

THE  
**CLAIMS OF HOLLAND**

TO

CEYLON, &c.

IMPARTIALLY CONSIDERED,



AS A

SUPPLEMENT TO THE BELGIC QUESTION.

BY

EDWARD SOLLY.

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As none of the various pamphlets which have issued from the press in Holland on the subject of the rights of the Dutch, as connected with the Belgic revolution, have circulated in this country, or are even noticed by our newspapers, the public are left to follow the bias which these papers attempt to promote in favour of the Belgians.

Thus the Times, instead of impartially adducing facts and arguments relative to the Dutch claims, would gladly smother any endeavour to set the public right on the subject, by making use of such epithets, in noticing any pamphlet advocating these claims, as in their opinion would deter the majority from its perusal.

What, therefore, the Times has declined to do, it is now intended should in some degree be supplied, by bringing forward a more comprehensive statement of the Dutch claims than was at first thought necessary in the outline already presented.

The first point is, to show the obligation of the British government to support the King of the Netherlands in his dominions ; and not merely to show wherein the British government have already failed, but also to view the obligation as it may still become a subject of just claim on his part.

The opinion maintained by so profound a statesman as Sir James Mackintosh, relative to the treaty of defensive alliance between this country and Holland, dated the 15th of April, 1788, which had been in abeyance during the forcible occupation of the latter country by the French, and which, on the Dutch having recovered their independence, he considered as having become of renewed validity, is expressed by him, in the debates of the 20th of December, 1813, as follows :

“As a question of public law, it might be discussed, whether when a country is relieved from the yoke of a conqueror, treaties made with that country prior to its subjugation, do not revive — *I think they do against a seditious party*, against a foreign party, our treaty guaranteeing to the Dutch their republican form of government, would, in my opinion, undoubtedly resume its operation.

The above mentioned treaty contains the following articles : —

“ART. II. In case either of the high contracting powers should be hostilely attacked by any European power in any part of the world whatsoever, the other contracting party engages to succour its

ally as well by sea as by land, in order to maintain and guarantee each other mutually in the possession of all the dominions, territories, towns, franchises, and liberties, which belonged to them before the commencement of hostilities.

“ART. III. His Britannic Majesty guarantees in the most effectual manner the hereditary Stadtholderate, as well as the office of hereditary governor of each province, in the Serene House of Orange, with all the rights and prerogatives thereto belonging, as forming an essential part of the constitution of the United Provinces, according to the resolutions and diplomas of 1747 and 1748, by virtue of which the present Stadtholder entered into the possession of those offices in 1768, and was reinstated in 1788, engaging to maintain that form of government against all attacks and enterprises, direct or indirect, of whatsoever nature they may be.”

It is enough to show that Sir James Mackintosh considered this treaty as being restored to validity, although he misconceived the tenour of it, if he supposed that it guaranteed the republican form of government, as it in fact guarantees the Stadtholderate form in the House of Orange, as against the republican French party. A party to oppose which, the British ministry had the year before the treaty of 1788 interfered, although at that time not so positively bound by treaty to do so. Even the opposition of that day expressed them-

selves for the interference, as Mr. Fox, in his speech of the 27th of November, 1787, says,

“So far from the forcible interference of that court (France), in the affairs of the republic of the United Provinces, being the sole interference that it behoves this country to counteract, every sort of *interference, open or concealed*, ought to be counteracted by us.”

And Mr. Burke remarked,

“But it was enough if we saw an opportunity of restoring that party to power which was most likely to prove a valuable friend to Great Britain in the day of future difficulty; the law of nations allowed this—it was enough to know that a French party in Holland had prevailed, for us to endeavour to drive that party away, and disarm its power.”

The policy and aim of this country has been for more than a century to keep the French from encroaching on the Netherlands, and to uphold the independence of Holland against French aggression. It has always been the expressed or implied object of our treaties in reference to those countries, and it was the object in annexing Belgium to Holland. Thus Lord Grenville, in his speech on November 4, 1813, says, “among all the powers sacrificed to the inordinate ambition of Buonaparte, I know of none, Holland excepted, that can truly assert they fell victims to their alliance with England.

