

*Mark Peck*

## PARDON FOR SOLDIERS OF THE GREAT WAR

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### ANALYSIS

Title  
Preamble  
1. Short Title  
2. Act to bind the Crown  
3. Grant of pardon

4. Restoration of memory and esteem

SCHEDULE  
Soldiers Pardoned

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### A BILL INTITULED

#### **An Act to pardon soldiers of the Great War executed for desertion or mutiny where there is evidence of shell shock or illness associated with those offences**

5 WHEREAS—

- A. A number of New Zealand soldiers serving in the Great War of 1914 to 1918 were executed by firing squad for desertion and mutiny:
- 10 B. It is now understood that shell shock is a seriously debilitating condition causing serious behaviour disorder, for which veterans of recent conflicts are paid a disability benefit:
- 15 C. It is now an historically recognised fact that the conditions of war in the Great War were inhuman in the extreme, with military campaigns embarked upon which it is now known were fraught with incompetence on the part of those in command:
- 20 D. Low morale and disease were rife among soldiers engaged in such combat:
- E. It is now recognised that due to the circumstances of the times, the standard of military judicial process prevailing was such that in retrospect there cannot be faith in the justness of the verdicts:

25 BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

No. 193—1

**1. Short Title**—This Act may be cited as the Pardon for Soldiers of the Great War Act 1998.

**2. Act to bind the Crown**—This Act binds the Crown.

**3. Grant of pardon**—(1) Each New Zealand soldier specified in the Schedule of this Act, being a soldier who served in the Great War of 1914 to 1918 and who was executed by firing squad, is deemed to have been granted a free pardon in respect of his offence. 5

(2) The effect of that pardon is to nullify any degradations and penalties imposed on that soldier in relation to his offence. 10

**4. Restoration of memory and esteem**—The Government of New Zealand must take all reasonable steps to restore the memory of the soldiers specified in the Schedule of this Act and the esteem in which they are held.

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SCHEDULE

Section 3

SOLDIERS PARDONED

<i>Name of Soldier</i>	<i>Rank</i>	<i>Serial No.</i>	<i>Regiment</i>	<i>Offence</i>	<i>Date of Execution</i>
BRAITHWAITE, Jack	Pte	24/1521	2/Otago	Mutiny	29/10/1916
HUGHES, Frank	Pte	24/2008	2/Canterbury	Desertion	25/08/1916
KING, John	Pte	6/1598	1/Canterbury	Desertion	19/08/1917
SPENCER, Victor, M.	Pte	8/2733	1/Otago	Desertion	24/02/1918
SWEENEY, John, J.	Pte	5/1384	1/Otago	Desertion	02/10/1916