

Sir John Macdonald to Sir H. Taylor

Private 36128-9

H. Taylor

My dear Taylor

18<sup>th</sup> April  
1833

I have perused with  
that deep interest which the  
subject of them <sup>has</sup> so well  
calculated & excite your  
letters of yesterday & had  
City Bay same as with  
their respective welcomes.

He will be with you  
tomorrow, and will convey  
to you the impression which  
these admirable writings  
have made upon him  
I am  
Yours  
Herbert Taylor

Hand by My Dear

Upon me - The King's  
letter to Lord Grey and  
Altho' place the whole  
subject of Compensation  
punishment, and all its  
bearing and consequences,  
in so unambiguous  
a point of view, that it  
really were quite a work  
of supererogation for  
me or for any other  
person to go again into  
its details, the more  
especially

Sir John Macdonald to Sir H. Taylor

36129

as the Duke of Wellington  
 has so fully and so  
 conclusively recorded  
 his opinions upon it -  
 you desire me to send  
 you the opinion of the  
 Board lately assembled  
 here, but I can do so  
 only in this shape, as I took  
 it, at the moment, merely  
 to satisfy Lord Hill's mind  
 before he should prepare  
 his answer to Sir John  
 Hobhouse's first letter  
 proposing the Amendment

J

The powers of a Regimental  
Court Martial in the  
United Kingdom - I shall  
fully and fully, & the power  
how the question stands, at  
that moment, and then  
put it to them & tell me  
here, and then - first  
whether they did not  
deprecate the notion  
of putting home and  
foreign service upon  
a different footing  
in this respect, and  
next whether they  
did

36130-1

2

not think with me that  
 the Regimental Court  
 Martial was the chief  
 supporter of our discipline,  
 and whether, therefore,  
 they would not regard  
 any diminution of the  
 present powers of that  
 tribunal with vigour &  
 more concern than they  
 would ~~be~~ a diminution  
 of the powers of our  
 Superior Military Tribunals.  
 I need scarcely say that  
 our

opinion was unanimous -  
- yet it is right that I should  
here mention to you, under  
the House, that three of the  
General officers then  
present, were thus  
circumstances when  
they themselves com-  
-manded Regts -

Lieut. Kenneth Douglas  
(our President) actually  
bought the coats of the  
52<sup>d</sup> Regt, but found  
himself

36131

object to get a new  
~~set~~ — Sir Ed: Blakeney  
 abolished Corp<sup>l</sup> punishment  
 in the Fencibles almost  
 by proclamation — and  
 Sir John Cameron opposed  
 him (I had often heard  
 so before) that he  
 commanded the 9<sup>th</sup>  
 for three years,  
 without so much as a  
 single case of Corp<sup>l</sup>  
 punishment — how  
 if

we could be in a better case  
of these I think you will  
agree with me, that, in  
thus maintaining the  
necessity of not yielding  
any part of our present  
powers to popular  
clamour, some of our  
own most influential  
brethren greatly enhance  
our difficulties - As the  
Duke of Buckingham  
suggests a compromise



36132-3

3

Inquiry, and as heretofore  
 appear to be decisions  
 that some expedient  
 of that nature should  
 be resorted to, I am clear  
 for that being done, <sup>although</sup>  
 I have the strongest  
 doubts, at this moment,  
 as to its efficacy - may  
 I be perfectly honest  
 with you, my doubts  
 go much further - be  
 all

agree that a Committee on  
Commissions for this important  
occasion cannot be confined  
to a very few - that being  
admitted let us see how  
few he can have upon it  
- I conclude that we cannot  
consistently dispense with  
any of the following authorities  
The Duke of W  
Lord Hill -  
Sir J: Murray  
Sir James Hemph  
Sir Jasper Beckwith  
Sir Thos. Breyne  
The Quarter Master Genl  
The Asst General  
The Attending Secretary  
Sir Henry Hardinge

36133

If the King can spare  
 you for a longer period,  
 we ought, on every account,  
 to have you - I think I have  
 above given you a very  
 good reason, for my having  
 left out the general officers,  
 who were upon the late  
 board - It would be  
 rather awkward to have  
 them characterize what  
 the success of their experiments  
 as yet I believe we could  
 easily prove that in each  
 of the three parts, it became  
 absolutely necessary

return to the Camp premises  
Their being at such a  
distance is a sufficient excuse  
for not having either Cameron  
or Blakeney, and Sir Hewitt  
Douglas would, I rather  
think, not be an answer, he  
form one of the Commission  
as his bearing has always  
been against Camp &  
premises - Then we come  
to the Civilians who perhaps  
might be composed of -  
The Speaker  
Sir Geo. Baskett  
Mr. Rottmant  
Mr. Elliot -  
Lord Palmerston  
Mr. Rowan an account  
of his past experience in scanning

