1953.

Caning of Boys

(for reading see inside)

1953 - (1954)

ALSO SEE CASE 4716.

Caning of Boys ....

For Breaking Out Offences.

Board decision that the irregular practice of caning for simple offences of breaking out must be discontinued (vide A.L. M.L. 3806/53 - 1.3.54)

Careful consideration to be given before punishment by caning is awarded - consequent on political dangers. (Vide Semi-official Letter to C.O. H.M.S. GANGES reference S 31/1/54 dated 5.3.54).

1953 (54)

Case of:-

JAMES BEAUMONT Boy 2nd Class C.H.J. 926340

Caned for two Breaking Out offences
Subject of Medical Report from R.N. Hospital Chatham
Draft Letter to M^rs E. BEAUMONT (Mother) consequent on visit to N.L. Branch.
Discharged as "Unsuitable". (Vide A.L. NCW/NL 3806/53 - 29.10.53)
Correspondence Admiralty / M^rs E. BEAUMONT.

Index only

Admiralty confirmation of justification for punishment (Vide A.L. M.L. 3806/53 - 1.3.54 to C-in-C (Nore).

1953 (54)

1953 - (54)

Vouched.

—51 (Revised—June, 1933.)

FROM WHOM

Mrs Beaumont
44 Smithfield Broadway Edinburgh 9.

DATE

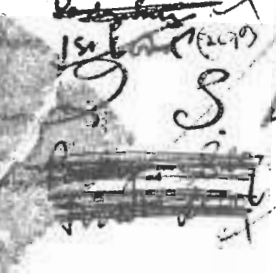
3rd October.

MARKINGS TO BOARD

Secretary
2nd Sea Lord
Postgrad
1st Lord (Secy)

SUBJECT

Treatment of her son Boy James Beaumont SBN° 4350, in Mrs Ramsay.



Referred to	Date	Referred to	Date	NOTATION ONLY Referred to	Date
426				NL (PSD)	6/12
NEW				DWSC	
~~DSC~~				NL.	
~~NSWS~~					
D of M				P/A PR	
~~DWSC~~					
N.O.W.	20/10/53				
426 (after Board Decision)					
N.L.					
~~M.D.G.~~					
D.N.T. (354)					
~~D.W.S.C.~~					
N.L.	12/1/54				
U.S.N.					
N.L.					
Sec to C.S.L.					
N.L.	8/3/54				

ADMIRALTY 15/10/53

2 DEC 1953 ADMIRALTY

11 DEC 1953 ADMIRALTY

Docs vouchered NL 3806/53 - Top Papers PAPR

P.A./P.R.

R. O. 11 MAR 1954 ADMIRALTY

C.E. 7831/1922. Sta. 47/33.

(2/1/52) (262) Wt. 46057/D8440 20M (4) 5/52 S.E.R. Ltd. Gp.

The enclosed report from [illegible] on the treatment of Boy Beaumont in HMS Ganges is the result to a visit by the boy's mother to NL Branch a week ago.

2. There are two questions for consideration. The more pressing is that of Beaumont's retention in the Navy; the other is his treatment in HMS Ganges. Accordingly, this paper is referred to NCW to obtain a decision on Beaumont's future. This boy is now in hospital for treatment of hernia, and it is therefore preferable for a decision about his discharge to be known before he is fit to return to duty.

3. When informing Mrs Beaumont of the Board's decision about her son's discharge, will NCW promise her a further letter about her son's treatment in HMS Ganges.

[illegible]
for NL
10/10/82.

Boy Beaumont's career has been adequately summarised in C O Ganges letter of 6.10.53. Although the boy is in hospital suffering from hernia, this does not appear to be of sufficient gravity to result in him being invalided.

C.O. Ganges reports that the boy is lacking in interest and the will to succeed in a naval career, has deliberately not tried, and magnifies his troubles.

Every encouragement has been given, but the C.O. now recommends, and C in C concurs, that he be discharged 'Unsuitable'.

Subject to any remark by MDG, NCW proposes to submit accordingly for approval to discharge 'Unsuitable'

G. Hazlett

for Head of N.C.W.
13.10.53.

Since the above was signed Signal 121450 and Submission No. 2047/116/46, of 12th October have been received from C in C, The Nore. It is understood that Mrs. Beaumont has signed for her son to undergo an operation but has not been informed that it will not now take place.

