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Capital Courts Martial 1914-18, the truth

A black and white photograph of a large, rectangular gravestone in a cemetery. The stone is weathered and has a circular medallion at the top containing a profile portrait of a man. Below the medallion, the words "A SOLDIER" and "OF THE GREAT WAR" are engraved in a serif font. The stone is surrounded by low-lying plants and flowers.

A SOLDIER
OF THE GREAT WAR

ANTHONY BABINGTON

According to the official records of the British Army a total of 346 officers and men were summarily executed at dawn following their convictions by courts martial in the field between the outbreak of the First World War and the end of March 1920. The details of their trials and executions have been closed to the public ever since, but during the last decade there has arisen a sense of profound uneasiness regarding the circumstances surrounding their deaths.

In the preparation of this book Anthony Babington has made use of a great deal of new evidence which has only recently come to light and which has enabled a full and accurate account of these matters to be written for the very first time. It is now apparent that although the majority of the executed men were guilty, or technically guilty, of the charges that had been laid against them, many of them were treated with considerable injustice and considerable inhumanity. They were usually tried by comparatively junior officers; their defenses, such as they were, were seldom adequately presented; after the trials had finished the papers were passed for review to a succession of senior commanders who were kept in total ignorance of the mitigating factors which should have influenced their decisions; the condemned were informed of their impending executions either on the evening before, or on the actual morning that they were to be taken out and shot; and there was no proper procedure by which they could appeal. There can be little doubt that a not insubstantial proportion of them had been suffering from emotional shock or nervous exhaustion at the time they had committed their 'offenses'.

Few of those who shared the responsibility for the executions will emerge with credit from these revelations, be they senior officers, doctors, or government ministers.

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FOR THE SAKE
OF EXAMPLE

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CAPITAL COURTS-MARTIAL

1914-1920

BY

ANTHONY BABINGTON

WITH A POSTSCRIPT BY
MAJOR-GENERAL FRANK RICHARDSON
CB, DSO, OBE, MD

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*I consider all punishment to be
for the sake of example and the
punishment of military men in
particular is expedient only in
cases where the prevalence of
any crime, or the evils resulting
from it, are likely to be
injurious to the public interest.*

THE DUKE OF WELLINGTON

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PREFACE

THE NUMBER OF soldiers in the British Army who were executed by firing squads during the First World War is utterly insignificant compared with the massive carnage at the front. They are the unremembered. At the time of their condemnation they were branded as 'shirkers', 'funks' and 'degenerates', whose very existence was best forgotten. Yet, ever since, the manner in which they were tried and their subsequent treatment have given rise to a profound uneasiness in the national conscience. Death did not come to them, random and abrupt, on the field of battle; it came with measured tread as the calculated climax of an archaic and macabre ritual carried out, supposedly, in the interests of discipline and morale.

The files relating to the courts martial of these men have been closed to the public ever since. For more than sixty years they have lain in the archives as a missing chapter from the history of the war – a chapter without which it would be difficult to form a definitive evaluation of the attitude of the government ministers and the senior commanders to the troops who were fighting in the line.

It can now be revealed that the general disquiet about these events has been more than justified. Viewed by the standards of today few of the executed men received the most elemental form of justice. They were tried and sentenced by courts which often regarded themselves as mere components of the penal process and which, until the final year of the war, were asked to perform a complex judicial function without any sort of legal guidance. The cases for the accused were seldom presented adequately and sometimes were never presented at all. If crucial matters were raised which might have established their innocence they were rarely investigated by members of the court. Capital sentences were passed, and were later sanctioned by senior officers, with no proper enquiries being made into the backgrounds of those who were being condemned or into other factors which might have served to mitigate their punishment. And at the end, they were only told of their impending executions a matter of hours before being taken out and shot, usually in front of an audience of enforced spectators. What made it even worse was the fact that the decision of a court martial was virtually unappealable.

If soldiers accused of cowardice or of desertion in the face of the

enemy had looked to the medical officers for assistance or compassion then they were likely to have looked in vain. The army doctors as a whole seem to have set themselves up as an extra branch of the provost corps, intent on securing the extreme penalty for such offenders whenever possible.

