

Private

Windsor Castle Saturday night
April 6. 1833

My dear Lord,

I was out of my power to reply earlier in the day to your Lordship's Letter returning the Duke of Wellington's Letter and Memorandum or to obey the King's Commands in acknowledging the Receipt of that which you had addressed to Him and in assuring you that its Contents had proved perfectly satisfactory to Him - His Majesty, having indeed understood from Lord Brougham that Lord Althorp might possibly leave London this day, has ordered me to send you a Copy of His Letter to him which His Majesty desires you will consider as addressed equally to yourself -

I read your Lordship's Letter to the King, as well as your marginal Notes on the Duke of

The Right Hon
Earl Grey. M. G.

of Wellington's Memorandum, the correctness
of which His Majesty admits in general -

He had always understood, as you do, that
there was no flogging in the French Army before
the Revolution, except in cases where the
Individual so punished was turned out of
the Service - This however applies to French
Corps only as Corporal Punishment, and the
Cane prevailed in the German and Swiss
Corps, but the Punishment of death was
frequent and I imagine that the use of
the flat Sabre prevailed also. I am indeed
enabled to state as a positive fact that
General Pichegru, when a Refugee in
this Country, stated at the late Lord
Narvington's Table that since the Cane
and the flat Sabre had been exploded,
no other means of enforcing discipline had
been employed than Capital Punishment,

and

The King

and that in his Army, during its progress from the French Frontier thro' Flanders and Holland to the Rhine, there had been, he believed, not fewer than 600 men shot -

Lord Palmerston, I believe, mentioned some species of extraordinary torture which was ^{substituted} established in the Russian Army ^{in substitution} for flogging, and in the American Army, in which the discipline is very loose, and great familiarity prevails between the Officer and Soldier, the Punishment for gross insubordination is the transfer of the offender to the Convent Establishment at Sing Sing, or Auburn, where, if one Convent speaks to another he is knocked down, where he dare not look at a Stranger who may come in. - They are seated face to back at dinner, dare not speak, and at night are locked up singly in arched Cells &c &c -

This is called only punishing their minds.

Im

In short, wherever flogging is excluded
or has been excluded, some other Torture has
been substituted and your Lordship will
have observed in the Printed Regulation
of 24th June 1830, which Lord Holland Allhops,
that the unwillingness to resort to flogging
had produced irregular Punishments,
partaking of Torture, in some of our Regts,
which it became necessary to check

The Duke of Wellington is mistaken in
some points of his Memorandum - The
Commanding Officer may confine a
Soldier for 28 hours without bringing
him to Trial, and he may be mulcted of
his Pay for habitual Drunkenness as you
observe, also put under Stoppages for places
necessary made away with, but great
care is taken to check the increase of
Company debts - His Grace had also
received an erroneous impression from

some

some particular instances, that greater disposition to violence and outrage prevailed than formerly, which, as far as I could trace by minute observation, and enquiry, is not the case, the discipline of the Army never having been more perfect (as you observe) than for some years past -

Duke of Devon
I am inclined (however) to think that he is borne out in his remark that there is no instance of mutiny being produced by any individual instance of Corporal Punishment, altho' there are instances, and to them you may possibly have reference, in which it has resulted from an unreasonably severe and oppressive system of discipline and more especially from treating the Soldier, allowing no relaxation, and generally harsh usage and language, - which I believe to be far more obnoxious, and repugnant to the feelings of the Soldier than Corporal Punishment

Punishment, and your Lordship will observe
in the Regulation of June 1830, to which I
have before adverted, how much the necessity
of abstaining from this mode of treatment
is inculcated -

That Regulation or Order was the result
of very minute enquiry into the interior
discipline and system of every Regiment
in the Service, of reference to their Standing
Orders, to the monthly reports of Courts
Martial, to the Opinions of the most approved
General and Commanding Officers, and
I cannot help thinking that if it had been
published it might have excited some
clamour and prejudice - Lord Brougham,
to whom I shewed it this morning, appears
inclined to this opinion, and took a
Copy of it which he will get conveyed
to Sir Francis Burdett -

The King had spoken of Lord Brougham on ~~that~~

the

General Lutgert and

(34)

