienna. They were drawn up and numbered in the same form, but were apparently not at that time to be communicated to Austria, or to any other Power, specifically as Four Points.³ By communicating them to all the Powers as the bases of discussion at the Congress, Malmesbury had brought the negotiations back to the point at which the Cowley Mission had left them. He was justifiably proud of this adroit piece of diplomacy, by which he had absorbed the Russian proposal of a Congress

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1. Paris; "Correspondance Politique, Angleterre", Vol. 714, No.50, Walewski to Malakoff, Paris, 5 April '59.
 2. *idem.*, Vol. 714, No.39, Malakoff to Walewski, London, 6 April '59.
 3. A. & P. Italy, p.84; No.70, Malmesbury to Cowley, F.O., 22 Feb. '59.

into his own plan for negotiations. He reminded Cowley humourously: "You are the real father of the Congress, however you may dislike your child."¹

Not only were the Four Points a continuation of the Cowley Mission, but they were also the culmination of Malmesbury's Italian policy since the beginning of the year. Points 1 and 2, Evacuation and reform of the Papal States, had been his initial aims in January. They were now to be included in a more comprehensive approach to the Italian Question. An analysis of all four points will show that Malmesbury's proposals for action in Italy were more sweeping than has usually been realized.

With regard to Point 1, the evacuation of the Roman States, he believed that the function of the Congress would be to declare the date by which the evacuation of both French and Austrian troops should be completed. When Buol protested that the Congress would have no right to make such a decision, Malmesbury replied:

The continued presence for ten years of foreign troops in the centre of Italy becomes a permanent occupation never contemplated by any School of Statesmen or any category of Treaties, and is visibly a patent grievance

1. F.O. 519/196, Private, Malmesbury to Cowley, 26 March '59.

dangerous to the peace of Europe because absolutely repulsive to the whole Italian peninsula. It is a fair and proper subject for the deliberation of the Great Powers, and it is a duty which they owe to Europe to examine and advise upon it.¹

Buol made it clear also that Point 2, the question of reform, was "repugnant" to him.²

The basic contrast between Buol's refusal to admit the existence of an "Italian Question", and Malmesbury's desire to remedy the worst abuses of the 1815 Settlement in Italy, was becoming more evident.

The significance of Point 3 became clear later in the negotiations and it will be convenient here to consider Point 4 first. It was in connection with this Point, in particular, that very different impressions are conveyed by the variations of wording. In many ways the question of Austria's separate Treaties with the Duchies was the most dangerous to peace in Italy.³ While in his other arguments Cavour had to appeal to a sense of abstract justice, in the case of the separate Austrian treaties he could argue in terms of established law.

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1. A. & P. Italy, p.191, No. 190, Malmesbury to Loftus, F.O., 30 March '59.
 2. F.O. 7/650, Telegram, Loftus to Malmesbury, 23 March '59.
 3. A detailed consideration of the part played by these Treaties is given by: Valsecchi, F: Le Convenzioni Austriache coi Ducati Italiani e la preparazione diplomatica della guerra del 1859, (1940).

Austria's occupation of Lombardy might have been unjust; it was, at least legal. Her legal position in the Duchies was far less certain. Article III of the 1847 Treaties with Parma and Modena, the article which obliged Austria to protect the ducal Governments against internal trouble, was especially objectionable to Western Europe. Malmesbury told Buol that it was "repulsive to the ideas of this country".¹ In his instructions to Cowley in February he had spoken of the Article as being "peculiarly obnoxious", and had referred to the Treaties as a whole as "these odious Compacts".² He sincerely believed that they were evil and dangerous in themselves, and should be removed. Cavour, on the other hand, secretly regarded them as a convenient weakness in the Austrian argument, and one which could be exploited. When Malmesbury tried to persuade Parma and Modena themselves to renounce the Conventions, Cavour was alarmed, and prepared to intensify popular agitation in the Duchies in order to dissuade their Governments from following Malmesbury's advice.³ The wretched Ducal Governments, in these last

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1. A. & P. Italy, 191, No. 190, Malmesbury to Loftus, F.O., 30 March '59.
 2. idem., p.84; No.70, Malmesbury to Cowley, F.O. 22 Feb. '59.
 3. Valsecchi: Le Convenzioni Austriache coi Ducati Italiani e la preparazione diplomatica della guerra del 1859, (1940), pp.6-7.

months of their lives, were too terrified to renounce Austrian support, whether at the request of Malmesbury or of anyone else.

Some, although not all, of the statements of Malmesbury's 4th Point contained a reference to a substitute for Austria's 1847 Conventions. The substitute might well have formed the core of a united Italy, and in the various statements of the shape which the substitute might take there is an indication of the path which Malmesbury would have followed for the future of Italy. On one occasion he defined the substitute as "an union of the minor Italian States for their internal security."¹ Later this became: "A Confederation of the minor states of Italy among themselves for their mutual internal and external protection."² Such a union or confederation was evidently to be limited to the minor states, and to be aimed as much against revolution as an external enemy. But the fact remains that Malmesbury favoured increased unity in Italy, and his idea of a league of minor states could easily have developed into a stronger

enlightened role of the Archduke Maximilian had said

1. A. & P. Italy, p.138, No.120, Malmesbury to Loftus, F.O., 19 March '59. This long memorandum is preserved with the following comment:
2. idem., p.228; No.241, Malmesbury to Loftus, F.O., 6 April '59.

and more effective union. Clearly he would have favoured a heterogeneous confederation rather than the closely integrated state which Cavour was so soon to create. But in this he was in line with the greater part of moderate political thought in Italy. The idea of a federation of the Italian States was to be propounded by Napoleon at Villafranca, and had apparently been in the Emperor's mind ever since March 1856.¹ But Malmesbury would have been unable to accept Napoleon's belief that the Pope could act as president of such a federation.

A notable omission in Malmesbury's Four Points was all mention of Lombardy and Venice. Here he believed that the sanctity of the Treaty of 1815 forbade any action. But even if he had not been concerned with the preservation of international treaties, his principle of dealing first with the greatest evils would have concentrated his attention on Central Italy. Not only had the Austrian provinces been better governed than most other parts of Italy since 1815, but in 1858 and 1859 Austrian administration was rapidly improving. The enlightened rule of the Archduke Maximilian had paid

1. Paris, "Mémoires et Documents, Italie" Vol. 36 "Note de l'Empereur sur l'Italie", 22 March 56. This long memorandum is preserved with the following comment: "Cette note parait être de l'Empereur - L'original remis au Comte Walewski per Sa Majesté est de la main de M. Mocquart".

substantial dividends in simple terms of human welfare. When warning Austria against the dangers of a war with France, Malmesbury had paid a tribute to Austrian government of her Italian provinces and to the "great ability" and "spirit of conciliation and liberality" of the Archduke Viceroy.¹

Cavour's argument that the Lombards hated Austrian rule, not because of any inefficiency or severity, but simply because it was rule by the foreigner, was probably true of the urban, educated and politically conscious classes. These classes were "Italians", rather than "Lombards". It was less true of the Lombard peasant, for whom rule by an Austrian administration in Milan was not more foreign than rule by a Piedmontese administration in Turin would be. Mr. Mildmay, the British Attaché with the Austrian Army during the war of 1859, gave reports which contrasted the behaviour of the peasantry in Piedmont with those in Lombardy. Those in Piedmont carried loyal support of their own army to savage extremes. They fired not only on the Austrian troops, but at ambulances carrying home wounded.²

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1. A. & P. Italy, p.7; No.8, Malmesbury to Loftus, F.O., 12 Jan. '59.
 2. F.O. 519/285, Private, Mildmay to Cowley, Mortara, Piedmont, Temporary H.Q. of the Austrian Army, 31 May '59.

Those in Lombardy on the other hand, did "not seem very anxious to see the French" and were "very kind indeed" to the Austrian wounded.¹ On the whole, it can be concluded that Malmesbury was accurate in estimating that the inhabitants of the Papal States were in greater need of the help of Europe than were the inhabitants of Lombardy.

Once they had been broached Malmesbury's Four Points became inseparable from the Russian proposal of a Congress. The two proposals together gave a fair hope of peace and of an improvement of the lot of the Italians. The Four Points had been accepted promptly by Russia, France, Prussia and Sardinia. Only Austria hesitated. Buol was alarmed at the 4th Point, and claimed that not only were Austria's Conventions with the Duchies internationally legal, but they were anticipated by the 1818 Congress of Aix-la-Chapelle. Gorchakov replied that "if the principles of the Holy Alliance" were "to be invoked" he had to state that he considered "that alliance as extinct".² A few days later Buol surrendered,

1. F.O. 519/285, Mildmay to Loftus, H.Q. of the Austrian Army, 12 June '59.

2. F.O. 65/535, No.102, Telegram in cypher, Crampton to Malmesbury, St.Petersburg, 25 March '59.

3. idem., p.137; No.110, Malmesbury to Loftus, 19 March '59

and told the Prussian Minister at Vienna that he had decided to accept Malmesbury's bases for the Congress.¹

The Austrian Government had already stated its own additional conditions. They insisted on the disarmament of Sardinia before the Congress, and the attendance of all the Italian States.² Malmesbury realized that these conditions as they stood would never be acceptable to Cavour. He therefore proposed that France and England should guarantee Sardinia for five years against Austrian attack, and that under this cover she should disarm. He suggested, too, that if Austria wished to exclude Sardinia from the Congress the other Italian States would have to be excluded also.³

The question of who should be represented at the Congress was to prove a difficult one. Napoleon and Cavour naturally insisted that Sardinia and not the other Italian States should be represented. They saw the Congress as an assembly for the advancing of Italian nationalism. Buol wished that all the Italian States

1. Auswärtige Politik Preussens, 1858-1871, Vol.I, p.374, No.233, Telegram, Werther to Schleinitz, Vienna, 29 March '59.

2. A. & P. Italy, p.138, No.120, Malmesbury to Loftus, 19 March '59.

3. idem., p.137; No.119, Malmesbury to Loftus, 19 March '59.

except Sardinia should be represented. He saw the Congress as a successor to Metternich's Congresses, a mode of perpetuating the "status quo" in Italy. Malmesbury's position was mid-way between these extremes. He wishes to limit the Congress to the Great Powers, and foresaw trouble if either Cavour or the petty Italian princes were allowed to have a voice in it. He saw the Congress as a great reforming body, opposed alike to revolution and to arbitrary tyrannies upheld by military force.

When Austria still hesitated, he telegraphed to Vienna: "Not a man in England of any party will permit Sardinia to be excluded if the other Italian States are called in."¹ Buol argued, with some justice, that if reforms in the Papal States, and the Treaties with Parma and Modena were to be discussed, then the Italian governments would have to be represented. Determined that the negotiations should not run aground on so small a point, Malmesbury proposed that the Italian States should be allowed to attend, but in a passive consultative capacity only, as Belgium and Holland had done in the Conferences in London in 1830 - 2. It was significant

1. F.O. 7/560, Telegram, Malmesbury to Loftus, 21 March '59; drafted in Malmesbury's hand. Extended in A. & P. Italy, p.143, No.127.

that Malmesbury had not followed Buol's example in choosing as his precedent the Congress of Aix-la-Chapelle, but had preferred the Conferences which recognized the Belgian right to independence. He instructed Loftus to present a formal note to Buol including all his proposals so far; his Four Points, the condition that the territorial settlements of 1815 should not be touched, disarmament of Sardinia with an Anglo-French guarantee, the presence, but not participation, of the Italian States at the Congress. Again he added: "To exclude Sardinia is impossible for any English Minister. If Buol insists we are off."¹

The original Russian proposal for a Congress had not included Sardinia, and Cavour complained of this in St. Petersburg. Gorchakov explained that he had not included her simply because she was not one of the Great Powers.² But France and Britain could not dismiss her so lightly. Sardinia had fought in the Crimean War, and had been represented by a little, red-faced man of undistinguished appearance, but whose energy, intelligence

I. F.O. 7/560, Telegram, Malmesbury to Loftus, F.O. 27 March, '59; drafted in Malmesbury's hand; extended in A. & P. Italy; p.175; No.167.

2. F.O. 65/535, No.98, Telegram in cypher, Crampton to Malmesbury, St. Petersburg, 24 March '59.

1. F.O. 65/535, No.98, Telegram in cypher, Crampton to Malmesbury, St. Petersburg, 24 March '59. Draft seen by Derby and the Queen. Excerpted version in A. & P. Italy, p.200; No.200.

and wit had secured for her an incongruous eminence. Malmesbury, for all his antipathy towards Cavour, was quick to see that the time had long passed when Austria could be allowed to ignore him.

Meanwhile Cavour was in Paris. Emanuele d'Azeglio visited him there, and returned to London to inform Malmesbury that Sardinia would neither disarm, nor send a representative to a Congress except on the same footing as those of the Great Powers. At Malmesbury's mention of his proposed Anglo-French guarantee d'Azeglio replied that "Count Cavour trusted that the aid of England without a guarantee would be given to her, if she went to war with Austria." This was either sarcasm or excessive optimism. Malmesbury replied that on the contrary the Sardinian refusals were alienating English opinion, "and that he consequently deceived himself and his master if he relied upon any moral or material aid from Great Britain." He added, in a sentence which he was to omit from his Blue Book, "that it was not as against Sardinia that this feeling had arisen in England, but against her minister."¹ Public opinion in England towards Cavour personally did not justify such a statement, but

1. F.O. 27/1282, No.376, Malmesbury to Cowley, F.O., 2 April '59. Draft seen by Derby and the Queen. Expurgated version in A. & P. Italy, p.200; No.200.

the Press was clearly ready to turn against any aggressor.

Malmesbury had maintained a tight hold on the negotiations, and the diplomatic initiative still lay with him. Walewski, convinced that any further attempt to make Sardinia disarm would be futile, telegraphed to Malakoff that it was for Malmesbury to impress this fact on Vienna.¹ Malakoff noted in reply that Malmesbury was beginning to appear "un peu rembruni", and that he was hindered by the fact that Apponyi was not in the confidence of the Austrian Government.²

When Malmesbury again pressed Austria to accept a Congress without making previous disarmament by Sardinia a condition, Buol told Loftus that he would consent only if England and Prussia would sign a convention with Austria guaranteeing her against French attack.³

The suggestion was not repeated. Apparently Malmesbury refused to consider it. Whether it would have prevented the war, or led to a general war, is difficult to decide,

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1. Paris; "Correspondance Politique, Angleterre", Vol. 713, Telegram in cypher, Walewski to Malakoff, Paris, 3 April '59.
 2. idem, Vol. 713, Telegram in cypher, Malakoff to Walewski, London, 3 April '59.
 3. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 4 April '59.

since any decision depends upon a diagnosis of Napoleon's psychology. Probably Malmesbury was wise to ignore the suggestion.

The expression "disarmament" was seldom precisely defined. The Austrian and Sardinian armies were already mobilized by March, and it is clear that the question was understood to be one of demobilization rather than of complete disarmament. Malmesbury saw that the immediate need was to remove the possibility of any incident on the frontier by persuading the two Governments to withdraw their troops from the Ticino. On 2 April he told the French Government that he was going to press for the withdrawal of both armies to a distance of ten leagues.¹ With encouragement from France and Russia he urged the idea on the Austrian Government.² Buol replied that it was "wholly unacceptable".³ Another point on which the Austrian Foreign Minister was stubborn was that the volunteer corps which the Sardinian Government had formed under Garibaldi should be disbanded. The French Government

1. A. & P. Italy, p.200; No.199, Malmesbury to Cowley, F.O., 2nd April '59.

2. F.O. 7/562, No.191, Telegram in cypher, Malmesbury to Loftus, F.O., 2 April '59.

3. F.O. 7/560, Telegram in cypher, Loftus to Malmesbury, Vienna, 4 April '59.

supported Cavour in refusing to consider this.¹ Malmesbury agreed with them, but for rather different reasons. He explained to Buol:

Nothing could be more fatal to peace than to disband such men at once and let them loose on Italy. Under military discipline they are comparatively safe.²

He had not forgotten the fear he had expressed in January, the fear that war and Republican revolution were interdependent.