2. Subject to any remarks by M.D.G., it is accordingly proposed first to write to Mrs. Beaumont as in the enclosed draft, in order that she will be aware of the present position.

L. G. Bunting

for Head of N.C.W.
15.10.53.

No remarks

15.10.53.

Register No. N.L. 3806/53 Minute Sheet No. 1.

D. of M. is reluctant to lose a Seaman Boy when recruiting for Seaman is weak but it seems that this one will do more harm than good and D. of M. therefore agrees to discharge "Unsuitable" if it is recommended by D.W.S.C.

for Director of Manning
16th Oct. 53.

D.W.S.C. recommends that this boy should be discharged "Unsuitable."

2. Whilst arguing that it is undesirable for a rating to "work his ticket" so easily, D.W.S.C. considers that nothing could be made of such unpromising material, and that further expenditure of public money in trying would not be justified.

Director of Welfare and Service Conditions.
19th October, 1953.

GS/51.

Submitted for approval to discharge "Unsuitable"

G. Hargreaves
for Head of N.C.W.
22. 10. 53.

SECOND SEA LORD APPROVES discharge "Unsuitable"

Secretary to Second Sea Lord.
27 October 1953

Beaumont (2)
28/10/53

Now that Beaumont has been discharged "Unsuitable", there remains the question of what should be said to his mother about the two punishments of caning awarded to her son within a week. It may be that it will be found preferable not to write further to Mrs. Beaumont on the subject, but at the interview with Mrs. Beaumont on 3rd October, she was promised that her complaints about the brutality of the punishments would be investigated, and a letter sent to her.

2. Beaumont was given 12 cuts of the cane on 23rd September for offences of breaking out and stealing. The punishment was in order because it is allowed by the regulations for offences of theft; it is not allowed by the regulations as a punishment for breaking out (but

/see....

see below). On 25th September he was awarded five days' extra work and drill not exceeding two hours a day for neglecting to carry out the orders of an Instructor, and on the same day again broke out, in company with three other boys. During their absence, they committed a number of civil offences which the police did not proceed with, and they were returned to H.M.S. GANGES on 26th September. On 28th September, Beaumont received 12 cuts of the cane for the repeated offence of breaking out. The regulations do not permit caning as a punishment for a repeated offence of breaking out and the C.O. was therefore asked what justification there was for the punishment.

3. After the enquiry had been made, possible justification was found in N.L.1819/36 (tabbed A) which gave authority for caning to be awarded for a first offence of breaking out when done with intent to desert (it is not clear what grounds there were in 1936 for implying, as does the Admiralty Letter in N.L.1819/36, that a repeated offence of breaking out could be punished by caning). The Commanding Officer's reply shows that a corruption of the authority given in 1936 has provided the grounds for awarding caning for breaking out offences. The proviso that there must be intent to desert seems to have got lost during the course of time, and the usual scale of punishment for breaking out has come to be six cuts for a first offence and 12 cuts for a repeated offence.

4. So far as Beaumont is concerned it seems reasonable to assume that there was intent to desert when he broke out the second time, and the punishment can, so far as the offence for which it was awarded is concerned, be regarded as proper.

5. With regard to [redacted] there are two aspects of this case. The first is the wisdom of awarding the maximum 12 cuts to a boy twice inside a week, and the second is the medical aspect of the case.

6. N.L. does not feel entirely happy over the first of these two considerati Because caning as a punishment is always liable to severe criticism by public opinion, or politically, it is very necessary to keep the punishment free from misuse and from use which lays it open to criticism. To give a boy 24 cuts of the cane in two equal doses within a period of 5 days seems likely to lay the punishment of caning open to criticism on the grounds of brutality and such criticism could not be countered solely by the argument that the boy had been found fit, medically, to receive such punishment. The difficulty would have been to find some other suitable punishments. As a general rule, N.L. would suggest that a boy who within a week of receiving 12 cuts of the cane commits the same offences, is deserving of a more serious punishment, namely a short period of detention. It could be argued that two offences were being punished when the first caning was awarded and that 12 cuts was appropriate (but the breaking out could not legally have been punished by caning); and that on the second occasion, only one offence of repeated breaking out was being dealt with, and therefore 12 cuts was again appropriate. But the fact remains that the first punishment had no deterrent effect and logically, a more serious punishment though less painful was called for.

7. It is for consideration whether the Board should issue any confidential instructions on the frequency of caning a boy. M.D.G. is asked to remark particularly on this question.

