

ARMY (MILITIA BALLOT.)

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65. Again, during the Peninsular Campaign, necessity, arising from death losses, obliged the Government to resort to the militia to fill up the line regiments to war strength; but the system met with no favour from the Duke of Wellington:—"Till lately" (he wrote, on 6th April 1810) "desertion from a British army on service was a crime almost unknown; and I am concerned to add that I have reason to believe that many of those who have deserted have been guilty of the worst description of that offence, and have gone over to the enemy. I attribute the prevalence of this crime in a great measure to the bad description of men of which many of the regiments are composed almost entirely, and who have been received principally from the Irish militia." He adds, "A sufficient time has not elapsed since these men have entered the regiments of the line to form their habits to regularity and discipline."

66. As these men had never been trained in the regiments which they were sent to serve, the elements of success found in the regimental system, and in the mutual confidence resulting from knowledge of each other in officers and men which that system insures, was wanting. The defects in the Spanish troops, resulting from "the want of discipline so called—that is, the habits and spirit of soldiers—of command on one side, and of obedience on the other—mutual confidence between officers and men," were apparent to the Duke, and therefore, to insure discipline in these hybrid regiments, he established a depot for recruits, as very necessary for his army in the field, that the men might acquire "subordination and habits of obedience, which can only be acquired to any useful purpose in proportion as soldiers have confidence in their officers."

67. When therefore Lord Castlereagh again proposed to send out the militia (as volunteers) to the Peninsula, the Duke gave no encouragement. "I never" (wrote he, on the 24th September 1813) "had under my command more than one regiment of English militia. I found that, however, to be so entirely divested of interior economy and real discipline and subordination, that however well the soldiers may be disciplined, as far as regards their exercise and movements, I should very much doubt that a large militia army would be very useful in the field for more than a momentary exertion. To enter upon a war with infantry regiments so composed may involve a risk not hitherto incurred, or incident to the old system."

68. II. *As to Reserve.*—As our military system is based only on a pecuniary contract, it differs essentially from that of either France or Prussia, and so lacks the security which conscription gives, by making every one who is on the conscription roll the surety, so to speak, for the due appearance of all those who are liable in a prior service to the State. Members of the community who are exempt from military service only, by maintaining the army in its integrity, become informers against every deserter. His escape from punishment becomes therefore all but impossible, and his punishment carries with it the strength of public opinion. It may be doubted whether these influences would aid the Crown in this country, or, on the contrary, whether, in the case of married men settled in civil employments and

supporting families,* the parishes might not raise an outcry, as in former wars, against taking them from their homes to leave their wives and children chargeable on the poor rates. Independently of these considerations our reserves, consisting of the separate divisions, are scattered about the United Kingdom, not regimented or associated with the line regiments with which they are to serve.

69. *As to the 1st Division.*—Prior to the year 1842, every pensioner was deemed liable to be called out to aid the State in war or rebellion, and instances of this service being required from 1715 to 1819 are numerous. In that year (1842) Sir R. Peel's administration obtained an Act for enrolling a certain number of these men for the defence of home and colonial garrisons, and in 1859 Lord Herbert obtained an Act to permit those who had served as soldiers (but were not pensioners) to become a reserve force. Under the present law, such men, limited in number to 20,000, men enter the army for service at home, when their services are required by proclamation.

70. *As to the 2nd Division.*—In 1867 Lord Derby's Administration obtained an Act for enrolling men (who had formerly been soldiers) in a reserve, to serve in the army on foreign service, and in 1870 this Reserve service was embraced in the Soldier's Army Enlistment, so that he may serve (say) six years in the army, and six years in the Reserve. The pay and service for pension of these men commence upon their entering the Reserve. Their training is to be annual, for 12 days, but so as not to interfere with their industrial occupations, and their service is to be given whenever it is required by proclamation.

71. *As to the 3rd Division.*—Men from the militia, to the extent of one fourth of the United Kingdom, may make enlistments for five years to serve in the army for foreign service, when required so to do by proclamation. These men receive annual bounty for this engagement, but in all other respects are trained and serve as militia men: their vacancies not being filled up until they are called from the militia into the army. The number of men in the 2nd and 3rd Divisions is fixed at 60,000 under the 33 & 34 Vict. c. 67; and assuming the Reserves to be complete, their total strength would be 80,000 men, equal in number to (and as to 20,000 men, not materially varying from the embodied service of) the militia.

