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FLOGGING AND ITS SUBSTITUTE.

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A VOICE FROM THE RANKS:

OR,

A LETTER

TO

SIR FRANCIS BURDETT,

ON THE

BARBAROUS AND DEGRADING SYSTEM

OF

FLOGGING SOLDIERS AND SAILORS.

BY JOHN SHIPP,

LATE A LIEUTENANT IN HIS MAJESTY'S 87TH FOOT; AUTHOR OF MEMOIRS
OF AN EXTRAORDINARY MILITARY CAREER, AND THE MILITARY BIJOU.

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TO SIR FRANCIS BURDETT, BART.

SIR FRANCIS,

HAD I not, as I presume to think I have, a most perfect knowledge of the evil tendency of flogging soldiers, I should not venture to offer my remarks on a system, the abolition of which has been advocated in Parliament, with all the power which reason and humanity can impart to eloquence. But my sentiments against this mode of punishment arise from a long-continued observation of its pernicious and dangerous effects; and my utter aversion to it, from a cordial sympathy with the oppressed, and an ardent admiration of the brave.

Who, that has seen the infliction, can contemplate without horror the destructive instrument of degradation, the Cat-o'-nine-tails. Surely it must have been the studied invention of a cold, malignant heart, existing in the bosom of one who lives and feasts upon the woes and miseries of others—who delights in inflicting torture, and erects the triumph of his vengeance upon the fall and ruin of others. It must have been his glory to oppress, his pride to goad, his delight to tantalize and make unhappy. Could any but a cruel and despotic mind have devised such an effectual means of degrading and debasing human nature? If its author had arisen from the dark abyss of despair, where there is every thing that awful retribution can devise to punish unrepented iniquity, he could not have contrived a more corresponding instrument. It never could have been the invention or offspring of a man who had one spark of humanity—one jot of love for his fellow-creatures—one thought, but that on which to feed his vindictive spirit. Its infliction is the very acmé of disgrace; and that the demoralizing system should be permitted still to dishonour the sons of Britain, yea, even those who have bled and conquered, is—in these times of intellectual pursuit, these boasted times of humanity, in this free, liberal, and generous country—a foul blot upon its historic page.

During the first eight years of my military career, it was my painful duty to inflict, some three times a week, the punishment which I so heartily deprecate. At that early period I felt a profound disgust at being made the unwilling instrument of the torture which is thought essential to the support and promotion of discipline; even then, from my necessarily superficial and imperfect notice of the general effect of corporal punishment, I entertained doubts as to its efficiency in producing the desired end: subsequent occurrences and considerations have confirmed those doubts into a decided and permanent opinion.

It is, as I think, Sir Francis, quite demonstrable, notwithstanding all that has been advanced by persons of a different opinion, that those who are illiterate and ignorant are very sensitive of oppression and alive to wrong: I hesitate not to say, more susceptible than those who are better informed. The capacities of the former will not permit them to view the punishment under which they suffer in connexion with the cause by which it is produced; they are only sensible of the cruelty of the effect; and thus, irritated by the infliction of a supposed wrong, reason is subdued by the impulse of the moment, and they consider themselves deeply injured when receiving the punishment of offence. On the other hand, those who are possessed of more knowledge and judgment would compare the turpitude of the offence with the severity of the punishment, and thence reflect whether they had received the award of justice, or endured the insult of tyranny. Each of such persons would act according to his respective conclusions; and their feelings on such an occasion would be consonant with, or considerably modified by, their measure of candour and reason. Whether this position be probably valid, or certainly fallacious, I shall leave you, Sir, to infer; but, if admitted to be tenable, it must be allowed, also, that no good results can be expected from a punishment which is, in general, outrageously disproportioned to the offence, and which, independently of its cruelty, has a certain tendency to degrade the feelings and to harden the heart.

It is some consolation to me to be able to say that my present views are not induced by the remembrance of personal castigation; but from the practical observation of its

effect on others, I can most solemnly affirm that, in my opinion, flogging is, and always will be, the best, the quickest, and most certain method that can be devised, to eradicate from the bosom of a British soldier his most loyal and laudable feelings. During the whole of my career, which included a period of upwards of thirty years, and the length and nature of which afforded me opportunities for extensive inquiry and accurate information, I never knew but one solitary instance in which a man recovered self-respect and general reputation, after having been tortured and degraded by the punishment which is the subject of this letter. This isolated case was as follows:—

When I was regimental serjeant-major in the Light Dragoons, the regiment was one evening paraded for the purpose of seeing punishment inflicted. The delinquent was a private soldier, who had on previous occasions received, altogether, some thousands of lashes. Since his first flogging his name had been constantly in the guard reports, and he had scarcely ever done a day's duty. His offence, on this occasion, was being drunk on guard, and his sentence was three hundred lashes. The court-martial was read, and even before it was finished he began to undress with apparent indifference and sullen apathy. He knew the heinousness of his crime, and he was well aware of its certain consequences. When he was tied up, his naked back presented so appalling and frightful a spectacle that his kind-hearted commanding officer, on viewing it, turned his head instinctively from the sight, and stood absorbed in thought, with his eyes in another direction, as though reluctant to look on it again. Thus stood the commanding officer until the adjutant informed him that all was ready. These words roused the colonel from his motionless position, and he started when the adjutant addressed him. I can well imagine the struggle between duty and mercy by which his benevolent heart was assailed: but the latter was always his motto: and, thus kindly predisposed, he walked slowly up to the prisoner, and viewed more closely his lacerated back, on which were visible large lumps of thick and callous flesh, and weals which were distressing to behold. The colonel viewed his back for some seconds unknown to the delinquent, and when he at length turned round (more from surprise that the flogging did not commence than from any