“ I feel that I should not fulfil my duty if I did not express my opinion, that of all the consequences Great Britain may contemplate, there is none to which she ought to direct a more anxious eye, and none for which she ought to make greater sacrifices, or which would redound more to her honour and promote her interest, than the re-establishment of the republic of Holland on such a basis as to enable her to resume the situation she formerly held among the powers of Europe.”

And on June 28, 1814, his Lordship again expressed himself—

“ But this he would say, that it was essential to the interests of this country that a sufficient security should be provided for Holland, sufficient at least to enable that state to repel any hostile aggression on the part of France, until this country could make preparation to *send a force to the assistance of her ally.*”

And that it was intended by the British government, that the new kingdom of the Netherlands should be supported, is evident from Lord Castlereagh's speech, when in objecting to further cessions of fortresses from France for the purpose of strengthening Holland, he stated—

“ He had no hesitation in saying, it was a much better game to play, to *support the King of the Netherlands in his own territories*, than it would be to *maintain his authority* in places taken from France. He was anxious that the question should



rest on this principle, that England should rather take upon herself to defend the Netherlands, than to hold the strong places taken from France."

If then the treaty of 1788 was to be considered as of resumed validity in 1814, and by it England was bound to succour its ally if it should be attacked, and by which England guaranteed to it the possession of all its dominions, rights, and privileges, which might belong to it at the commencement of such attack; is such an obligation to be considered as less binding, because we, in the treaties of Paris and Vienna, imposed on her an extended frontier, which Lord Castlereagh, a principal in the framing of these treaties, if he does not positively state, evidently implies in his speech above, that England undertook to defend?

In regard to the application of defensive treaties of alliance, we have the instance of the treaty with Portugal of 1703, which is not more binding than the one with Holland of 1788. Yet in the year 1735, and during the pacific administration of Sir Robert Walpole, in a quarrel between Portugal and Spain, arising from the servants of the Portuguese minister at Madrid being arrested for rescuing a malefactor, Admiral Sir John Norris was despatched to Lisbon with a fleet of twenty-five sail of the line and several frigates, to afford the assistance solicited by Portugal.

And on a recent occasion, as expressed in his Majesty's speech in 1827—

“ That hostile inroads into the territory of Portugal have been concerted in Spain, and executed under the eyes of the Spanish authorities by Portuguese regiments, which had deserted into Spain,”

Lord Holland, on the motion for an address, said,

“ He trusted their Lordships would do him the justice to believe, that he did not use mere words of course, or mean to take merit to himself by any hypocritical cant upon this occasion, when he assured their lordships, that he strongly felt that no good or wise man would ever give his vote for any measure which might lead to war, or the necessity of war, without the deepest concern at the responsibility which attached to what he did. It must at all times present a subject of difficulty when a man was called upon to vote on such a question ; but more particularly so on the present occasion, when the state of public credit, the amount of debt and taxation, and above all, the depressed state of a great portion of the people, were taken into consideration. Taking into consideration these circumstances, any man must regret the necessity which called upon him for such a vote ; yet strongly impressed as he was with these feelings, he would not hesitate to say, that with a pure mind, a steady purpose, and a clear conscience, he gave his unqualified support to the address now moved by the noble earl ; and he did so because it was his firm opinion, that an *early* assertion of the fixed

determination of this country to maintain its honour and the integrity of its ally by enforcing an observance of the faith of treaties, would be the most effectual way to prevent a war. The noble earl had said that we were bound to maintain the stipulations of the treaty with Portugal. In that he fully concurred; but he would go still further, and say, *that if no such treaties existed*, a sense of honour, a sense of what was due to themselves and to the interest of a power with which this country had been so long in amity, should induce their Lordships to assent to the address now proposed."