72. III. *As to the General Militia.*—These forces are regulated by the law of 1802 and 1809, and a vast number of later Statutes which need consolidation. The number assigned to each kingdom has been increased

* The importance of the marriage question, as affecting the "reserve" men, appears to have escaped the notice it deserves, and yet it would be a serious evil if our wars were to be fought by men leaving wives and families at home chargeable on local or Imperial funds. Such has not hitherto been permitted. On the contrary, the rule of Parliament has been to exclude men who have more than one child, even from the general militia, a rule which has only once been temporarily relaxed, viz. in 1797, by the 37 Geo. 3, c. 3, sec. 8. Under the present Ballot Law no one can be taken as a conscript or substitute who is a poor man with more than one child (see 12 Geo. 3, c. 90, ss. 41 and 43, and the earlier Act 20 Geo. 3, c. 107, ss. 21 and 27). Other similar restrictions are to be found in 43 Geo. 3, c. 82, s. 6, and c. 96, s. 10.

To meet the hardship thrown on parishes having to maintain these wives and children, the charge was first transferred to the county rates by 48 Geo. 3, c. 47, s. 5, and then (in the year 1815) to the Imperial Treasury by the 55 Geo. 3, c. 65, s. 3.

If the wives and children of reserve men on service are maintained by the State, can a like obligation to the same relatives of all other soldiers fighting in the regiment be ignored; and, if not, what will become of the established regulations as to soldiers' marriages?

to 80,000 for England, 10,000 for Scotland, and 30,000 for Ireland in peace, and on proclamation, in war, to 120,000, 15,000, and 45,000 respectively.

73. Since 1852 the men have been raised by voluntary enlistment at a statutory bounty of 6*l.* a man, paid by the Treasury, and permitted with the sanction of their militia officers, to pass into the army; but in 1860, somewhat inconsistently with these arrangements, the Militia Law was amended, by enabling the Crown, at individual or local cost, to apply the ballot, under which persons between 18 and 30 years of age may be brought into the ranks of the militia at a minimum period of (say) six weeks after the quotas and divisions of counties are settled by the executive Government.

74. Since the ballot was in operation, these alterations in the fundamental conditions of the militia service have been made, increasing first, the area, second, the occasions, and third, the term of embodied service.

1. Under the law prior to 1859, the area of militia service was limited to the *kingdom* for which the force was raised, and great opposition had been raised in Parliament to any attempt to alter or extend this area. However, in 1859, with little opposition, Lord Herbert induced Parliament to make the militia of each kingdom interchangeable, so that an English (embodied) regiment may at any time be sent to garrison Ireland, or a Scotch regiment brought into England.

2. Prior to 1870 the embodied service of the militia could only be called for upon *emergencies* stated plainly and definitely on the Statute Book, and it was not otherwise within the control of the Crown. In the Act of 1802 these were, "invasion, or imminent danger thereof, or of rebellion," events apparent to every subject. In 1851, "war with any foreign Power," was added and in 1870 these landmarks of military service were removed by enabling the Crown to proclaim a crisis "of imminent national danger, or of great emergency," and to call out and embody the militia.

3. The Act of 1757 was for three years only, but this period has been extended to five years.

75. IV. *As to the Volunteer Force, embracing the Yeomanry Cavalry.*—The Volunteer Act, 1863, which does not extend to Ireland, has consolidated the law as applicable to the volunteer force, and enables the Crown "on actual or apprehended invasion, or of any part of the United Kingdom to call out the volunteers and to have them led to any part of Great Britain. Until this summons be given the service is voluntary, and on 14 days' notice, may be withdrawn by each volunteer, so that the Crown has no legal security who, "any national danger, or great emergency" happens, that the force may not have disappeared. The yeomanry are serving under the law of 1804, and later amending statutes, which have not been consolidated.

76. Such being our present military system, let me now revert to the subject of conscription; would the Government in time of peace, with so many thousand men at arms under voluntary engagement to serve the Crown, be justified in putting the ballot in force against any of Her Majesty's subjects, and, if so, for what service?

77. In the first place, is conscription, and substitution, the cheapest method of obtaining soldiers, or without substitution, a measure that could be justified but under the very sternest necessity?

"Conscription," wrote the late Mr. John R. Godley (a name that will ever be held in respect by those who served with him)