



Pardon for Soldiers of the Great War Act 2000

Public Act 2000 No 29
Date of assent 14 September 2000
Commencement see section 2

Contents

Preamble		
1 Title	8	Pardon of Private Spencer
2 Commencement	9	Pardon of Private Sweeney
3 Act to bind the Crown	10	Effect of pardons
4 Purpose	11	Restoration of memory
5 Pardon of Private Braithwaite	12	Act not to create right to compensation
6 Pardon of Private Hughes		
7 Pardon of Private King	13	Scope of Act

Preamble

- (1) In the Great War, 5 soldiers of the New Zealand Expeditionary Force were executed, after trial by court martial, for certain offences:
- (2) They were all volunteers:
- (3) One was executed for the offence of mutiny:
- (4) The other 4 were executed for the offence of desertion:
- (5) Their execution was not a fate that they deserved but was one that resulted from—
 - (a) the harsh discipline that was believed at the time to be required; and
 - (b) the application of the death penalty for military offences being seen at that time as an essential part of maintaining military discipline:
- (6) The execution of those 5 soldiers brought dishonour to both the soldiers themselves and New Zealand:
- (7) It is now desired to remove, so far as practicable, the dishonour that the execution of those 5 soldiers brought to those soldiers and their families:

The Parliament of New Zealand therefore enacts as follows:**1 Title**

This Act is the Pardon for Soldiers of the Great War Act 2000.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Act to bind the Crown

This Act binds the Crown.

4 Purpose

The purpose of this Act is—

- (a) to pardon 5 soldiers of the New Zealand Expeditionary Force who served as volunteers in the Great War and who were executed in 1 case for mutiny and in the other 4 cases for desertion; and
- (b) to remove, so far as practicable, the dishonour that the execution of those 5 soldiers brought to those soldiers and their families.

5 Pardon of Private Braithwaite

- (1) Private John Braithwaite, regimental number 24/1521, a member of the 2nd Battalion, Otago Regiment,—

- (a) who was charged with having committed on 28 August 1916 the offence of mutiny; and
- (b) who, by a General Court Martial held on 11 October 1916, was convicted of that offence and sentenced to death; and
- (c) who was, after the sentence of death had been confirmed, executed by firing squad in accordance with that sentence on 29 October 1916,—

is, by this Act, granted a pardon for that offence of mutiny.

- (2) The soldier to whom subsection (1) relates (who originally enlisted as a volunteer under the name of Jack Braithwaite on 29 May 1915 and was then given the regimental number of 24/58) was re-attested under the name of John Braithwaite on 10 November 1915 and was then given the regimental number 24/1521.

6 Pardon of Private Hughes

Private Frank Hughes, regimental number 24/2008, a member of the 2nd Battalion, Canterbury Regiment,—

- (a) who was charged with having committed on 29 July 1916 the offence of desertion; and
- (b) who was, by a Field General Court Martial held on 12 August 1916, convicted of that offence and sentenced to death; and
- (c) who was, after the sentence of death had been confirmed, executed by firing squad in accordance with that sentence on 25 August 1916,—

is, by this Act, granted a pardon for that offence of desertion.

7 Pardon of Private King

Private John King, regimental number 6/1598, a member of the 1st Battalion, Canterbury Regiment,—

- (a) who was charged with having committed on 30 May 1917 the offence of desertion; and
- (b) who was, by a Field General Court Martial held on 5 August 1917, convicted of that offence and sentenced to death; and
- (c) who was, after the sentence of death had been confirmed, executed by firing squad in accordance with that sentence on 19 August 1917,—

is, by this Act, granted a pardon for that offence of desertion.

8 Pardon of Private Spencer

Private Victor Manson Spencer, regimental number 8/2733, a member of the 1st Battalion, Otago Regiment,—

- (a) who was charged with having committed on 13 August 1917 the offence of desertion; and
- (b) who was, by a Field General Court Martial held on 17 January 1918, convicted of that offence and sentenced to death; and
- (c) who was again sentenced to death on 29 January 1918 after the Field General Court Martial had revised its finding and had convicted him of having committed the offence of desertion not on 13 August 1917 but on 25 August 1917; and
- (d) who was, after the sentence of death imposed on him on 29 January 1918 had been confirmed, executed by firing

squad in accordance with that sentence on 24 February 1918,—

is, by this Act, granted a pardon for that offence of desertion.

9 Pardon of Private Sweeney

Private John Joseph Sweeney, regimental number 5/1384, a member of the 1st Battalion, Otago Regiment,—

- (a) who was charged with having committed on 25 July 1916 the offence of desertion; and
- (b) who was, by a Field General Court Martial held on 13 September 1916, convicted of that offence and sentenced to death; and
- (c) who was, after the sentence of death had been confirmed, executed by firing squad in accordance with that sentence on 2 October 1916,—

is, by this Act, granted a pardon for that offence of desertion.

10 Effect of pardons

The pardons effected by sections 5 to 9 recognise that the execution of the 5 soldiers to whom those pardons are granted was not a fate that they deserved but was one that resulted from—

- (a) the harsh discipline that was believed at the time to be required; and
- (b) the application of the death penalty for military offences being seen at that time as an essential part of maintaining military discipline.

11 Restoration of memory

The Government of New Zealand must, in relation to each soldier granted a pardon by this Act,—

- (a) note in its official records and, in particular, on the personal file of the soldier, the pardon granted to him and its effect; and
- (b) notify the Commonwealth War Graves Commission of the pardon granted to the soldier by this Act; and
- (c) take such other steps as, in its opinion, are reasonable or desirable to restore the memory of the soldiers granted pardons by this Act.

12 Act not to create right to compensation

Nothing in this Act—

- (a) confers any right to compensation; or
- (b) is to be relied on in any proceedings as a basis for any claim to compensation,—
 - (i) for harm caused by; or
 - (ii) losses claimed to have flowed from the consequences of—
any of the convictions specified in sections 5 to 9.

13 Scope of Act

This Act—

- (a) has effect only in relation to the offences and convictions specified in sections 5 to 9; and
 - (b) is not to be regarded as having effect in relation to any other offence or any other conviction.
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Legislative history

10 September 1998	Introduction and first reading (Bill 193–1)
23 September 1998	Second reading and referral to Foreign Affairs, Defence and Trade Committee
27 June 2000	Reported from Foreign Affairs, Defence and Trade Committee (Bill 193–2)
26 July 2000	Consideration of report
7 September 2000	Committee of the whole House
12 September 2000	Third reading
14 September 2000	Royal assent

This Act is administered in the New Zealand Defence Force.