So far Austria's refusal to compromise had been the main factor which prevented Malmesbury from assembling the Congress. Her proposal of a general disarmament of all the Powers was evidently intended to dispel the evil impression which she had created. Malmesbury hastily declared that the offer was "a fair one", and that "a general disarmament by the Great Military Powers and Sardinia would be an inestimable result to obtain."³

To his surprise and delight Napoleon accepted the principle of general disarmament, provided Austria did not insist

1. A. & P. Italy, p.216, No.225, Malmesbury to Cowley, F.O., 5 April '59.
2. F.O. 7/560, Telegram, Malmesbury to Loftus, F.O., 7 April '59.
3. A. & P. Italy, p.233; No.248, Malmesbury to Cowley, F.O., 7 April '59.

upon an immediate and independent disbandment of Garibaldi's Corps. For a brief moment it seemed that peace would be preserved. Malmesbury telegraphed to Vienna:

Here is a chance of preventing the calamities we fear and of arranging the Italian Question on the bases of our Four Points. If it is lost Austria is responsible.¹

It is clear from one of Walewski's despatches that he had himself accepted responsibility for agreeing to the principle of general disarmament.² If the Austrian Government knew this, it could have little faith in the value of a statement from Walewski, who had clearly lost the confidence of the Emperor. Nor could Austria agree to enter a lengthy Congress when only the principle of disarmament had been vaguely accepted. The cost of keeping her army in Lombardy on a war footing was already becoming intolerable.

Malmesbury had tried to drive Austria into the Congress by declaring that the other Powers had accepted disarmament, and that she was now responsible for

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1. F.O. 7/560, Telegram, Malmesbury to Loftus, F.O., 11 April '59; extended in A. & P. Italy, p.245; No.272.
 2. Paris, "Correspondance Politique, Angleterre," Vol. 714, No.52, Walewski to Malakoff, 12 April '59.

European peace. While the Austrian position was still far from clear, he telegraphed to Turin, giving the information that France and Austria had agreed to disarm, and that all now depended upon Cavour. He declared:

We will not enter the Congress unless he disarms as well as Austria and France - but if we do, every exertion of mine will be used to secure the four points involving Italian interests.¹

Strictly speaking, Malmesbury's statements to both Vienna and Turin were half-truths. He hoped to salvage the Congress by persuading each government that it would be responsible if war came. But not until April 19 could he note in his diary that Cavour had accepted the proposal of a general disarmament, and even then he had to admit that Austria had still not accepted.² By that late date the negotiations had passed into a more desperate phase, and the Congress was already a lost cause.

That the Congress had come very near to assembling is apparent from the practical details which were seriously considered by all the Governments, such details as who

1. F.O. 67/240, No.4, Telegram in cypher, Malmesbury to West, F.O., 13 April '59.

2. Malmesbury, op.cit., p.479, entry for 19 April '59.

should be plenipotentiaries, and in what town they should meet. The initial Russian proposal had been for a "Congress" rather than a "Conference", and this was intended to imply that the plenipotentiaries should be Secretaries of State rather than Ambassadors or envoys. Malmesbury accepted the fact that he would have to be the British plenipotentiary, but was not enthusiastic.¹ His diplomacy was always more competent when conducted at a distance, in writing, than it was in person, at interviews. When the Congress was already rumoured, but before it was formally proposed, he wrote to Cowley:

Would Hudson do as our Plenipotentiary at it? If he would run fair he knows Italy and the old questions well. You cannot be spared from Paris or from the Principalities Conference.²

According to d'Azeglio the British Government definitely decided to send Hudson a month later, when the negotiations had reached their final stage. They had by then apparently abandoned the idea of sending a member of the Cabinet. It seems strange that Malmesbury should have been prepared at one moment to remove Hudson from

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1. Malmesbury, op.cit., p.470, entries for 21 and 22 March '59.
 2. F.O. 519/196, Private, Malmesbury to Cowley, 19 March '59.

Turin, and at the next to send him as plenipotentiary to the Congress. But it goes far to prove the truth of the Foreign Secretary's statement that once the Congress was assembled he would do everything in his power for the Italians.

Both Malmesbury and Hudson requested that Sardinia should be represented by Massimo d'Azeglio and Minghetti.¹ The choice of the elder d'Azeglio was significant. The veteran Sardinian statesman, uncle of the Minister in London, belonged to the older generation of Italian nationalists. His approach to politics had become a detached, objective one, more in tune with English Tory philosophy. Like Malmesbury he had other interests besides the public debate and struggle in which he was engaged. Cavour and his Ministers in London and Paris, the younger generation of Italian nationalists, were wholly absorbed in their political work. They regarded a set-back in their public policy as a personal injury. Massimo d'Azeglio would accept such a set-back in a stoical, resigned and tolerant mood, and in this he was more like the majority of English statesmen of his time.

Malmesbury discussed the question of which town should

1. "Museo del Risorgimento", Turin, Colombo, No.402, d'Azeglio to Cavour, 18 April '59.

be the seat of the Congress with some interest. Since there was a possibility that he would attend himself, the question was a personal concern. He favoured Aix-la-Chapelle, but Gorchakov expressed "great repugnance" for the place. He asked Malmesbury "as a private and personal favour" to agree to Geneva, which was "superior in respect to personal comforts and convenience".¹ The request makes it clear that the Russian Government was in earnest in its proposal of a Congress. The Austrian Government preferred Rome, but Malmesbury opposed the choice, and added in his own hand at the end of a despatch: "It would be for other obvious reasons objectionable to meet in any other town of Italy".² This was in keeping with his general conviction that the Congress should be a court of the Great Powers, uninfluenced by popular agitation, in Italy or elsewhere. Later he settled on Wiesbaden, and was trying to arrange a meeting there for April 30.³ But again he was led to reconsider his choice

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1. F.O. 65/535, No.104, Private telegram in cypher, Crampton to Malmesbury, S.Petersburg, 25 March '59.
 2. A. & P. Italy, p.138, No.120, Malmesbury to Loftus, F.O., 19 March, Draft in F.O. 7/562, No.152.
 3. F.O. 7/562, No.191, Telegram in cypher, Malmesbury to Loftus, F.O., 2 April '59.

when it was pointed out to him that Wiesbaden was too near Frankfort, where there were too many interfering diplomats.¹

The Congress arrangements eventually broke down on the issue of disarmament. But the question of representation had been left unsolved. Malmesbury's compromise proposal that all the Italian States should attend, in a consultative capacity only, had proved unacceptable to Cavour and the other Italian States alike. Antonelli had turned down the invitation to the Congress. The Pope had conveyed to Napoleon his regrets at the announcement of a Congress in which two Protestant Powers, one schismatic Power, and two Catholic Powers at enmity with each other, should summon him to give an account for the acts of his independent sovereignty.² Malmesbury telegraphed to Odo Russell in Rome that he was "truly sorry" at the Papal decision, and added: "If the Cardinal wishes to avert a War of opinion and national hatreds in Europe, he will assist in promoting the Congress."³

1. F.O. 64/471, No.120, Telegram, Malmesbury to Bloomfield, F.O., 4 April '59.

2. Bianchi, N.: Storia documentata della diplomazia europea in Italia dall'anno 1814 all'anno 1861, Vol. VIII, pp.47-8.

3. F.O. 43/69, No.29, Telegram in cypher, Malmesbury to Odo Russell, F.O., 3 April '59.

But there had been no response to his appeal, and the question of representation was allowed to rest during the final storm over disarmament.

In this final storm a ray of hope was thrown by the mission of Massimo d'Azeglio to London. In sending him, Cavour probably was concerned only in securing English good-will in the coming war, but it was assumed in London that his mission was one of peace. At that time the name of Massimo d'Azeglio was better known and more respected in London than the name of Camillo di Cavour. In noting in his diary the announcement of d'Azeglio's mission, Malmesbury commented: "He is a very distinguished and prudent man."¹ In the event, d'Azeglio's arrival in London was too late to have any real effect. In his very first interview with Malmesbury, he was told that the British Government had heard rumours that the Austrian Government was preparing an ultimatum to Sardinia, although Malmesbury himself was reluctant to believe them.²

D'Azeglio's one achievement was to persuade Cavour to accept the principle of general disarmament. Utterly selfless as always, he had promised Cavour that if

1. Malmesbury, op.cit., p.475, entry for 10 April, '59.

2. Bianchi, N. : La Politica di Massimo d'Azeglio dal 1848-59, p.269. Telegram, Massimo d'Azeglio to Cavour, London, 18 April, '59, 5.30.

necessary he would himself accept responsibility for what seemed to be a surrender of Italian interests.¹ He reported an interesting conversation with Malmesbury, who said:

Now that the question is under discussion, I become again what I have always been, a friend of Italy. At the Congress I will place myself in the hands of your plenipotentiaries and of the Italians. I am sending Hudson and Cowley.

D'Azeglio made interjections indicative of disapproval of the choice of Cowley, to which Malmesbury commented: "Cowley is a serious and severe man, but he is very honourable and will be fair." D'Azeglio was evidently convinced that a Congress would do good for the Italian cause.² Any further benefits which his visit to London might have secured were prevented by the Austrian ultimatum. Since he had established friendly relations with Malmesbury it is possible that events would have taken a different course if he had arrived a week or two earlier. But he was handicapped by ill-health and trouble from the wound which he had received in Italy's first war of liberation. Once the Austrian ultimatum had been

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1. Bianchi, N., op.cit., pp.269-70, two telegrams, M. d'Azeglio to Cavour, London, 19 April '59.
 2. idem., pp.270-1, Private Letter, M. d'Azeglio to Cavour, Windsor, 19 April '59.

presented in Turin he was eager to depart, and was restrained from doing so only by his nephew. Emanuele believed that Massimo should remain until the first cannon shot had been fired.¹ Eventually, on 1 May, he left for Turin, ignoring Cavour's instructions that he should wait longer. He wrote to a friend in Italy "Je quitte avec grand plaisir la politique comme le brouillard anglais, tout en emportant un reconnaissant souvenir."² The last public function of the man whom Cavour called "the father of the Italian Question"³ had neither prevented the war nor secured assistance from England. His achievement in persuading Cavour to accept disarmament had come a few days too late to have any influence on events.

Before presenting his ultimatum to Sardinia, Buol took a strange step. He asked Malmesbury for a guarantee against an attack from France. Mention has already been made of his earlier request that England and Prussia

1. "Museo del Risorgimento", Turin, Colombo, No.403. E. d'Azeglio to his mother, 27 April '59.

2. "Istituto per la Storia del Risorgimento Italiano," Rome; Busta 816, No.47 (3), M. d'Azeglio to Gustave de Reiset, 23 Park Lane, London, 30 April '59.

3. Bianchi: Storia documentata della diplomazia europea in Italia, 1814-1861, Vol.VIII, p.54. Cavour to Villamarina, Turin, 9 April '59.

1. Malmesbury to Loftus, F.O., 20 April '59.

should guarantee Austria against France, but on that occasion the request had fitted naturally into negotiations for disarmament. His final proposal to Malmesbury did not include Prussia, and was made independently of any other negotiations. Malmesbury refused the second request, as he had done the first. The form of his reply which was delivered in a note to Apponyi, offended Buol, but Malmesbury assured him that no offence had been intended, and that "neither the request nor the refusal will be made public."¹ He remained true to the letter of his promise, and did not include the relevant despatches in his Blue Book, although their inclusion would have added to the evidence of his impartiality as a mediator. On the same day he was writing privately in a very different tone to Berlin. He was still hoping to obtain Austrian acceptance of a Sardinian plenipotentiary at the Congress, and declared that if Austria refused "she must be cursed by all mankind for a brutal and unparalleled obstinacy." He went on:

If Austria does refuse our fair and final proposal... we shall not only withdraw from this controversy, but hereafter be obliged, (should Austria attack Sardinia for not disarming), to defend Sardinia from invasion

1. F.O. 7/563, No. 272, Confidential, Malmesbury to Loftus, F.O., 20 April '59.

and conquest... So angry is the Cabinet at the idea of an Austrian refusal that I believe the advent of Palmerston and John Russell will not be required to make us act with the French.¹

The words were written privately in a moment of exasperation. Malmesbury was to find that as an act of public policy war against Austria was unjustifiable and scarcely feasible. But his words had not been those of a partisan of Austria.

Professor Valsecchi has pointed out that France, Austria and Sardinia accepted Malmesbury's proposals of peace for the time being, only because each wished to avoid the responsibility for the war.² Viewed in this light, the diplomatic struggles of March and April, 1859, appears simply as a defining of the future aggressor. That Malmesbury himself at times realized this is apparent from his own language. As the negotiations progressed he laid responsibility for preserving peace alternately on Vienna and Turin. But he hoped that both sides would avoid war altogether rather than be

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1. F.O. 356/32, Private, Malmesbury to Bloomfield, 20 April '59.
 2. Valsecchi: "La Mediazione europea e la definizione delli agressore alla vigilia della guerra del 1859," *Rassegna Storica del Risorgimento*, June 1937.

accused as the aggressor. He could not foresee that the Austrian Government would ultimately cut short the negotiations, ignore his advice, sacrifice the good-will of Europe and send to Turin an ultimatum which was virtually a declaration of war.

Apart from the fact that Cavour's general responsibility for planning the war went back to Plombières, he must also share with Austria the direct responsibility, although his share is clearly the smaller of the two. His guilt lay in not accepting the principle of a general disarmament until he had heard from three sources - Berlin, London and Naples, - that the Austrian ultimatum was on the way.¹ Massari gave a detailed account of the events in Turin during the two or three days which preceded the ultimatum. According to him, the French Minister, de la Tour d'Auvergne, awoke Cavour at 1.30 in the morning of 19 April with the news that Napoleon had responded to Malmesbury's plea, and accepted the principle of general disarmament. Cavour was overwhelmed with the information, and spoke wildly of shooting himself.²

1. Massari, op.cit., pp.316-7; Bianchi: Cavour; Documenti editi ed inediti, p.63.

2. Massari, op.cit., p.315.

He delayed his own acceptance of the proposal until he knew that it was too late to prevent the war.

As early as 16 April, Malmesbury claimed to have seen a copy of the despatch which was to convey Austria's ultimatum.¹ Delivered formally in Turin on the 23rd, it demanded the immediate disarmament of Sardinia. If it was not accepted in three days, the Austrian armies would attack. On the very same day Malmesbury made a last minute attempt to save peace. After a meeting of the Cabinet, he telegraphed to West: "Advise Cavour to reply to the summons by proposing to act upon the 23rd Protocol of the Treaty of Paris of April 14, 1857."² His informal mediation of the last two months had failed. Now, at the eleventh hour, he suggested using the formal process recommended by the Congress of Paris. He had tried to employ the Protocol in the cases of the "Cagliari" and the "Charles et Georges", without success. In this far graver issue the chances of formal mediation were far more slender.

1. F.O. 67/240, No.11, Telegram in cypher, Malmesbury to West, F.O., 16 April '59; extended in A. & P. Italy, p.280, No.319.

2. F.O. 67/240, No.17, Telegram in cypher, Malmesbury to West, F.O. 21 April '59; extended in A. & P. Italy, p.307, No.367.

2. Paris: "Correspondance Politique Anglaise", Vol.714, No.50, Malakoff to Walewski, London, 22 April '59.

The Derby Government decided that a protest against the ultimatum should be sent to Vienna. Malmesbury telegraphed to Loftus:

Inform Buol that Her Majesty's Government will protest in the strongest manner against the step taken by Austria ... By this step Austria forfeits all claim to the support and sympathy of England.

The Austrian Government, too, was advised to accept mediation under the 23rd Protocol of Paris.¹

The important decision to send a formal protest to Vienna had been made by the full Cabinet. But the Austrian ultimatum appeared to Malmesbury to be a personal insult, since it was delivered before he had brought his negotiations for disarmament and a Congress to any conclusion. According to Malakoff, he said to Apponyi:

In the intervening days between the presentation and the rejection of the ultimatum, the English Government made every effort to bring about a settlement of the crisis by mediation. In this attempt, the English Government was supported by the French Government. The English Government was, however, unsuccessful. The French Government was, however, successful. The English Government was, however, unsuccessful. The French Government was, however, successful.