other motive) his commanding officer addressed him in the following words: "C——, you are now tied up to receive the just reward of your total disregard and defiance of all order and discipline. Your back presents an awful spectacle to your surrounding comrades, and for my own part I would willingly withdraw it from their sight; but I fear your heart is as hard as your back, and that I have no alternative but to see that justice administered which the service requires. What possible benefit can you expect to derive from this continual disobedience of orders, and disregard of the regulations of the service?" Thus addressed, in a mingled tone of benignity and firmness, the poor fellow seemed touched, and he wept bitterly. For a time he could say nothing, but at last he exclaimed, "I wish to God I was dead and out of your way! I am an unfortunate fellow; and I hope this flogging may be my last, and put me beyond the reach of that cursed and vile liquor which has been my ruin." The colonel and the whole regiment were now much affected; and many of the soldiers turned away their heads to hide their emotion. Seeing this, the colonel called the attention of the offender to the commiseration of his comrades. The unhappy man looked round as he was directed, and seemed much distressed. The colonel then said, "I cannot bear to see your brother soldiers so much affected for you without removing the cause. Your sentence, therefore, for their sakes, I will remit; and—instead of the chastisement which has been awarded you, and which you so well deserve—if you will pledge yourself to me, in the presence of your commiserating comrades, that you will behave well in future, I will not only pardon you, but promise, when your conduct shall merit it, to promote you to the rank of corporal." The astonished culprit called upon his comrades to bear witness to his words, while, in a most solemn manner, he protested his firm resolution to amend. A short time after, this man was promoted, and proved one of the best non-commissioned officers in the service. The unlooked-for mercy which had been extended towards him, and the totally unexpected turn which the affair had taken, raised the feelings of his heart far above the level to which disgrace had plunged them, and every exertion was made by him to merit the kind consideration with which he had been

distinguished. This man would often speak to me, on this happy event in his life, with feelings of ineffable pleasure.

Here, then, is a signal instance of the good effects of well-timed leniency. The commanding officer, in this case, unable to repress the impulses of humanity, would not permit the sentence to be executed, but pardoned the man; adding to the forgiveness of his present offence, a promise that promotion should be the certain reward of his future good conduct. This treatment, as we have seen, had the desired effect. The man's contrition and good feelings were aroused from the torpor into which they had been plunged by frequent and unrelenting severity; there was an appeal made to his gratitude and rationality; he felt that he was regarded as a being that possessed some of the distinguishing powers and sympathies of human nature; and his restoration to order and respectability was suitably evinced by his subsequent good behaviour and elevation. And what, let me ask the advocates of coercion, was the cause of this?—The poor fellow had received coercion in the right place—the heart. His back might have been mangled by the detestable instrument of barbarous punishment, till the power of endurance was destroyed; but no such good effects as were the consequences of the contrary treatment would have been elicited. Sentence might have followed upon sentence; and the unhappy sufferer would have sunk at last into the welcome tomb, contemned, perhaps, by the ignorant and unthinking, overpowered by the acute goadings of self-reproach, and breathing forth curses of hatred against those whom he supposed to be his persecutors. But towards the individual to whom I allude, the officer displayed a judicious kindness, which penetrated the hitherto impregnable fortress of the heart, and made him willingly surrender at the discretion of his merciful conqueror. Would that many such instances could be discovered, even by the most laborious research!

Having adduced a remarkable instance of the beneficial effects of mercy, I proceed to cite a few cases, out of at least a hundred which came under my own notice, of the baneful effects of severity, and the inefficiency of corporal punishment in conducing to the required discipline.

I recollect once seeing a man tied up without a murmur, and who appeared quite indifferent to his fate. When the

drummer was ordered to commence, he accidentally struck the delinquent over the neck, who bellowed out to the commanding officer, "Pray, your honour, will you be so mighty kind as to inform me if I am to receive my punishment on my back, or on the back of my neck?" The next blow was over the face, when he again exclaimed, "Bad luck to you, M'Kale, do you want to murder me?" For this want of skill, the Drum-Major laid his rattan over the drummer's back, at which the delinquent laughed aloud, saying, "By the powers, but you have caught it!" This hardened wretch, after having received his three hundred lashes, said, on passing the commanding officer, "The divel a day's duty will you ever get out of Paddy again—you have done for him." Thus saying, he snapped his fingers as he retired from the square.

Another man, an old offender, who had been frequently punished before, was ordered to strip to receive another flagellation. This fellow, however, would not at first take off his clothes, and, consequently, coercive measures were resorted to; but such was the man's power, that he defied the united efforts of numbers, until he at last exclaimed, "Now, if you will only be shivil, I will do it myself without any help." He then stripped, and received his quantum of punishment without moving a muscle, and, when taken down, he said to the colonel, "Colonel, honey! if you will give me six drams of liquor, I will take six hundred lashes more." To such a pitch of degradation was this poor creature reduced, that he would expose his lacerated back to his comrades, and prided himself exceedingly on the number of lashes he had received.

On my return home one evening, after having attended the funeral of a soldier belonging to my own company, I got into conversation with the Sergeant relative to the deceased. The Sergeant, who was quite an illiterate man, said, "the people in the hospital say he died of an information in his side, but he *knowed* the real cause of his death. That ere man never did no good since the time he was flogged for being drunk 'fore guard. He knowed the man well; he was a fine high-spirited youth. Bless you, sir! before his punishment, there was not a smarter or finer-looking soldier in the king's army; but, after he was flogged, he never did no more good; but became a dirty slovenly fellow, and was never sober if he had the

means of getting liquor. I have heard him declare that his heart was broken, and that, if liquor did not soon close his miserable life, he would take some more speedy means." This last desperate alternative was never necessary, for he died of drunkenness ere he had attained the age of twenty-six, adding to the long catalogue of those whose buoyant spirits could not brook the degradation of the Cat.

When I was orderly officer of the main-guard at Cawnpore, several men were condemned to be punished. Among the rest was a youth not more than twenty years of age. The morning on which the punishment was to be inflicted, I visited the prisoners early, and such was the change observable in this poor young fellow, from reflecting during the night on his approaching degradation, that he looked like one whose constitution had, in a few hours, undergone all the diseases incident to the country. His eyes were glassy and inexpressive, his cheeks sunk, and his deportment stooping and loose. Altogether he looked the very picture of woe, and his extreme dejection was so obvious that I could not refrain from asking him if he was unwell. "No," replied he, "but I am one of those who are to be flogged this morning," and he wept bitterly. "Come, come," said I (and it was as much as I dared to say), "keep up your spirits; your extreme youth, and the fact that this is the first time you have been brought to a court-martial, may probably obtain your pardon." He shook his head, but said nothing in reply. I regret to be obliged to add, that this poor fellow received a hundred and fifty lashes; and, from the day he was flogged until the period of his death, I can venture to assert that he was never two hours sober. He sold all his own things to purchase liquor, and then stole those of others; and at last he died in the hospital from drunkenness.