I had a good deal of conversation with him upon it, as I had yesterday with Mr. Mice and more particularly with reference to what had occurred to your Lordship and some of your colleagues, as the best expedient to prevent the mischief or embarrassment which might result from a Vote of the House of Commons and to take advantage of the State in which the question was left by Sir Francis Burdett's amendment on Mr. Murray's Motion -

I am directed by the King to say that he approves of the proposal to bring the question under the consideration of the best Military authorities, with a view to framing such Article of War or Instruction for regulating the power of Courts Martial with respect to Corporal Punishments, as may prevent the introduction of a change in the System, which might prove fatal

So

to the discipline of the Army, and it so happens that there is, at this moment, a Board sitting for the Revision of the System of Field Movements and Exercise of the Army, which would be fully competent to this important task and which, being already in existence for another purpose, could not be suspected, by the Advocates for the abolition of Corporal Punishment, to have been packed for this - This Board might, under the instruction of Lord Hill, consult with the Duke of Wellington, with the Secretary at War, and the Judge Advocate General -

The King readily admits that Lord Palmerston is an unexceptionable witness, on this occasion, of the feeling of the House of Commons, and that his opinion is entitled to the highest respect, but His Majesty rejoices that your Lordship is not disposed

disposed to go quite the length of his
 proposition for curtailing the Power of Regimental
 Courts Martial and Commanding Officers, &
 the preservation of which, for the reasons
 which have been already so amply stated
 as not to require repetition, His Majesty
 attaches the highest importance -

There is perhaps nothing so difficult to
 define as the character and extent of Mutiny,
 as many acts of insubordination or resistance
 to orders and superior authority which may
 appear trivial in the description, acquire
 the greatest importance from the circumstances
 under which they occur, or the effect they
 may produce from immediate or local
 causes. - Hence the danger of too greatly
 circumscribing the discretion of the

Commanding Officers who in generally speaking are
 most important Individuals in our Service.

The Number of lashes which may be
 awarded by General or Regimental Courts

Martial, have been, as you are aware,

gradually ~~proportionally~~

gradually
progressively reduced, and, whenever this
question has been re-agitated, one of the
expectants, which naturally occurred, was a
further diminution, but it has on former
occasions been objected to, as precluding the
possibility of apportioning the Punishment
to the more or less extent of the Crime to which
Corporal Punishment is applied, as limiting
the Power of Punishment, and as depriving
the confirming authority of the means and
the Privilege of mitigating the Sentence,
and as reducing the influence which
result from both -

I am not aware however that these
objections can be considered very strong or
valid, as every thing is viewed by comparison,
and the minor Punishment will be considered
with reference to the total absence of it, as the
more severe Punishment now is with reference
to the minor, and I am of opinion also that

in

in most cases, the Punishment awarded by a Court Martial should be inflicted, as the too frequent or too sensible mitigation of it might imply an erroneous or unjustifiable view of the nature and extent of the crime calling for it, and bring the Court into contempt and discredit, and in most cases, and especially where it is a first offence, I should prefer pardon, if any excuse could be found for it, to mitigation, the more so as a principal objection to Corporal Punishment is the disgrace, and this is the same whether the Soldier receive 300, or 100 or 10 Lashes -

This is also a reason why I fear that a reduction in the Number of Lashes will not satisfy the Advocates for the abolition of this mode of Punishment in the Army, and yet it may be urged, that it is confined in great measure to a certain Class of Men in each Corps, upon whom no other correction produces any effect, and who are called to
all

all but the infliction of the lash, to the men
who, in the old French Service, would have
been so punished and turned out of the Corps,
to whom we are not allowed to discharge
as disgraced or unworthy. - It will be
found, upon enquiry, that there exists the
greatest reluctance to punish corporally a
young Soldier, or for a first offence, and,
to prove that this is agreeable to the Principle
of our Service, I beg again to refer to the
Order of 22th June 1830.