Vous savez l'Anglais, eh bien! Je ne vous dirai point les expressions par lesquelles je dois qualifier la conduite de votre gouvernement en cette circonstance; ouvrez le dictionnaire et, quelles que soient les dispositions auxquelles vous vous arrêterez, vous resterez encore beaucoup au dessous de la verité.²

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1. F.O. 7/563, No.278, Telegram, Malmesbury to Loftus, F.O., 21 April '59. The despatch which is the extender of this, A. & P. Italy, p.306; No.366, is also printed in Temperley, H. and Penson, L.M.: Foundations of British Foreign Policy, p.200. The formal protest itself, to be presented by Loftus to Buol, is on pp.396-8 of A. & P.Italy.
 2. Paris: "Correspondance Politique Angleterre", Vol.714, No.50, Malakoff to Walewski, London, 22 April '59.

The time had passed when Malmesbury could attempt to see the Austrian point of view. He reminded Vienna once more that Sardinia "had agreed without conditions to a general disarmament." He appealed to Buol to arrest the march of the Austrian armies and declared: "If he does not do this this country will be as one man against him."¹

Since the ultimatum had been delivered on the 23rd, its period expired on the 26th, and on that day Cavour returned his formal rejection. By no stretch of imagination could he have been expected to accept it. It constituted at once an unjustifiable act of aggression, and a diplomatic blunder on a major scale. Cavour had already described it as "*une véritable sommation conçue dans les termes les plus menaçants et provocateurs.*"²

In the intervening days between the presentation and the rejection of the ultimatum Malmesbury persisted with his attempt to arrange mediation. He now included the French in his scheme, and on the 25th again appealed to Buol to "defer the advance of Austrian troops for a few days."³ Neither the French nor Austrian Governments

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1. F.O. 7/563, No.280, Telegram in cypher, Malmesbury to Loftus, F.O., 22 April '59; extended in A. & P. Italy, p.318; No.380.
 2. "Archivio Storico, Ministero degli Affari Esteri", Rome; Cartella 88, Cavour to E.d'Azeglio, Turin, 24 April '59.
 3. F.O. 7/563, Telegram, Malmesbury to Loftus, 25 April '59; extended in A. & P. Italy, p.340; No.408.

immediately rejected mediation, although their armies were on the move. Buol evidently accepted some form of mediation in a private letter. Malmesbury telegraphed to Vienna: "Thank Buol for his letter and express our satisfaction at his acceptance of mediation."¹ Napoleon even added to Malmesbury's proposal, by suggesting that mediation should be conducted by three Powers, one of which should be Russia. Malmesbury knew that Austria would not accept this, and meanwhile Buol had refused to consider an armistice. At last the British Foreign Secretary had to admit that it was "hopeless to proceed by negotiation." He added, in a note of finality: "We resign the attempt."² On that same day the Austrian Army crossed the Ticino. Cavour had been expecting the invasion for several days, and had telegraphed to Cillamarina: "I fear that there may be some English intrigue in hand to stop the drift to war."³ But the English "intrigue" had failed.

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1. F.O. 7/562, No.309, Telegram in cypher, Malmesbury to Loftus, F.O., 27 April '59.
 2. F.O. 7/563, No.314, Telegram, Malmesbury to Loftus, F.O., 29 April '59; this draft is numbered incorrectly, but very clearly, "313"; it is bound in its correct position between the real No.313, and No.315.
 3. Bianchi: Storia documentata della diplomazia europea in Italia, 1814-1761, Vol.VIII, p.66, Telegram in cypher Cavour to Villamarina, Turin, 28 April '59.

That Malmesbury's handling of the whole crisis up to the outbreak of war had failed in its object is self-evident. That his sole aim had been to preserve the peace is equally undeniable. Seldom can any statesman have laboured so zealously for a cause in which his country was not directly concerned. In so far as his failure was due to his own shortcomings, he was guilty, basically, of a lack of imagination. He did not realize that Cavour aimed at liberating and uniting Italy in a few years. So ambitious a programme inevitably involved war with Austria, even at the price of sacrificing the moral support of England and Germany, and retaining only the support, moral and material, of France. Nor did Malmesbury realize that Austria was so afraid of a Congress on Italy, and so anxious to defeat the Sardinian army in battle, that she would risk a war with France. In short, he did not appreciate the extent of Italian ambition or the depth of Austrian folly.

Yet he had come near to success. He had persuaded Napoleon, and finally even Cavour, to accept the principle of a general disarmament. But for the Austrian ultimatum, it seems probable that the Congress would have assembled. Many years later Malmesbury referred to the 1859 crisis as though it had been a personal success.

Stratford Place, 21 Feb. 1871.

The occasion was the Franco-Prussian War. Malmesbury argued with some reason that Napoleon had been far more determined to make war in 1859 than he was in 1870. Yet on the previous occasion Napoleon "showed himself amenable to the counsel of the British Government." War had been caused only through an intrigue by Palmerston: "Palmerston secretly told Buol that when he came into office (which was certain to happen within two months) England would join France and Italy, and Buol accordingly rushed into War."¹

This latter-day account is, of course, naive and extravagant. But there was some truth in Malmesbury's claim that he had influenced Napoleon's policy during the Congress negotiations. From the initial proposal of his Four Points he had spun an intricate web of diplomacy, a web which had been broken only by the maladroit action of Austria. The initiative during the Congress negotiations had remained in London. At one point Gorchakov had proposed to Schleinitz that all preliminary arrangements for the Congress should be left to the representatives of the Powers in London. Malmesbury readily agreed, and must have regarded the

1. Beaconsfield Papers, Malmesbury to Disraeli, Stratford Place, 21 Feb. 1871.

proposal as a compliment to his own energy.¹ Buol had independently suggested that a conference to discuss disarmament should meet in London.² Malmesbury, then, had remained at the centre of discussions. His conviction that he could prevent war was not wholly unjustifiable. Nor was his dismay when his attempt was abruptly frustrated.

On the evening of April 21, when news of the Austrian ultimatum had reached London, Malmesbury had a small number of guests to dinner, among them Massimo and Emanuele d'Azeglio and Sir James Hudson. The party dined in a gloom spread by the apprehensions of war, and broken only momentarily by a joke from their host.³

Of the four men only Emanuele d'Azeglio could have felt any satisfaction in the news of impending war. His uncle had devoted his whole life to an assault on violence and brutality. He had regarded his mission to London as one of peace. Although he was loyally to

1. F.O. 65/532, No.134, Malmesbury to ^SWrampton, F.O., 6 April '59. Draft in Malmesbury's hand.

2. Auswärtige Politique Preussens, 1858-1871, Vol.I, p.374, No.233, Telegram, Werther to Schleinitz, Vienna, 29 March '59. No.233, Malmesbury to Cowley, F.O., 15 April '59.

3. Malmesbury: op.cit., p.480.

support the war once it had started, he must have had a sense of personal failure on the evening of 21 April. Hudson, too, was disappointed that Cavour should have sought help from France, while English influence at Turin had diminished. But above all, Malmesbury had cause for regret. His diplomatic career had reached an unhappy culmination. His own view of what had happened was a simple one:

England, having no direct interest in the Italian Question, has consented to take an active part in negotiation for its settlement, in order thereby to promote the interests of humanity, and to avert from the Peninsula, perhaps from Europe at large, the calamities of a deadly warfare...

But, in the event of failure, as he had foreseen:

Great Britain must retire from a scene in which she can no longer act either an useful or a dignified part; and she will leave to those who have refused her friendly services, to answer before God and man, for a war undertaken without a cause, and justified by no principle whatever.¹

1. A. & P. Italy, p.264: No.299, Malmesbury to Cowley, F.O., 13 April '59.

CHAPTER IX

The Italian Question III : The Franco-Austrian War, May and June 1859

The war which Malmesbury had so much dreaded lasted for only two months and involved only two of the Great Powers. Even so, it had much of the horror which he had anticipated. The very shortness of the war was due to the immense massacres at Magenta and Solferino. The Austrian Army at Solferino was more than twice as large as the combined Allied Armies at Waterloo. Of this vast cumbersome force more than one in seven were killed, wounded or missing after the battle. In simple terms of human life and suffering Malmesbury's attempts to prevent the war of 1859 were clearly justified. Once the fighting had started his aims were more limited. He concentrated on preserving an impartial neutrality, and localizing the war.

Impartial neutrality was manifested in all purely technical points. Attachés were sent to the French,

Sardinian and Austrian Armies on identical terms.¹ Colonel Claremont, the regular Military Attaché, was sent to Napoleon's Headquarters, and to the Austrian Headquarters, Malmesbury appointed a Mr. Mildmay, who had formerly been in the Austrian Army. He stressed that Mildmay's position must be a formal one, "as I do not wish to have any secret correspondent."² British diplomatic staff in the belligerent countries were instructed to take part in public rejoicings at victories, but not to attend "Te Deums". Hudson requested permission to attend a "Te Deum" after Magenta, on the grounds that the Prussian Minister was attending, and it would be unfortunate "to create a schism in the Diplomatic Body". His request was refused.³

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- The two principles of neutrality and localizing the
1. A. & P. (1859, Session 2), Vol. XXXII, pp.571-3; C.46, "A copy of the instructions given to each Officer sent by the British Government to the Headquarters of the Armies in Italy of Austria, Sardinia, and France, together with any correspondence that has passed between the Government of England and those Countries relative to such Mission."
 2. F.O. 7/563, No.316, Telegram in cypher, Malmesbury to Loftus, 1 May '59.
 3. F.O. 67/245, No.241, Hudson to Malmesbury, Turin, 8 June '59; minute in Malmesbury's hand.

2. Harperley & Pearson, op. cit. p. 204. Document 55, Private Telegram, Malmesbury to Loftus, 29 April '59.

Throughout the negotiations Malmesbury had made it clear to all parties that Britain would be neutral in an Italian war. Immediately after Napoleon's New Year's Day pronouncement to Hübner, the Prussian Government had confidentially asked what British policy would be in the event of a Franco-Austrian war. Malmesbury had replied that Britain "would preserve strict neutrality as long as possible".¹ This statement of British policy had been made secretly, but in the course of March and April, Malmesbury proclaimed it ever more openly. He had not tried to suggest that Britain would join in the war against the aggressor. He had simply offered himself as an impartial mediator, whose services could be used so long as neither side resorted to war.

The two principles of neutrality and localizing the war were closely related. Malmesbury declared that Britain would remain at peace only so long as hostilities were limited to Northern Italy. He instructed Cowley to convey to the French Government as his private opinion, that "we may be involved in it if it reaches the Baltic by blockades or other commercial annoyances".² It was

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1. Wellesley, op.cit., p.172, Malmesbury to Bloomfield, 3 Jan '59.
 2. Temperley & Penson, op.cit., p.201, Document 56, Private Telegram, Malmesbury to Cowley, 29 April '59.

vital for Britain that the fighting should remain on the land. The large navy which Napoleon had built could be employed nowhere without endangering British interests. Malmesbury warned the Russian Government against any warlike activity in the Baltic, and hinted at the negotiating of an agreement with Russia, France and Austria for neutralizing of both the Baltic and the Adriatic.¹ Before hostilities could reach the shores of the Adriatic the Treaty of Villafranca had been signed, and Malmesbury had left the Foreign Office. British interests in that sea were not to be threatened.

A warning given by Walewski to Cavour's Minister in Paris gives an indication that British neutrality was not a wholly negative element. Cavour had asked if French naval protection might be extended to Tuscan shipping. Walewski said that he could not reply officially to this request because of the "susceptibilité" of England. He added:

que la plus grande modération pourrait seule nous assurer sa neutralité et qu'il était très essentiel d'éviter tout ce qui pourrait être interprété comme un empiètement sur un état voisin, sous

1. Temperley & Penson, op.cit., p.201, Malmesbury to Crampton, 2 May '59.

peine de voir arriver les flottes
Anglaises dans la Méditerranée et
dans l'Adriatique.

Malmesbury was also preoccupied with the Balkans. That the French and Sardinian Governments were trying to stir up trouble among the Slavs is evident from a further remark of Walewski. He told Villamarina that after British queries, he had been obliged to disavow "tous les agents plus ou moins occultes" in the Balkans.¹ Only five years had passed since Britain had gone to war to preserve the Ottoman Empire. Malmesbury would have been prepared to sacrifice peace and his alliance with France rather than throw away the fruits of the Crimean War. He reminded Cowley: "Attacks on Austrian territory in the North-east corner of the Adriatic might bring Turkey into play, and so have us into it".² He repeated this theme to Berlin:

... An attempt to despoil the Porte of its dominions and to re-establish French and Russian supremacy in the East might compel this country to renounce its neutral attitude. But it would do so with the

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1. "Archivio di Stato", Turin, "Lettere Ministri, Francia", File No.285, No.64, Confidential,
 2. Villamarina to Cavour, Paris, 7 May '59.
 2. Malmesbury, op.cit., p.482, Malmesbury to Cowley, F.O. 2 May '59.

utmost regret, as the idea of engaging in war is utterly abhorrent to the general feeling of all classes of Her Majesty's subjects.¹

In his desire to localize the war Malmesbury gave the impression of partiality towards Austria. If the war was to be extended, it would be through French or Sardinian, rather than Austrian action. Firm language was more necessary in Paris and Turin than Vienna, once the war had started. Cavour, always extremely sensitive about the language of the British Foreign Office, instructed d'Azeglio to express "regrets" that British neutrality was "peu bienveillante" towards Sardinia. He said that the illustrations of this were numerous, but he cited only one: "les interpellations sur la neutralité suisse". The reference was to complaints which Malmesbury had made that French troops were passing through Switzerland. Cavour remarked that he still hoped for British moral support, and that he was convinced that British interests would not be found to be in opposition to those of Sardinia, once Italy had been "délivrée de l'oppression étrangère".²

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1. F.O. 64/471, No.210, Malmesbury to Bloomfield, F.O. 9 May '59.
 2. "Il Museo del Risorgimento", Turin, Archivio Carutti, Cartella 66, No.31, Draft of official letter, Cavour to E. d'Azeglio, Turin, 15 May '59.

If Malmesbury's policy before the war had been impartial with regard to Franco-Austrian rivalry, during the war he did not wish either side to suffer a crushing defeat. Certainly he did not hope for a complete Austrian victory. Referring to the probability of an Allied occupation of Milan, he wrote privately to Cowley: "We ought to look out for a chance of stopping the war for assuredly then Germany will step in, and if Pélissier's army is not better than we think, it will not stop them" The remark seems to imply that he was concerned to prevent a defeat of the French Army of the Rhine. When the Austrian Government confidentially proposed sending Prince Esterhazy to London "to induce us to help," Malmesbury told them that it was "out of the question". "They (that is Esterhazy, Metternich and others of that tune) cannot believe we are not the England of 1815," he commented.¹

Whatever might have been Malmesbury's personal feelings for Austria, it is clear that he had an aversion to the policy of Buol, whom he regarded as having been responsible for the ultimatum, and so for the failure

1. F.O. 519/196, Private, Malmesbury to Cowley, Heron Court, 3 June '59.

2. F.O. 7/504, No. 51, Russell to Malmesbury, F.O., 27 July '59.

of British mediation. It is possible that when Buol was replaced by Count Rechberg, towards the end of May, Malmesbury's sentiments towards Austria might have changed. He drafted a despatch himself, concluding with the hope that Rechberg's "advent to Power will afford me the opportunity of cementing a good understanding between the two countries."¹

Rechberg was evidently not unduly impressed by these words of good-will. After the war, and after Malmesbury's retirement from office, the new Austrian Foreign Minister complained, in a significant conversation with Loftus that "England abandoned Austria in the late war".² A Great Power which remains neutral in a European war inevitably incurs the displeasure of the belligerents. It had happened to Austria herself during the Crimean War. In the War of 1859 Malmesbury was accused alike by Turin and Vienna of desertion.