The following is a melancholy instance, of the same character as the foregoing, in which it is my painful duty to attest the utter ruin of another promising young soldier, by the odious system the existence of which I deplore. Two men were brought to court-martial. The one was an old and hardened offender, whose offence was being drunk on guard, and who was sentenced to receive three hundred lashes; the other, a youth, who, for his first offence, absenting himself from evening parade, was condemned to one hundred lashes. The former

was admonished by his commanding-officer, his corporal punishment remitted, and his sentence commuted to fourteen days' solitary confinement. This proposal, however, the hardened delinquent rejected with indignation, professing that he would rather take fourteen hundred lashes, than suffer fourteen days' solitary confinement in the black-hole. He accordingly received his punishment, without moving a muscle, and afterwards, on leaving the square, strutted off, muttering something like, "D—d hoax," or "fudge." The conduct of this depraved fellow nettled the commanding-officer, and he ordered the youth to strip, and receive his punishment. The poor fellow threw himself on his knees, and implored forgiveness in the most earnest and pathetic manner, or that, in preference to the degradation of flogging, his punishment might be commuted to solitary confinement, if even for six months. But, no; the officer was irritated, and the unhappy youth received every lash, after which he left the square sobbing most piteously. During the infliction of the punishment, many a tear did I see that morning stealing down the cheeks of the commiserating comrades of this ill-fated youth, for they well knew that his prospects as a soldier were irretrievably blighted. From this time forth, day after day, and week after week, might this sad victim of "discipline," be seen prowling about (when not in the guard-room for subsequent misconduct, which after this event was constantly the case), with a dejected and care-worn countenance, pensive and gloomy, as though he had lost some dear relative, or rather, perhaps, as though he had committed an act on account of which he dared not look an honest man in the face. The disgrace he had endured had sunk deep into his heart; a leprosy pervaded his mind; and, in despair, he sought consolation from drink, which soon brought to a termination both his troubles and his life.

One wintry morning, when the bleak wind whistled along the ranks of a regiment paraded to see corporal punishment inflicted, every eye was turned in pity towards the delinquent, until the commanding-officer, with Stentorian lungs, pronounced the awful words, "Strip, sir." The morning was bitterly cold; the black clouds rolled along in quick succession; and the weather altogether was such, that the mere exposure of a man's naked body was of itself a severe punish-

ment. The crime of this man was repeated drunkenness, of which he had, undoubtedly, been guilty; but what was the cause of this constant inebriety? Let us trace the evil to its source. It was the sad recollection of his former disgrace by flogging, to which the course of intoxication that he now pursued might justly have been attributed. When the offender was tied, or rather hung up by the hands, his back, from intense cold and the effects of previous floggings, exhibited a complete blue and black appearance. On the first lash the blood spirted out some yards, and, after he had received fifty, his back, from the neck to the waist, was one continued stream of blood. The sufferer flinched not a jot, neither did he utter a single murmur, but bore the whole of his punishment with a degree of indifference bordering upon insensibility, chewing, all the while, what I was afterwards informed was a piece of lead or a bullet. When the poor fellow was taken down, he staggered and fell to the ground. His legs and arms, owing to the intense cold and the long period they had remained in one position, still continued distended, and he was obliged to be conveyed to the hospital in a dooly, a kind of palanquin in which sick soldiers are carried. This unfortunate creature shortly afterwards shot himself in his barrack-room, in a sad state of intoxication, and was borne to his solitary pit, and hurled in like a dog. No inquiries were made as to the causes to which this rash act might have been assigned. If any such investigation had been deemed requisite, ample attestations might have been produced, from which it would have appeared that this poor wretch had scarcely ever looked up from the date of his first flogging; that his prospects as a soldier had been utterly destroyed; and that his degradation had been so acutely felt by him as to paralyze his best efforts towards amendment, and at length to sink him into a state of worthlessness and despair.

I come now to a case which I have good cause to remember with feelings of intense pain, as the poor sufferer had exhibited much kindness to me on numerous occasions. When I was at the Cape, in 1798 or 1799 (I forget which), a sergeant in the regiment in which I served was sentenced to be reduced to the ranks, and to receive one hundred lashes. This man was, I think, one of the finest soldiers I ever saw: in his manners,

firm, but respectful and unassuming; in his principles, strict and honest; and in his person, handsome and commanding. He had been pay-sergeant for many years in the regiment, and a kind friend to me. In pursuance of his sentence, the stripes which distinguished him as sergeant were torn from his brave arm, and trampled in the dust; and, when he was ordered to strip, the most intense silence prevailed throughout the ranks, and every heart beat high with the fear that forgiveness was now hopeless. The result was looked for with breathless anxiety, and probably it was expected that the offender would have pleaded something in extenuation of his fault; but, to an ardent love which this man entertained for his profession, was added a manly pride, which probably restrained him from begging publicly for pardon. Certain it is, however, that he did not utter a word. The command "Go on" was given, and a half-suppressed groan of horror was audible throughout the square. The savage infliction commenced; but scarcely had he received five lashes when his affectionate wife rushed through the square, and threw herself between him and the drummer. The half-frantic woman was dragged forcibly from the spot, and her husband received every lash to which he had been condemned! From this moment he never looked up, but soon sunk into the grave, leaving a wife and child.

In the experimental corps in which I commenced my military career, I recollect two boys being sentenced to be flogged for desertion. They were brothers, and the elder was not more than thirteen years of age. They had deserted together, and probably intended to have gone home again, not much relishing their new mode of life. The elder boy was tied up first, and, having received about six dozen lashes, he was ordered down, and it became the turn of his younger brother to occupy his place. Afflicted by the idea of what his poor little brother was about to suffer, the senior boy begged, in the most earnest manner, that he might be permitted to take his brother's punishment, protesting, most solemnly, that he was the sole cause of his desertion. When this was refused, and the younger one was ordered to strip, the shrieks of the two rent the air. They flew into each other's arms, clung together, and, when they were torn asunder, the tear of pity started to the eyes of all around. The little fellow received every lash

to which he had been sentenced; and in little more than a year after there were not two greater reprobates or vagabonds in the whole corps. The elder boy soon died. Of the fate of the younger I cannot speak with certainty; but I think he was found drowned in Table Bay, at the Cape of Good Hope.

