

**HOSTILITIES WITHOUT
DECLARATION OF WAR.
FROM 1700 TO 1870**

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Hostilities Without Declaration of War. From 1700 to 1870 by J. F. Maurice

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J. F. MAURICE

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DECLARATION OF WAR.

AN HISTORICAL ABSTRACT OF THE CASES IN WHICH
HOSTILITIES HAVE OCCURRED BETWEEN CIVILIZED
POWERS PRIOR TO DECLARATION OR WARNING.

From 1700 to 1870.

Compiled in the Intelligence Branch of the Quartermaster-General's Department.

BY

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PREFACE.

THIS paper owes its origin to a Committee of the Board of Trade which sat in December, 1881, and January, 1882, on the subject of the Channel Tunnel, under the chairmanship of Sir T. Farrer. In the course of the proceedings of that Committee, Sir T. Farrer asked a series of questions, all connected with the point raised by him in the following words:—"Looking at all that we remember ourselves, is it probable that war would be declared against us, as we might say out of a clear sky, without any previous strain or notice that a quarrel was impending? Has that happened on any single occasion within the last 50 or 100 years?"

To ascertain the facts on this subject, the Adjutant-General ordered that a paper should be prepared giving the historical cases in which hostilities had taken place between civilised Powers prior to a declaration of war.

The paper was printed two or three months before the beginning of the late Egyptian campaign, and has since been referred to both by H.R.H. the Duke of Cambridge and by Lord Wolseley in various memoranda, and in evidence before the late "Joint Committee" on the Channel Tunnel. It was laid before the Committee by H.M.'s Government at the request of H.R.H. the Commander-in-Chief.

On July 24th, 1883, the Secretary of State for War, in consequence of questions by Lord Shaftesbury in the House of Lords, and by Mr. Gibson in the House of Commons, decided to publish it in a separate form. It has therefore now been supplemented by a list of authorities and alphabetical index, in order to render the matter more conveniently accessible.

One or two remarks will explain points which appear to have been misunderstood.

The form of the paper following the historical sequence of events has necessarily brought together a variety of cases of very unequal interest—some very trivial, some very important. As far as possible I have endeavoured to remedy this inconvenience by grouping the facts together in the general statement which precedes the chronological series of "cases." The earlier instances are recorded with the utmost possible brevity. As the date has approached nearer to our own times, the opinions of statesmen and the incidents themselves have been given at greater length. Wherever it has been possible to do so I have quoted the words of previous writers, in order to avoid any appearance of colouring facts, for the purpose of proving points suggested by the inquiry itself. During the latter part of the paper, the *quotations* are usually from the Annual Register of the year; during the earlier and briefer portion, the *quotations* are most frequently from Cust's "Annals." At the same time, when an author, and not an original document, has been quoted, marginal references are, in all cases where the matter is open to dispute, given to other authorities, so that the statement does not depend upon the correctness of any single writer.

Usually the circumstances of the time have been stated so far

as this appeared to be necessary to make the point clear; but it is obvious that the force of such cases as are here recorded can only be estimated in connection with a full account of the times in which they occurred. It would have been impossible, within any reasonable space, to have given all the features of the time, but it is of the utmost importance for the understanding of the paper that it should be realised that it is in no sense whatever a merely technical quasi-legal record of the cases in which some technical formality has been omitted, but that my object has been throughout to deal broadly with the point raised by Sir T. Farrer. The question, whether a formal warning be habitual, is of importance for that purpose; and when we are discussing whether the conditions under which England has hitherto lived ought to be altered, it is not enough, in order to judge of the probability of surprise, to take the cases where sudden war has arisen against her. Many such are here recorded; but not only these, but all those other cases in which sudden war has occurred during peace time, must be taken into account; because, under new conditions, we may be liable to the very same risks as other countries have been hitherto exposed to, and it may have been due to the conditions under which we have hitherto lived, if we have escaped dangers from which others have suffered.

Perhaps the extreme brevity of the narrative may prevent the suddenness of many of these attacks from being as striking as it ought to be. The fact is, at any rate, that in far the greater number of cases here recorded, the surprise, which overtook the assailed country, was as complete as would be the effect if *to-day*, or at any time during this last year and a half, a foreign army had landed on the shores of England. The popular excitement, the indignant remonstrances, the sense of wrong, are all features of the time, which in case after case startle one who is making such an investigation by their constant repetition. It was to be expected, however, that a record so brief as that which is here given should be suspected of undue colouring.