The impartial spirit of Malmesbury's neutrality can be appreciated when contrasted with the attitude of the Queen. Throughout the first half of her reign the Queen's relations with her foreign secretaries were always difficult. The exception had been Lord Granville; when

1. F.O. 7/563, No.359, Malmesbury to Loftus, F.O. 24 May '59.

2. F.O. 7/564, No.51, Russell to Loftus, F.O., 27 July '59.

he was replaced by Malmesbury in 1852, the Queen lamented his departure, and commented: "I cannot say his successor ... inspires me with confidence."¹ Her lack of confidence in Malmesbury took the form of a conviction that his policy was too hostile towards Austria. In the Italian negotiations of March, 1859, she warned him to be cautious "in answering the many telegrams crossing each other from all directions respecting the proposed Congress." She declared that "an understanding with Austria on every point ought, if possible to precede our giving our opinion to France or Russia."² Malmesbury's diplomacy did not follow this rule. On another occasion the Queen disapproved of an implication in one of Malmesbury's draft despatches that Austrian policy was "reckless."³ After the initial French and Sardinian victories in the war, Malmesbury entered in his diary:

The Queen and Prince feel strongly the defeat of the Austrians, and are anxious to take their part ... but I told Her Majesty that was quite impossible.

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1. Letters of Queen Victoria, (1908), Vol. II, p. 372, Queen Victoria to the King of the Belgians, Buckingham Palace, 24 Feb. '52.
 2. idem, Vol. III, p. 326, Queen Victoria to Malmesbury, Buckingham Palace, 27 March '59.
 3. idem, Vol. III, p. 326, Queen Victoria to Malmesbury, Buckingham Palace, 12 April '59.

He added, however: "Her Majesty and His Royal Highness are quite aware of this."¹

The Court's predilection for Austria originated largely in Prince Albert's distrust of Napoleon. The two letters which have just been quoted were in the Queen's name to Malmesbury, but were evidently drafted by the Prince, since they show considerable restraint in the practice of underlining. The scarcely concealed partisanship of the Crown for Austria during the war has added to the belief that British Foreign Policy under the Derby Government was prejudiced against France.

In fact, British policy towards France was inevitably influenced by Malmesbury's personal friendship with Napoleon. It seems unlikely that Malmesbury would ever have negotiated with Austria behind Napoleon's back. Even when British and French policies were out of tune with each other over the Italian Question, relations between the two countries remained close. The weight of correspondence, official and unofficial, passing between London and Paris was always greater than that between London and Vienna. In Paris Malmesbury was represented by the

1. Malmesbury, op.cit., p.488, entry for 29 May '59.

by the distinguished figure of Lord Cowley as Ambassador. In Vienna there was not yet an Embassy, and the influence of Lord Augustus Loftus was slight. Any hostility towards France on Malmesbury's part took the intimate form of exasperation at the Emperor's personal policy. In 1852 Malmesbury had welcomed the Second Empire as a great force for peace in Europe. He was accurate in assessing Napoleon's character as essentially a pacific one. He therefore regarded it as a personal offence when Napoleon felt himself obliged to abandon a peace policy, and to drive the Austrians from Italy. He assumed that the strain of the Emperor's immense responsibilities, and the unrelenting dangers of assassination, had destroyed his psychological stability. He wrote in March:

The Emperor is no longer the same strong man in mind and nerve that he was formerly. Five years ago he would have put his cousin and Cavour in their proper places in five minutes.¹

By the time of his resignation Malmesbury's bitterness towards Napoleon had reached its peak. He wrote words which he was subsequently to regret, and which, on the

1. Malmesbury, *op.cit.*, p.471, Malmesbury to Cowley, 18 June '59.

publication of his Memoirs twenty-five years later, he was to suppress and alter. After Napoleon's victories, Malmesbury prophecied in a private letter to Cowley:

The next year will be one of triumph and debauchery. In 1861 will come the Rhine quarrel, and next the Channel case!¹

In his published Memoirs this was adjusted to read:

The next year will be one of triumph and debauchery. Then will come the Rhine quarrel, but he will fight shy if he can of England. It is a superstition with him to do that.²

In simple terms of honesty, such a falsification of a private letter cannot be excused. If Malmesbury had not been prepared to publish his own prophecy accurately, he should not have done so at all. The only point which can be made in his defence is that he had always on previous occasions declared that Napoleon would maintain the English alliance. Only in a moment of resentment had he expressed a belief in Napoleon's duplicity.

F.O. 519/196, Private, Malmesbury to Cowley

1. F.O. 519/196, Private, Malmesbury to Cowley, F.O. 18 June '59.
2. Malmesbury, op.cit., p.494, Malmesbury to Cowley, 18 June '59.

Whatever was his private attitude towards the French Emperor, his public policy during the war was scrupulously fair to France. In one respect his diplomatic action was of immense benefit to Napoleon, although he was not thanked for it: following his policy of localizing the war, he advised Germany to remain neutral. The general belief at the time, in England, France and Sardinia, was that Malmesbury was encouraging Germany to enter the war. On the eve of the war Emanuele d'Azeglio commented that the British Government was not sorry to see the German Confederation adopting a bellicose tone and placing itself behind "800,000 bayonets".¹ The publication of Malmesbury's Blue Book showed that this belief was the reverse of the truth. On hearing that the Frankfort Diet was about to vote a measure calling upon the Confederation to take up arms with Austria without waiting for further cause, Malmesbury telegraphed a warning to Sir Alexander Malet, his representative at Frankfort. He reminded the Confederation that if Germany should at this early stage involve herself, without a Treaty obligation, in the present war, she would have no

1. "Museo del Risorgimento", Turin, Colombo, No.403, D'Azeglio to his mother, 27 April '59.

assistance to expect from England, and that without such assistance her coasts would be exposed to the ravages of hostile fleets in the Baltic.

He added: "Her Majesty's Government know of no offence given directly by France to the States of the German Confederation as a body ..."¹ He followed up the warning to the Confederation with an identical warning in a circular to the separate Governments of the German States.²

That his warnings were needed quickly became evident. The Austrian Government requested mobilization of the Federal forces. The Prussian Government at first intended to resist the demand, but finally gave way to public enthusiasm to the extent of mobilizing their own army. Napoleon recalled Malakoff from London, and placed him in command, not of an army in Italy, but of the army on the Rhine.

A more detailed warning from Malmesbury was omitted from the Blue Book because of its confidential character. He had gathered the impression that the smaller German

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1. A. & P., p.395; No.483, Malmesbury to Malet, F.O., 1 May '59.
 2. idem, p.407; No.501, Malmesbury's Circular to the German Courts, F.O., 2 May '59.

Courts were being urged by Prussia to attack France, and they had informed British Envoys accredited to them that Berlin "was guided by the advice of England". This false impression of British policy had been given by Baron Beust, the Saxon Minister in London, after a conversation with Malmesbury. The Foreign Secretary now wrote at length to Bloomfield in Berlin to explain the real substance of his conversation with Beust:

"I said that England, if she could possibly avoid it, would not join Germany in a war with France .." While Germany "should be prepared for events," Malmesbury made it clear that he "did not consider that the possible crossing of the Ticino by the French would constitute for the Confederation such a casus foederis as would justify it politically in crossing the Rhine."¹

It is clear that Malmesbury advised Germany not to attack France, but whether his influence was an important factor in the German decision to remain neutral is less easy to decide. There are, however, indications that his influence was thought to be considerable. Villamarina,

1. F.O. 64/471, No.210, Malmesbury to Bloomfield, F.O., 9 May '59. Rough draft by Hammond, corrected at length by Malmesbury, seen by Derby and the Queen. The same information was conveyed by Malmesbury in a private letter to Bloomfield on the same day: F.O., 356/32.

who was not likely to give undeserved praise to Malmesbury, told Cavour that the British circular to the German Courts was "une démarche de la plus haute importance pour nous". It had produced "un excellent effet", modified only by the language of the British Agents at the small German Courts. These minor diplomats were not in sympathy with Malmesbury's instructions that Germany should be encouraged to remain at peace.¹

A more remarkable testament to British influence in Germany is given by a despatch of Walewski's to Persigny, a despatch which was the expression of Walewski's own convictions, and the sense of which was not to be conveyed to anyone else. Walewski wrote:

Toutes les informations qui nous parviennent d'Allemagne continuent de nous représenter l'action du Gouvernement Anglais comme pouvant être décisive sur les déterminations de la Confédération Germanique ... Il est bien désirable que le Cabinet Anglais continue détenir, non seulement à Francfort, mais dans tous les Etats allemands un langage toujours aussi précis et aussi ferme que celui qui a été prescrit antérieurement à Sir Alexander Malet ...²

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1. "Museo del Risorgimento", Turin, Colombo, No.410, Copy E. d'Azeglio of an official despatch: Villamarina to Cavour, Confidential No. 68, Paris, 14 May '59.
 2. Paris, "Correspondance Politique, Angleterre", Vol. 714, No.78, Walewski to Persigny, 19 May '59.

If Walewski was correct in considering Malmesbury's advice as "décisive" on the conduct of the Confederation, then the fact that Germany remained at peace would prove that his secret advice had not differed from his public advice.

Of more practical importance than the policy of the Diet was that of the Prussian Government. Berlin was inevitably less dependent upon advice from London than was Frankfort. There is nowhere any suggestion that the Prussian Government's decision to mobilize the army was recommended to it by anyone other than its own public. But if Malmesbury's influence in Berlin was less direct than it was in Frankfort, it was nevertheless appreciable. Anglo-Prussian relations had improved throughout 1858. The year had opened with the marriage of the Princess Royal to the Crown Prince Frederick William. Although the event had no formal diplomatic significance, it did much to improve feeling between the two publics. The birth of the future Emperor William II in January, 1859, was, ironically, the signal for a great outburst of Anglo-Prussian mutual good-will. In the preceding years there had been malaise over Prussian neutrality in the Crimean War, and over the questions of Schleswig-Holstein and Neuchâtel. Immediately after the Congress of Paris

British and Prussian policies had been opposed over the Eastern questions of Bolgrad and the Principalities. But during 1858 London and Berlin had clashed on no single issue, and Malmesbury's relations with both the Prussian Government and Count Bernstorff in London had been friendly. Among the most positive achievements was his improvement of Anglo-Prussian diplomatic sentiment, an improvement which did not long survive his resignation.

His visit to Berlin in August, 1858, served to strengthen his ties with the Prussian Government, although there is no indication that any specific political agreements were reached. In a conversation with Prince William, he agreed that Prussia should "not be pushed against France", and affirmed that the Prince Regent "should avoid all appearance of getting up Alliances against her while at the same time it was essential that Germany should be united as much as possible."¹ Immediately after his return he denied to a foreign diplomat in London that he had ever thought of "la formation d'une nouvelle haute alliance". He wished for good relations with everyone, but had no intention of modifying the existing system of alliances.²

1. F.O. 519/196, Private, Malmesbury to Cowley, Potsdam, 21 Aug. '58.

2. "Archivio di Stato", Turin, "Lettere Ministri Gran Bretagna", File No.126, No.1484, Count Corti, Chargé d'Affaires in absence of d'Azeglio, to Cavour, London, 1 Sept. '58.

Apart from British influence there were other factors which helped to dissuade Prussia from assisting Austria in the war of 1859. Chief of these was the struggle for supremacy in Germany. Bismarck, among other Prussian statesmen, believed that the Italian War offered an opportunity for settling accounts with Vienna. Appointed to St. Petersburg in February, he did his best to join Prussia to the anti-Austrian alignment. The cautious Government of 1859 had to steer a middle course between belligerent extremes, and the Foreign Minister, Von Schleinitz, was concerned early in the crisis to know what the British attitude was likely to be. As has been seen he had asked confidentially what Britain would do in the event of a Franco-Austrian War, and Malmesbury had replied quite simply that she would be neutral.

After the War had started, Schleinitz repeated his question concerning British policy, in a more formal and public manner. This time he stated clearly that Prussia wished to align her action with that of Great Britain. Malmesbury replied with his consistent theme: the British Government would "maintain a strict Neutrality" and would "deprecate any act which would unnecessarily extend the Theatre of War". But he refused to "give advise as to

the measures of defence which should be adopted elsewhere."¹ It was clear from the tone of his despatch that he wished Prussia to be prepared adequately to resist a French attack. A Prussian army of observation on the Rhine was an important factor in localizing the war.

But Malmesbury had virtually advised neutrality to Prussia as he had to the German Confederation, and the same question again arises: how far was his influence instrumental in deciding Prussian policy? In a subsequent criticism of Malmesbury's handling of the whole crisis, Cowley wrote privately to Clarendon:

In maintaining neutrality ourselves we need not have been so anxious to impose it on others, and Malmesbury, hoping no doubt to curry favour with the peace advocates, has no doubt been very instrumental in deciding the Policy of Prussia. This opinion is of course for yourself alone ...²

The verdicts of Villamarina, Walewski and Cowley have now been quoted to suggest that Malmesbury had considerable influence with Germany as a whole, and

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1. A. & P. Italy, p.432, No.530, Malmesbury to Bloomfield, F.O., 4 May '59. Draft seen by Derby and the Queen.
 2. F.O. 519/225, Cowley to Clarendon, Paris, 4 June '59.

Prussia in particular. None of these three men had any object or interest in stating that Malmesbury had influence where he in fact had none. All of them except Walewski gave their verdicts in a manner deprecatory to Malmesbury's policy as a whole. The conclusion can therefore be drawn that Malmesbury had at least some share in the German decision to remain neutral during the war of 1859. Yet both Cavour and Napoleon believed that his policy was directed towards an opposite aim.

As early as December 1858, Cavour had written: "Let us hope that the influence of Russia on the Court of Berlin may overcome the intrigues of England to gain the alliance of Prussia for Austria."¹ A few weeks later Napoleon was telling Cowley of his conviction that "the policy of England was to unite Germany against him." Cowley denied the fact "peremptorily and at once", but the Emperor declared that his agents in Germany gave him ample evidence. Cowley was probably describing the true situation when he replied that French agents in Germany were "looking out for little bits of information" merely to increase their reputations and that they were influenced

1. Bianchi: Storia documentata della diplomazia europea in Italia, 1814-1861, Vol. VIII, p.49, Cavour to Villamarina, Turin, 30 Dec. '59.

by their Russian colleagues. The British Government desired "to see an end put to the jealousies and bickerings" between Prussia and Austria, but this had nothing to do with "any hostile feeling towards France."¹ That Malmesbury had a vague desire for good relations in Germany is evident. He frequently wrote of the need for German "unity", by which he meant neither unity of action in the war, nor any close political union, but simply the absence of friction within the Confederation. But such loose language could easily give a false impression. After the presentation of the Austrian ultimatum at Turin, the Prussian Government showed resentment that it had not been informed in advance. Malmesbury expressed "great regret" at the resentment in Berlin, and instructed Bloomfield to do what he could "to promote a good feeling and unity of action between the two Courts".² The phrase "unity of action" could not have been used a few days later, when Austria was at war. Even at that time - immediately after the presentation of the Austrian ultimatum - it was unwise, and would have given a false impression of

1. F.O. 27/1289, Separate and Confidential, Cowley to Malmesbury, Paris, 20 Jan. '59.

2. F.O. 64/471, No.182, Malmesbury to Bloomfield, F.O., 27 April '59.

Malmesbury's policy in Paris. But such vague instructions were intended to have a general rather than a precise significance. In contrast, Malmesbury's aim to exclude Germany from the war was expressed explicitly in long despatches.

Napoleon's fallacious conviction that Malmesbury was uniting Germany against him was long-lived. Two years after the war, in 1861, Malmesbury secured an interview with him in the Tuileries, with the object of disillusioning him on the point. Malmesbury declared that his "despatches were printed and extant, to prove that it was our Government who had prevented the Prussians and other German States from joining Austria when he and his allies crossed the Ticino." According to Malmesbury's account the Emperor "was vefy much struck with the statement, and said: 'It is always so, when one hears from one's Ministers at the small courts, as I did this from the Court of Saxe-Weimar.'"¹ The honesty and accuracy of the account seems borne out by the reference to French agents at the small German courts. Two years earlier Cowley had traced the origin of the fallacy about Malmesbury and Germany to the same source.

