

Copy.

Horse Guards,

25<sup>th</sup> March 1833.

Sir,

I have had the honor to receive your letter of the 23<sup>rd</sup> Instant, transmitting one from the Judge Advocate General suggesting a material change in the Mutiny Act as respects the power of Regimental Courts Martial to inflict Corporal punishment; and having considered the matter as fully as I could in so limited a space of time, I regret to be under the necessity of acquainting you that I cannot give my concurrence to the proposed alteration.

Until I received your letter, I was not aware that any such modification of the Statute was contemplated by His Majesty's Government.

The Rt Hon<sup>ble</sup>Sir John Hobhouse *et**J. F.*

Of the various Tribunals  
which are authorized by the  
Statute Act there is none in  
my opinion more valuable  
more essential to the discipline  
of the Army, and more  
necessary for the support of  
the Commanding Officer,  
than the Regimental Court  
Martial. The punishments  
which an Officer in Com-  
mand can inflict for  
trifling or minor offences  
are efficacious only because  
it is known that he can  
assemble at his Will a  
Court Martial which has  
power to sentence to Corporal  
punishment, and to withdraw  
the power from that Court,  
except in the case of an  
overt and a flagrant act  
of Mutiny under Arms,  
would be to deprive the  
responsible

responsible Officer of the means  
of instantly suppressing insub-  
ordination, and many other  
serious crimes which are of  
more frequent occurrence  
than the one for which it  
is proposed still to render  
an Offender liable to the  
punishment in question.

The value of the exception  
in the instance so properly  
alluded to by the Judge  
Advocate General, cannot  
be questioned. The exercise  
of it on that particular occasion  
at once put an end to a  
Mutiny from which the  
most serious consequences  
might have resulted; but  
such an event might not  
happen again for years,  
whilst it is by no means  
uncommon that a Soldier,  
not under Arms, resists  
the

the authority of a Non Com-  
-missioned Officer or even  
an Officer - that he commits  
an outrage on the line of  
march, or refuses to submit  
to the punishment which,  
with a desire to avoid  
having recourse to a Court  
Martial, his Commanding  
Officer may order him  
to undergo.

Now I would ask how  
is such contempt of authority  
to be met, if the means of  
immediate punishment are  
denied to Regimental Courts  
Martial, if they be not at  
liberty to afford to a Com-  
-manding Officer the oppor-  
-tunity of punishing a  
culprit on the Parade, as an  
example to deter others from  
the commission of a similar  
offence? I am given  
to

to understand that these Courts  
may be authorized to award  
a longer term of imprisonment  
than is now within their  
option. Is that likely to  
prove efficacious? I apprehend  
not! Setting aside the in-  
convenience which results from  
the imprisonment of Soldiers,  
both as regards the loss of  
their services in the mean  
time, and the difficulty of  
managing them whilst  
undergoing the punishment,  
an instance of which is  
readily afforded by reference  
to what occurred some few  
days ago at Bristol, - I can-  
not bring myself to believe  
that association with Felons  
can tend to improve their  
chance of reformation; and  
the treatment they meet  
with is not such as to deter  
them

them from exposing themselves  
to a repetition of the Sentence.  
— Some Prisons do not afford  
the means of carrying the  
Sentence of imprisonment  
with hard labour into full  
effect, and it is a fact of  
frequent occurrence that  
Soldiers, who have received  
that Sentence, have been  
employed either as Cooks,  
ordinary Labourers, or  
Turnkeys, and have therefore  
undergone much less  
punishment than was  
intended by the Court Martial  
by which they were tried.

It is a matter of notoriety  
in a Regiment, that, as the  
Articles of War are at present  
constituted, a Regimental  
Court Martial has the power  
to sentence to Corporal  
punishment; and yet are  
the

the Officers, who are liable at any moment to be called to compose such a Court and therefore to sit in Judgment on them, viewed with suspicion by the Men under their immediate Orders? - I do not hesitate to aver that the contrary is the case. - In all large Bodies there are some Men of evil disposition and bad character, who are kept in order by the fear only of the consequences of misconduct. but I will venture to affirm that the greatest proportion of the Soldiers of the British Army look up to their immediate Superiors with sentiments of the highest respect, and with every confidence in their justice and determination to protect them from ill  
treatment

treatment; and this to a degree which is not known in any other Army.

Under the present Law too the discipline of the Troops is such as to give general satisfaction to the Country, and to enable the King's Government to employ them in small Detachments, in situations of extreme difficulty and delicacy, in which they have acquitted themselves to the approbation of all, and have, in many instances, protected the lives and properties of His Majesty's Subjects, when, unless they had been in that state of restraint which is necessary to render the Military valuable to a community, both would probably have fallen a sacrifice to the Anarchy they were



were called upon to put down.

I do not propose on this occasion to enter upon the general question of Corporal Punishment; but I cannot avoid entreating you to refer to the Memorandum upon the subject which was prepared by the Duke of Wellington last year, and was shortly after placed in your hands by my Military Secretary. Being very desirous on a matter of so much moment to avail myself of the experience of His Grace, who had had more opportunity than any other Officer of His Majesty's Service of determining what was requisite for the maintenance of discipline, I solicited him to favour me with his views on the subject, and he accordingly

accordingly sent me the  
Paper to which I now allude.  
- In that he forcibly draws  
the distinction between this  
Army and those of the  
Continent, and shews the  
necessity of continuing the  
present system.

Upon a point then in  
which the discipline and  
efficiency of the Army are  
so deeply involved and at  
a period when I cannot  
conceal from myself, par-  
ticularly viewing the state  
of Ireland, that much  
must depend upon that  
discipline and that efficiency,  
I feel it my duty in  
conclusion earnestly to  
recommend that the  
fullest deliberation be given  
to the subject, before the  
Government determine  
to

to bring forward the proposed  
alteration, the importance  
of which cannot be doubted  
when it is considered that  
its object is so materially  
to abridge the Power which  
Regimental Officers now  
profess of keeping their  
Men in that degree of  
subordination which ~~it~~  
is requisite to enable them  
to fulfil the just expectations  
of His Majesty and the  
Nation at large.

I have &c

/signed/

Hill

P.S.

I return Mr Grant's Letter

April 18. 8. 18. 18.

William

March 25. 1833

On Saturday 20th

London in the City of

London

April 18.