The Duke of Wellington also said, "that the perfidious acts of aggression in Portugal ought rather to be attributed to the servants of the Spanish government than to the Spanish government itself; but to whomsoever they might be attributed, he fully concurred in the measures to repress them."

The revolt in the Netherlands was not merely fomented by a French party, who wished to see Belgium reunited to France, but it was consummated by the assistance of a military force of volunteers, publicly organized at Paris, who openly attacked the dominions of the King of the Netherlands. Thus the *Globe*, a Paris paper, on the 5th of October, contains this public advertisement.

"Plusieurs membres de la société des Amis du Peuple viennent de réunir pour former un corps de volontaires qui partira Samedi prochain pour aller

seconder les patriotes Belges, les personnes qui voudraient s'adjoindre à eux peuvent venir se faire inscrire Rue d'Echiquier, No. 38."

And on the 14th, the same paper announces from Ghent, the 12th—

"La legion Belge de Paris commandé par le Viscomte de Pontecoulant, est entrée hier à Gand. Trois cents hommes de la même legion sont logée hier à Alost."

Can there then be a doubt, but that the ministry which interfered in 1827 to support the Portuguese government, not against Spanish aggression, but against its rebellious subjects who threatened to enter from Spain, would have interfered in 1830 to support the King of the Netherlands against an attack organized under the eyes of the French authorities, by Frenchmen, for the purpose of wresting from him that country we had ceded and guaranteed to him? Would not Sir Robert Walpole, Mr. Fox, and Mr. Burke, if alive, have sanctioned such interference; and may we not infer from the speeches of Lord Grenville, Lord Holland, and Sir James Mackintosh, that had they been ministers, they would have held it the duty of this country to interfere?

If however Belgium is to remain separated from Holland because a duty was neglected, it is the more incumbent on those who have deserted the King of the Netherlands in his hour of difficulty, to reinstate him in all the territories and rights he

formerly possessed, and which he was induced, either positively or by implication, to relinquish when Belgium was ceded to him, and moreover to indemnify him for all the consequences.

This leads me to the consideration of the next claim, that for the colonies which were taken possession of by us, in consequence of the French having conquered the mother country. On this subject Mr. Tierney, on the 12th of June 1815, stated, "Holland had gained the whole of the Austrian Netherlands, and ought to consider the exchange of four colonies for that large portion of European territory a very good bargain; he therefore objected to our paying besides the five millions for strengthening the fortresses."

Lord Castlereagh, who did not object to the statement that the colonies were ceded for Belgium, replied, "that to fortify the places in Belgium was not a Dutch object merely, but one which interested all Europe, and this country in particular."

It is notorious that the Stadtholder, upon his taking refuge in this country in 1795, in virtue of his authority, and of an understanding with the British government, signed orders to the governors of the Dutch colonies to deliver them up to us; and in Captain's Percival's account of the taking of Columbo, the chief place of Ceylon, it is evident that the governor did in fact deliver up the place without opposition, when a force appeared to receive it, although he might not choose to expose

himself to personal risk by hoisting British colours when merely called upon to do so by a letter.

Percival's account is as follows :

“ The English landed at Nigambo in February, 1796, when they made themselves masters of it without opposition.

“ After the taking of Nigambo, General Stewart marched to attack Columbo. The road through which he had to pass presented apparently the most formidable obstacles. Those rivers which add so much to the beauty of the country, present so many bars to the march of an army, and opportunities to annoy them. For twenty miles the road may be considered as one deep defile, capable of being easily defended against a much superior force. It was intersected by two broad, deep, and rapid rivers, and several smaller ones, besides ravines, whose bridges had been broken down. Each side of the path through which our army marched was covered with thick woods and jungle, from whence the enemy had an opportunity of destroying their adversaries without even being seen themselves. In such a situation General Stewart every moment expected an attack, and was exceedingly surprised, as well as all his officers, at being suffered to pass through such a strong and difficult country without the smallest opposition.