One morning, I attended parade, when a wretched-looking half-dead young lad was tied up for flogging; but the doctor reported him unfit to receive his punishment, as the wounds on his back, received in a former flagellation, were not healed. He was taken down and sent to the hospital, and in one week after I followed him to his grave! Whether the poor fellow's death was to be attributed to the punishment he had suffered, or to the effect of that punishment on his mind, and consequently on his frame, I cannot take upon myself to pronounce; but I fear that it must be assigned to one or other of these causes.

I one day attended the hospital as orderly-officer, and when I asked, as was my duty, if there were any complaints, a man with a dejected and maniac visage, bellowed out, "Yes, I have a complaint to make, that neither you nor the King of England can remedy." I asked him, in the kindest manner, what it was. He laughed most terrifically, and said, "Don't you know that I have been flogged for being drunk on parade,—one hour's neglect of duty." I replied, that I was sorry for it, when he rejoined, "So am I most heartily, and the service will lose an old and faithful soldier by it." A short time after this, the poor fellow was found drowned, but whether this proceeded from intention, or from a fit of inebriety, no trace was left us to judge, and, as there are no coroner's inquests in the upper provinces of India, the event was buried with the man; but I should imagine, from his frantic manner to me, and the sort of threat which accompanied it, that it was desperation that had wrought this dreadful catastrophe.

The instances which I have now laid before you, Sir, in proof of the evil effects of flogging soldiers, will, perhaps, find their way to the heart sooner than all the arguments that can be urged against this barbarous mode of punishment. That the castigation is cruel and agonizing, those who have ever witnessed its infliction cannot doubt; yet it is not, as I think,

the bodily anguish, though intense and excruciating, to which the bad results which ever follow the enforcement of this savage system of discipline are to be assigned. In the lacerated back, the wound is deep; but in the disgraced bosom, still deeper. The rent and bruised flesh will heal, and the corporal pain will subside; but who can administer to the wounded spirit?—what can repair the broken heart? I hesitate not to say, that I consider it monstrous to suppose that any man possessed of the ordinary sensibilities of nature, or whose character is in the slightest degree tinctured with a becoming pride and self-respect, can be reformed by a system of coercion united with degradation; and I will even go so far as to assert my conviction, that many men, of the most profligate and hardened disposition, from whose minds all the torture which military law can inflict would not turn the current of vice, might, by an opposite treatment, be weaned from their ways of depravity, and diverted into the paths of duty by a single act of well-timed leniency. The attempt, however, as far as I can speak, has been so seldom made, that it would be difficult to find proofs to evidence the truth of such a position, although I have instanced one case.

The grand objects which are sought when an offender is punished, I take to be two: first, to effect a reform in the conduct of the culprit himself; and, secondly, to deter others from the commission of the same crime. That the latter object is not in some degree attained by the cruelty of the flogging system, it were absurd to deny. The degrading spectacle of a poor fellow being tied up for some trivial offence, to have his naked back scarified with an instrument of torture, must be allowed to be a sight so revolting as to affright others. But the system is not to be vindicated on these grounds; or the practice of hanging a man for laughing at an improper time, might be justified on the same principle. With respect to the other view with which punishment is inflicted,—the amendment of the delinquent,—the system of flogging is not only wholly inefficacious for this desirable purpose, but has, in at least ninety-nine cases out of a hundred, a tendency directly the reverse.

Those who still argue against the abolition of corporal punishment, urge, as the fundamental ground-work of their reasoning, that flogging is better than resorting to the more

rigorous penalties of the law, by shooting soldiers, which many of the crimes incident to the profession would render necessary, if flogging were not allowed. I am willing to grant, without dispute, that, where an individual has justly incurred the penalty of death, the commutation of that dreadful sentence to corporal punishment may, in such a case, be deemed a mercy. But, admitting this, what earthly benefit does the service derive from such an alternative? The individual punished by flogging is dead to a sense of his duty after such debasement, and will ever be found a burden upon his country, and a bitter pest upon his corps. The civil law provides for such offenders by sending them for life from their native country; but the flogged soldier is permitted, disgraced as he is, to remain in his regiment, to commit more crime, with the certainty that he has imbibed an utter hatred of his profession.

An obdurate and disobedient soldier, who sets all order and military discipline at defiance, ought to be driven from the army, and obliged to wear upon his person some mark of his discardment. This, hanging over the heads of soldiers (I mean, of course, as the last extremity), would effect infinitely more than all the chastisement that can be inflicted upon their bodies. It would also be the means of preventing men of bad character from again creeping into either the army or the navy. I am fully persuaded, from my long experience, that flogging will never urge men to reformation; for I have ever observed that it causes increased disobedience and discontent, and at last drives them to acts of sad desperation. Some of the vehement advocates for the Cat also argue (but I think fallaciously) that the minds of common soldiers are, from their early habits of life, barren and uncultivated, and hence more callous, and not so susceptible of the tenderer and nicer feelings as those of the more enlightened. This is not quite so obvious to me, who have lived with them both boy and man. I would ask those who are enemies to the abolition of corporal punishment, a few simple questions:—*Have they served in the ranks, and mixed and lived in social friendship with the private soldiers of our country? Have they ever sat at the bedside of a flogged man, and witnessed the agony of his heart and the distraction of his mind? Have they ever heard the un intimidated and unbiassed opinions of the soldiers in their barrack-rooms*

respecting the ignominious lash? If not, they are but half-competent judges on this great question. If this great promoter of discipline be so requisite to practice, and so efficient in checking the most turbulent soldiers, how is it that some men who have been once flogged, fall under the lash almost every week afterwards? Why can French soldiers be governed without resorting to similar punishments? The advocates of the flogging system may perhaps say, "Because they have a higher sense of honour, nicer feelings, more pride," &c. Granted, that they are superior in all these respects, and the question follows, *Why should they be?* The answer is palpable—this degrading system is not practised among them: IT IS THIS VERY SYSTEM THAT IS THE STUMBLING-BLOCK IN OUR ARMY. The French liberal system of discipline encourages the young aspirant, and infuses into the minds of the soldiers that they are a people far above the common peasantry. Abrogate the cruel and impolitic law which subjects our brave fellows to the ignominy of the lash, and which, in numberless instances, crushes the best feelings of the man ere they are allowed to bud, and then it will be seen that the notion that British soldiers are not as high-minded and honourable as those of France or any other country, is as futile as that the protectors of Albion cannot be governed without the aid of such means as place them upon a level with the veriest miscreants in a gaol!

