R TURN TO
R.O.

List of Boys
(For reading see inside)

1953 - (1954)

Also see case 4716.
Board decision that the irregular practice of calling for small offences of breaking out must be discontinued (see R.E. H.E. 386/153 - 1-3-54).

Careful consideration to be given before punishment by calling in warrants - consequences on political danger (see confidential letters to C.O. H.E. 680/6885 officers 5/31/154 dated 5/3/54).

1953 (54)

Case of:

James Beaven

Bro. of 2 - Class C.H.S. 2340

Date for two breaking out offences

Subject of Medical report from R.D. Hospital Hather.

Draft letter to M.T. BEAVEN (Sgt.) because on visit to R.N. Branch.

Discharged as "unsuitable." (see R.E. Hospital 386/501 - 29-10-54)

Correspondence Ministry/M.T. BEAVEN.

Admiralty confirmation of justification for punishment (see R.E. H.E. 360/53 - 11-54)

1953 (54)

Concluded

R.O.

24 May 1954

PARK
The recent developments in the treatment of lung cancer in the hospital have brought about a significant change in the approach to its management. The initial stages involve regular check-ups and monitoring, followed by more aggressive treatments as the condition progresses.

In the past, surgery was often the primary treatment option, but with advancements in medical technology, non-surgical methods have become more prevalent. These include chemotherapy, radiation therapy, and targeted therapy, which can be tailored to the specific needs of the patient.

Recent studies have shown promising results with immunotherapy, a type of treatment that helps the body's immune system fight cancer. This approach has shown promise in various stages of lung cancer, offering hope for patients who were previously considered incurable.

As the medical community continues to research and develop new treatments, the goal is to improve outcomes and quality of life for patients suffering from lung cancer. Regular consultations with a multidisciplinary team can help optimize care and ensure the best possible outcomes.
Boy Beaumont's career has been adequately summarised in C O Ganges letter of 6.10.13. Although the boy is in hospital suffering from bronzo, this does not appear to be of sufficient gravity to result in him being invalided.

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

Every encouragement has been given, but the C O now recommends, and C in C orders, that he be discharged "unsuitable".

Subject to any remark by D G, 15/13/W proposes to submit accordingly for approval to discharge "unsuitable".

[Signature]

Head of N.C.W.
D G 15/10/53

Since the above was signed Signal 1214/50 and Submission No. 20/7/116/45, of 12th October have been received from C in C, The Nore. It is understood that Mrs. Beaumont has written to her son to undertake 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.

[Signature]

No 11353/1/50
13/10/53.
D. of M. is reluctant to lose a servant boy when recruiting for Seaman is weak but it seems that this one will do more harm than good and M. of M. therefore agrees to discharge "unsuitable" if it is recommended by D.W.S.C.

for Director of Housing
10th 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.

32/61.

19th October, 1953.
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 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. CANMORE on 26th September. On 26th 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.I.1919/36 (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.I.1919/36, 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 provision 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 whether 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 considerations. 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. N.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 caning, 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 1925 Admiralty Letter has been sent to C. in C. More 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. Note that B.R.697 should be amended to permit caning for all offences of breaking out, N.I. is averse from such a step. It is well known, and quite evident from Case 4718 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 is 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.I. 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.I. is aware, disobediences 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 shown 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 Boy's Training Regulations should not be amended to include the instruction issued in 1936, but it seems, according to the G.O., H.M.S., GARGES, that such amendment was deliberately omitted from B.R.697/56. 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. R.L. is therefore inclined to propose that B.R.697 should be amended in conformity with the 1936 decision.


HEAD OF R.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 NG/C/NI letter of October 16th, Para.3 of the draft should be omitted.

MEDICAL DIRECTOR GENERAL.
9 December, 1953.
Although Head of N.L.'s paragraph 3 of 10/10/1933, 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 had now elapsed since Roy 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 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 coming, D.N.T. strongly concurs with M.D.G.'s paragraph 4.