Undoubtedly the ministers responsible for military affairs were in a position to ameliorate these procedures, had they wished to do so. Instead, they frequently misled Parliament when they were pressed for information concerning executions which were taking place in the field.

I am very much aware of the distress which could still be occasioned to the relations of the executed men if their names were revealed, and I have avoided giving any particulars, including the names of their units, from which they might be identified. They are the central figures in this grim story but throughout the following pages they must remain anonymous.

Lastly I would like to emphasize that any opinions expressed in this book are entirely my own and for those opinions I and my publisher, between us, take full responsibility.

I

THE TRANSITION TO WAR

BRITAIN'S INVOLVEMENT in the struggle which had broken out on the Continent of Europe during the summer of 1914 followed with dramatic suddenness after the mighty German armies had swept across the frontiers of neutral Belgium.

When Britain declared war on Germany on 4 August 1914, she could with difficulty muster an expeditionary force of some 160,000 officers and men, comprising six infantry divisions and one cavalry division together with supporting arms. Although these troops were well-disciplined and highly-trained regular soldiers, reinforced with a number of hastily-mobilized reservists, they were unprepared and ill-equipped for the conditions of warfare which they were about to encounter.

The British Expeditionary Force, thereafter known as the BEF, began to embark from Southampton on 9 August. Having arrived at ports on the north coast of France they were taken by train to a concentration area between Maubeuge and Le Câteau. Their tactical role had neither been planned nor prepared. Lord Kitchener, the Secretary of State for War, had issued a somewhat vague directive to General Sir John French, the British Commander-in-Chief, stating:

The special motive of the Force under your control is to support and co-operate with the French Army against our common enemies. The peculiar task laid upon you is to assist the French Government in preventing or repelling the invasion by Germany of French and Belgian territory, and eventually to restore the neutrality of Belgium, on behalf of which, as guaranteed by treaty, Belgium has appealed to the French and to ourselves.

For centuries the British Army had been governed by a system of control which was once referred to as the 'discipline of fear'. Until 1881 the principal instrument of punishment was the cat-o'-nine-tails. Flogging parades were a habitual occurrence, the miscreant being stripped to the waist and pinioned to a triangle of halberds, with the rest of his regiment or brigade watching as enforced spectators while the thongs descended on his blotched and bleeding flesh.

A Royal Commission which issued its Report in 1836¹ had heard

evidence from numerous witnesses that young soldiers frequently fainted on flogging parades. A sergeant in the Foot Guards had said that the fainting was caused both by the sight of the victim's back and by his cries. 'The cries,' he added, 'are as distressing as the sight.' The Commissioners reported their unanimous opinion that the infliction of corporal punishment in the Army was essential for the maintenance of proper discipline; the fact of its being carried out in public provided a beneficial example which served to prevent 'the spreading of a disorderly or mutinous spirit'. They compared the system of punishment in the French Army where there was no flogging, but where, in consequence, no less than 45 offences were punishable with death. A military execution in the British Army was unknown in peacetime, said the Commissioners. 'On active service,' they continued, 'although sometimes resorted to, it is less common than in the French service in which it is the basis of discipline.'

By then an execution in the British Army for a military offence had indeed become a rarity even when regiments were campaigning overseas. The records of courts martial held throughout the world were listed in a central register in London, and a cursory search through the volumes for the period from 1853 to 1856 has not revealed a single death sentence imposed during the Crimean War. There were many trials for such offences as desertion, absence without leave, disobedience, sleeping on post, quitting post, insubordination, and striking a superior officer. The usual punishment awarded was 25 or 50 lashes or, more infrequently, a period of detention with hard labour. Two private soldiers who deserted during the siege of Sebastopol were sentenced to penal servitude for life.

In his authoritative study of the discipline and constitution of the British Army which was published in 1869,² Charles M. Clode assumed that capital punishment for desertion was a thing of the past. Clode had made a detailed study of the War Office records and the most recent case he mentioned of a death sentence for desertion occurred as far back as 1803.

