

obligation which the common law casts upon every freeman to defend the shores and his own home. The sense of preparedness might possibly prove a guarantee for peace—and a panacea to panic—saving the maintenance of so large a standing army as otherwise would be needful.

87. Should this view be adopted, a revision of the Local Militia Act, with the amendments of the ballot, though annually suspended, should be so in a latter stage than at present—say, after the ballot list has been formed and the men to serve thereon are known. Lord Herbert considered the expediency of,* but was deterred from (probably by the trouble and expense of) completing the lists of the general militia to this stage. If these lists were in existence, the force could be brought under training (say) 14 days from the proclamation.

PART II.—SUGGESTIONS FOR THE RE-ORGANISATION OF THE AUXILIARY FORCES.

88. It is here assumed to be essential to secure, under the authority of Parliament, the military service of all adult males who may be needed for the defence of the realm upon the occasion of hostile invasion, but expedient *only* as a measure of the very last resort, to compel this personal service by the infliction of punishment. Further, it is assumed that no plan for the reorganisation of the auxiliary forces would be satisfactory which did not utilise the various arrangements (civil and military) which have been created in each county or district since the Militia Act of 1802 was passed.

89. These may be enumerated as follows:—

(a.) Civil.

1. The establishment of a complete registry for the record of population, and the re-division of the country into districts, under the authority of the 6 & 7 Will. 4, c. 85.

2. The establishment of Poor Law Unions and of Union Houses.

3. The establishment of an organised police force, with lock up houses and barracks, under 19 & 20 Vict. c. 69, and other Acts.

4. The establishment of parks or recreation grounds in populous places, under 22 Vict. c. 27.

5. The establishment of railway communication throughout the United Kingdom.

(b.) Military.

1. Though districts under the separate command of general officers, originated at the close of the last century, these could not be looked upon as established arrangements in 1802.

2. Barracks, &c., for the regular army, only partially existed in 1802, and the troops when exceeding 20,000 men, were usually billeted or encamped, probably free of cost, on common or open field land. The present barracks would hold (say) 200,000 men.

3. The establishment of staff officers and the agency of pensioners did not then (as now) exist throughout the United Kingdom.

90. Further it is assumed that only two establishments, viz., of (1) the regular forces with the reserves, as the active army for offensive warfare; and (2) the militia and volunteers, as the sedentary force, to be utilised for defensive warfare, should exist; hence that consolidation is desirable, and that all the various forces should be merged

or consolidated in one or other of these establishments.

Any plan of army reorganization should disturb the balance of power in the State as little as possible, and adhere (as closely as it may be convenient to do) to the old constitutional arrangements under which the realm hitherto has been defended. The principle on which these arrangements have rested is, that it is the primary duty of each man to defend his own home, and that being secure, to defend his fellow subjects; hence, the militia was first local, and then made general or national—the natural order for dealing with the subject.

92. 1st. The Local Militia.

The early law limited the subject's military obligation to the defence of his own county: "That no man be compelled to go out of his own shire but when necessity requireth and sudden coming of strange enemies into the realm, and then it should be as in former times for the defence of the realm." When the force was within, it was maintained at the expense of the county, but from the day on which the militia left until it returned to the county the force was maintained at the king's expense.

93. I. To enforce this obligation at the present time, the first step would be to establish for each county, through districts and subdivisions, a register or record of every adult male (within such limit of age as Parliament may determine) capable of bearing arms for the defence of the realm. This register once perfectly established, through the agency of the Poor Law, Police, or Registrar General's officers, and settled by the deputy lieutenants, would provide the Crown, through the lord lieutenant of each county, with a record of the available strength of the kingdom.

94. The persons to be included and excluded from this list would require a careful consideration. Under the *Levy en Masse* Act men between the ages of 17 and 50, and under the Local Militia Acts men between the ages of 18 and 30 years of age were to be included in the register for military service, and though included some were afterwards entitled to exemption. Besides certain classes specified by Statute (sec. 38), the general grounds of exemption under the Local Militia Act were in substance (*inter alia*), (1) poor men having more than two children under 14 years of age, (2) men being under 5 feet 2 inches in height, or (3) having physical disorders disqualifying from service. Having regard to the fact that the service is to be personal—substitution not being allowed—it may be worthy of consideration whether men who have been convicted of crime, or in receipt of parish relief, should not be excluded from the force, either as volunteers or as conscripts. Partial exemption from service also arose, in a manner hereafter to be explained, from the classification of the enrolled militiamen.