Another ground on which flogging must be reprobated is, that its infliction depends greatly on the disposition or caprice of the commanding officer. The man, it is true, is brought to a court-martial; but this, also, is at the discretion of the commanding-officer; and that tribunal will frequently sentence the offender to a certain number of lashes, to be inflicted "in such manner as the commanding-officer shall think fit."

Let the returns of each regiment be called for, for any given year, and it will be found that, IN SOME CORPS NOT A MAN HAS BEEN FLOGGED, AND IN OTHERS FIFTY, AND PERHAPS MORE. How is this to be accounted for? The thing is obvious and clear: it cannot rest so much with the men, for they will be found pretty much alike in all corps: IT WILL DEPEND ENTIRELY ON THE DISPOSITIONS OF THE COMMANDERS. If an officer be of a tyrannical disposition, or an

ungovernable temper, the Cat will be found in frequent use in the regiment under his command. If the commander be a man of humanity, and possess a heart of kindness, he will admonish, advise, encourage, and endeavour to infuse into the minds of youth a kind of parental love and affection. In the regiment where mercy reigns, discipline, order, harmony, and peace of mind will be found; but, *in the regiment where rigid flogging is practised, discontent, disorder, and a great deal of bad feeling towards the officers, are sure to prevail.*

We see despotic masters who would, in their rage, cut their servants to pieces; but there is a law that restrains their tyrannic lash, and they know the penalty attached to such a breach of the laws. It should be recollected that the despotic commanding-officer has no penalty of this kind to keep his irritability under subjection.

I am now, Sir, about to notice another abuse to which the flogging system has given birth, and which, in my opinion, deserves severe reprobation. It is, I believe, but of late years that the practice to which I allude has crept into the service; but I am informed that it has actually become, in some regiments, an established rule. It consists in giving a soldier, who has fallen under the displeasure of his commanding-officer, the choice, either to receive a certain number of lashes—say fifty, a hundred, or a hundred and fifty, as the case may be, or to abide the decision of a court-martial. Monstrous as this infringement of military law may appear, I hesitate not to state that I have myself been ordered (by the commanding-officer of a regiment in which I served) to give soldiers who had offended the option of submitting to receive a stipulated number of lashes, or of standing the chance of the award of a court-martial. As far as my personal experience goes, I should be inclined to say that the number of lashes fixed by the commander would be generally accepted by the offender in preference to risking the sentence of the court. Most men would be inclined to look upon the prescribed amount of lashes as a mitigation of punishment, and to receive them accordingly; but it is not, of course, because the men approve of such an expedient, that the custom is to be vindicated; nor is the commander justifiable, even if he resort to it from the best motives. The practice, as it appears to me, can only be attributed to three motives. I

should most willingly say that it might be ascribed wholly to the first motive, viz. an anxiety felt by the commanding-officer to screen the culprit from some portion, at least, of the punishment attached to his offence; did I not recollect that the second may be, *to save the trouble of assembling a court-martial*; and the third, *to prevent publicity*. But, whatever may be the motive, the practice itself is not only wholly unwarrantable, but subversive of the sole principle upon which the necessity for punishment can be maintained—that it operates as an example to others. The comparative privacy with which punishment is inflicted, when received by the men in preference to going before a court-martial, defeats this object; the revolting sight is witnessed only by the troop or company to which the culprit belongs, instead of by the whole regiment. If a commanding-officer resort to such a measure from motives of humanity, which I am convinced is often the case, I think he will find me correct in stating that he is guilty of an unjustifiable assumption of authority. If his object be to save the trouble of assembling a court-martial, it must be evident that he sacrifices justice to convenience; and if, from a knowledge that these private castigations are not made matter of report, so as to be known to the higher authorities, he seeks to screen from notice the amount of punishment actually inflicted in his regiment, the motive is a very unworthy one, and the effect of such secrecy is highly injurious to the service. Of all injustice, that is the greatest, which goes under the name of a law; and of all sorts of tyranny, the forcing of the letter of the law against equity, is the most unsupportable.

Some commanding-officers strike into a most erroneous and fallacious principle of discipline, by endeavouring to break the spirits of volatile youth by coercive means, and the moment they get hold of juvenile offenders, dragging them to the triangles for the most trifling offence. Some of these officers I have actually known to pardon an old and hardened offender, on the ground that they “could catch him every day;” while, at the very same moment, they would insist on a sentence being rigidly carried into execution against a juvenile and thoughtless delinquent, for his first offence, who, simply because he seldom appeared before them, was punished on that very account.

While this is the character of some officers, others I have known whose practice was exactly the reverse. The Hon. Colonel Monson, late commandant in the 76th Regiment, was one who hated the very name of flogging.

Whenever crime and justice to the service enforced obedience to this mode of discipline, which was his abhorrence, he scarcely ever attended parade. He dared not trust his feelings to witness such a scene; but, when he did attend, I have seen the tear of pity stealing down his cheek, and he would always turn his back towards the suffering object. I have often heard the same brave Colonel deprecate flogging in the bitterest terms; saying it was an evil of the greatest magnitude, against which he would always put his *veto*.

When at Jersey, in the year 1808, it was my painful duty to witness the infliction of corporal punishment almost every week. This was not in my own regiment, for the Colonel of our corps, Lieutenant-Colonel John Covell, was one who never resorted to flogging, except as a last resource, and then with great reluctance, and with feelings of sorrow that he had no alternative. At the period of which I speak, we were at war with France, but, in one of the battalions of the 60th Regiment, then at Jersey, we had many French soldiers. Many of these men deserted, and most of them were taken in the attempt. When we consider that they were natives of France, it is no great wonder, that when a war broke out, they should attempt to quit the English service, in preference to fighting against their own country; and, in my humble opinion, it would have been neither unwise nor impolitic to have discharged them all; for men who would be base enough to fight against their own country, could scarcely be considered fit to be trusted by any other power. But, be this as it may, many of these men were taken, and sentenced to receive a thousand lashes each for their desertion. This punishment was rigidly inflicted, with the additional torture which must have resulted from the number of five being slowly counted between each lash; so that, upon a fair calculation, each delinquent received one lash every twelve seconds, and, consequently, the space of three hours and twenty minutes was occupied in inflicting the total punishment; as though a thousand lashes were not of themselves a sufficiently awful sentence, without so cruel and un-

necessary a prolongation of misery! Many of these poor creatures fainted several times from intensity of bodily suffering; but, having been restored to their senses by medicinal applications, the moment they could move their heads the castigation recommenced in all its rigour! Numbers of them were taken down and carried from the square in a state of utter insensibility. The spectacle, altogether, instead of operating as an example to others, created disgust and abhorrence in the breast of every soldier present who was worthy of the name of man.