Flogging was finally abolished in the British Army in 1881. Eighteen years later when Britain became involved in her next major military conflict it might have been imagined that an increased reliance would be placed on the death penalty, but this was not the case. The War Office court martial returns for the years 1899 to 1902, the period of the Boer War, show that very few executions were carried out in South Africa. The usual sentences for the offences of desertion and sleeping on post varied between a few months' imprisonment with hard labour and ten years' penal servitude; those for quitting post and shamefully delivering up a position ranged to a maximum of 15 years' penal servitude; for striking a superior officer a soldier might be

sentenced to as little as 28 days' Field Punishment or as much as ten years' penal servitude. The customary sentence for cowardice seems to have been ten years' penal servitude, but this was frequently commuted to a considerably shorter period.

The court martial returns for the South African campaign show that no executions took place in 1899 and 1900 while Lord Roberts was Commander-in-Chief. Nor did the policy in regard to capital punishment become appreciably harsher when Roberts was succeeded by Kitchener. This is a little surprising as Kitchener had a reputation for brutality and was, said his biographer, 'filled with a ruthlessness which took no account of personal feelings'.³ Although he confirmed two death sentences in 1901, one for desertion and one for murder, he commuted several others, imposed for cowardice, desertion, sleeping on post, and murder, to terms of imprisonment or penal servitude. In 1902 two Australian officers were executed for the reprisal killing of Boer prisoners during the bitter guerrilla warfare which ensued before the signing of the peace treaty in May 1902.

When the British Army went into action in the summer of 1914, a number of offences were still punishable with death or with such a lesser penalty as the court martial thought fit to impose. These included mutiny, cowardice before the enemy, disobedience of a lawful order, desertion or attempted desertion, sleeping or being drunk on post, striking a superior officer, casting away arms or ammunition in the presence of the enemy, leaving a post without orders, abandoning a position, and treacherously communicating with or in any way assisting the enemy. A soldier was guilty of desertion if he went absent with the intention of never returning to the Army or with the intention of avoiding 'some particular important service'.

By 20 August 1914 the concentration of the BEF was virtually complete and on the following day five British divisions began their advance into Belgium, co-ordinating their progress with that of the two French armies moving to their right. The Belgian defence forces, crushed by sheer weight of numbers and of firepower, were falling back on Antwerp and the invading Germans were poised for the continuation of their march towards the French frontier. Captain Walter Bloem, a novelist and playwright serving as a reserve officer in the Brandenburg Grenadiers, commented joyfully, 'It was fabulous, surely a dream. Was the whole war just a game, a kind of sport? Was the Belgian Army just a pack of hares?'⁴ The knowledge that the BEF were moving into position to engage them did not cause Bloem any undue concern. He wrote:⁵

English soldiers? We knew what they looked like by the comic papers; short scarlet tunics with small caps set at an angle on their heads, or bearskins with the chin-strap under the lip instead of under the chin. There was much joking about this, and also about Bismarck's remark of sending the police to arrest the English Army.

On 22 August the BEF made their first contact with the leading German units in the vicinity of Mons and on 23 August they were involved in severe fighting for most of the day. It was not an easy baptism of fire for the untried British troops. The weather was oppressively hot and sultry and many of them were still suffering from the after-effects of their recent inoculations. In addition, the uneven surfaces of the rough cobbled Belgian roads had increased the strain and fatigue of their long forced march.

After his initial engagement with the BEF Walter Bloem was to change his opinion about them. Bloem's regiment, so proud and confident in its martial tradition, had been decisively repulsed and reduced to little more than company strength. 'Wherever I looked, right or left,' he said, 'were dead and wounded, quivering in convulsions, groaning terribly, blood oozing from fresh wounds.' He added bitterly, 'They apparently knew something about war, these cursed English, a fact soon confirmed on all sides.'⁶

On 24 August the British Commander-in-Chief received information that the French armies on his immediate right were in process of withdrawing, leaving exposed the whole of his southern flank. There followed the BEF's retreat from Mons which continued with scarcely a pause until 5 September when they drew up in a defensive line to the south-east of Paris. During this time they covered a distance of about 200 miles and in the constant fighting suffered casualties of almost 20,000 in killed, wounded and missing. According to the British Official History of the campaign, they had been:

confronted with greatly superior numbers by the most renowned army in Europe, and condemned at the very outset to undergo the severest ordeal which can be imposed upon an army. They were short of food and sleep when they began their retreat; they continued it, always short of food and sleep, for thirteen days; and at the end of the retreat they were still an army, and a formidable army.