1. Malmesbury, op.cit., pp.501-2.

To limit the war in duration, no less than in geographical extent, was part of Malmesbury's policy. At the same time as he proclaimed his neutrality to the Prussian Government he reserved the right "to take advantage of any favourable opportunity that may be offered ... of being the medium of restoring peace."¹ Villamarina reported on 14 May that the British Government had started peace negotiations with Austria, through King Leopold of the Belgians.² While it is possible that the Queen's personal contact with King Leopold might have been used for the purpose, nowhere else is there evidence of any such negotiations, neither in the Foreign Office correspondence nor in the published letters of Queen Victoria. Probably Villamarina was repeating a false rumour. In the event, Malmesbury was to leave the attempt to arrange a mediation to his successor.

Changes brought by the war were not limited to Lombardy. The revolution in Tuscany, and Cavour's preparations for annexation, demanded attention from the British Foreign Office. The Grand Duke Leopold II had

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1. A. & P. Italy, p.432; No.530, Malmesbury to Bloomfield, F.O., 4 May '59.
 2. "Museo del Risorgimento", Turin, Colombo, No.410, d'Azeglio's copy of an official letter, Confidential, No.68, Villamarina to Cavour, Paris, 14 May '59.

departed for Vienna a few days before the Austrian army crossed the Ticino. His civilized administration had always been popular with the British Government and the many English residents in Florence.¹ There was clearly no parallel between Tuscany and the ill-ruled Duchies of Parma ~~and~~ ^{AND} Modena. On 10 May Malmesbury sent Emanuele d'Azeglio a note expressing his "disgust and grave regrets" at events in Florence, and reminding the Sardinian Government that Leopold II was still the legitimate sovereign.² Oscar Scarlett, the British Minister in Florence, was in an unenviable position. Cavour's Envoy, Boncompagni, had taken over the function of appointing posts in the Tuscan Provisional Government. When the new Minister for Foreign affairs, the Marchese Ridolfi, informed Scarlett of his appointment, the British Minister agreed to communicate with him unofficially, pending a verdict from London.³ A week later Malmesbury instructed him to "remain at Florence, carefully refraining from taking any part in the political events which may arise, and only communicating with the provisional authorities when the interests of

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1. An entertaining account of the English colony in Florence at the time is given by: Giuliana Artom Treves: Anglo Fiorentini di cento anni fa (1953).
 2. Bianchi: Storia documentata della diplomazia europea in Italia, 1851-1861, Vol. VIII, p.92, Note, Malmesbury to d'Azeglio, London, 10 May '59.
 3. A. & P. (1859, Session 2), Vol. XXXII, pp.508-9; C2527, "Further Correspondence respecting the Affairs of Italy", No.39, Scarlett to Malmesbury, Florence, 12 May '59.

British subjects imperatively require you to do so."¹

A row with Sardinia developed when a British ship lying at Leghorn, following orders from Malmesbury, did not salute the Sardinian flag. D'Azeglio lodged a protest, and in conversation with Malmesbury reminded him that the British Government usually recognised de facto governments. Malmesbury said that the principle applied to "a de facto National Government established by a free and independent State", but the case of Tuscany was obviously different.²

If Malmesbury's policy towards Sardinia with regard to Tuscany was severe, it was less so than one critic could have wished. In a letter to Clarendon, Cowley wrote:

Tuscany is treated by Sardinia as a conquered Province. Her Flag, Missions, Consulates, etc., suppressed and amalgamated with Sardinia, and we do not say a word. I think that this is carrying forbearance to extremes.³

Scarlett remained in Florence, but Malmesbury did not make his relations with the new Government official.

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1. A. & P. (1859, Session 2), Vol. XXXII, p. 509, No. 40, 7, Malmesbury to Scarlett, F.O., 20 May '59.
 2. idem, p. 512; No. 43, Malmesbury to Hudson, F.O., 20 May '59.
 3. F.O. 519/225, Cowley to Clarendon, Paris, 4 June '59.

Recognition of Tuscany as part of Sardinia, and ultimately of Italy, was left to his successors.

A large part of Italy, the Kingdom of Naples, had been excluded from the negotiations of March and April. The second of Malmesbury's Four Points, internal reform of the Italian States, would without doubt have included Naples, but the Kingdom had never been specifically mentioned. There was still the difficulty that England and France had no diplomatic relations with Naples. Malmesbury had tried periodically to re-establish them, since the "Cagliari" Question had shown their potential necessity. The death of King Ferdinand provided him with the opportunity.

The King was dying when the war started in the North. It was feared that political troubles might follow his death. H.M.S. "Centurion" was sent from Malta to Naples to protect British interests.¹ Malmesbury prepared to exert British influence in Naples, after its suspension for three years. He decided that as soon as the old King died, he would send congratulations to his heir "without any retrospection", and would "advise the immediate

1. F.O. 67/244, No.181, Hudson to Malmesbury, Turin, 9 May '59, enclosing: Consul Bonham to Hudson, Naples, 5 May '59.

revival of the suspended Constitution".¹ When the new King, Francis II, was proclaimed, Mr. Elliott was accordingly despatched to Naples.² The French Government decided also to re-establish diplomatic relations, but were less prompt than Malmesbury in sending a Minister.³ Elliott's official instructions expressed the Foreign Secretary's hope "that the new reign will be attended with a new system of internal administration".⁴

Whether he was wise to restore diplomatic relations so quickly, and at so eventful a moment in Italian history, may be queried. In discussing the question with Clarendon, Cowley had remarked: "Between ourselves I think that Malmesbury has been somewhat too precipitate".⁵ But his decision should not be judged by future events. Almost anyone in 1859, if faced with a prophecy which contained the fabulous story of Garibaldi's expedition of 1860, would have ridiculed it. By past events Malmesbury's decision seemed justifiable. For three years King

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1. F.O. 519/196, Private, Malmesbury to Cowley, 17 May '59.
 2. F.O. 27/1283, No.663, Malmesbury to Cowley, F.O., 30 May '59.
 3. F.O. 27/1297, No.770, Cowley to Malmesbury, Paris, 1 June '59.
 4. A. & P (1859, Session 2), Vol. XXXII, pp.549-50; C2527, "Further Correspondence respecting the Affairs of Italy", No.81, Malmesbury to Elliott, F.O., 5 June '59.
 5. F.O. 519/225, Private, Cowley to Clarendon, Paris, 4 June '59.

Ferdinand's Government had resisted all encouragement to reform, and had not been unduly concerned by the absence of English and French diplomats from Naples. It was reasonable to suppose that the new King would be more impressed by a gesture of favour, followed by constant ~~service~~ service from an accredited minister.

Little has yet been said of the discussion of the Italian Question in England, and criticism of Malmesbury's policy from his political rivals. The Foreign Secretary was extremely sensitive of criticism, and particularly indignant at Palmerston's relations with foreign diplomats. That Palmerston was on close terms with Persigny and Emanuele d'Azeglio is evident. The "Morning Post", which bitterly criticized Malmesbury's policy, was also clearly ready to accept news, and even opinions, from the French Government. In January it had made the charge that Malmesbury was uniting Germany against Napoleon.¹

The Derby Government's weak hold on power was almost certainly part of the reason for Malmesbury's failure to maintain peace. The Government had been defeated on March 31 over its Reform Bill. On April 19 Parliament

1. Morning Post, 27 Jan. '59.

had been dissolved. Throughout April, therefore, the prolonged life of the Government was in doubt. Malmesbury's negotiations for the Congress and disarmament did not reflect his slender hold on office, but he had privately admitted in his diary in March: "If we were secure Austria might make the concession we require."¹

The Whig leaders persisted in suggesting that the Derby Government was favouring Austria. Lord John Russell in an election speech declared that the Government was prepared to support Austria in the coming war, and based his conviction on "the language of Lord Derby and Mr. Disraeli for several years past."² He could certainly not have based it on any public or private utterance of Malmesbury. Both Russell and Palmerston were loud in condemnation of the Government's foreign policy, although their charges were seldom specific, and it is not clear how their policy would have differed from Malmesbury's.

Clarendon, on the other hand, viewed the whole question objectively, and adopted a responsible tone in Parliament. In November, 1858, Cowley had told

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1. Malmesbury, op.cit., p.471, entry for 25 March '59.
 2. Spencer Walpole: The Life of Lord John Russell, Vol. II, p.297.

Malmesbury that there was no question of foreign policy on which Clarendon did not agree with the Government, with the possible exception of Malmesbury's attempts to restore diplomatic relations with Naples.¹ When the Italian crisis broke in 1859 Clarendon still gave Malmesbury his support and tried by private advice to mitigate the judgements of Palmerston and Russell.² On the eve of the Austrian ultimatum, Malmesbury made a statement of the situation to Parliament. Clarendon followed with a longer analysis of the Italian Question, and spoke in friendly and encouraging terms of Malmesbury's difficult task.³

Palmerston was sincere in his statements that he had no confidence in Malmesbury's ability. He had already doubted the Foreign Secretary's fitness for office, in considerations over the Eastern Question. But a very real weakness in Malmesbury's position was precisely the attitude of Palmerston himself. Napoleon, as well as the Austrian Government, was inevitably interested in Palmerston's language. Cowley was aware

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1. F.O. 519/224, Cowley to Malmesbury, Chantilly, 15 Nov. '58.
 2. Malmesbury, op.cit., p.477, entry for 15 April '59.
 3. Hansard, 3rd Series, Vol. CLIII, House of Lords, 18 April '59.

of this, and had asked Malmesbury if he would mind if he wrote to Palmerston warning him of the dangers. Malmesbury consented. Cowley thereupon urged Palmerston not to support in Parliament the ejection of Austria from Italy, since any such language would encourage Napoleon to go to war.¹ Palmerston assured Cowley that nothing irresponsible would be said in the Commons, and added the expression of his opinion on the Italian Question:

My own opinion is that the retirement of Austria from Italy would be an unmixed good, but would be too dearly bought by the calamities and dangers of such a war as would be necessary ... I wish Austria out of Italy but should lament her being weakened north of the Alps.²

Like Malmesbury, and unlike Napoleon, he did not secretly believe that an Italian war could be justified. Once the war had started, and before the final Italian debates in Parliament, he found fault privately with the Government for "not pressing hard upon Austria to induce her to go into Congress."³ In view of Malmesbury's

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1. Wellesley, *op.cit.*, p.173, Cowley to Palmerston, Paris, 25 Jan. '59.
 2. *idem*, pp.174-5, Palmerston to Cowley, in date given.
 3. *idem*, p.181, Palmerston to Cowley, 8 May '59.

repeated persuasions and threats to Vienna, Palmerston could not have made this charge if he had been in full possession of the facts. The Austrian ultimatum had an unfortunate effect for the Tories in the elections at the end of April. They gained about thirty seats which were insufficient to give them a majority, and were fewer than they had expected. The new Parliament quickly disposed of the Government. On June 7 an amendment to the address in answer to the Queen's Speech was moved by the Marquis of Hartington in the Commons. The amendment took the form of a paragraph appended to the address stating that the House had no confidence in the Government. In the ensuing debate the domestic and foreign policies of the Government were equally attacked. Hartington and some other Members withheld full judgement on Malmesbury's foreign policy in the absence of the Blue Books, which were to be presented in a few days. But Hartington expressed his conviction that there had been "great mismanagement of the affairs of our foreign policy", while another Member, Mr. Hanbury, said that:

1. "it was the universal opinion that the noble Lord who guided our foreign affairs knew as little of foreign diplomacy as he cared for the correct spelling of attachés."

Palmerston ridiculed the idea of waiting for a Blue Book before passing judgement on the Government's foreign policy. It was enough to observe the "black cloud hanging over the south of Europe". He explained at length that the error of the Government had been in supposing that the threat of war came from France and Sardinia rather than from Austria. They "had brought on the war" by threatening France and Sardinia, and "patronizing" Austria.¹ But it has been seen that Malmesbury's language to Austria was scarcely "patronizing". In the early stages of the crisis he had threatened France and Sardinia, but in April his language to Austria had been no less strong. On June 7 Palmerston had not read Malmesbury's correspondence, and probably supposed that his charges were justifiable. There is no reason to accept Greville's charge that "Palmerston's speech was ... full of gross falsehoods and misrepresentations, which he well knew to be such."²

When the debate was continued three days later, Russell devoted a long speech largely to an attack upon

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1. Hansard, 3rd Series, Vol. CLIV, House of Commons, 7 June '59.
 2. Monypenny, op.cit., Vol. IV, p.251

Austria. But he admitted that the Government had made "sincere and unceasing efforts" to preserve the peace, and even that he believed no other Government would have succeeded in doing so. He advised the House to vote a want of confidence not on specific charges, but on general grounds that the Government had allowed British influence in Europe to decline. The House accepted his advice and the Government was defeated by a majority of thirteen early on the morning of June 11.¹ The Queen accepted Derby's resignation later in the morning. The Prime Minister was given the Garter, and Malmesbury the G.C.B.

Malmesbury could not have been sorry to resign. On March 9 he had confided to his diary: "I should be glad to resign as I am worn out."² Since then he had conducted two months of intense negotiations, and for the third month had borne the heavy responsibility of directing British policy during a European war.

But he believed that the Government would not have been defeated on the address if his Blue Books had been presented in time. For the delay he blamed Disraeli.

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1. Hansard, 3rd Series, Vol. CLIV, House of Commons, 10 June '59.
 2. Malmesbury, op.cit., p.468, entry for 9 March '59.

He claimed that "at least twelve or fourteen M.P.s" who voted against the Government subsequently assured him that they would not have done so if they had seen the Blue Books. Among these was Cobden.¹ There was certainly much in the Blue Books which would have pleased Cobden's pacifism. Clarendon flattered Malmesbury by saying that they would have saved the Government and Delane of *The Times*, not usually a friendly critic of Malmesbury, expressed the same opinion.² It seems probable that Disraeli deliberately omitted to present them before the debate, because he believed that by withholding them a condemnation of the Government's foreign policy could be avoided. He had never had confidence in Malmesbury as Foreign Secretary. Malmesbury himself believed that he withheld them because he had not read them, and could not have defended them in debate. To a direct query as to why he had not presented them, Disraeli replied: "How could I produce them when they were not printed?" Even Monypenny did not accept this excuse, and wrote: "The Beaconsfield Papers contain

1. Malmesbury, op.cit., p.491.

2. idem, p.494, Malmesbury to Cowley, F.O., 18 June '59, and Delane to Malmesbury, 16 Sergeant's Inn, 20 June '59.

no direct explanation of the puzzle."¹

There are however in the Beaconsfield Papers three notes from Malmesbury to Disraeli which throw a little more light on the problem. The first, dated only five days before the debate, reads:

The papers will not be printed until Saturday night as our printer has been ill and he must be a confidential man. They have gone through three careful weedings by Fitzgerald and men and I do not think you will find any delenda but you shall have a copy as soon as possible.²

June 2 was a Thursday. The papers were thus expected to be printed on the 4th, which would have been three days before the first debate, and a week before the vote. The second of Malmesbury's notes, dated June 7, reads:

In the event of an adverse division how are the Italian papers to be presented at all? We cannot do so after we have tendered our resignation. My successor will then publish the originals unrevised and very likely our intended proofs side by side.³

This gives the impression that the Blue Books were still not quite ready for presentation on the first day

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1. Monypenny, op.cit., Vol.IV, p.252.
 2. Beaconsfield Papers, Malmesbury to Disraeli, 2 June (1859).
 3. idem, Malmesbury to Disraeli, 7 June (1859).

of the debate, but that Malmesbury was trying to persuade Disraeli to present them before the vote was taken. In the third note, which is undated, Malmesbury appears resigned to the fact that Disraeli has withheld them:

Can you not present the papers before you adjourn after the division? You are however the best judge.¹

Malmesbury was evidently alarmed at the prospect of having his published documents contrasted with the originals. Yet the expurgations in the Blue Books are surprisingly few and unimportant, being usually comments of a personal nature about foreign statesmen. The one significant omission was Austria's request for a guarantee against France, and Malmesbury's refusal. But this would have enhanced his reputation in the eyes of all. An example of the honesty of the Blue Books was the inclusion of Hudson's opinion that the Sardinian Government could not be charged with inciting unrest in Italy, an opinion which conflicted with Malmesbury's own. This Judgement on Malmesbury's handling of the Italian Question has thus undergone two transitions. The

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1. Beaconsfield Papers, Malmesbury to Disraeli, undated.
 2. A. & P. Italy, p. 32; No. 4, Hudson to Malmesbury, Turin, 3 Jan. '59.

immediate impression of the English Parliament and Press was that his failure to prevent the war had been due to his own prejudices and incompetence. The presentation of his Blue Books caused a revolution of feeling in his favour, but subsequent accounts have tended to revert to the earlier judgement. Even the most generous interpretation of his Italian policy is bound to admit that he did not fully appreciate the immensity of the movement towards unity in Italy. Only when he was writing his Memoirs, many years later, did he begin to see what had happened. He wrote:

The days of Queen Elizabeth had returned in Italy, which felt justified in using the sword and the intelligence of the great buccaneer Garibaldi against her enemies, as England did those of Drake and Raleigh, whom the Spaniards not unfairly called pirates.¹

The parallel was a good one. Just as the Tudor Monarchy had not been over scrupulous in the methods used to establish its high civilization, so did the Italian "Risorgimento" ignore the abstract legal system which stood in the path of an organic growth to nationhood.