The following is a picture of the revolting ceremony of flogging, for which, I apprehend, few persons will be prepared. From the very first day I entered the service as drum-boy, and for eight years after, I can venture to assert that, at the lowest calculation, it was my disgusting duty to flog men at least three times a week. From this painful task there was no possibility of shrinking, without the certainty of a rattan over my own shoulders by the drum-major, or of my being sent to the black-hole. When the infliction is ordered to commence, each drum-boy, in rotation, is obliged to strip, for the purpose of administering five-and-twenty lashes (slowly counted by the drum-major), with freedom and vigour. In this practice of stripping there always appeared to me something so unnatural, inhuman, and butcher-like, that I have often felt most acutely my own degradation in being compelled to conform to it. After a poor fellow had received about a hundred lashes the blood would flow down his back in streams, and fly about in all directions with every additional blow of the instrument of torture; so that, by the time he had received three hundred, I have found my clothes all over blood from the knees to the crown of my head, and have looked as though I had just emerged from a slaughter-house. Horrified at my disgusting appearance, immediately after parade I have run into the barrack-room to escape from the observation of the soldiers, and to rid my clothes and person of my comrade's blood. Here I have picked and washed off my clothes pieces of skin and flesh that had been cut from the poor sufferer's back. What the flogging in Newgate or Bridewell may be I do not know, but *this* is MILITARY FLOGGING.

I am ignorant what kind of Cats were used when this per-

nicious system was first introduced into the army, but they are now, I believe, very different in different regiments and, indeed, there is sometimes a variety kept in the same corps. Those which I have seen and used were made of a thick and strong kind of whipcord : and in each lash, nine in number, and generally about two feet long, were tied *three* large knots, so that a poor wretch who was doomed to receive one thousand lashes, had twenty-seven thousand knots cutting into his back ; and men have declared to me that the sensation experienced at each lash was as though the talons of a hawk were tearing the flesh off their bones.

Have the advocates for the continuance of this barbarous system ever handled one of these savage instruments? Have they ever poised the Cat in their hands when clotted with a soldier's blood after punishment has been inflicted? If not, let me inform them that it has then almost weight enough to stun an ox, and requires the greatest exertion and dexterity in the drummer to wield it. I have heard poor fellows declare that, in this state, it falls like a mass of lead upon their backs.

If those whose duty it is to form the code of military laws will allow soldiers to possess the common feelings and sensibilities of other men, it must be obvious that degrading a man, by flogging him like some vile miscreant, must be attended with great and irreparable injury to the service. Since I entered the army, the practice of flogging has considerably abated, thanks to the noble advocates for its total abolition; but even still the terrific cries for mercy are heard from the ranks of almost every regiment in the service, especially those which are abroad. If a man deserve such ignominy and debasement, he is unfit for a soldier, and ought to be discharged the service. Often have I been agonised to see the skin torn off the poor sufferer's wrists and legs, by lugging him up to the triangles as you would the vilest miscreant of the land, and afterwards an inexperienced drum-boy flogging him over the face and eyes. I have heard men beg for a drop of water to cool their parched mouths and burning tongues, which has been denied them. If we consider the character of all who are flogged by our civil laws, the degradation of the punished soldier becomes dreadfully manifest—they are the very dregs and scum of the earth—the very refuse of infamy! Do we not

put our brave soldiers on a par with those poor wretches? The mode of flogging them is the same, except in the severity, which predominates in the military infliction: the disgrace and ignominy are the same. The common thief too is tried by his *peers*; he has the advantage of counsel; the proceedings against him are conducted in an open court, the particulars of his trial are communicated to the public, and the conduct of judges, juries, pleaders, and witnesses is subjected to public animadversion. Which of these privileges is conceded to the unfortunate private, amenable to the jurisdiction of the secret and inquisitorial tribunal of a court-martial? Oh! how have I sighed to see brave fellows stripped to receive the merciless lash, who had often met their country's foe in bloody battle! I have seen the gallant spirit whom no danger could deter, no peril could daunt, writhing under the lash of the vilest slave. The very words, "Strip, sir!" carry with them sounds enough to annihilate all the better feelings of a soldier's nature. I am convinced, on the most mature reflection, that the moment you touch a man's back, you touch his loyalty. It tears from his brow sprigs of laurel which would otherwise blossom to maturity, and from his bosom all the bright beams of honour, faith, and love. The man feels himself dishonoured and degraded; and, reflecting on his debasement, obduracy takes the place of obedience; hatred that of love; apathy of willingness; and discontent deprives him for ever of that happiness which surely ought to be the lot of him who voluntarily leaves his home, and the dearest ties of nature, to cast his mite into the lap of his country's glory. The nobler feelings are usurped by those of a hardened and callous nature, and the mind feeds on its debasement, and lingers on its own dishonour. There will be found in such a man a sullen, restless, fretful, and irritable disposition, ever alive to malice and revenge. He becomes a discontented, grumbling, and disobedient soldier, who feels that he has nothing further to lose or care for. Thus he lives; time is but a tell-tale of his woes: and, at last, in the cup of inebriety he seeks refuge from the storm, or, as he would term it, *drowns* his cares and his sorrows. Repetition of his crime ensues, and further punishment is the sure consequence. For the bite of the tarantula there is an antidote; the moon wanes and becomes bright again; the rose fades

under the influence of a meridian sun, but the evening breeze restores its fragrance and its freshness; the billows rage and are convulsed, yet subside again to calm repose; but this poor degraded man's peace returns not to its chamber of rest. If he is not the veriest wretch in the army, the sun of his happiness will begin to set, from the first moment of his degradation, never to rise again.

