

Windsor Castle April 12/33

Private

My dear Lord Duke,

Your grace will I fear, have considered
 it extraordinary that I should have delayed
 until this day acknowledging the Receipt of
 your Letters of the 5th and 6th inst, which
 reached me on the 9th and which I immediately
 submitted to the King, but it was His Majesty's
 desire that I should learn from communication
 with the Horse Guards, what had been done,
 or was contemplated on the Subject of the
 apprehended alteration in the Mutiny Act,
 and the notice given by Sir Francis Burdett
 and Mr. Thiel of Motion respecting Corporal
 Punishment, and the expectation of seeing
 Lord Fitzroy Somerset, who was here yesterday,
 caused further delay, to which, I may add
 the

The occurrence of a little indisposition, which
has rendered application to any serious subject
wholly unfit to me for some days past.

In the mean time I have received from
the Adjutant General and submitted to the
King his correspondence with your Grace and
other Documents having reference to the Subject,
as well as Lord Pelham's Letter of the 25th ulto to Sir
John Robhouse (which speaks clearly, forcibly,
and ably his objections to any alteration) and
I have assisted at an interview which Lord
Pelham & I had with the King
yesterday, and have had further communication
with him.

The Result of all this has been to confirm
and strengthen the Impressions and Opinions
which had been received both by His Majesty
and myself upon the Question of Regimental
Discipline, and Corporal Punishment, and
which, as they have been already fully stated
and

and as they accord in general with those
entertained and expressed by your Grace, I need
not here re-stated. - I will add merely one or two
observations, arising out of Sir John Macdonald's
communications, the first that the return
of Men tried by Court Martial in each year,
from 1825 to 1831 both inclusive, and of the
Punishments awarded and inflicted, shew an
encrease of Crimes and offences with the
Diminution of Corporal Punishment in
the Army, and that Sir Frederick Ponsonby,
the kindness of whose nature and humanity
are generally acknowledged, states in December
1830, that he had had, during the last six
years, two Regiments under his Command
where corporal Punishment was not practised,
that they were not quite worthy out of the
Banach Yard, more crimes were committed
than in other Corps, and when he found that
the Plan had completely failed, the old
system

system was adopted, and they were there
December 1836 in as good a state of Discipline
as any Battalions -

I am very sensible of the difficulties under
which we labor in maintaining our position, & trust but
however well supported by facts and experience
and common sense, against the effect of
prejudice and clamour and the anxiety of
Members of Parliament to obtain and preserve
Popularity - This however is a difficulty
which in these times, is not confined to
the agitation or discussion of this Question
only, but extends to many others, as it has
indeed for some years past, has proved
and must continue to prove seriously
embarrassing to any Government, and must,
as your Grace observes, endanger the existence
of all Laws and Institutions, with experience
has unfortunately shown, upon more than
one occasion, that the endeavors and exertions

of those whose duty it is to defend the Powers
of the Crown and the Institutions of the
Country have been unable to stem the
destructive Torrent —

I am perfectly convinced, from all that
has passed, and every communication made
by the Members of the Government, that they
are seriously and anxiously desirous to prevent
the introduction of any material change in
our Military Code and System, that they
would decidedly and strenuously resist it,
if they could depend, in the present Temper
of the House of Commons, on a sufficient
majority, and that the Measures now
contemplated are expedients to obviate that
which they cannot wholly prevent, and to
render, as far as possible, innocuous the repeal
which they cannot crush. I admit that
Military Men, whose declared Opinion it
is that Military Discipline cannot be
maintained

maintained, unless the Power of inflicting
9 Corporal Punishment is preserved, particularly
in Regimental Courts Martial, are called
upon to introduce or propose, in deference
to Public Opinion, some Regulation which
is at variance with their declared Sentiments,
but I conceive the Government to be placed
in the same predicament, that it is a
common cause, that the greater proportion,
if not all its Members, share the Sentiments
and Opinions of the Military, then, and
would sincerely rejoice to see them prevail,
and that the appeal now made to them
is, not for the sake of producing concession,
but for the sake of obtaining their aid
and cooperation in some arrangement
which may have the effect of neutralizing
the attempt to prejudice the discipline
of the Army - It is impossible that the
Government can obtain any Opinion
from