1. Malmesbury, op.cit., p.446.

Malmesbury had failed to secure the regeneration of Italy by peaceful means. Once the war had started his policy inevitably appeared negative, since he disapproved of military and revolutionary weapons. To the Sardinians in particular his policy during his last weeks of office appeared weak and incomprehensible. Villamarina denounced it in uncompromising terms:

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Le Cabinet de St. James sent son impuissance et l'impuissance de sa politique, et que n'ayant pas le courage de désavouer ni de suivre la politique de la France, il employe tous les moyens pour le contrarier et entraver l'Empereur dans sa marche ... C'est une politique bien misérable et indigne d'une grand nation.¹

For his attempt to maintain peace, an attempt in which he had failed, Malmesbury had received praise from many quarters. For his attempt to localize the war, an attempt in which he largely succeeded, he received no compliments from his countrymen, and bitter attacks from the belligerents. Yet to an impartial critic the policy of limiting warfare in both space and time is neither a "wretched" one, nor one "unworthy of a great nation".

1. "Museo del Risorgimento", Turin, Colombo, No.410, D'Azeglio's copy of an official letter, Confidential, No.410, Villamarina to Cavour, Paris, 14 May '59.

CHAPTER X

Malmesbury's Direction of the Foreign Office

Malmesbury handled the affairs of Europe with more self-confidence than would be expected from a Foreign Secretary of a minority Government. His handling of the internal affairs of the Foreign Office had a still stronger note of authority. Before his appointment in 1852 he had no first-hand experience either of the workings of the British Foreign Office itself or of the practices of European diplomacy. He had, however, acquired, at second-hand, a certain familiarity with diplomatic forms, by editing the diaries and correspondence of his grandfather, the first Earl, who held important diplomatic posts from 1784 to 1793.¹

On his appointment in 1858 he took several steps to inaugurate a new order of things. He sent a circular to the embassies and legations stating in general terms the principles according to which he intended to conduct

1. Malmesbury, op.cit., p.239. The diaries and correspondence of the first Earl of Malmesbury was edited by the third Earl in 1844, in 4 volumes.

British policy. This step was unprecedented. It differed even from Castlereagh's State Papers of 5 May, 1820, and 19 January, 1821, in that it was intended to be conveyed in full to all the foreign Governments. It declared his sense of "the importance of cultivating the most friendly relations with other Powers", and his conviction "that peace cannot be disturbed in any quarter without a risk of the disturbance becoming more general," a conviction which he was to express in more specific contexts. It pronounced against revolutionary and violent movements, and declared that "while claiming respect for the institutions of this country, Her Majesty's Government have no opinion to pronounce on those of others." Malmesbury was to find that in practice it was almost impossible not to express opinions of the institutions of other countries when those institutions were so unsatisfactory that they threatened European peace. In reply to his advice that they should reform their Governments the Pope and King of Naples might justifiably have reminded him in 1859 of this passage in his circular of the year before. But the significance of the circular in this context is that it shows that Malmesbury was eager to assert an independence from certain past practices, notably the practice of encouraging

2. Foreign Office List and Diplomatic Blue Book for the year subsequent to 1858.

revolution in foreign countries. To assert this he chose the method of a circular, virtually addressed to all the governments of Europe.¹

The despatch of his circular suggested that Malmesbury was prepared for a long period at the Foreign Office and was not influenced by the thought that the Government might at any moment be thrown out of power by a hostile combination in the Commons. The same is suggested by his sweeping changes in the Diplomatic Service. On 31st March 1858, a few weeks after his appointment, he announced the names of no less than six new Envoys Extraordinary and Ministers Plenipotentiary. Far from being all to unimportant legations, they were sent to Austria, Russia, Spain, Switzerland, Denmark and Hanover. On 13 and 15 December, 1858, he appointed a further four new Ministers to the U.S.A., the Netherlands, Saxony and Brazil.² The appointment of ten ministers in one year was exceptional. To these must be added the appointment of Bulwer as Ambassador at Constantinople, one of the only two Embassies in existence in 1858.

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1. The circular has been printed and discussed in: Beasley, W.G.: "Lord Malmesbury's Foreign Office Circular of 8 March '58", in the Bulletin of the Institute of Historical Research, XXIII, 1950, pp. 225-228.
 2. Foreign Office List and Diplomatic Hand Book for any year subsequent to 1858.

However, two at least of the more important of these changes were caused by purely voluntary resignations. It has already been seen that Stratford de Redcliffe resigned as a mark of respect for Palmerston's Government. Lord Wodehouse at St. Petersburg resigned because he felt it would be impossible for the Derby Government to give him its full confidence. But he assured Hammond privately that it was not from any "feeling of reluctance to carry out Lord Malmesbury's instructions as far as he himself is concerned since we have always been on very friendly terms."¹

With the exception of Lord Lyons, who was sent as Minister to Washington, and the possible exception of Sir Henry Bulwer, it can scarcely be claimed that any of Malmesbury's appointments proved to be particularly talented diplomats. Disraeli characterized Loftus as "a pompous nincompoop, and of all Lord Malmesbury's appointments the worst; and that is saying a good deal." Whether or not Loftus deserved these hard words, his record in Malmesbury's period of office was not successful, judged solely by results. The sudden presentation of

1. Monypenny, *op.cit.*, Vol. IV, p. 223.

1. F.O. 391/3, Private, Wodehouse to Hammond, St Petersburg, 27 Feb. '58.

the Austrian ultimatum to Sardinia would seem to suggest that the British position in Vienna was not a strong one. Evidently, however, Malmesbury had offered the Vienna Legation to Lord Stanhope, who had refused it, and he had then been obliged to consult the Foreign Office list.¹ Loftus himself claimed that Clarendon had intended to appoint him, and that Malmesbury had been advised by Clarendon before doing so.²

Reference has already been made to Malmesbury's habits of work. In the autumn of 1858 these were irregular, and his handling of at least one crisis, that of the "Charles et Georges", suffered as a result of his absence from the Foreign Office. From this point of view his period of office can be divided into three parts. During the first, from February to August, 1858, he applied himself with considerable concentration to the questions of the dispute with France after the Orsini Attempt, the "Cagliari", the Montenegrin War, and discussions concerning the Danube and the Principalities. The second part, during which he was largely absent from the Foreign Office, to continue addressing their despatches to him at the

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1. Monypenny, op.cit., Vol.IV, p.228.
 2. The Diplomatic Reminiscences of Lord Augustus Loftus, Vol.I, p.318, Loftus gives the date of his own appointment inaccurately as 21 March instead of 31 March.

lasted from August 1858 to January 1859. The third part, from January to June 1859, was another hard-working period, during which his whole attention was ^{TAKEN} ~~taken~~ by the drama in Italy. During the first and third of these periods it is evident that he worked for long hours at the Foreign Office, and left very little responsibility to his subordinates. In his Memoirs he confirmed from his own experience a remark from Palmerston, that the Foreign Office occupied the Foreign Secretary for ten out of the twenty-four hours.

There is no indication that Malmesbury ever did any of his department's work in his country home, as other Foreign Secretaries have done. None of his drafts are addressed from Heron Court. Many of them, however, were addressed from Potsdam and Achnacarry, during his long period away from London in the summer and autumn of 1858. His visit to Potsdam during August was an official function in the sense that he was in attendance on the Queen. He addressed a circular on 9 August to all British representatives abroad, instructing them to continue addressing their despatches to him at the Foreign Office, whence they would be forwarded to Berlin.¹

1. F.O. 7/536, Circular, Malmesbury to representatives abroad, F.O., 9 Aug.'58, draft in Malmesbury's hand.

This was modified by instructions to the Ministers at St. Petersburg, Vienna, Copenhagen and Stockholm, who were to send their despatches direct to Malmesbury to the care of the Mission at Berlin.¹

His visit to Achnacarry, during September and October immediately followed his visit to Potsdam. It constituted an unduly long holiday, but was at least taken at a time when international affairs were at their quietest. Happily the grouse season did not correspond with the season for military campaigns. Only the question of the "Charles et Georges" was at a critical stage during those months. It seems probable that Malmesbury had accepted the Foreign Office only on the understanding with his lenient Prime Minister that his annual shooting excursions should not be sacrificed to the labours of diplomacy. When originally offered his post in 1852, he had confessed that he was "very unwilling" to accept it, "as it will keep me in London the whole year."² This would seem to confirm an interpretation of him as an amateur diplomat, or at least as far less of a professional than Palmerston, whose immense application to work was

1. F.O. 64/455, No.117, Malmesbury to Mr. Paget, Chargé d'Affaires at Berlin, F.O., 9 Aug. '58.

2. Malmesbury, op.cit., p.227, entry for 21 Feb.'52.

already legendary. But if Malmesbury was an amateur, he was never a dilettante, and there can be little doubt that he would have returned to London as soon as an important crisis developed. Even after his return from Achnacarry at the end of October, 1858, Europe remained quiescent for some weeks, and he occasionally spent a whole week, rather than just a week-end, at Heron Court.

In one sense his stay in Scotland demanded more routine labour from him, since he was obliged to draft from Achnacarry despatches which might otherwise have been drafted by Hammond. He took with him to Achnacarry his Private Secretary, Mr. John Bidwell, described by Hertslet as "a tall thin man, but very active."¹ Throughout Malmesbury's period Bidwell drafted many of the less important despatches at the Foreign Office. The more important ones were drafted either by Malmesbury himself, or, more often, by Hammond, with detailed corrections and additions by Malmesbury. Important drafts were marked "Seen by Lord Derby and the Queen", or, less frequently, simply "Seen by Lord Derby".

Malmesbury's relations with the permanent staff at the Foreign Office must inevitably have been a little difficult at first. Before he succeeded Granville in

1. Hertslet: Recollections of the Old Foreign Office, p.142.

1852 Whig Governments had been in power for six years. His short period of office in that year preceded another six years of Whig rule. The outlook of the staff of the office had inevitably become identified with the foreign policies of Palmerston and Clarendon. In 1852, however, the Permanent Under-Secretary, Mr. Addington, was a Tory. Malmesbury recorded that Addington had given him "the most cordial assistance," but added: "The chief of the clerks was Mr. Hammond, a very strong partisan on the other side."¹ By the time that Malmesbury was reappointed in 1858 Hammond had become Permanent Under-Secretary. Inevitably there was a lack of full confidence between the two men in questions which did not relate to foreign policy. Hammond wrote privately to Cowley:

I conclude that Lord Malmesbury will tell you all about the intentions of the Government in regard to home politics: at all events I can tell you nothing, for you may be sure that I ask no questions, and that I am not in their secrets.²

Two months later, when the Tories were leaving office,

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1. Malmesbury, op.cit., p.239.
 2. F.O. 519/188, Private, Hammond to Cowley, F.O., 2 April '59.

Hammond wrote of his hopes that Clarendon would be appointed to the Foreign Office: "I have been hoping for many months and the hope has borne me up under many annoyances."¹

Whatever these annoyances were, Hammond was too conscientious a civil servant to allow differences of political opinion to prevent his full co-operation with the Foreign Secretary in the business of directing foreign policy. Minutes between the two men give no indication of friction in the conducting of official work. On resigning his post Malmesbury wrote an obviously sincere letter of thanks to Hammond for help from the Office, and the "spontaneous and obliging manner" in which the help had been given, which "displayed a sentiment of personal regard and respect which I can never forget."²

The Parliamentary Under-Secretary, Mr. Seymour Vesey Fitzgerald, had the responsibility of answering questions of foreign policy in the Commons. His task was rendered less arduous by the presence of Disraeli, who always took the leading part for the Government in important debates, whether on domestic or foreign

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1. F.O. 519/188, Private, Hammond to Cowley, F.O., 13 June '59.
 2. Hertslet: Recollections of the Old Foreign Office, p.100.

affairs. Disraeli himself gave a good account of the impression made in the Commons by Fitzgerald, who "was acute and quick in his points", and adopted a conversational tone, which was effective except when it became so quiet as to be inaudible.¹ There is little evidence that Fitzgerald played a large part in the formulating of policy. An example of the kind of function which he performed was the fixing of an indemnity to be paid by the town of Jeddah after the murder of the Consuls.² Even this responsibility was given to him only temporarily while Malmesbury was in Prussia. When the Foreign Secretary returned to Britain he reassumed control of the question of the indemnity, which had still not been agreed upon with France. It is clear that Fitzgerald's main rôle was played in Parliament where he took a still more active part when the Derby Party was in opposition in the second half of 1859 and in 1860.

The Derby Cabinet as a whole appears to have been content to leave the direction of foreign policy very much in Malmesbury's hands. It was a notoriously weak Cabinet. Whereas its great Whig predecessors and immediate successor suffered from a lack of unity and the

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1. Letters of Queen Victoria, (1908), Vol.III, p.277, Disraeli to Queen Victoria, House of Commons, 23 March '58.
 2. F.O. 96/25, Note by Malmesbury, Potsdam, 23 Aug. '58.

endless clash of strong personalities, Derby's second Ministry, like his first, suffered from a lack of men with either experience or ability. The most notable decision reached by the full Cabinet in a question of foreign policy was to send a protest to Austria after the presentation of the ultimatum to Sardinia. But Malmesbury's language at the time makes it apparent that his personal share in the decision was a large one. The Cabinet inevitably discussed the nature of British neutrality in the Franco-Austrian War, but such crises as that which followed Orsini's Attempt were evidently handled by Malmesbury at the Foreign Office with negligible reference to the Cabinet, but the occasional assistance of the Prime Minister.

As would be expected Derby's part in the direction of foreign policy depended upon the domestic situation. When the Government took up office in February 1858, domestic and foreign affairs were linked by Palmerston's Conspiracy to Murder Bill. The dispute with France was the main factor to be considered by the Foreign Office, and Palmerston's Bill, which was at once a result and a cause of that dispute, was the main interest in the political scene at home. For this reason Derby played an appreciable part in handling the Anglo-French crisis,

and had several important interviews with Persigny. But during the intense stages of the Italian crisis from March to May, 1859, the Prime Minister was occupied with domestic issues - the Reform Bill and the dissolution of Parliament.