I will undertake to say that, if I had the opportunity, I could pick out the men who had been subjected to corporal punishment, from the ranks of every regiment in the service; for they are always to be traced by the sottish features of intemperance, the languid eye of sorrow, the care-worn cheek of despair, and the gait which seems to stoop under accumulated woe. They are well known. They are like spotted and diseased sheep bearing some pestilential mark. Let any medical man attend the landing of troops from foreign climes, and I will be bound that, on examination of their persons, he will find fifteen out of every twenty with frightful backs, and whose ruin of constitution has been caused by an early flogging, for the mere infringement of some regimental order, in which the moral character bears not a part; perhaps for being absent from or late at parade or drill, or some other trivial offence of parallel turpitude. By this ill-judged and cruel severity the service is robbed of men who might prove to be some of its brightest ornaments, and this before the bloom of boyhood has left their cheeks. Give a man but five or ten lashes, it scarcely breaks the surface of the skin; but search the course of the wound, and you will find it buried in the inmost cavities of the heart, where it rankles, and sows the seeds of enmity between the sufferer and his country. If we sink or debase a man even beneath the feelings of his own uncultivated and barren mind, what can we expect from him? It is hardly reasonable, in these times, to expect good for evil, though, in justice and right, that ought to be the soldier's creed; yet there should, at the same time, be a reciprocation of feeling between him and that country for which he has tendered his life and deserted his all. Cruelty is so contrary to nature that it is distinguished by that scandalous name, inhumanity.

I have often weighed the flogging system deliberately in my mind, and viewed it in all its bearings; but, looking on it

in its most favourable aspect, I could never see but one good consequence that could ensue from it, and that as the result of desperation: viz. that those poor wretches who have been its victims will rush headlong into the cannon's mouth, or on the bayonet's point, to wipe away the sting of their disgrace. Thus numbers have met an early grave unpitied; as each soldier and comrade would say, "Poor fellow, it is a happy release from his woes; he has never done any good since he was punished." Flogging, I repeat, will never force men to obedience, but will assuredly drive them to commit crime. The very mental exertion which a man makes with the determination of receiving this disgraceful punishment without a murmur, necessarily sows in his bosom the seeds of obdurate and hardened feelings. He meets his ignominy with a sullen apathetic contempt, endeavouring to smother the spark of revenge, which at that very time lurks and rankles in his heart. I have seen the most modest and previously well-conducted men, on receiving their first punishment, leave the square formed to witness their disgrace with indications of an obduracy and hardihood of which, an hour before, they were totally incapable.

If flogging be necessary, which I shall ever doubt, why cut a man's back to pieces, by giving him three or four hundred, and sometimes a thousand, lashes? I have heard soldiers declare that, after receiving one hundred lashes, the flesh becomes deadened, and they feel not the smart of the remainder; although, after this, I have seen pieces cut out of the back as big as a pea. Some men keep in hospital for months, in consequence of their merciless flagellations, and others will not leave it till they are invalided, taking care to keep the back from healing by applications which ultimately ruin their constitutions. At last they are sent home, and saddled upon the country on the ground of a debilitated constitution, or some other complaint, when flogging is in reality the sole cause of their inefficiency. Young men, from their volatile dispositions and from thoughtlessness, are often the victims of the lash. For almost all the offences for which men, generally speaking, are first flogged, two or three hour's extra drills, or duty, would be an ample reparation to the offended laws; while the service would be benefited instead of injured. Let the

channel of military delinquency be traced to its source, and it will be found that the very spring of nine-tenths of it is flogging; *for if the CRIMES which are committed among the military were seriously investigated, they would be found almost confined to men who have fallen under the lash.*

The career of a flogged man is, that from one end of the year to another, he is drunk, confined; tried, punished, sent to the hospital, and thence to the perpetration of some other crime. He becomes a burthen to himself and a disgrace to his regiment, and at last, if he does not sink into an early grave, he is flogged out of the service, to be a further burthen on his country's bounty.

There is more expense attending the trial, framing the charges, and making entries against such a man, than would fit out and keep a good soldier. There was one man in the troop with me, that did not do one day's duty in two years, but during the whole of that period went through a regular routine of flogging, drills, and solitary confinement. Often has he told me, that he was sunk so low, and felt so debased in his own estimation, that no event could raise him to what he had been before he was flogged. He said, a sense of degradation stuck to him like a pestilential disease; that all his efforts had been exerted to shake it off, but he found it still hanging on his mind, and twining round his heart: it was his misery by day, and haunted his wretched pillow by night. He declared to me, that after lying thinking on it, and tossing to and fro, when all his comrades were asleep, he would get up and drink quantities of spirituous liquors, to obtain, by forgetfulness, a short respite from his woes; and that reflecting on what he had been, and what he then was, almost drove him to take his own life. This poor creature soon after died, with some thousands of lashes upon his back, before he had completed his four-and-twentieth year.

Our soldiers, now-a-days, are a different class of men to what they were twenty or thirty years ago, and can be managed by less coercive means. As flogging in the army decreases, so will crime, in an equal proportion. I am persuaded that, to use a soldier's adage, "IF WE FLOG ONE DEVIL OUT, WE

FLOG FIFTY IN." In all professions, in whatsoever sphere we move, we all expect to rise above our first apprenticeship; but the moment you touch a soldier's back, it writes opposite his name, in the black book of crime, "A private you are, and a private you must remain." A man, after this, has no encouragement to amend, no inducement to do good, no incentive to fly from his disobedient ways; his channel of emulation is dammed up; his good actions pass unheeded; while his crimes are readily noticed, and tenaciously and rigidly punished. A continual watch is kept upon such a man's conduct; the broad A of infamy is written upon his back; and it would be better that a man immediately died after being once touched by the crimsoned Cat-o'-nine-tails.

The opinions which I have thus advanced have been directed to you, Sir, from a conviction that your political consistency has given you a character and a weight in the assembly of our law makers that will ensure attention to any subject you may advocate, and I am induced to suppose you will now be the soldier's friend, from your expressed determination of bringing the subject before Parliament. These opinions on the too long allowed practice of flogging soldiers are founded on my observation of its effects during a service of thirty-four years; from having patiently listened to, and estimated the validity of, the remarks of men who had been its victims; and from having watched the subsequent conduct of these men, and marked their progress onward, either to utter ruin or to death. The facts which I have detailed are undeniable, having been witnessed by me in passing through the several gradations of the service, from the waddling drum-boy to the strutting Sub. In my humble opinion, the system of corporal punishment calls aloud for total abolition. Its infliction is cruel, and fraught with every kind of evil; it is unnecessary, because I am convinced that our brave soldiers may be restrained by milder fetters than those of despotism; and it is grossly impolitic, because it never conduces to the end desired. It is a foul blot on our military regulations; a bloody page in our code of military law; and a disgrace to a civilized nation. It strikes at the very basis of the army's welfare, and will, so long as continued, be the barrier which shall prevent many

a young man of respectability from adding his name to the list of competitors for glory.