95. Under the *Levy en Masse* Act the men were placed upon the register in four classes (the fourth class being special constables), and the Crown had the power of ordering one or all of the other three classes to be trained to arms. The Local Militia Act limited this power by laying down a fixed quota on the Statute, but with authority for the Crown to increase that quota on giving circumstances to one equal to six times the establishment of the general militia. When, therefore, the men allotted to each district

were raised, those remaining on the registers were free from compulsory military service till vacancies arose in the force.

96. The partial exemption of men chosen for service happened in this manner: having obtained men by ballot from the register, and enrolled them for service, the militia laws directed the deputy lieutenants to divide them into classes (five in the general militia and four in the local militia), according to certain rules laid down. The Act gave the Crown the power to draw out one class only, and by this arrangement the burthen of military service could be thrown on the first and second rather than on the third and fourth classes; and assuming the former better able to bear it than the latter, the inconvenience of conscription was diminished. Of course, a classification made on the register might, if the first and second classes were sufficiently numerous to produce the quota of conscripts, free the third and fourth classes, except in times of great emergency, from the ballot.

97. II. The statute having laid down the general obligation (as in the terms of the *Levy en Masse* Act) of every one on the register to serve the Crown, and the specific obligation of each county to raise thereout a given quota of men, under a penalty of 15*l.* for each man deficient, the manner of raising, and the organisation of the force when raised, should be similar—with such amendments as the altered circumstances of the county may seem to call for—to that of the late local militia. In regard to the agency for raising men, it may be doubted whether country lawyers, noting as clerks of general and subdivision meetings, are the most economical agents that could be used. The late Sir Robert Peel* represented the legal expense of the ballot as the reason for discontinuing it in 1829, and the late Lord Salisbury in January 1867, when the establishment of a local militia was urged, calling especial attention to the great cost which the existing machinery would entail on the county and on the Treasury. If the local rates were charged with the expenses of the ballot, then the militia, being made co-extensive with the poor law districts, the union clerks and other officers of the ratepayers could be utilised.

98. III. The training of the volunteers and of the local militia ought, so far as circumstances will allow, to be the same. The volunteer force sprang into existence because the service required to be given was not, for men earning their livelihood in civil employments, too burdensome. Necessity obliges the State to impose the same, or a service rather more severe, upon a larger number of citizens; but, as in passing any measure of conscription, the difficulty of doing so will be proportioned to the burthen intended to be imposed, surely the military service which has been voluntarily accepted by its citizens is the safest standard for the Government to enforce. It is a matter of supreme importance to establish a national register or record of males able to serve; and in this view of the question it would be in the highest degree impolitic to impose a military service certain to disturb their ability to earn wages or profits in their industrial or commercial pursuits. The local militia fell into disuse, but the volunteers, though in small numbers, continued till the revival of the movement in 1863. In laying down a permanent system of defence, it should be one which the people will, under

* See Appendix 2. This memorandum is (as will be seen) dated 1859. The Registrar General writes to me "I can only say that your experience confirms my view of the difficulty and expense of the measure; both are immensely increased by the great increase of the population since 1859."

* The volunteers were originally part of the militia establishment, but they became a vast host by having a separate establishment and being severed from the militia (see par. 18 and 19 *ante*, and vol. I., pp. 312, 313.) The general officers thought that the army discipline would be relaxed by their union with the army.

* See App. 2, *post*. Each balloted man in Salisbury cost 2*l.* The late Lord Salisbury (who had great experience in militia matters) named 9*l.* for expenses only. The Ballot Estimate for years 1823 to 1825, varying from 6,891*l.* to 30,557*l.* amounted to a total sum of 125,614*l.* 5*s.* 3*d.*