The only other member of the Cabinet who showed an interest in foreign policy was Disraeli, who tried to give personal advice to Malmesbury, but was apparently not encouraged. Disraeli observed in him "an incipient reserve and jealousy, as if I were entrenching upon his manor."¹ Derby assured Disraeli that he was mistaken in this observation, and explained discreetly that Malmesbury was only distrustful of Disraeli's private sources of information.² Later Disraeli was encouraging the Prime Minister to replace Malmesbury at the Foreign Office by Lord Elgin. Derby deprecated the idea.³

The tone of Malmesbury's own writings suggests that Disraeli was partly justified in supposing that he resented interference in his direction of the Foreign Office,

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1. Monypenny, op.cit., Vol.IV, p.222, Confidential, Disraeli to Derby, Downing St., 7 Jan. '59.
 2. idem., pp.240-1, Confidential, Derby to Disraeli, Knowsley, 8 Jan. '59.
 3. idem., pp.240-1, Confidential, Disraeli to Derby, Grosvenor Gate, 8 May '59.

either from another member of the Cabinet or from any external influence. He showed no great respect for public opinion and was always bitterly resentful of criticism from the Press or Parliament. On the other hand he was generous in his presentation of Blue Books to Parliament, but more from a desire to answer his critics than to provide information. His Blue Books on the "Cagliari" and the Italian Question of 1859 were surprisingly complete. Emanuele d'Azeglio admitted his "grande joie et stupéfaction" that the "Cagliari" Blue Book should contain all the documents, instead of only those which presented the British point of view.¹

In a broader sense Malmesbury believed that diplomats of the Foreign Office and the Diplomatic Service should not be too much influenced by public opinion. When interrogated by the Select Committee enquiring into the workings of the Diplomatic Service in 1870 he upheld his conviction of the supreme importance of diplomacy, which had often prevented wars and had never caused them.² His conception of confidential diplomacy as a force which

1. Cavour e l'Inghilterra, Vol.II, Book I, p.196,
E. d'Azeglio to Cavour, 3 April '58.

2. Reports Committees (1870), Vol.VII, pp.357 and 377;
Select Committee on the Diplomatic and Consular
Services; interrogations of Malmesbury, 21 and 28
March 1870, paragraphs 756 and 1167.

restrained the peoples of Europe from indulging in rash and catastrophic endeavours was reflected in his attitude to the publication of the protocols of international conferences. He felt that the public should be informed only of the results of conferences, not of the discussions by which those results were reached. After the Conference on the Principalities in the summer of 1858 he tried to persuade Walewski to withhold publication of the protocols. The French Foreign Minister believed such caution pointless as the information had already leaked out in the Belgian Press.¹ Malmesbury's argument on this occasion was that the Conference had been a success in the sense that a compromise agreement had been made; it would do no good to publish the conflicts through which the Conference had passed.²

In short, Malmesbury regarded himself as a public servant, but a servant who should be allowed a certain secrecy in conducting the affairs of his own office. In this there is little doubt that his permanent staff agreed. That the only Tory Foreign Secretary between 1846 and 1866 should have worked smoothly with the permanent

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1. Temperley and Penson: A Century of Diplomatic Blue Books, p.156.
 2. F.O. 519/196, Malmesbury to Cowley, Heron Court, 30 July '58.

staff is a tribute to the toleration of both Minister and officials. If Malmesbury's conducting of the routine tasks of the Foreign Office lacked the ceaseless application of Palmerston, in the several grave issues which had to be settled he seldom showed negligence or laziness. In the spring of 1859 he employed all the technical means at his disposal to prevent a European war. In this last struggle he had the full sympathy and support of his department. His failure was due neither to lack of unity in the Foreign Office, nor to any professional failing on his own part.

interested in Italian affairs. ...
 Foreign Office for the third time in 1859. In 1860 he excused himself on the grounds of ill-health. Instead, he was given a place in the Cabinet as Lord Elder Seal, and from February to December, 1860, during the absence of Derby, he was leader of the House of Lords. In 1861 he was again Lord Privy Seal, in Disraeli's Government, but resigned in 1876. His use to the Government had been diminished by his increasing ill-health. For the last ten years of his life he made only very rare appearances in Parliament. He died on 17 Feb. 1876.

1. Malmesbury, op.cit., p. 517, entry for 23 April 1859.

CHAPTER XI

Conclusion

When Malmesbury resigned from office in June, 1859, he was still only fifty-two years old. Yet he was never again to play a prominent part in European history. For a few years he took an active share in Parliamentary debates on foreign policy, and he remained intensely interested in Italian affairs. But when offered the Foreign Office for the third time by Derby in 1866 he excused himself on the grounds of ill-health.¹ Instead, he was given a place in the Cabinet as Lord Privy Seal, and from February to December, 1868, during the absence of Derby, he was Leader of the House of Lords. In 1874 he was again Lord Privy Seal, in Disraeli's Government, but resigned in 1876. His use to the Government had been diminished by his increasing deafness. For the last ten years of his life he made only very rare appearances in Parliament. He died on 17 May, 1889.

1. Malmesbury, op.cit., p.617, entry for 23 April 1866.

In 1885 he had published his Memoirs, but these took the story of his life only so far as 1870. They concluded with their most moving and best-written passage, an account of his meeting with Napoleon, after the fall of the Empire. It is significant that he should have hastened to visit Napoleon a few days after his arrival in England and that he should have chosen an account of the interview for the climax of his Memoirs. His words show that all trace of bitterness over French policy in the war of 1859 had long since passed from his mind. Referring to Napoleon's "quiet and calm dignity" and "human moral courage", he continued:

I felt overpowered by the position. All the past rushed to my memory: our youth together at Rome in 1829, ... his prison where I found him still sanguine and unchanged; ... his election as President by millions in France in 1850; his further one by millions to the Imperial Crown; the part I had myself acted as an English Minister in that event, ... the glory of his reign of twenty years over France, which he had enriched beyond belief, and adorned beyond all countries and capitals."¹

Malmesbury was convinced that the Franco-Prussian War had been caused solely by Bismarck, and that any errors which the French Emperor might have made were due entirely to

11. Malmesbury. op.cit., p.666.

his terrible illness.¹ His affection for the friend of his youth had long outlasted the bitterness and misunderstandings of 1859.

To pass any final judgement on Malmesbury's foreign policy it is essential to remember his friendship for Napoleon, which has so seldom been referred to by his critics. When French policy in the Principalities and Montenegro in 1858, and in Italy in 1859, differed from British policy, friendship for the Emperor became a source of weakness to Malmesbury, since it encouraged him to indulge in personal recriminations instead of the more reasoned statements of diplomacy. His language has usually been mistaken for a sign of partisanship for Austria, and has formed the basis for severe condemnation of his policy. It has not been the purpose of this thesis to suggest that Malmesbury was a great statesman or even a particularly talented diplomat, but there can be little doubt that his incompetence has been exaggerated. His handling of the Orsini crisis and the "Cagliari" question had brought quick successes. The prompt release of Park and Watt from their Neapolitan prison, after Malmesbury had taken action, constituted

1. idem, pp.664-5.

an achievement of which Palmerston himself might have been proud. But it cannot be denied that Malmesbury's subsequent record, judged solely by results, was less impressive. Inevitably his reputation has depended upon his handling of the Italian Question in 1859, and his failure to prevent the Franco-Austrian War has deprived him of the praise which posterity might otherwise have given him for his earlier successes.

Contemporary opinions of Malmesbury's ability were no higher than those of subsequent historians. The Queen had little confidence in him. His colleague, Disraeli, and his rival, Palmerston, were equally severe in their judgements. To a foreign diplomat - probably Klindworth - Palmerston said of Malmesbury:

Il ne manque pas d'un certain aplomb et d'un certain don de parole, mais il est paresseux, insouciant et ignorant au suprême degré dans tout ce qui regarde les affaires de son département.

Only Derby maintained a high opinion of him.

If he has been considered incompetent it has generally been assumed that he was honest, in the sense that he had no ulterior motives but that his aims were

1. Monypenny, op.cit., p.229.

what he proclaimed them to be. One aspect of his honesty and fairness was his attitude to the Franco-Austrian rivalry which was the main diplomatic theme of the period from 1857 to 1859. He considered objectively each of the many causes of the rivalry, and concluded that each could be solved by diplomatic negotiation. He realized only vaguely that there was a basic ideological issue involved, that Austria stood for a system of territorial dynasticism and France for the idea of national sovereignty. But if he could not have defined the struggle in these terms, he realized that a war between the two Powers could easily develop into what he called "a war of opinions". The result of the war seemed almost to belie the ideological definition. Napoleon did not destroy the Habsburg Empire by creating several new nations. It is doubtful if he had ever dreamed of doing so. He did not even liberate both of the Italian provinces, but left Venice under its foreign dynastic rulers. Cavour secured more for Italian nationalism by adroit diplomacy than Napoleon had done by the slaughter of many thousands. Malmesbury had expected the war to be destructive of European civilization. Afterwards he condemned it for its ineffectiveness. Writing of the peace of Villafranca, a peace in which his successor at the Foreign Office had no voice, he

commented:

The whole arrangement is astounding as pretending to a solution of the Italian Question, and as giving independence to Italy ... The Pope whose territories are worse governed and more miserable than any part of Italy, is made honorary president over the whole confederation. And it is for this miserable humbug that a hundred thousand lives have been sacrificed.¹

The judgement was a sound one, and for once Cavour would have agreed with him.

An important object of Malmesbury's policy was thus a peaceful mediation between France and Austria. War he regarded as dangerous socially, insane economically, and wicked morally. The 1856 Protocol of Paris had provided Europe with a reasonable routine to follow as a substitute for the barbarous waste of warfare. Malmesbury interpreted it as implying that the Powers whose policies were in dispute were to appeal first of all for the good offices of another Power, and, if these good offices were insufficient for the task of mediation, then they were to be used for arranging a more formal mediation by another neutral Power. The Protocol itself had referred only to "a friendly State" and had treated "Good Offices" and "Mediation" as synonymous.

1. Malmesbury, op.cit., p.499, entry for 13 July '59.

In the "Cagliari" dispute Malmesbury had extended the system to include the exercise of "Good Offices" by a "friendly State" - in this case, England - for arranging "Mediation" by "a neutral State" - in this case, Sweden.

In the "Charles et Georges" dispute he had reverted to the original idea, and had offered his good offices to France and Portugal, apparently supposing that there would be no need to appeal to a fourth state. In both cases the sudden surrender of the weak powers, Naples and Portugal, prevented him from carrying mediation to an ultimate conclusion. The Italian Question in 1859 provided him with a far more serious test for the new diplomatic weapon. The Cowley Mission constituted an informal offer of Good Offices. After the presentation of the Austrian ultimatum at the end of April, Malmesbury again urged the Powers at conflict to appeal to mediation, this time formally and according to the Protocol of Paris. The offer taken by Cowley to Vienna was in one sense accepted: for the next two months the Powers considered Malmesbury's Four Points as the basis of a settlement. But his suggestion of a more formal appeal to mediation in April came too late, and was virtually ignored. Ultimately all four of his attempts at arranging mediation had failed. The most obvious reason for their

failure was the extent of his ambition in trying to find a substitute for war.

To present himself as an impartial mediator between France and Austria was not wholly compatible with the existence of the Anglo-French Alliance. It has usually been assumed that Malmesbury's mediation failed because of his predilections for Austria. Yet he was still strenuously maintaining the French Alliance, which he well knew to be of vital concern for British interests. The two nations which had fought the Crimean War together were in 1859 engaged in fresh hostilities as allies in China. Their action in Central America was closely integrated. Malmesbury's first task on coming to office had been to repair the alliance with France. Over the Danube and Serbia his policy had been basically identical with that of Napoleon. After the Jeddah Massacre he had ^kwored in close contact with France, and had countenanced even stronger measures against Turkey than had his Ally. The Anglo-French Alliance was cemented by little factors all over the world, as well as by Malmesbury's familiarity with Napoleon. It is therefore not surprising that Napoleon was prepared at one moment to accept the principle of general disarmament and to enter a Congress on the basis of Malmesbury's Four Points, while Buol remained as suspicious of Malmesbury's schemes as Cavour was.

The aspect of Malmesbury's policy which tended to alienate him from Napoleon and Cavour over the Italian Question was his respect for treaties. It was closely related to his love of peace. The 1815 Treaty of Vienna had ended a long period of warfare and preceded a longer period of peace. Small changes had already been made in the Vienna Settlement, but no one had attacked the Settlement as a whole, as Napoleon and Cavour were now doing. Malmesbury realized that peace and respect for treaties are a habit. An imperfect settlement which had been respected for four decades was worth more than a perfect settlement which could be forced upon Europe only by cannon-shot. Malmesbury hoped to persuade France and Sardinia to modify the Treaty of Vienna very cautiously and at opportune moments, rather than to disrupt its foundations by stirring up nationalities all over Europe.

The other great treaty of the century, the 1856 Treaty of Paris, was still young. No imperfections in it were as yet apparent to France and England. The Black Sea Clauses were never to be accepted by Russia as permanent, but this at the moment was irrelevant. Of more importance was Austria's attitude to the Danube and Serbia Clauses. Buol's defiant gestures in the face of the Treaty were reprimanded as severely by

Malmesbury as by Napoleon, if not more severely. The British Foreign Secretary had not altered the tradition established by Palmerston of preserving the Ottoman Empire, but he was determined to continue the tradition through the medium of the Treaty of Paris, not by allowing Austria to have an independent hand in the Balkans. Where he could use the Anglo-French Alliance - on the Danube and in Serbia - to preserve the 1856 Settlement, he did so. Where preservation of Turkey seemed to demand a policy different from that of France - in Montenegro and the Principalities - he was obliged to reach compromise settlements. Never, however, in Eastern questions, did he act in full concert with Austria. In Montenegro Austria showed surprisingly little interest at this time, and in the Principalities in 1858 Malmesbury's rôle was to dissuade Austria from coming to a break with France, and to reach a compromise which was acceptable to both sides and not too damaging to the Porte. When, in 1859, the Principalities settled their own affairs without reference to the Powers, Malmesbury did not follow Austria in breaking off consular relations with them.

The idea that he was Austrophil was current during the crisis of 1859, and was only temporarily removed by the publication of his Blue Book. It was firmly

reinstated by the Italian historians who wrote soon after the uniting of Italy, men like Bianchi, Chiala and Massari. It has now found its way into English and Italian text books and outline histories.¹ Two broad factors seem to refute the idea: the total impartiality of Malmesbury's unsuccessful attempts to prevent the war of 1859, and his successful attempt to prevent Germany from joining the war on the side of Austria. Apart from the general indications of his line of policy, there are many specific indications that he was personally, if anything, antipathetic towards Austria. Of these only the more striking need be repeated: his strong language conveyed to Buol through Loftus with reference to Austria's separate treaties with the Duchies, and again to Apponyi after the presentation of the Austrian ultimatum in Turin, Apponyi's confidential confession that he would be pleased to see Malmesbury replaced at the Foreign Office, and Rechberg's complaint to Loftus that the Derby Government had deserted Austria in the war.

A more formidable charge has been levelled against Malmesbury than that he was Austrophil. It has been said that during his period of office British influence

1. For example, Salvatorelli, Luigi: Profilo della Storia d'Europa, (Turin, 1944), p.1032.

diminished. The Prussian Minister in London, writing to the Prince Regent had expressed a similar view at the time. He referred to "l'imprévoyance du Cabinet à l'égard des desseins de la France et de la Russie, la faiblesse et la timidité envers la première et l'attitude vacillante à l'égard de l'Autriche," and added:

Il est indubitable aussi que cette faiblesse du Gouvernement anglais paralyse son influence en Europe, et ôte à ses conseils comme à ses menaces le poids que la voix de l'Angleterre devrait avoir auprès de ses amis et de ses ennemis...¹

The charge is all the more serious in the mouth of a Prussian, since Malmesbury's influence at Berlin was higher than elsewhere. At the moment at which Bernstorff was writing British influence on the Continent was undeniably at a low ebb. France, Austria and Sardinia were embarking upon a war in the teeth of constant advice and threats from Malmesbury. But once the armies had joined battle British neutrality was found to be a positive force. Malmesbury's insistence that the war should be localized made an appreciable contribution to that end. Nevertheless, his failure to preserve the peace was at once a cause and an effect of the weakening of British influence. His personal leanings,

1. Auswärtige Politik Preussens, Vol. I, p. 516, No. 352.
~~Bernstorff to the Prince Regent, London 30 April '59.~~

and the opinion of Parliament and the country, were alike opposed to Britain entering a European war. So apparent was this that Sardinia and Austria needed to have no fear of direct British action against an aggressor. They disregarded his warnings and sacrificed the moral support of Britain without excessive regret.