3. The draft letter to C. in C., The Hope is, however, not so readily agreed. The regulations concerning coming in Q.R. & A.I., Article 585(2) and B.K. 697, Article 680(e) are quite clear, as is the definition of desertion in Section 19 of the Naval Discipline Act. It is evident that coming 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 Hope, 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 coming 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 coming has all the advantages, and other punishments all the disadvantages claimed by ILUHUS, 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 coming 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. 1606/53 of 10th November, 1953, that Roy Beaumont was improperly caned, D.M.T. considers it important that C. in C., Hove and CURTSES 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.

[Signature]

DIRECTOR OF NAVAL TRAINING,
2 January, 1954.
Although he shows the misleading of the line of H.R. on his part, D.W.T.C. argues with H.R.G. and D.W.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 been himself justified in his explanation.

3. The draft letter to H.R.G. suggests, if its in to be kast at all.

4. The offense of breaking out “with intent to desert” apparently goes back to a desire to evade the repayment of secured credit balances, also tab. A in H.R.G. 1813/36 attached. It is a bad case, as pointed out by D.W.T. and the need to avoid the use of the proper charges (desertion) was eliminated when the more important doctrine about credit balances (now in H.R.G. Art. 1010) 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. If desertion been charged, there would have been no doubt about the legality of the second coming. The Captain admits that he does not hold a copy of the Adjutancy Letter of March 1933, and we are only entitled to assume that his action happened to fit in with that letter if we assume that he found it to suit in not to return. There is nothing in these papers to justify that assumption; indeed there evidence shows in places that, although he could have found it, he did not do so. The best cases that can be put on the charge is that they were based on what had become stabilized by custom.
4. Mr. C. H. A. Rowe, in 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 coming out may be required will be greatly multiplied.

F. T. T. O.'s view, any attempt to justify the second coming on this ground can only lead to further embarrassment.

5. In F. T. T. O.'s view, there is a very close line between breaking out and desertion. The first is nearly always a boyish prank - a daring trip down to tin town - whereas the second is nothing less than running away from school.

Thus considering desertion coming is a suitable punishment for breaking out, we should remember that a public school coming is quite a different affair from a coming away to a boy in a naval establishment.

In a public school, most of the offences in 1,358 would be punishable only by expulsion, and coming is nearly reserved for offences of no great implications, in fact the very offences for which coming is pulverized in the Navy. There is, moreover, no formality (medical inspections and so on) and no minimum sentence of 6 cuts. Two pranks of breaking out and spending an evening in the town would certainly be visited by coming, in a public school. But as long as coming 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 correct coming for the really serious crimes.
6. For these reasons I submit that the draft letter to the
Commander-in-Chief should make it clear that the second pendant 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
oeving was evidently based on long-standing practice, their Lordsips
have decided not to interfere with the men's time. D.W.S.C. alsosuggests that no complaint should be made to the A.R. and A.T. Act, 586.
Whatever may be felt about the wisdom (as opposed to the legality) of
the second action, it is doubtful whether an official Admiralty letter
in the best vehicle for comment. It does look as if the inefficiency
of coming as a deterrent to say 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 semi-officially
without losing any of their force, whereas in an official letter
justifying the punishments legally, they would appear as contradictions.

[Signature]
Director of Welfare & Social Conditions.
12th January, 195x.
Article 585 of Q.R. & A.I. reserves censure for the serious offences of theft, immorality, drunkenness, desertion, insubordination of gross and continued disobedience of orders.

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

3. The investigation resulting from the censure 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 censure 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 the authority given in 1936 was useful in preventing young boys from being charged with desertion 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 H.L.1829/36 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 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.

HEAD OF N.L.
8th February, 1954
Propose to approve as did at N.L.

2. In view of political implications at present time on N & A. Parliamentary Service + 15. Good can be added to the backing

2 June 1524.
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 Sec Lord.

It only needed Mrs. Beaumont to go to her M.P. to 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.

23rd February, 1954.

[Signature]

[Stamp]
Secrrty to 2 IV.

It is assumed that the former has been

will wish to give directions about action to be taken or Y

of the holding executive minute.

Census

2/5/39

Copy of semi-official

letter from DNT to Capt. Hare Cairns

enclosed.

Secrty, DNP(?)  
3/1/34