It has been estimated that during the retreat the men in the infantry only managed to obtain an average of four hours' rest a day. The Official History quotes one of the officers as saying, 'I would never have believed that men could have been so tired and so hungry and yet live.'

To the pursuing Germans, said Bloem, the retreat of the BEF resembled a hasty departure rather than a disorderly rout. They left behind them 'broken-down cars, burnt supplies, and so on, but no rifles or equipment'.⁷ The British prisoners seen by Bloem were 'fine, smart young fellows', but were 'almost insolent in their cool off-handedness'.⁸ He tells of one incident which characterized the savage nature of the hand-to-hand combat throughout this phase of the campaign. Two officers and 25 men from a British infantry battalion had penetrated a wood occupied by the Germans. The British party was isolated and surrounded but decided to fight it out. In the end 23 of them, including both the officers, were killed and the four survivors were taken prisoner. Walter Bloem walked past the scene of their last stand a short while later. 'On the way', he said, 'we stumbled on a dead English soldier in the undergrowth with his skull split open: then another with a bent bayonet in his breast.'⁹

The first British soldier to be executed during the war was court-martialled on 6 September, the day after the Mons retreat had ended. Private H, a member of a Home Counties regiment, was 19 at the time. He had enlisted in Dublin in February 1913 at the age of 17. In the early hours of the morning on 6 September H had been discovered by a gamekeeper hiding in a barn on Baron Edouard de Rothschild's estate at Tournan, just to the south of the River Marne. H was dressed in civilian clothing but his uniform was lying at his side. The gamekeeper asked him what he was doing there and H was alleged to have replied, 'I have had enough of it. I want to get out.' He was handed over to the French police who immediately delivered him into the custody of a British Provost Marshal. The same day, H was tried for desertion by a Field General Court Martial, the members of which were a colonel, a captain and a lieutenant. It is not known whether or not he had an officer to defend him. H told the court that he had inadvertently become detached from his unit and he was in the process of trying to find them again when he had gone into the barn to rest. He denied making the remark to the gamekeeper and said that he could not remember why he had changed into civilian clothes. No address in mitigation of sentence was made on his behalf and the court had sentenced him to death.

That afternoon, or in the evening, Sir John French confirmed the sentence. Two days later, on 8 September, a captain in the Provost Marshal's branch visited H in the guardroom of his battalion just before 6.30 in the morning. The captain read out the findings of the court martial to him and told him that the sentence of death had been confirmed. Within the next 45 minutes H had been taken before a firing squad and shot. Probably H had had little in the way of worldly possessions. He had made a soldier's will in the back of his army

paybook leaving everything he owned to his girl-friend in Dublin.

Army Routine Orders for the BEF on 10 September contained the following austere announcement:

[H's number, rank, name, and unit] was tried by a Field General Court Martial on September 6th, 1914, for desertion. The sentence of the court was to 'suffer death by being shot'. The sentence was duly carried out at 7.7 a.m. on September 8th, 1914.

The Allied armies returned to the offensive on 6 September and during the next four days all German hopes of a quick, decisive military victory were completely shattered at the strategically far-reaching Battle of the Marne. The Germans were pushed back gradually across the River Aisne but on 14 September they turned and stood their ground. 'It was the first day', says the Official History, 'of that "stabilisation" of the battle line which was to last for so many weary months – the beginning, for the British, of trench warfare.'

Sir John French seemed determined to apply the sternest disciplinary standards to the BEF from the outset. Army Routine Orders for 14 September, in a paragraph headed 'Courts Martial', revealed that the commanding officers of two infantry battalions had been convicted of a charge of 'behaving in a scandalous manner unbecoming to the character of an officer and a gentleman'. During the retreat from Mons, it was stated, they had agreed together, without due cause, to surrender themselves and their men to the enemy. They had been sentenced to be cashiered. It was also announced that a driver in the Army Service Corps and a private in a cavalry regiment had both been sentenced to death for sleeping at their posts during the closing stages of the retreat. These sentences had been commuted by the Commander-in-Chief to two years' imprisonment with hard labour, 'in recognition of the gallantry displayed by the troops in the field and their soldierly bearing under severe hardship'. The paragraph concluded:

The Commander-in-Chief takes this opportunity of again impressing on all ranks the absolute necessity for the maintenance of the strictest discipline, without which success cannot be maintained. Failure to maintain the highest standard of discipline will result in the infliction of the most severe punishment.

