

Windsor Castle March 28.
1833

Private

My dear Lord Duke,

Your friend Sir Andrew
Barnard had not forgotten to deliver to me
a message from Lord Frederick St. Clarence
on Saturday last. I should not have had
occasion to trouble your Grace with this
Letter, but could have communicated its
purport verbally during your recent visit
to the Castle -

It related to an alteration proposed to
be made in the Mutiny Act, of which as
yet the King has received no official
intimation altho, if carried into effect
in opposition to the Opinions of most
Military Men, and in defiance of Popular
clamour, it would essentially affect the
Discipline, and might seriously commit the
Security

Yr Grace

The Duke of Richmond R. G.

Security

Security of the Army.

The Proposition, as His Majesty has gathered, is that the Power of Regimental Courts Martial to award Corporal Punishment should be abolished in the Army serving within the United Kingdom, except as to Cases of Mutiny on Parade. I conclude this means under Arms, and His Majesty has ordered me to write to you privately on the Subject, and to put it to you, as an experienced and practical Officer, whether this Proposition be reconcilable to the Principles of Discipline, to the feelings which it is desirable to maintain in the Service, or to the Security of the State.

The Subject of Corporal Punishment in the Army has been so often under discussion, and the Arguments for and against have been so much exhausted, that it would be

be a waste of your time, and my own to enter
into it at present, otherwise than with
reference to the Proposition supposed to be
contemplated -

You are aware, I believe, that objections
had been taken to some of the alterations
introduced by Sir Henry Cardinge in our
Military Code, as too greatly abridging the
Power of the Commanding Officers of Regiments,
upon whose judgement and discretion must
mainly rest the maintenance of discipline
and subordination in our Service, which
is one of Detachment, and I do not deny that
I, as Adjutant General, supported by the
Opinions and advice of many better qualified
by experience and practice than I could be
to enter into the Subject, strongly contended
this Point.

But, in adverting to the necessity of
preserving

preserving to Regimental Courts the Power
of awarding, and to Commanding Officers the
Power of confirming Corporal Punishments,
greatly limited by successive Acts, I have
always had in view the existence of that
Power, and the Soldier's knowledge and
sense of its existence, rather than such
exercise of it as should not be placed under
such Restrictions and Safeguards, as would
much circumscribe it, and, in support
of this assertion, and of the principles to
which it applies, I appeal to the Orders and
Regulations issued or enforced in 1829 &
1830, particularly to the Order for monthly
Reports of Courts Martial from all Corps,
and to the private Order, or Regulation
of 25th June 1830, respecting interior Discipline,
and the Treatment of minor Crimes and
Offences - To these Restrictions & Precautions,
Kindly

tending so much to the abridgement of
 Punishment by Regimental Courts, and the
 prevention of crime and irregularity, may be
 added the influence of the popular feeling
 and clamour upon the Responsible Officers,
 upon Judges & Jury, and all this will justify my
 saying that Corporal Punishment, as compared
 with periods not very remote, exists more in
 name than in reality -

But, to proceed one step further and abolish
 altogether the Power and the discretion, of
 which the exercise has been thus restricted,
 may strike at the root of discipline in our
 Service, and it must not be forgotten that
 the Power could not be restored after discovery
 of the mistake.

I am aware that there are many Officers
 of high character and experience in the
 Command of Regiments, who are advocates
 for

for the maintenance of discipline without
Corporal Punishment, and who may have
occasionally, and for certain periods succeeded
in carrying their Theory into Practice. But
ask them whether they could have done so, or
whether they would now hope to do so, if it
should be known and declared to the Soldier
that the Power of awarding and of confirming
Corporal Punishment had been taken from
Regimental Courts Martial, and Commanding
Officers?

Again, I question whether the continuance
of the Power of awarding Corporal Punishment
to Regimental Courts be not more essential
than to General Courts Martial, inasmuch
as the latter may apply the Punishment of
Transportation, and even Death to crimes
calling for serious and immediate notice.

Short of these indeed, and of Corporal
Punishment

Punishment, the usual Sentence is confinement
 in Gaols, with or without hard labour, and I
 again appeal to Your Grace, as a practised
 Soldier, whether any be less calculated to
 reclaim the Individual or to further the
 objects of the Service.

Lastly, I come to the distinction between
 Home Service and Foreign Service, which
 the Proposition is supposed to embrace, and
 I may be permitted to observe, that none
 can be more objectionable, more inconsistent
 with the feeling and the Principle which
 ought to govern our Service, more inapplicable
 to its Details, more hazardous in its effect, and
 operation.

Nearly two thirds of our Infantry and a
 Portion of our Artillery and Cavalry are
 constantly on Service - The Austrians and
 Prussians and other Foreign Armies may
 draw

draw the Line between Peace and War,
and they may establish a Code of Discipline
for Service in the Field, contrasting distinguished
from repose in Quarters and Garrison - But,
in our Service, whether the Period be one
of Peace or War, there is no such repose, or
the Soldier can enjoy it for 3 or 4 years only -
He then is embarked again for a Colony
or other Foreign Station, and, according
to the Proposition in Question, every such
change from Home to Foreign Service,
and vice versa, places him in a different
position, as to Discipline and Liability
to Punishment, nay, the Distinction must
be introduced in the separate Parts of the
same Regiment, the Service and the Reserve
Companies - The same Commanding Officer,
in whom the Power has been vested in
one Station, and the same Soldier who
has

has in that Station, been subject to the exercise of that Power, are removed to another, where the Commanding Officer is known to be deprived of the Power, and the Soldier is relieved from the apprehension of its exercise.

Nor is this the only objection - I have already observed that the greater proportion of our Infantry must at all times be serving abroad, and as many Nations are obnoxious, from the nature of the Climate, and other objections, it is of the greatest importance, that Foreign Service should not be rendered, in other respects, disadvantageous and above all that it should not be held out to the Soldier as being of less value, in point of credit, and character; and yet such must be the impression on the Service in general of Punishment, deemed or declared ignominious, and partaking of the nature

of India, be reserved for Foreign Service
only, if Regiments ordered to India or
Service Companies ordered to other Foreign
Stations, be placed in the condition of what
were formerly termed condemned Corps, with
reference to Corps and Detachments Stationed
within the United Kingdom, including,
be it observed, Prisoners when embodied.

I put it again to your Grace, as a Practical
Officer, whether any Principle or System
can be more dangerous in such a Service
as ours, and whether the Establishment of
these two distinct Codes would not probably
occasion frequent Mutinies in Corps,
receiving Orders to prepare for Embarkation.

I am aware that my last objection may
be used as an argument for abolishing Capital
Punishment by Regimental Court Martial
abroad, as well as at home. But here
again

again such, what will you substitute
for it abroad? and by what means or example
will you enforce Discipline in Nations,
where Regimental Courts Martial can alone
be held, and where the Power of Confirmation
must be vested in the Commanding Officer
of the Regiment, unless Punishment be
deferred sine die, in cases requiring
immediate or early Notice?

The Conclusion to which I naturally
come is that the continued existence of the
Power actually vested in Reg. Courts Martial,
and in Commanding Officers of Regiments,
is essential to the maintenance of Discipline,
especially abroad, and that different Codes for
Home and Foreign Service would be
objectionable in Principle and unsafe
in Practice. And after all - Why not let well
alone? Believe me

Yr. &c.

Sign'd H. Taylor

Mr Herbert Taylor to the
Duke of Richmond

March 20. 1733

Relating to an education
proposed to be made in the
theology set for abolishing
the power of Popery in the
Countess Marquis's account
of the said University, &
within the limits of England,
which in case of the King's
Grace -