“ Nothing could give a more striking idea of the degraded state to which the Dutch military establishment at Ceylon were reduced, than their

suffering an enemy to advance unmolested in such circumstances. Neither want of skill or prudence on the part of the officers, nor want of discipline on the part of the soldiers, could have produced such disgraceful effects.

“ If this unmolested march seemed unaccountable, the circumstances which followed still more surprised our British soldiers. The first obstacle which opposed itself to General Stewart was the Mutwal river, at the distance of four miles from Columbo; and here the enemy, who made their appearance for the first time, seemed determined to dispute the passage. Nature had done every thing in her power to render their resistance effectual. The river was here half a mile broad, and ran in such a direction as nearly to cut off and insulate for three or four miles that tract of country which immediately presented itself to our army. A little neck of land on the south side afforded the only entrance to this tract, which, from its strength, was called the Grand Pass. A battery erected by the Dutch on the Columbo side commanded the passage, and General Stewart was of course obliged to halt.

“ The army lay here for two days preparing for a difficult enterprize, when they were astonished to learn that the Dutch had thrown the guns of the battery into the river, evacuated the fort, and retreated into Columbo.

“ As no opposition was offered, the army was

carried over the river on rafts of bamboo, and a few boats from our ships laying at anchor off the mouth of the river.

“ Whilst our troops lay here, the Dutch sent out of Columbo a large party of Malays, under command of Colonel Raymond, a Frenchman, to attack us, which they did rather unexpectedly. These were repulsed, and retreated precipitately with great loss, their commander being killed. The loss on our part was not material, and this was the last and only attempt made by the enemy to oppose us. Our army was now come before Columbo, the capital of the Dutch dominions in Ceylon; large, fortified, and capable of a vigorous defence, and here they seemed to have concentrated their defence. On our appearing, however, before it, a capitulation was immediately proposed, and in a few days after, this important place was surrendered into our hands. After the capitulation, our troops were suddenly introduced into the fort, and had nearly entered before the Dutch soldiers were aware of it. They now began to vent the most bitter reproaches against the governor, and accused him of being the author of their disgrace. They attacked the governor's house, and fired into it with an intent to kill him, crying aloud that he had betrayed them and sold them to the English. By article 16 of the capitulation, the governor stipulated for himself and others, that they should have permis-



sion to remain as private individuals, and have a reasonable means of subsistence. This latter was referred to the decision of the Governor of Fort St. George."

On the occasion of the debates in reference to what was called the *experimental* treaty of Amiens, on the 5th of May 1802, Lord Carlisle having charged ministers with something like swindling, in having disposed of the territories of the Prince of Orange, delivered by him into our hands to hold in trust for him, Lord Hobart said, "He had himself been the person to receive the answers sent by the Dutch governors to the letters in the Prince's name; these answers stated, they could give no reply to the orders of the Prince of Orange, dated from Hampton Court. He contended we had obtained these colonies by force of arms." By what force of arms we have seen above, by Captain Percival's account. But to say nothing of the unjust advantage taken at the treaty of Amiens, of the evident constraint under which the Dutch had been held by the French from the year 1795, when they were forced to pay one hundred millions of guilders to their French oppressors, down to the treaty of Amiens, when Bonaparte dictated to them a cession of their colonies to save his own, surely, even allowing that the forced cession might otherwise have been valid, yet as that treaty was not fulfilled, but was broken by both

parties, and the war renewed, our title to the colony, if existing on that treaty, could no longer be valid.

When therefore the Dutch ultimately recovered their independence in 1813, they were entitled by the *jus post liminium* to claim *all* their colonies, and consequently Ceylon, back from us. Thus Vattel, on the right of *post liminium*, says, "Those who unite with us to carry on a war, are joint parties with us; we are engaged in a common cause; our right is one and the same; and they are considered as making but one body with us. Therefore, when persons and things captured by the enemy are retaken by our allies, or in any other manner fall into their hands, this, so as affects the right, is the same as if they came into our own power. When a nation, a people, or state has been entirely subdued, it is asked whether a revolution can entitle them to the right of *post liminium*. If her victor has not laid aside the sword of conquest, if that conquered state has only ceased to resist from inability, such a people are only defeated and oppressed; and on being delivered by the arms of an ally, they doubtless return to their former situation; their ally cannot become their conqueror, he is their deliverer."