In the course of the discussion on the subject before the Joint Committee on the Channel Tunnel, Lord Aberdare, in order to show that no case here cited was precisely relevant as a precedent for sudden war, selected as an instance the case of our attack upon Copenhagen during peace time in 1807, of which an account is given on page 40, Case LVII. In order to show that facts not mentioned in the paper accounted for our action he made the following statements, in the form of questions, with reference to the collusion of Denmark in the secret Treaty of Tilsit:—

Q. 4930. "Have you not heard of the secret article of the treaty?"

Q. 4931. "The King of Denmark must have known of it?"

Q. 5166. "I suppose the King of Denmark, having entered into a treacherous arrangement with France and Russia, did everything he could to keep up the external appearances of peace; but take the case of Copenhagen, where the nation had, through its governor, really done an act which entitled the other country to take offensive measures against it; that is hardly to be quoted as parallel to ordinary cases." The assertion is put even more clearly in Lord Lansdowne's report on the Channel Tunnel: "The Danish fleet was, it is true, seized without a previous declaration of war: a proceeding due to and justified by the discovery by the English Government of the secret article of the Treaty of Tilsit, by which the Navy of Denmark had been put at the disposal of France—an act which, it is needless to say, constituted an alliance with our enemies, and which the Danish King and Govern-

ment must have known to be tantamount to a declaration of war, with all its consequences, for which they ought to have been prepared."

If these statements are historical the whole of this paper might as well not have been written: it is deceptive and deceptive only. It is necessary, therefore, as a question of the value of the whole, to examine fully in this particular instance the best evidence that the case admits of, in order, by a test chosen as specially unfavourable to it, to prove whether it be true that in this instance, or in any other, facts have been kept back which if given would change the effect of the report. I should be very glad if space permitted of a similar examination of every case, because there are many which much need the additional force that such an examination would give to each one of them. There may be errors in point of detail in the course of the report; there is not one case cited which is exaggerated or, I believe, in the least overstated. Many of those here casually quoted in a few lines have at the time excited the eloquence of our greatest statesmen. To take the chosen case.

Charges of some secret agreement never disclosed are often very hard to meet. If a notion that a Power we are about to attack *may* have some unknown and unproved secret understanding with an enemy be adequate reason for a surprise during peace time and friendly intercourse, there is no State in Europe which is not at this moment liable to attack from some other. In this instance the evidence that Denmark had no such understanding, and that we never alleged it against her as a ground of attack, is by a rare accident absolutely complete.

At the time of the conclusion of the secret treaty between Napoleon and Alexander, the King of Denmark was in his own kingdom, 400 miles by sea, 750 by land, from Tilsit.* All the particulars of the secret compact have been published by Bignon, of whom Alison fairly says that, considering the nature of his evidence, "it is impossible to quote them from a more unexceptionable authority; and he himself says that he has given them *textuellement*."

Alison, edition of 1849, p. 668, note.

Now Bignon says expressly: "Si l'on excepte quelques dispositions de ce traité, dont l'existence a été nécessairement trahie par les actes publics qui ont dû en être la suite, le reste en était jusqu'à ce jour (1831) demeuré secret et renfermé entre les Cabinets seuls de Paris et de Pétersbourg." Bignon, moreover, has described the elaborate precautions which were taken to render the conference of the emperors absolutely private. On the 25th June, 1807, two rafts were moored in the river Niemen. Tents were placed on each of them. One raft was reserved for the most confidential members of the staff of each emperor. On the other raft, personally and absolutely by themselves, as they believed, the two emperors met. Cut off from even their most intimate attendants by the waters of the river, they agreed between them to divide the world. The details of that conference were only reduced to writing afterwards, and in part, in the public and in the secret "Treaties of Tilsit."

Bignon, Vol. VI, p. 320, note.

But the precautions had been too elaborate.

Within one of the folds of the very tent in which the two despots were discussing the fate of nations there was all the time hidden a listener. "He then and there heard Napoleon propose to Alexander, and Alexander consent to the proposition, that the French should take possession of the powerful fleet of Denmark, which was lying in the waters of Copenhagen. The individual who thus acquired a knowledge of this bargain lost no time in communicating it to the British

Canning's "Life and Times," by the late Mr. H. G. Stapleton, p. 125.

* As was also the Crown Prince, a much more important person at that time.