About the time of this order a lieutenant in the East Surrey Regiment, who was to win a VC in 1915, wrote in his diary:

Since our fight at Mons on August 23rd we had not had a single day's rest. When we were not fighting, we were marching as hard as we could. Men were physically weak from the long marches and mentally weak

from the continual strain of never being out of reach of the enemy's guns. . . . It is scarcely surprising that under these conditions traces of panic and loss of self-control occurred.¹⁰

On 27 September Army Routine Orders disclosed that a second execution had taken place. An infantry private had been tried and convicted by court martial on 24 September on a charge of 'misbehaviour before the enemy in such a way as to show cowardice'. The sentence of the court, 'to suffer death by being shot', had been carried out at 5.56 a.m. on 26 September.

Private W, the condemned soldier, was a member of another Home Counties regiment; neither his age nor his length of service were revealed at his court martial. On 16 September his company had been in position in the ill-defined front line, entrenched behind a farmhouse. A shell had landed near him, wounding two other men. Immediately afterwards W had left his trench and walked back towards the rear. His company sergeant-major had asked him where he was going and he replied that he too had been hit. W was not seen again for six days when he reported back to his battalion, unwounded and still in possession of his rifle and equipment. No defence was put forward on his behalf at his trial, not even the obvious one that he had been shaken or dazed by the force of the explosion and had temporarily lost control of himself. Sir Douglas Haig, his Corps Commander, in recommending that the sentence of death should be carried out, had written, 'I am of the opinion that it is necessary to make an example to prevent cowardice in the face of the enemy as far as possible.'

In the second half of September 1914, the Allied and German armies had faced each other across a static front extending for a total length of about 320 miles with none of the commanders having much idea how to break the deadlock. For the troops in the front line it was a life of incessant discomfort and danger. Shelling was almost continuous. During the hours of daylight any movement was liable to attract the attention of snipers. The nights were fully occupied with patrols, raids, working parties and the replenishment of supplies. None of the belligerents, least of all the British, had either trained or properly equipped their armies for a prolonged period of trench warfare. The strategical plan of the German High Command had been to conduct a holding operation against the Russians in the east whilst they crushed the French forces in the west in a campaign which was scheduled to last for about six weeks. For their part, the French had envisaged a short defensive campaign at the outset followed by a massive counterstroke in which the German armies would be decisively defeated. As for the British, they had never contemplated their military forces being expected to play any more than a very minor role in a European war.

Britain regarded herself first and foremost as a great naval power. She had maintained her small standing army principally to govern and protect her overseas dependencies. The British had also been thinking in terms of a very short war; in fact, even after the earlier fighting, Sir John French still persisted in the belief that it would be over within three months.

Lord Kitchener was one of the earliest leaders amongst the nations involved in the war to perceive that the estimates of its probable length by the politicians and the strategists alike had been hopelessly over-optimistic. In his own view the military struggle was going to last for a full three years and Britain would have to make a far greater contribution to it. He therefore planned to raise a vast new army of civilian volunteers and he appealed at once for the first 100,000 recruits. Thanks to the surge of patriotic fervour which was sweeping the country at that time the response was enormous and by the end of 1914 nearly a million men had enlisted.¹¹ In addition, over 60 per cent of the peacetime Territorial Force, whose only commitment was to serve in the United Kingdom, had volunteered for duty overseas.

It remained to be seen how rigorously the Army's stringent code of discipline would be applied to this rushed intake of temporary soldiers. Most of them had been impelled to join up through the most unselfish of motives – a resolute sense of duty or an emotional desire to serve their country in her hour of need. Many had neither the physique nor the temperament of the fighting man and still retained a visionary concept of warfare distorted by notions of chivalry and romance. Few of them at the moment of enlistment could possibly have predicted their reactions under fire or their endurance to the sights, the sounds and the strains of the battlefield.