Whether his policy, in the event, had been successful or unsuccessful its broad aims and principles had been sound. It had been, in every sense, a conservative one. He had been preoccupied with conserving peace, and the treaty system in both Western and Eastern Europe. He had concentrated on the existing territorial and constitutional pattern in Europe and had tried slowly to improve it, without disrupting the political or social body. He had rejected the aims of the extreme creeds of nationalism and republicanism. Making a statement on Montenegro in the Lords, he had said:

ultimately that Her Majesty's Government looked upon
 abrogation all these great international questions
 only the cry about nationalities and other epithets
 published of that kind, which were only used to excite
 Italy, an the imagination or mislead the mind, but
 The introduction reviewed the Italian question, in
 which had no foundation in real political
 economy or wisdom, were ... entirely
 foreign to the policy of Her Majesty's
 Government...¹

1. Hansard, 3rd Series, Vol. CLIII, House of Lords, 17 March '59.

In striving after a realistic policy Malmesbury became excessively cautious. His approach to the Italian Question was too moderate to satisfy the Italians themselves. If the Congress had ever met it is probable that he would have pursued a policy far more agreeable to them, as he had told Massimo d'Azeglio. His appointment of Hudson as plenipotentiary bears out the point. But his determination to prevent a war made him apprehensive of discussing Lombardy and Venice, even in Congress. In concentrating on the unhappy populations of the Papal States, he forgot that the educated classes in Milan were more important politically. He did not realize that the future lay with Cavour and the North. But there is little doubt that he would have supported the liberation of Lombardy and Venice, when and if this could have been achieved without warfare. He hoped that time and the diplomatic persuasion of Europe would ultimately lead Austria to make concessions. The abrogation of her treaties with the Duchies would be only the first of these concessions. In 1859 he published his own edition of the official Blue Book on Italy, and included an introduction written by himself. The introduction reviewed the Italian Question, in surprisingly objective language, up to his own accession

to office. It apportioned the blame equally to the Republicans and to Austria. It declared:

Austria has in some degree failed to adapt her system to the requirements of the age, and ... has employed means scarcely calculated in an age of progression to attain the objects her rulers had in view...¹

It referred to the mission of Baron Hummelauer to London in 1848, after Austria's initial defeats in her war against Sardinia. The Baron had brought proposals for the settlement of the Italian Question, by which Lombardy was to be granted independence and Venice autonomy.

They should, in Malmesbury's opinion, have been supported by Palmerston.² The British and Sardinian Governments had made the mistake of hoping for a complete defeat of Austria, and the opportunity had passed. It was only by accepting and encouraging slow improvements in Italy that her regeneration could safely and satisfactorily be achieved.

The judgement which has often been lightly made that Malmesbury was anti-Italian is no more justifiable

1. Official Correspondence on the Italian Question, (1859) Edited, with Preface, by Malmesbury, pp. V - VI.

2. idem., p.xi.

than that he was pro-Austrian. Hudson had condemned Tory policy as being opposed to Italy, but even he made an exception of Malmesbury personally. In an interesting letter he contrasted Malmesbury in office, "suspicious, hesitating, doubting, peeping" with Malmesbury out of office, "frank, loyal, affectionate, confiding." Speaking of him as "this jovial, warm-hearted, witty Tory gentleman," he referred to Malmesbury's "love for Italy", but added: "His official life was passed in sacrificing the tenderest affections of his youth upon the altar of his Party."¹ Hudson could not realize that the Tory policy of peace and caution was partly dictated by Malmesbury's affection for Italy. The tragedy of Malmesbury's Italian policy lay in the fact that his aims were misunderstood.

Deep in his political philosophy was his belief in progress. If violence and extremism could be kept at bay, changes for the better would be made in Italy and the Ottoman Empire alike. Politics rather than poetry must be encouraged in both Sardinia and the Principalities. In its most admirable aspect his policy was one of respect for peace and law in Europe. The treaty system which had stood the tests of time should not be destroyed

1. Lacaita, C.: An Italian Englishman, Sir James Lacaita, 1813-1895, (1933), pp.259-260, Hudson to Sir James Lacaita, undated but evidently soon after the publication of Malmesbury's Memoirs in 1885.

by new unproved ideologies. His failing lay in his inability to appreciate the depth and the strength of the belief in nationality. He had successfully handled diplomatic crises throughout 1858 where more coherent, but less fundamental issues had been involved. His supreme aim of preserving the peace of Europe appeared at the opening of 1859 to be within his grasp. But the blind force of the Italian "Risorgimento", carefully directed through the labyrinth of European diplomacy by Cavour, was too strong to be diverted by an impartial mediator. Whether any English Foreign Secretary could have prevented the war must remain an open question. Malmesbury's achievement was not apparent in visible results. It lay rather in a consistent upholding of certain principles of policy: that reform of the existing order in Europe should always anticipate and prevent violent change, and that war, which raised more problems than it ever settled, should be eventually replaced by the reasoned decisions of diplomacy.

APPENDIX I

Persigny and the Proposal to break Diplomatic
Relations with England in March, 1858

Napoleon III's threat to break off diplomatic relations with the British Government, if Palmerston's Conspiracy Bill was dropped, has not hitherto been examined in print. It is considered in detail in Chapter III. That so grave a step had been contemplated indicates how serious was the Anglo-French crisis which followed Orsini's Attempt, and how considerable was Malmesbury's achievement in restoring the Alliance.

Of the following three documents the first contain Persigny's attitude to the question, and seems to imply that he had not been given full authority to break off relations with the Derby Government, in spite of Napoleon's statement to the contrary, quoted by Cowley in the third document. The last two documents together make it clear that both Napoleon and Persigny himself had threatened the British Government with the possibility of a break.

1. The underlining is in the original despatch.

No.34, Persigny to Walewski, Londres, le 8 mars, 1858,
Vol.710, Correspondance Politique, Angleterre,
Archives du Ministère des Affaires Etrangères,
Paris.

A mesure que la politique du nouveau Ministère d'abandonner le Bill Palmerston se décide devant le public, elle excite de plus en plus opposition à la demande de la France, et donne au cabinet une popularité de mauvaise nature qui lui rendra la solution plus difficile... Il faut donc un acte, et un acte bien net, bien clair, car si cet état se prolonge plus longtemps, on en viendra de proche en proche non seulement à ne plus vouloir rien changer la loi, mais peut-être à se plaindre de la simple application des lois actuelles. C'est à cet état des esprits que nous marchons manifestement, et c'est à ce danger que nous devons pourvoir.

Je l'ai dit, et le repète, le moment est arrivé de retirer notre demande ou de rompre nos relations.

Ce dernier parti, ce n'est pas moi qui le proposerais aujourd'hui. J'aurais pu en faire la menace à un moment suprême, et ce moment s'est présenté pour moi le jour où le ministère tory a brusquement renoncé à la politique de reproduire le Bill, si j'avais pu obtenir de mon gouvernement qu'il me laissât cette latitude. A ce moment suprême, si j'avais été armé de l'autorisation absolue que j'avais demandée, il était, je crois, possible d'arrêter brusquement le nouveau cabinet sur la voie fatale où il ne venait que de l'engager. Je pouvais dire à Lord Derby, comme j'étais alors dévoré du désir de le lui dire: "reculer devant le Bill, c'est préciser le sens du vote du 19 Février, c'est déclarer que ce vote a été la dépêche de la France, et alors je demande mes passeports."¹ Placé entre deux terreurs, le ministère tory, je le croyais et je le crois encore, eût reculé devant la plus imminente, et notre situation était sauvée en même temps que celle du ministère lui-même.

1. The underlining is in the original despatch.

Quoiqu'il en soit, aujourd'hui il ne saurait être question d'une mesure qui ne serait justifiée par rien, et qui n'aurait plus pour elle que des chances défavorables. Elle ne serait, d'ailleurs, fondée ni sur la raison, ni sur la justice. Le peuple anglais est irrité contre nous - parce qu'il croit de bonne foi que nous avons voulu le forcer. Nous ne pouvons, nous ne devons pas lui en vouloir d'être dans l'erreur. C'est sur les hommes qui devaient être nos avocats devant l'opinion publique et qui nous ont sacrifiés à leur ambition, c'est sur le parti tory ou plutôt sur les chefs que nous devons faire peser la responsabilité d'avoir compromis sans raison la dignité de la France. Il faut, en un mot, que notre dignité ait sa victime expiatoire.

Je crois donc plus fortement que jamais que le seul parti à prendre est de retirer notre demande. Plaçons-nous sur le terrain de l'alliance, rapportons-nous en à la loyauté du peuple anglais; montrons-nous enfin animés pour l'Angleterre de sentiments aussi cordiaux que par le passé; mais faisons sentir en même temps que nous avons été blessés de la conduite de ceux qui ayant le devoir de dissiper les préventions publiques, n'ont pas craint de sacrifier à leur ambition la dignité d'un allié de l'Angleterre...

F.O. 519/187. HAMMOND TO COWLEY, Private, F.O., 2 March '58.

Lord Clarendon requests me to inform you that he is told that the French Ambassador says he shall be recalled if the Conspiracy Bill is dropped. It would be deplorable if diplomatic relations between the two countries were broken off on such a ground. It would produce the greatest irritations here, and besides making any measure impossible, it would render reconciliation very difficult. Lord Clarendon thinks you should impress upon the Emperor that his own personal interest as well as that of both countries would be seriously injured by the recall of his Ambassador.

I have shown the above to Lord Malmesbury by Lord Clarendon's desire and he quite concurs in its being

sent and wishes you to do as Lord Clarendon suggests.

Lord Malmesbury had not heard before of Persigny's language.

F.O. 519/223, COWLEY TO MALMESBURY, PARIS, 3 March '58.

[Cowley opens his letter with introductory remarks concerning an interview with Napoleon.]

... His Majesty went on to say that Persigny had informed him that Her Majesty's Government did not intend to proceed with the Bill. Was this true? I replied, that I had no communication on the subject from you, but that to judge from a very imperfect report which I had seen of Lord Derby's declaration in the House of Lords, I should suppose that no decision had as yet been taken in the matter, and that much would depend on the answer which might be returned by the Imperial Government to a request for an explanation of certain phrases in Walewski's Despatch. The Emperor answered, that he was quite ready to give the most ample explanations and the most satisfactory assurances respecting the despatch - but what then? Would the Bill be proceeded with? I said that I could not answer that question, but supposing there were inseparable difficulties, might not something else satisfy His Majesty? After some little hesitation the Emperor replied, that Persigny's instructions enjoined him to lend every assistance in the exchange of amicable explanations, but if the Bill was not proceeded with "de rompre ses relations", I said that I really could not look upon the matter in so serious a light as to contemplate the possibility of such a result, and I added my earnest hopes that Persigny would be careful in his language...

Secret and Confidential, Lord Malmesbury to Lord Clarendon
 Letter, F.O., 5 March 1858. The copy in Lord Clarendon's
 hand, is in F.O. 7/343, and is marked "Copy of Lord Derby
 and the Queen".

APPENDIX IIMalmesbury and the Principalities

Many documents concerning the Principalities Question of 1856-9 have been printed. The following despatch, which states Malmesbury's attitude, is an exception. It contains advice given to Austria regarding the policy to be pursued at the Conferences in Paris in the summer of 1858. Although Malmesbury's convictions that a close union of the Principalities would be dangerous to the Ottoman Empire identified his policy with that of Austria rather than that of France, he hoped to dissuade Austria from adopting an extreme standpoint at the Conferences. The advice given in the despatch must have exerted a moderating influence on Austrian policy, and contributed towards the compromise settlement which Cowley eventually persuaded the plenipotentiaries to adopt.

The despatch itself is in F.O. 120/355, No. 71, Secret and Confidential, Lord Malmesbury to Lord Augustus Loftus, F.O., 4 June 1858. The draft, in Malmesbury's hand, is in F.O. 7/536, and is marked "Seen by Lord Derby and the Queen".

I have been informed by Earl Cowley that His Excellency has had some conversation with M. de Hübner respecting the line of policy to be pursued at the Conferences at Paris in regard to the Principalities, and I gather from the observations made by the Austrian Ambassador that his Government consider the Project proposed by Count Walewski as so objectionable, and as leading so surely to Union, that they think the Separation of the Principalities from the Ottoman Dominions must inevitably follow; and that therefore Austria would prefer retiring altogether from the Conferences rather than be a Party to a scheme to which she so greatly objects, and to which she could never consent.

Her Majesty's Government have learnt with great concern that this step, fraught in their opinion with consequences of an alarming tendency, could have been contemplated by Austria; and they are anxious that Your Lordship should impress upon Count Buol confidentially, but earnestly, their view of the danger which may result to the special interests of Turkey and to the general interests of Europe if Austria should be indeed prematurely persuaded to separate herself from the other Great Powers on this important Question.

The Policy of England, of Austria, and of Turkey, being very identical upon this subject, it would be highly desirable, with a view to the maintenance of that Policy, that Austria should avoid coming to any final decision until the result of the discussions in the Conference shall be more clearly indicated.

The three Powers, united, would be stronger than France, Russia, and Sardinia; and as Prussia, though inclined to support the project of Union, has always declared herself in favour of maintaining the inviolability of the Ottoman Empire, some assistance may be expected from her in checking designs of the other three Powers.

The object of England, Austria, and Turkey must certainly be to render any arrangement for the Principalities as little objectionable as possible, and even therefore if Austria should not be willing to give her entire assent to conditions which England and Turkey might deem acceptable, she might limit herself to making reserves for the future, and to giving the Porte upon other

points all the assistance in her power. If she should withdraw from the Conference the benefits of her assistance would be lost to the cause which she advocates, and England and Turkey would be left alone to resist proposals which not they only but Austria also consider objectionable.

It seems to Her Majesty's Government therefore to be very important that some latitude should be allowed to the Austrian Plenipotentiary in carrying on his discussions in the Conference; and they are not without hope that the Austrian Government will concur in opinion with them that it will be better to endeavour to procure modifications of proposals rather than positively to resist them. For instance with regard to one of the Points which M. de Hübner is stated to be disposed at once to resist, namely the appointment of a Central Committee, Her Majesty's Government agree in the view which they understand M. de Hübner is instructed to take of it, - that if the Committee were constituted with all the attributes given to it by Count Walewski's Project, the Union of the Principalities in its worse form might be accomplished, - but, if the powers of the Committee are reduced, the institution might be of advantage instead of being objectionable, and the Turkish Plenipotentiary himself is of opinion that there are ideas in the Project which may be turned to good account, and may be so modified as to bring them in harmony with the reciprocal rights of the Principalities and the Suzerain Power, and I am informed that Fuad Pasha proposes that the discussion on the revision of the institutions should be taken under different heads, beginning with the Porte's Suzeraineté, and following, in due course, with the privileges of the Principalities, the Executive Power, the Legislative Body, etc...

As these points are severally taken, amendments and modifications can be proposed and discussed and the Organic Regulations may in fact form a basis for discussion and might serve as a starting point.

There can be little doubt that Fuad Pasha will be disinclined to make concessions which can be avoided, and that he will concede as little as possible, but it must at the same time be admitted that some sort of deference is due from the Conference to the wishes all but unanimously expressed by the Divans in favour of Union and it appears to Her Majesty's Government that instead of dissenting entirely from Count Walewski's

Project, it would be more advisable to endeavour by modifications to turn it in favour of the Porte. The principle of Administrative Union is indeed no longer repudiated by the Porte, and as such an Union may therefore be held to be admitted, the great object of the Powers who are most interested on behalf of Turkey must now be to guard against any concessions which might weaken the ties that bind the Principalities to the Sovereign Power.

Her Majesty's Government are most anxious that in so important a labour they should have the cordial co-operation of the Austrian Government, and Your Lordship will express to Count Buol the great satisfaction which they would derive from finding a perfect unanimity of opinion in the Conference between the English and Austrian Plenipotentiaries.

The following statement has been received from the British Legation at Vienna, dated 10th July 1859, in relation to the Conference of Vienna, 1859. It has been deemed necessary to insert the details which are necessary for the knowledge of the Secretary's earlier period of office, and which are of importance to the present period.

P.O. 1 (1859) - [Faint text]

P.O. 2 (1859) - [Faint text]

P.O. 3 (1859) - [Faint text]

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