

Copy/

Memorandum.

March 4th 1832.

In late years the opinion has been started, and has been gaining ground, that Corporal punishment ought to be abolished in the Navy and Army.

I shall say nothing of it in the Navy - The Question is important in relation to the Army.

The opinion that Corporal punishment ought to be discontinued in the British Army originated in the discontinuance of such punishments, first in the Army of France, and afterwards in the Armies of other Powers.

Very early in the War of the French Revolution, France commenced the system of raising its Armies by Conscription or Ballot. All

Classed

classes of the Population were
liable to be drawn for
Service in the Army and
some of the Youth of all
Classes were in fact drawn,
and served in the Ranks of
the Army as private Soldiers.
The consequence of thus
recruiting the Army was,
that its Soldiers being
composed of the Youth of
all Classes, many of them
of good education and fortune,
and some even of the highest
families, were better behaved,
and more amenable to good
order and discipline: they
were more obedient, and their
habits more easily trained
to obedience and discipline
than those of recruits raised
by the ordinary means, at
that time common to nearly
all Nations. The well
Educated

educated and well disposed among them became not only an example but a check and control over the conduct of their Comrades not so well inclined, and the whole Machine became more easily conducted. It is not extraordinary that those who introduced this System into France, and who must have been sensible of its unpopularity, of the distress which it occasioned to Private families, and of the injury which it did to the Youth of the Country in general, should have been desirous of alleviating all these injurious consequences, and of soothing these feelings, by the substitution of some other for Corporal punishment.

The discontinuance of Corporal punishment followed the

the Establishment of the
Conscription in France. -

Other Countries of Europe
which with more or less of
modification have since
followed the Example of France
in the mode of raising their
Armies by Ballot or
Conscription, have equally
followed the example of
France in discontinuing the
Corporal punishment of
Soldiers. -

It is quite clear that
the British Regular Army
cannot be raised by Conscription
or Ballot: The right of a
Country to the Services of all
its Subjects for its defence
can be well understood -

It is on the principle of
defence that the Sea-faring
Man is liable to be impressed
for Service in The King's
Ships,

who are equally subject to
corporate Punishment, when
called out -

Ships, and that all the
inhabitants of the Country
are liable to be ballotted
for to serve in the Militia.
But the force called the
Regular Army, which is
liable to be sent to any
part of the World, not for
the defence of the land of
England, but of a Colony or
Settlement; or for the conquest
of a Colony or Settlement, or
for the defence or for the conquest
of any Foreign Territory, cannot
be considered in the same
light. Men cannot with
justice be taken from their
families, and from their
ordinary occupations and
pursuits for such objects.
The recruits for the Regular
British Army must be
Volunteers. Accordingly there
is no instance in which
the

the system of raising Men
for the Service of the Army
by voluntary enlistment
has been departed from,
whatever may have been
from time to time the
wants of the Service for Men.

It appears then that
the foundation for a change
in the system of discipline
in the Army does not, and
cannot exist, and that the
example of other Armies
cannot properly be applied
to this. -

But we must look a
little further into this
Question, and see whether
it is possible to alter the
System and Mode of our
discipline, although we
cannot that of our
Recruiting. Our Recruit
is induced to enter into
the

the Service by a Bounty, which in fact, in time of Peace, is little more than nominal; and sufficient to pay for those necessaries which he must have when he shall join his Regiment.

The Military Service is unpopular in the Country, as is believed by some, on account of the Severity of its punishments. But it is so in truth on account of the necessary restraints upon the habits of the Man become a Soldier, and on account of the Severity of the Service and duties which he performs. Families who object to their Sons entering for Soldiers know well, that they may by regular conduct avoid punishment. They cannot avoid Service
for

This will be sufficient even
on Peace a Recruit is almost
always with

for life at moderate Pay in
unwholesome Climates at
great distances and risk to
health and life. -

The Bounty, however small,
is in reality the only temptation
to enlist; and it cannot be
denied that in 99 instances
out of 100, some idle or
irregular, or even vicious
motive is the cause of the
enlistment of the Volunteer. -

The Recruit thus raised
is sent to his Regiment,
where he is to be trained
to be the best Soldier that
can be formed; for it must
never be lost sight of that
those of any other description
will not suit our Purpose. -

It must not be supposed
that this man can be
taught his duties as a
servant: his inclinations are
all

2^d Soldier (see Journal)

all to be thwarted and his habits altered, not by precept and example only, but by the constant attention, observation and exertion, and severity if necessary of those placed over him; and most particularly those irregular or vicious habits or propensities, the hopes of the indulgence in which induced the Recruit to volunteer his Services. Unless this is done effectually, it may be relied upon that no Soldier can be formed.