8. The relevant medical aspects of Boy Beaumont's case are that medical examination before his second punishment, revealed a tiny hernia in the groin, but Beaumont was regarded as fit for caning. Subsequently he was discharged to R.N. Hospital Chatham, where medical examination showed that Beaumont had a left sided varicocele of no importance. There was no sign of a hernia. Presumably the varicocele was present when Beaumont was examined before his first caning, although there is no mention of it in the reference to the medical examination in the Commanding Officer's report.

9. The draft of a letter which might possibly be sent to Mrs. Beaumont is enclosed. With regard to the award of caning for offences of breaking out, a copy of the 1936 Admiralty Letter has been sent to C. in C. Nore so that he may

/consider...

consider qualifying the second paragraph of his letter of 20th November.

10. With regard to the proposal by C. in C. Nore that B.R.697 should be amended to permit caning for all offences of breaking out, N.L. is averse from such a step. It is well known, and quite evident from Case 4716 attached, that the Board has for a long time been extremely careful in its considerations of the list of offences which may be dealt with by caning. That list does not include offences of breaking out; however, in 1936 the Board approved that desertion charged as "breaking out", which in effect is what the 1936 decision covered, could be dealt with by caning. It is quite clear that a first offence of simple breaking out was not regarded as "a serious offence" within the meaning of Q.R. & A.I. Article 585, and N.L. sees no reason for so regarding it now. A repeated offence of breaking out, with no intention of deserting, might be regarded as "a serious offence of gross disobedience of orders", but so far as N.L. is aware, disobedience of orders has only been regarded as meaning the disobedience of direct commands: it does not, for example, mean disobedience of standing orders. It would, of course, be easy enough to get round this difficulty: a boy who broke out once (without intending to desert) could be shewn the relevant standing order and be given a direct order not to break it again. He could then be caned for a further offence of simple breaking out, provided that the Captain considered that his disobedience had become gross and continued. This could be explained to the Commander-in-Chief in the Board's reply on the lines of the enclosed draft. Presumably the Board will not in any case wish to alter the present rules until they have considered the Board Memorandum on summary punishments which was submitted a few weeks ago.

11. There seems to be no reason why the Boys' Training Regulations should not be amended to include the instruction issued in 1936, but it seems, according to the C.O., H.M.S. GANGES, that such amendment was deliberately omitted from B.R.697/52. It is understood that this was done because at the time when B.R.697 was being re-written it seemed likely that there would be some relevant directions from the Board about Codes of summary punishments for Junior and Adult ratings. In fact, this subject is dealt with in the Board Memorandum referred to above; so far as can be seen, it is not likely that the punishment regulations for Boys under Training will be affected. N.L. is therefore inclined to propose that B.R.697 should be amended in conformity with the 1936 decision.

12. Referred to M.D.G., D.N.T. and D.W.S.C. for remarks.

HEAD OF N.L.
2nd December, 1953

M.D.G. sees no reason for the issue of confidential instructions on the frequency of caning; it is considered that it is a matter for the discretion of the Commanding Officer.

2. It is considered that there is no need to give any information upon the boy's medical condition beyond that already given in NCW/NL letter of October 16th. Para.3 of the draft should be omitted.

for
MEDICAL DIRECTOR GENERAL.
9 December, 1953.

GMD/CCB.30.

Although Head of N.L.'s paragraph 3 of 10.10.1953. asked that the letter informing Mrs. Beaumont of the Board's decision should promise her a further letter about her son's treatment, this was not, in fact, done. As some little time has now elapsed since Boy Beaumont was discharged from the Navy, D.N.T. thinks that a further letter to Mrs. Beaumont would only revive the unpleasantness which she must undoubtedly associate with the time her son spent in the Navy. Unless any new communication is received from Mrs. Beaumont, D.N.T. thinks that, on the whole, a further Admiralty letter to her would do more harm than good.

2. On the question of frequency of caning, D.N.T. strongly concurs with M.D.G.'s paragraph 1.

3. The draft letter to C. in C., The Nore is, however, not so readily agreed. The regulations concerning caning in Q.R. & A.I., Article 585(2) and B.R.697, Article 0803(e) are quite clear, as is the definition of desertion in Section 19 of the Naval Discipline Act. It is evident that caning has for many years been improperly awarded as a punishment in Boys Training Establishments.