from the Military authorities which
 shall accord with the Sentiments and views
 of the advocates of the proposed alteration
 nor do they wish to expect it. They are
 "clearly anxious to resist such Proposal"
 (and Lord Palmerston opposed it strongly)
 "but, doubting whether, in the present state
 of feeling in the House of Commons, this
 resistance will be successful, without
 something to show that every care has been
 taken to reduce the practice of Corporal
 Punishment within the narrowest limits
 which the paramount consideration of
 the Discipline of the Army will admit."
 They have suggested what they conceived to be
 the best means of ensuring this result,
 "apprehensive as they are that, from the want
 of some further Regulation which might
 be adopted with safety and hardly ought
 to be called a consequence, a Vote may be
 carried

"
carried against all their efforts to resist it."
I have transmitted the above passage from Lord
Grey's letter to me on the Subject as
stating distinctly the object of the Government,
the difficulties under which it is placed,
and the aid and cooperation which it seeks
from the Military authorities - There can be
no doubt that it will become the Government
to declare its conviction that the Military
authorities are right in their view and opinion
of the Question, and there does not appear
to me any reason to apprehend from any
thing that has passed on the Subject
that they will not do so. //

I have no hesitation in saying that
the more I consider the Subject and attend to
the Opinions of your Grace and other competent
authorities, the more I am satisfied of the
importance of maintaining the existing Powers,
especially of Regimental Courts Martial,
and the existing authority and responsibility of
Commanding Officers of Regiments and having
carefully

carefully read your Grace's Letter to the King's Gen^l -

I take the liberty of submitting whether a proposition founded upon your proposal to establish a still more particular scrutiny and investigation and consequent Report & notice of the Proceedings of Courts Martial, of minor Punishments and of Defaulters lists than have yet prevailed, and to appoint a competent officer, specially charged with the Details of this duty, might not answer the purpose and relieve us from the difficulty.

Such Proposition brought forward in the shape of a Regulation, for the Consideration of the Government and to be submitted to Parliament.

I own that I should greatly prefer this to the appointment of any Board or Commission of Enquiry, upon the results of whose deliberations we could not entirely depend, whereas

in the other case, we keep the view
of the Question and the steps which
it may be advisable to adopt in our
own discretion, having acquired a
full knowledge of the Sentiments
of those whose Judgement & Experience
best qualify them to have voice
on the subject. — The King by
those Authority I write, who is alive
to every part of the question, & who
has read all that has been written
upon it, has ordered me to convey
the above opinion, as one which
His Majesty inclines and is being
in favour of the most simple and
direct course.

The foundation for what your
Grace proposes is indeed already laid,
and the Machinery requires merely
some amplification. Reports of all
Courts Martial held in or connected

with Regiments are now made Monthly
 by every Corps in the Army, to
 Head Quarters and to the General
 Commanding Districts: They are
 carefully examined and everything
 calling for attention is noticed and
 produces special reference to, and
 inspection of the Proceedings, Instructions,
 for enquiry, reference to the Judge
 Advocate General, if necessary,
 reference to the Confidential Reports
 of Corps in order to compare its state
 of Discipline with the nature and
 amount of Punishment and occasionally
 an order for the production of the
 Defaulters Lists, or an intimation to
 the General Officer to inspect them
 with reference to the immediate
 object of notice. —

This, which is now done in
 a general way and as occasion
 calls

calls, might be established more
extensively and under special
superintendence and Report, as
proposed by your Grace, and I
apprehend that a Statement of what
has been the practice, of the proposed
extension of it, of the Decrease of Crime
and offence shewn by the Returns
in proportion as Corporal Punishment
has been diminished, and a Declaration
of the decided and concurrent opinion
of the Officers of the Army that the
Power now vested in Regimental
Courts Martial cannot be further
diminished, without compromising
the Discipline of the Army &c. &c.,
that such is the declared opinion,
even those Officers who had, for
certain periods carried on the command
without yielding to the exercise of the
Power they proposed. — I enclose a
Statement

Statement, I say, been produced,
is to be hoped that it would answer
the purpose of the Government and
enable it successfully to contest
the point.