This Recruit is usually enlisted for a period, whether for life, or a stated number of Years. He cannot be allowed, as a Servant or Labourer might be, to quit the Service in which he is engaged, as soon as it becomes irksome to him; nor can

he

or manably for life

Second

he be sent away, because he is disobedient, irregular, unwilling to learn, or that he insults and strikes those whom he is bound to respect and obey. He must be constrained to serve the State according to his engagement; and must be taught and must be forced to learn how to serve in his station of Soldier, and how to keep himself, his Arms, his equipments and clothing in a state to enable him to serve, and above all, to attain habits of obedience and good Order, and of respect and attention to his Official Superiors. -

It has been already pointed out that this State requires from its Officers that they should form the best

Discharges, even on payment of £20, have hitherto always been held out as the reward of good conduct.

best of Soldiers for it's Service.
The Country will not bear to
be oppressed by the irregularities
of an Armed Body, even by
individuals belonging to it.
For these the Officers, and
even the Government are
answerable. But it is obvious
that these irregularities can
be prevented only by the exercise
of Authority with a strong
and vigorous hand. The
Soldier has, in England, duties
to perform, the due performance
of which requires discipline,
obedience to Orders, and
regularity on his part. These
duties can be enforced only
by Authority.

I put out of the Question
for the moment extreme Cases,
such as those of which we
witnessed but too many
in the course of the year

1831.

1831. - But I am convinced
that there is no man
who shall have contemplated
the forbearance and tranquillity
of the Troops under circumstances
of unparalleled insult, injury
and danger, and their
subsequent activity and
efficiency when ordered to
act, who will not see the
advantages resulting to the
State from the discipline
of the Army, if the State
is to have an Army at all.

The Question still
remains, however, is the
use of Corporal punishment
necessary? It is quite
obvious that there must
be in the hands of the
Commanding Officer of a
Body of Armed Men
some easily attainable
means of punishing, in
order

There can be no doubt that
discipline is essential
in an Army.

order to maintain any discipline or regularity among those over whom he is placed.

That which a Commanding Officer of a Battalion has in the British Service at present, the power of inflicting, consists in confinement to the Barrack Yard, to the Barracks, to the Guard Room, to the Black hole, the two last for less than 24 hours. He can besides order a man to attend drill, or to perform additional duties. The last, I believe to be irregular, unless they should be duties of Fatigue. The performance of a duty of honour or of trust after the knowledge of an offence committed by a Soldier ought to convey a pardon for the offence.

The

The Commanding Officer can do but little more than what is above stated without reference to a Court Martial. -

It is quite obvious that the execution of all these punishments, however trivial they may be, depends upon the infliction of some one more severe in case these, or any of them, should be resisted. -

If a Commanding Officer had no means at his disposition of obtaining the punishment of a Soldier who should resist confinement in the Barrack Yard or the Black Hole, how many Soldiers would allow themselves to be so confined? How many would there be ready to knock down Sentry, Non-commissioned Officer, or
Officer

I don't believe my body, nor
even Mr. Hume's head
wd. give to the worst
punishment in such a case

Officer, and all who should endeavour to enforce this punishment? If under these circumstances such punishments could be put in execution in some individual instances how many would conspire and combine to attack the Sentries and Guards placed over the men thus placed in a state of confinement?—

It is the power existing, of inflicting a greater punishment, the certainty that it will be inflicted, and the terror which it inspires, which render these minor punishments effectual, establish subordination among the Soldiers, and ensure discipline. The use of the more severe punishment becomes less necessary, and is less general.

Would nothing but
Corporal

This appears to me just

7, no
each
with
head

Corporal punishment answer
the purpose? I know of
nothing which could produce
the same effect.