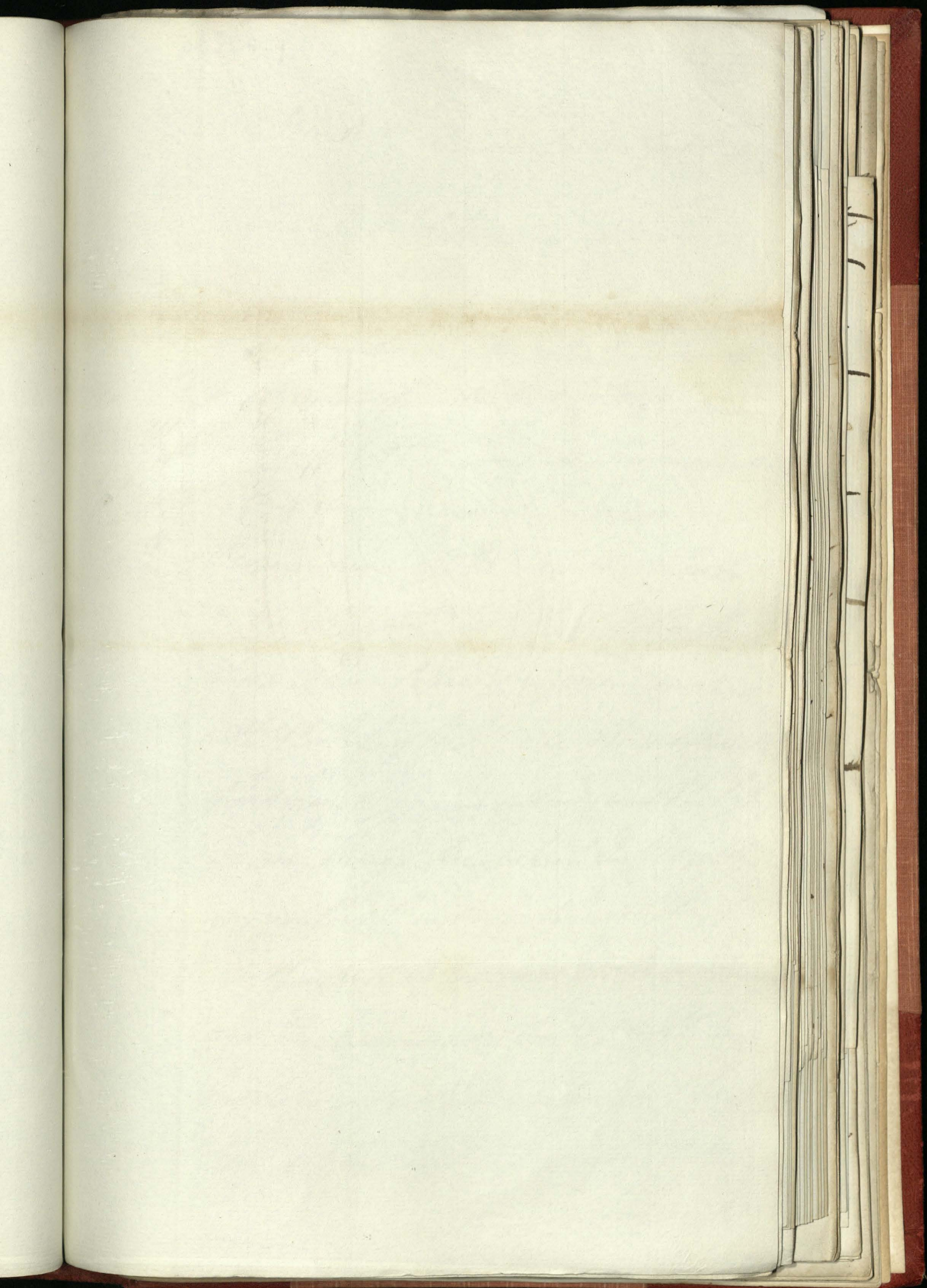
In order to uphold this Principle still
further it had been suggested by Sir Henry
Hardinge and I felt inclined to the proposal
(but it was objected to by higher authority) to
establish in each Regiment a punishable
Clap, so that the offender should be
transferred by sentence of Court Martial -
to wear them, but not till then, become
liable to Corporal Punishment, and good
and

and unspokeable conduct, for a certain
Period might take him out of the Class
and relieve him from such liability. All
this will shew how much the Prevention
of crime has been the object rather than
Punishment.

I have the honor

to be

Signed, W. Taylor



10 East 40th
April 16 - 1833

Mr. Leonard Pemberton
in the Army