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Sir H. Taylor to Sir J. Macdonald

Private ^(Copy)
36168-9

Windsor Castle
7th May 1833.

My dear Macdonald

I am much obliged to You for Your Letter of Yesterday, parts of which I have communicated to The King; and the best Answer I can give You, is to send, for your private Information, a Letter received this Morning from Ellice, and Copies of the Memorandum which it enclosed, and of my Answers, which are full, and will, His Majesty hopes, supply the deficiency arising from the absolute Silence of Lord Hill on the subject. His Lordship and Lord Fitzroy Somerset have to thank themselves, only, for whatever may be stated in the Government Minute. Their aid was called for, by the Government,

Albion
Sir John Macdonald KCB
Ye — Ye — Ye

Government, in a case in which that
Government was as anxious as they
could be, to obviate the apprehended
mischiefs: They seemed to admit this
at first, and willing to give such aid,
They declared such Intention to
The King, and they ended by meeting
every proposition from the Govern-
ment with Indifference, or positive
Refusal of Cooperation: They have
put the Case out of their own hands,
and have forced the Government to
assume that which belonged to
their Department, and which the
Government wished that they
should not abandon.

In noticing the Omission of Desertion
in the Catalogue of Crimes inserted
in

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that in the Memorandum, You seem to have overlooked the Words "Regimental Court Martial", by which they are made cognizable, and corporally punishable. Absence without leave for periods under 21 Days, attended by aggravated circumstances, may be tried as Desertion, and then, of course, is cognizable by General Court Martial, but can in no case be tried as Desertion by a Regimental Court; and as the Comd. Officer has thus the option of trying more seriously, and by a higher Court, Absence without Leave so aggravated, the application to it of Corporal Punishment by a Regimental Court would seem to be immaterial.

I did not think you flogged too much, or unnecessarily, last Year from the
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the Reports I saw; but I was struck with the extreme inequality of Punishment in the several Corps, & the total absence of any fixed principle in the System & Practice of Com: Officers. I have no doubt that these Reports are now carefully scrutinized and noticed; and I cannot but persist in the Opinion that, by such notice and remark, greater uniformity of practice may be gradually introduced, tho' I agree that positive Uniformity, excluding all Discretion which Station and Circumstances may call for, is not desirable. I think, also, that the proposed Regulation may, to a certain degree, effect this, and that it will also have the effect of extending, rather than of diminishing, Corporal Punishment.

Pray get Howes to send me a Copy of the Letter, and return the Enclosures, as I have no other Copies.

Ever yours truly
(signed) W. Hayler