36134-5

of Naval <sup>4</sup> ~~Penitents~~ for  
 nearly thirty years at the  
 Admiralty - The Naval  
 members named, perhaps,  
 be, Sir Thos Hardy  
 Sir J. Keppel  
 Sir P. Mordaunt (if you had)  
 Sir Bryan Martin -  
 - saw no person who I  
 think, he so bold as to  
 deny the ability of such  
 a Cambridgeian to suggest  
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Great the object is being  
which I understand & the  
Act of placing the  
power of ~~and~~ inflicting  
(not awarding) corporal  
punishment under further  
and more efficacious  
restraints - yet I cannot  
help feeling the strongest  
dread that the reputation  
thus framed, will end  
in tying up the hands  
of ~~and~~ officers more  
than

36135

attend

even the ~~new~~ article of  
 law that was proposed  
 by the John Holbeare -  
 The difficulty of getting  
 any number of people  
 to agree upon ~~essential~~  
 or even upon trivial  
 points I don't witness,  
 and then I need not  
 remind you that you may  
 so frame your new  
 restrictions, as to paralyze  
 the operation of this  
 punishment ~~throughout~~  
 the

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any —  
You will hence naturally  
ask me what I mean to  
do, if the matter were left  
to myself, and I am prepared  
to answer the question —

The King's mind is made  
up as to the discipline  
of his Army being put to  
pay, to say the very  
least, if the Reg. Courts  
 Martial are crippled —  
— His Majesty's Ministers  
propose to be of the same  
opinion — There as we  
have already an accumulation  
of



36136-7

5-

The best <sup>5-</sup>mitting opinions  
 Why not, at once, submit  
 the draft of a new  
 Regulation to the King,  
 and propose it to Parliament  
 — when the Duke of W  
 comes up to town, let  
 him suggest a Regulation  
 as an article of war, (the  
 King's express desire,  
 as to that Regulation  
 (an article) be proposed  
 by the pub com to any  
 of Land free for the  
 acceptance

of Parliaments the  
Duke of W will naturally  
in acquitting himself of  
so vitally important a  
duty on all business of  
the House and Deputies  
of other individuals, and  
the object which parades  
and perplexes and em  
-barraques us now,  
to which, may be  
attended very speedily  
and quietly - I quite  
agree in a remark made  
by

36137

~~Lord~~ ~~to~~ ~~the~~ ~~the~~ ~~the~~  
 day after reading the  
 Duke of W's letters and  
 hearing Lord Grey's  
 sentiments and Mr Ellis  
 &c: - was - that for  
 his part, he thought the  
 difference between the  
 parties at issue upon this  
 question was, after all  
 but trifling, and that he  
 in reality, was but  
 splitting hairs - Lord  
W's letter to Sir John Hobhouse  
 was as convincing and  
 judicious

as anything of the sort  
could be - I do not un-  
derstand that there is any  
longer a desire to press  
the point of making so  
much as a distinction  
between home and  
foreign service - I often  
heard that Nicholls did his  
best to prevent, but nothing  
can be more decided than  
his opinion as to <sup>the</sup> expediency  
of retaining <sup>the</sup>  
power of instituting it <sup>in</sup>  
- mail and, occasionally <sup>in</sup>  
I send your very cordial regards  
with the Duke of Wellington  
which

36138

They of your return  
 when you have done with  
 it, as I have no other  
 copies and I am obliged  
 to send you some of the  
 documents in original  
 I am Sir, and I really  
 give you the greatest  
 credit for the powerful  
 manner in which you  
 have placed this subject  
 before the King's Ministers  
 Your arguments and  
 facts are indeed per-  
 fectly irresistible  
 I am Sir,  
 Faithfully  
 Your obedient servant  
 M. M. M. M. M.