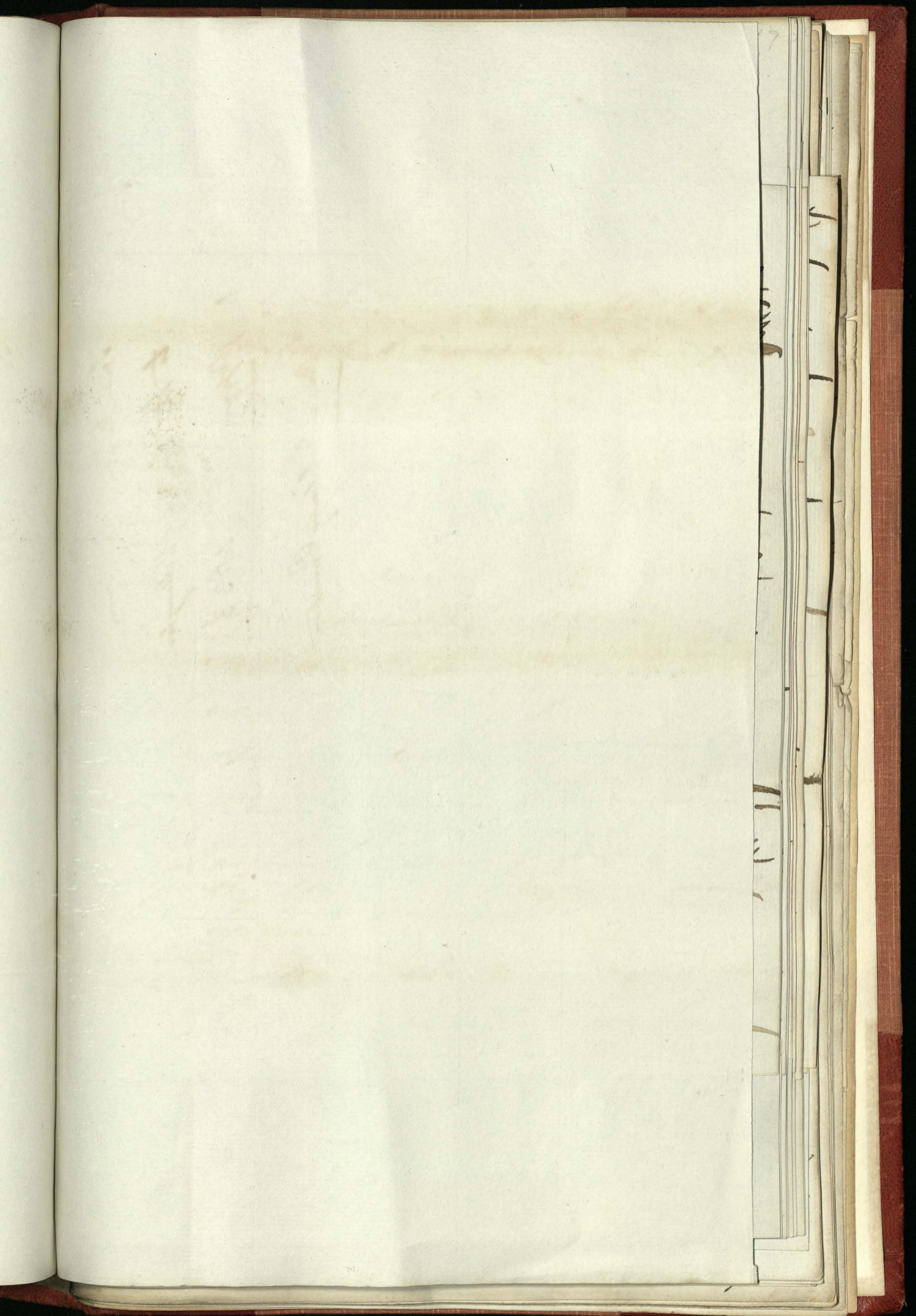
I have the honor to be

(Signed) Wm Taylor

His Grace

The Duke of Wellington &c.

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Mr Richard Taylor
to the Duke of Wellington

Apr 12. 1833

On Military Employment