And again he says,

"If treaties are broken by taking up arms a second time for the same object, and an old war is revived, they remain void; so that if parties wish

they should again take effect, they must expressly specify and confirm them in their new treaty."

Therefore, whether viewed in regard to the original occupation by us for the Prince of Orange, to the forced cession at the treaty of Amiens, which treaty was broken and became void, or by the *jus post liminium*, as claimed by our allies on the recovery of their independence,—the king of the Netherlands appears to be fully entitled to reclaim his colonies, including Ceylon, back from us, as the equivalent given for them is to be taken from him; and upon the same ground he is fully entitled to claim back his ancient right to close the Scheldt.

As far as their allies are concerned, the Dutch have the strongest title that treaties can afford; and if these are to be held null and void by the contracting parties, there is an end to the security of all possessions.

The only attempt which was made to deprive the Dutch of the right to the Scheldt prior to the French revolution, was that by the Emperor Joseph in 1784. He had been induced to add this claim to others of less importance, which he had brought forward at a time when Holland was engaged in war with this country, by the facility he had already experienced in forcing her to resign the barrier fortresses.

But the interposition of Frederick the Great, and more particularly the mediation of France, brought

about a settlement of the disputes by which the Emperor renounced his pretensions to the Scheldt; and for the claim he had made respecting Maestricht he received the sum of ten millions of guilders, of which France is said by Mr. Coxe to have contributed two millions.

The memoirs of Count Gortz, who was the Prussian ambassador at St. Petersburg in 1786, contains the following account of the part he had to take in the discussion.

In November of that year he was instructed by his court to declare to the Russian cabinet —

“How much the conduct of the Emperor of Germany towards Holland had given surprise to all Europe, as it was palpably an infraction of the treaty of Munster; and that the German states were the more alarmed at it, as that treaty was the basis of the independence of Holland, and they therefore could not consider themselves as secure; for the Emperor might on the first opportunity also choose to infringe the treaty of Osnaburg, which formed the basis of the independence of the German states. The King therefore wished to know what were the sentiments of the Empress on this important and eventful subject.

In the course of the conversation Count Osterman, the Russian minister, said, “That the treaty of Munster with the Dutch had no connection with the treaty which formed the basis of the independence of the German states; and there appeared no

grounds for suspecting that the Emperor entertained plans which need alarm the German princes."

To this Gortz replied, "Surely the German princes have good reason to be alarmed when a powerful monarch thinks himself no longer bound by an ancient treaty, for by the same rule he may think himself not bound by other treaties. If we were to take it for granted that Europe would regard with indifference on what principle a claim is settled, which has been raised by the Emperor contrary to the clear contents of a treaty by which the independence of Holland was guaranteed, what may not happen if the Emperor, upon the same grounds, should think proper to proceed against any of the lesser German states, whose preservation is of less individual importance, and on whose account therefore the greater powers might not think it worth while to involve themselves in a war?"

At a conference on the 3d of December, on Osterman's remarking "that Holland must know her own strength, and be the best judge whether she could safely dare to set the Emperor at defiance, as she had done," Gortz replied, "That he was convinced that the Count was too wise and honest a man not to acknowledge, that superiority of force had never hitherto been allowed to be a justification of an act. It was impossible to believe that Holland, which had suffered the barrier for-

treses to be wrested from her, and for the last two years had been subjected to so much oppression on the part of the Emperor, and only endeavoured to retain what she had an undoubted right to by treaty, could be considered as the aggressor ; so far from it, all Europe was convinced of the contrary."

And with reference to the relations between the courts of Russia and Austria, he added, " I cannot bring myself to believe that there is any power which is bound by its alliance with Austria to defend so unjust a claim."

The Emperor Joseph, as already stated, renounced his pretensions to the Scheldt.

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