4. The authority contained in Admiralty Letter N.L.1819/36 of 10th June, 1936, in effect, instructs the Commanding Officer to prove desertion but to bring a charge of breaking out, in the knowledge that a charge of breaking out with intent to desert cannot properly be drawn.

5. The proposed letter to C. in C., The Nore, in addition to perpetuating this authority, implies that a second means of "getting round the law" may be found by substituting a charge of gross or continued disobedience for breaking out, in order that caning may properly be awarded as a punishment. Such a procedure might equally be adopted for any other offence, thus circumventing the regulations contained in Q.R. & A.I., Article 585.

6. Whilst agreeing that caning has all the advantages, and other punishments all the disadvantages claimed by GANGES, D.N.T. feels strongly that, for the very reasons given in paragraph 4 of the draft letter, the law must be made perfectly clear. It is for consideration, therefore, that either:-

(a) "Breaking out" be included in the offences for which caning may be awarded

or

(b) The authority given in Admiralty Letter N.L.1819/36 of 10th June, 1936 should be withdrawn.

/7.

7. In view of the insinuation in A.L. 3806/53 of 10th November, 1953, that Boy Beaumont was improperly caned, D.N.T. considers it important that C. in C., Nore and GANGES should be informed at an early date that the punishment was correctly awarded in accordance with the regulations as they now stand and that this should be done without awaiting a final decision on the award of caning for breaking-out offences.

for DIRECTOR OF NAVAL TRAINING,
4th January, 1954.

Although he shares the misgivings of the Head of N.L. in his para.6, D.W.S.C. agrees with M.D.G. and D.N.T. that the matter is not one that can be suitably dealt with by standing instructions. In this case the man on the spot may not have done himself justice in his explanation.

2. The draft letter to Mrs.Beaumont is agreed, if it is to be sent at all.

3. The offences of breaking out "with intent to desert" apparently owes its origin to a desire to avoid the forfeiture of accrued credit balances, vide tab.A in N.L.1819/36 attached. It is a bogus charge, as pointed out by D.N.T. and the need to avoid the use of the proper charge (desertion) was eliminated when the more lenient doctrine about credit balances (now in K.P.R. Art.1101) was introduced. It is not at all clear why desertion was not charged on the second breaking out, as there was abundant evidence from which an intent not to return could have been presumed. Had desertion been charged, there would have been no doubts about the legality of the second caning. The Captain admits that he does not hold a copy of the Admiralty Letter of June 1936, and we are only entitled to assume that his action happened to fit in with that letter if we assume that he found an intent not to return. There is nothing in these papers to justify that assumption; indeed what evidence there is shows that, although he could have found it, he did not do so. The best face that can be put on his actions is that they were based on what had become sanctified by custom.

4. D.W.S.C. shares [illegible] extending the meaning of "gross and continued disobedience."

Under the ordinary meaning of words, the repetition of an offence within a week of being punished for it is not "gross and continued disobedience;" but if that meaning can be attached, the number of offences for which caning can be awarded will be greatly multiplied. In D.W.S.C's view, any attempt to justify the second caning on this ground can only lead to further embarrassment.

5. In D.W.S.C.'s view, there is a very clear line between breaking out and desertion. The first is nearly always a boyish prank - a daring trip down to the town - whereas the second is nothing less than running away from school. When considering whether caning is a suitable punishment for breaking out, we should remember that a public school caning is quite a different affair from a caning awarded to a boy in a naval establishment. In a public school, most of the offences in Q.R.585 would be punishable only by expulsion, and caning is mostly reserved for offences of no great seriousness, in fact the very offences for which caning is prohibited in the Navy. There is, moreover, no formality (medical inspections and so on) and no minimum sentence of 6 cuts. The prank of breaking out and spending an evening in the town would certainly be visited by caning, in a public school. But so long as caning is reserved for such offences as theft or immorality, it is scarcely an appropriate punishment for high spirits or mere naughtiness. To include breaking out in the list of offences would detract from the principle of reserving caning for the really serious crimes.

/For .....