Having freely expressed my humble opinion in favour of the abolition of corporal punishment, it may naturally be said, "Well, admitting that we flog no more in the army, military crime, of course, cannot go unpunished or unchecked;—some substitute must be found for the mode of discipline hitherto practised." Now, although it must be quite obvious that a man may be able to point out the decided evil resulting from any given system, and yet not qualified to indicate the remedy which shall compensate for its supercession; yet I shall, with the same candour with which I have deprecated the practice of flogging, not hesitate to state what I should substitute in its room, confidently assured that no remedy which may be proposed can be attended with worse effects to the service than the system at present practised, or with less advantage to the individual who incurs its infliction.

If I commanded a regiment, I should make it my primary study to ascertain what description of men I had to deal with; for I do not think it at any time consistent or reasonable to punish every man in the same manner. What would be a punishment to one, would be laughed at and ridiculed by another. If a man appeared in the guard report for any crime of moment, I should endeavour to ascertain from his officer the disposition of that man; and then, if possible, adapt a punishment suitable to his disposition. An admonition, kindly tendered, would have the desired effect on some men, when harsh means would only serve to sink them deeper in crime. On the other hand, harsh measures would be the only means to check a man of a contrary disposition.

I should be very tenacious in punishing a man for a first offence, or permitting such a man to remain an hour in a common guard-room, or of classing him with the hardened delinquents of the regiment. A young man kept confined in a guard-room will learn more depravity in twenty-four hours, than in his barrack-room in ten years. I have seen sixty men confined in one small guard-room, all in a state of intoxication; some reeling and tumbling about, some singing, some dancing, some swearing, some fighting, some quite naked, and some in a state of utter insensibility. A place in

which such examples are constantly to be found, cannot be deemed very likely to improve the morals of inexperienced youth. It must, therefore, be admitted to be advisable that all officers, before they order men into confinement, should ascertain who and what these men are, as the guard-room is a seat of vice, where the drunkard glories in his shame, the hardened offender in his depravity, and where all the vicious characters assembled will unite their efforts to endeavour to instil into the mind of their new associate in disgrace, the germ of revenge against him who condemned him to such company. I am persuaded that much mischief is done by confining the moral with the immoral prisoner. It is incumbent on the commanding officer of every regiment to make himself as thoroughly acquainted as possible with the character, temper, and turn of mind, of every man of his troop or company. If an officer omit this, he neglects a most prominent feature of his duty; for, until he is acquainted with his men, he cannot duly administer justice. But, while I am thus speaking of the duty of an officer, I must not allow you to forget that, as our martial law is at present constituted, the character of a man avails him nothing at the court-martial: they must award a certain quantity of lashes for a particular offence; so that a man who becomes intoxicated for the first time in his life, and hates himself for the act, is awarded the same punishment as the habitual drunkard. It rests in the power of the commanding officer to be sure, to mitigate or remit, as before stated; but this prerogative is seldom exercised: as his sending the man to a court-martial is an avowal that he considers him worthy of punishment.

I will now give what I consider a proper and efficient substitute for military flogging, and the first and best is solitary confinement; for, when a man has suffered his confinement, his person being unstained and unspotted, he begins, as it were, a new career, endeavouring to regain that character which for a time he has lost by some trifling breach of orders. Extra drills, parades, &c., are also efficacious remedies to compel soldiers to obedience, instead of flogging them and degrading them in the eyes of their comrades. I am convinced, from incontestible proofs, that, by the system of flogging even as at present practised, the

service is yearly robbed of some of its best men, for mere offences in which there was no actual criminality.

I have often thought it would be an excellent plan for soldiers to be subject to a forfeiture of their pay, for each breach of military discipline. I can see no reason why it should not be considered fair to put the soldier on the same footing with a mechanic; that is to say, if he would not work or do his appointed duty, or if he disabled himself from performing that duty by improper means, drunkenness or otherwise, for those periods during which the service was deprived of his exertions he should forfeit his daily pay, and receive only the rations usually given to prisoners. Indeed, the articles of war express, in their very first section, that for a first offence, a soldier shall forfeit twelve pence, &c. &c. If soldiers were forced to pay for crime, I am convinced that we should hear but little of it. The money so forfeited might go towards a bounty for purchasing substitutes to serve in the room of the offender, should he persist in disobedience; but, should he continue a certain number of years well-behaved, then it would be a judicious measure that the money should be returned to him with interest. This would be at once a check upon his bad actions, and an incentive to spur him on to regain that which through his misconduct he had lost. But if no amendment could be discovered in the offender, by the time the forfeits amounted to a sufficient sum to purchase a substitute, then let this be done, and the offender discharged and branded (as before hinted) in such a way as would prevent him again entering the service, say on the right shoulder, which would not be a bar to his returning to respectability in civil society if he pleased. This would be some saving to the nation, and an essential benefit to the service. The forfeited sums belonging to men who might happen to die before the expiration of their period of probation, might be appropriated to some benevolent purposes that would benefit the service; or, under certain circumstances, perhaps paid over to the man's widow or family. These are a few of the substitutes which I have ventured to recommend in the room of flogging.

If then, Sir, the hints contained in this letter meet your approbation, I may be induced to bring before you other abuses in the army which equally require attention; among

which, those connected with military court-martials, and the unclaimed property of deceased soldiers are not the least. Continue, then, your praiseworthy exertions in favour of the soldier. Let him, by petition, present his wrongs to the sight of our beloved and benevolent king, and he will most certainly redress them. When this is done, the army will become purified; all those who now stand aloof for fear of falling victims to the debasing and demoralizing system of flogging, will rally round the standard of Britain. Who, then, could cope with us?—who, then, vanquish us? None. This act will be a halo of glory encircling the crown of William the Fourth, and a radiance from Heaven on this age of improvement.

I am, Sir Francis,

Your most obedient humble servant,

JOHN SHIPP,

*Late Lieutenant in His Majesty's
87th Regiment of Foot.*