*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible handwriting in a cursive script, likely a historical document or manuscript.]*

36139  
You will see that in my  
Letters to the Duke of W.  
I have obtained from  
him my own opinions  
in detail from notices  
of deference to the extent  
to which I was addressing  
myself — I have however  
many a day ago written  
in great detail upon the  
subject, and I flatter  
myself a good deal  
to cut of the tedious  
paths Mr



.36140-1

Private  
My dear General

J. G. Hall  
11 Exptl  
1843

I am glad to put up,  
in my pocket, yesterday  
afternoon, the copy of  
the Memoir which Lord  
Hall gave to Lord Grey,  
and the extract of Sir Fred:  
Ponsonby's letter - These  
documents are alluded  
to in my correspondence  
with the Duke of Wellington,  
General Herbert Taylor and

I now send them to  
you - I also send you  
a copy of the return of  
trials and punishments with  
which I furnished Sir  
John Hobhouse at the  
opening of the Session,  
(upon his representation)  
I he laid before Par-  
-liament - May submit  
it to the King as it is  
an interesting document,  
at this moment - Every  
man is, less or more, bedded

36141

his own plan, so you must  
 judge me merciful when  
 I confess to you that  
 I am wedded to mine  
 upon the present occasion -  
 The more I reflect, the  
 more satisfied do I feel,  
 that we shall produce  
 a ~~little~~ ~~diadema~~ ~~of~~  
 some value, getting this  
 subject hang an, as a  
 subject for protracted  
 and detailed deliberation  
 and discussion, before  
 Committees or Commissions.

and

That the natural and most  
likely to be effectual course  
of proceeding is, for Lord  
Kell to submit his proposed  
Articles of War, on his reputation  
in lieu of such Articles, to the  
King, to obtain His Majesty's  
approval when it shall  
have been shaped according  
to His Majesty's views and  
wishes - to place it, then, in  
the hands of the Lords, and  
to let them make it acceptable  
to Parliament.

I dined yesterday with  
Herbert etc a etc, and

36142.3

course, discuss the  
 subject with him - I desired  
 to have his opinion (before  
 I should impart my own  
 to him), as to the course which  
 he would pursue, if he  
 were in Lord Hill's situation  
 He, at once, declared  
 my course would be  
 good, & he has since, and repeatedly  
~~declared, that he saw~~  
 declared, that he saw  
 no other regular &  
 practicable course that  
 could be pursued - Then  
 perhaps you will say  
 why

not let your interests of  
be an your reputation  
be framed (the united  
wisdom of the proposed  
Commission - I answer,  
because "Too many Cooks  
spoil the Broth" and  
because the more apparent  
pains he take to extract  
advantages from  
from Parliament, the  
more determined will  
Parliament (probably)  
be, to reduce our terms  
to its own standard -

36143

I found this apprehension  
 upon my observation  
 of human nature - It  
 is true that I recommended  
 to the Duke of Wellington  
 & Cherie in both the suggestion  
 of having a meeting and  
 that I predicted, in my  
 letter to his grace, a disadvantage  
 from his doing so - that  
 my recommendation was  
 the offspring of the moment  
 and I was glad to avail  
 myself of any expedient  
 to induce him to entertain  
 the wishes of Gov<sup>t</sup> - seeing  
 as

I did, from his answer & a  
private letter, that he was  
far concerned nothing  
and foreseeing, therefore,  
as I did, that his persuasion  
in that determination,  
would be the very thing to  
stimulate the Radical  
Members of the Ho: of Commons  
I hold out for either  
total abolition of Slavery  
permitted, or for something  
all but tantamount  
to that — what can be  
reached, or investigation  
of a Commission of this  
nature



36144-5

Elicita Hereditate with  
 request for subject that  
 is already the ad hoc -  
 - why, nothing but ~~that~~  
 soldiers are prone to the  
 commission of various  
 disgraceful and atrocious  
 crimes, and that, in certain  
 situations, and under  
 certain circumstances,  
 he finds the frequent infliction  
 of Corporal punishment  
 indispensably necessary,  
 whilst whilst under the  
 circumstances he finds  
 it necessary to resort  
 to that punishment but rarely.

I have just had a brief  
from Lord Dunsannon  
He tells me that a letter  
has been received this  
morning from Sir Henry  
Parnell, in which he  
announces his determination  
to oppose to every extent  
in almost every thing,  
and that his new constituents  
at Dundee, had laid  
him under a pledge  
of that effect, so that  
we have a pretty prospect  
before us — Glad always  
understand

36145

that in getting rid of this  
 heavy stupid man, as  
 Secretary at War, and in  
 having him out of  
 Parliament, Ministers  
 found the greatest advantage  
 yet here he is brought  
 in again, upon the fact  
 interest advanced, and  
 here is the consequence -  
 - Depend on it this  
 matter will be a sad  
 blotter upon us - Confound  
 him, he is, of all public  
 men, the least interesting,  
 and the most mischievous -  
 Yours faithfully  
 J. Russell

37

Mr John Mackintosh

April 10 & 11. 1833

at the House of Commons

to

April 12.

In the House of Commons