6. For these reasons, D.W.S.C. thinks that the draft letter to the Commander-in-Chief should make it clear that the second caning was based on a corruption of an Admiralty authority which is now withdrawn because of the changed rules about credit balances; but that, as the caning was evidently based on long-standing practice, Their Lordships have decided not to interfere with the sentence. D.W.S.C. also suggests that no amendment should be made to the Q.R. and A.I.Art.585. Whatever may be felt about the wisdom (as opposed to the legality) of the second caning, it is doubtful whether an official Admiralty letter is the best vehicle for comment. It does look as if the inefficacy of caning as a deterrent to Boy Beaumont had been strikingly demonstrated by his immediate repetition of the offence. Nothing would be more likely to arouse public indignation than the award of two lots of 12 cuts within a week. These points could be made demi-officially without losing any of their force, whereas in an official letter justifying the punishments legally, they would appear as contradictions.

X

A R Coelle

Director of Welfare & Service Conditions.

GS/51. 12th January, 1954.

Article 585 of Q.R. & A.I. reserves caning for the serious offences of theft, immorality, drunkenness, desertion, insubordination or gross and continued disobedience of orders.

2. In 1936, the Board authorised Boys Training Establishments to punish by caning first offences of breaking out, provided that the boy did it with intent to desert.

3. The investigation resulting from the caning twice within a week of Boy Beaumont has revealed that at H.M.S. GANGES at least the authority given in 1936 has been abused. It is clear that GANGES are now caning for simply breaking out.

4. The discussion on this docket has been somewhat protracted because, thinking that the Naval Departments (and, perhaps, the Board) would want to stand by the man on the spot, I attempted a philosophical justification of GANGES' present practice by trying to show that repeated offences of breaking out could amount to gross and continued disobedience of orders. It is clear, however, that neither D.N.T. nor D.W.S.C. wishes to press for this.

5. Indeed, D.N.T. and D.W.S.C. go further and wish to withdraw altogether the authority which the Board gave to Boys Training Establishments in 1936. Since the minutes on the paper were written, I have had further discussion with D.W.S.C. (notes enclosed). I pointed out to him that the authority given in 1936 was useful in preventing young boys from being charged with desertio and carrying this stigma for the rest of their lives. D.W.S.C. suggested that the original reason for giving this authority had disappeared because the pay of boys was no longer affected. It is clear, however, from N.L.1819/36 that the Board had in mind at least as much the continuance of the mark on the boy's Service Certificate throughout his career as the effect on his pay. D.W.S.C. now suggests that this can be overcome by not marking boys "Run" at all. **In considering the recent memorandum on summary punishments the Board decided that we should examine the idea that no punishment, except imprisonment, awarded in training establishments (or, alternatively, awarded to ratings under 18) should be permanently recorded. If this proves to be desirable, there will be no need to treat desertion by boys as breaking out and the letter of 1936 can be cancelled.**

/In.....

In the meantime I think that it had better continue in force: it has existed for twenty years and the Training Establishments clearly consider it so necessary that they wish to extend it.

6. In the light of recent developments the letter to C. in C. Nore has been re-drafted.

7. With regard to Mrs. Beaumont, I think that, in view of the time which has elapsed while we have been discussing the policy, it would be better not to write to her again. I do not like breaking a promise, but silence is, in this case, the better part of valour. (With regard to paragraph 1 of D.N.T's report of the 4th January, the promise was given orally to Mrs. Beaumont when she called on N.L., and not in writing).

8. Submitted for approval not to write again to Mrs. Beaumont unless she raises the matter again, and to write to C. in C., The Nore, as in the enclosed draft as amended.

G/K Dykes.

HEAD OF N.L.
8th February, 1954

Concur.

JFN.

15. 2. 54

Propose to approve as Hd of NL.

2. In view of political implications at present time on N.D.A. Parliamentary Secy + 1st Lord's name has been added to the marking

18/2/54.

Concur.

While agreeing that these canings were justified I am inclined to think that something as suggested by 'X' in D.W.S.C's paragraph 6. should be done, perhaps informal or indeed, in conversation by either D.N.T. or Second Sea Lord.

It only needed Mrs. Beaumont to go to her M.P. a complain that her son had received a total of 24 cuts with cane in a period of five days, for us to have another newspaper campaign on our hands - this time on the grounds of cruelty.

ATN.

23rd February, 1954.

Agree as last Ltr.

JPCS

24.2.54

Lett

Secretary to 2nd SL.

It is assumed that the Second Sea Lord will wish to give directions about action to be taken on Y of the Parliamentary Secretary's minute.

[signature]

HDofNL
2/3/54.

Copy of semi-official letter from DNT to Capt. The Hon. Cairns enclosed.

[signature]

Secty. DCNP(T)
5/3/54