Solitary confinement, even
if it could be inflicted, would
not be effectual. But it could
not be inflicted. Even if
solitary cells were constructed
in Barracks, Sentries must
be placed over those confined
in them - every body knows
that there would thus be an
end ^{to} of the punishment.
The infliction would be that
of the black hole in the
shape of a better prison,
and for a longer period of
time. Tread Mills in
barracks are out of the
question. Nobody can
think it proper to commit
the Soldier to the common
gaol, because he has been
drunk

10030
I believe not but
this point is not settled
rather by authority than
argument.

2 to
Sentencing not

For striking a superior
 Officer he must be tried by a
 Court Martial, & maybe
 sentenced to death, or
 transportation - But the King
 may commute of sentence -
 Sub: 2. Art: 1. of War -

drunk or negligent on guard,
 or because he has knocked
 down a Sentry, or beaten or
 abused his Officer or Non-
 Commissioned Officer employed
 in the execution of a Sentence
 that he should be confined
 to the Barrack Yard for such
 irregularity, nor can he be
 Transported or changed for
 such Offences. -

can for habitual Drunkenness
 or which he may be tried if he has
 drunk 6 times, or more or 12
 in a year - Sub: 2. Art: 1. of War -

Neither can the Soldier
 be mulcted of his Pay. He
 has now sufficient for his
 maintenance, and the purchase
 of necessaries to keep him in
 health and in a condition to
 perform his duty. The
 deprivation of a greater
 proportion of his Pay than
 he can now be deprived of
 by way of punishment could
 only tend to increase his
 debt to his Captain. -

If this is correct the Act
 too referred to should be altered.

There

There remains then
Corporal punishment alone,
as regulated at the discretion
of a Court Martial. -

A great deal of light
would be thrown upon this
subject by a review of the
efforts made by different
Commanding Officers of
Regiments to carry on the
Service without inflicting
Corporal punishment.

There was one remarkable
case in a Regiment in
which the Commanding
Officer had invented
punishments, all of them
very innocuous in themselves,
but very tearing to the
Soldier, in order to avoid
this punishment, against
which he had heard so
much. It ended by the
Battalion which he commanded
firing,

firing upon him and his
Officers at a Field-day with
their buttons in their muskets.

These discussions upon
Corporal punishments have
certainly had the effect of
checking them; and they are
less frequent than formerly.
But the disinclination to
inflict them has certainly
had the effect of rendering
more frequent in the Army
the crimes of abusing, striking,
and even shooting Noncommissioned
Officers and Officers. Both
are necessarily obliged to put
themselves forward personally
more frequently than formerly
in cases of violence and
outrage; and it is obvious
that there exists less respect
for their Authority and persons.
This alone is a great injury
to discipline.—

What

I have always heard that
the discipline of the
Army was to be profane
as it was is —

What I have already
stated refers entirely to an
Army within the United
Kingdom. I do not see
how it is possible to employ
any Army, or even a
Detachment from it out of
the United Kingdom, if
the means of maintaining
its discipline, its obedience,
and its Order, are not left
in the hands of its Superior
Officers.—

I have already said
that we must have the
best Soldiers in the World.
There is not a part of
their duty that does not
require for its due performance
the utmost Watchfulness,
Steadiness, and Strictness on
the part of their Non-Commissioned
Officers and Officers, the most
efficient exercise of their
Authority,

20036

This point was given up
Mr. Howe, & led to the
mischievous & inconceivable
abandonment of discipline &
different code of punishment
for soldiers abroad & at home
to far the debt was owing
to the number of soldiers
whom it was admitted, &
improbability of their being
a large & home army
being proved, the great
is reduced to the very narrow
point of the modification
of which it may be capable

This
suppl

authority, and all the support
of the Terror of Punishment
which the Law can give.

The whole machine
appears to the impractised
eye to move very easily,
very steadily, and of itself.
But the benefit which it
confers is the result of
previous arrangement, order
and discipline. —

We send a Subaltern
with a couple of Non-
Commissioned Officers and
Twenty Private Soldiers, the
Brothers, the Companions
probably of hundreds of
Convicts, whom they are to
guard in a Transport to
the Antipodes. This appears
very simple and very easy,
but if these Soldiers were
not disciplined, and put into
a state of obedience and order,

(and

This is rather a strange
supposition.

and so kept, and to the
performance of their duty by
the same means, what is
to prevent them from joining
the Convicts, and taking the
Ship? -

Let the cases of the
return of Soldiers from the
East Indies be looked at, and
the consequences of indiscipline
will be too apparent. - The
same would occur in every
case abroad. - The British
Army, go where it may,
must be successful in
affording protection and
Security, or all is lost. This
can be done by discipline
alone. *mis m.*

But when we come to
consider of the greater
operations of War, that
in such we must be the
example of obedience, good
Order,

Order, and discipline to our
Allies, and the terror of our
Enemies on account of our
possessing these same
qualities, I cannot conceive
that there is a Man with
information upon the Subject,
who will think otherwise
than that if the State
is to have an Army, we
must maintain in it
the use of Corporal
punishment.)