At the beginning of October 1914 the BEF was transferred from its established positions to the east of Paris, and once again took over the left of the Allied line, stretching southward from the Channel ports. The First Battle of Ypres commenced about two weeks later with the British attacking across the Flanders plain. The circumstances were particularly difficult for the infantry. The Germans had a preponderance of heavy artillery and were amply equipped with machine guns. The terrain provided very little natural cover and, with the abnormally high water level below the surface of the soil, any trenches which were dug soon filled with water. The troops attacking the town of La Bassée were involved in the heaviest fighting of all. They were shelled and counter-attacked continuously night and day until, on 20 October, they were brought to a complete standstill. By then the men were so tired that it is said that they were even falling asleep over their rifles whilst they were still in action.

The next member of the BEF to be executed was Private T from a

West Country regiment, one of the many young soldiers who were in action for the first time. T had been detained for a few days in a field hospital in France suffering from dysentery. He was discharged on 18 October and attached to a party marching up to the line to rejoin their battalion. During the afternoon he went absent. The following morning the adjutant of another unit saw T walking through a village dressed in civilian clothes. Mistaking him for a local resident, the officer started to question him about the nearest German positions. He failed to obtain any response and then noticing that T was wearing army boots he arrested him as a suspected deserter. Four days later T was court-martialled. He stated in his defence that his nerves had been shattered by the recent fighting and especially by the incessant shell-fire. Without undergoing any form of medical examination Private T was shot at dawn on 28 October.

The desperate struggle continued throughout the damp misty days of the autumn. The Germans were now attempting to break through the British lines with the object of capturing Dunkirk and Calais, the loss of which would have had devastating consequences for the Allies. At the end of October several divisions in the BEF were showing signs of complete exhaustion and Sir John French notified Lord Kitchener that unless he was sent immediate replenishments of shells his infantry would be fighting without any artillery support whatsoever. The high rate of casualties, too, was beginning to undermine the ability of the Army to maintain its fighting efficiency. One division had already lost 45 per cent of its officers and 37 per cent of its men. On 1 November Lord Kitchener met the French President and Commander-in-Chief at Dunkirk and warned them that the BEF could not be effectively reinforced before the late spring of 1915 and that British military power would not be at its full strength until the summer of 1917.

The BEF's heavy losses in those early battles had been entirely unforeseen and the new drafts from home were quite inadequate to fill the gaps. On 11 November the Germans made an all-out attack on the British positions but the attenuated line managed to hold fast. By then the onset of winter had worsened the miseries of life at the front. Towards the close of November the nights turned frosty and there were intermittent heavy falls of snow. The trenches in those days were neither elaborate nor continuous; they usually consisted of a series of shallow pits, scraped out with short-handled entrenching tools, which were often knee-deep in slush and water. The dugouts, in which the troops were supposed to seek rest and shelter, were deeper holes surmounted by a flimsy covering of wood and earth.

By the beginning of December the First Battle of Ypres had declined into stalemate and, owing to the increasingly adverse weather conditions, the season for open, mobile warfare had come to an end. Since

the commencement of the campaign the BEF had suffered just under 90,000 casualties, of which approximately one in ten had been killed in action. In the period of reorganization which followed a number of courts martial took place.

Private B of an Eastern Counties regiment was sentenced to death for desertion on 9 December. In mid-November he had been sent back from the line to accompany a sick soldier to the Regimental Aid Post. Having delivered up his charge B had gone absent. A few days later, dressed in civilian clothes, he was arrested by a gendarme in Hazebrouck where he had broken into an unoccupied house. At his court martial B claimed that he had been captured by the Germans who had stripped him of his uniform and issued him with dungarees. He had managed to escape, he said, and he had still been searching for his unit at the time of his apprehension. Not surprisingly, B's story was disbelieved. He was executed on 19 December.

Soon after the outbreak of war the British government had taken steps to bring home all the regular troops who could be spared from garrison duties overseas. These were now sent, together with two divisions from the Indian Army and 22 Territorial battalions, to reinforce the depleted ranks of the BEF. The British launched an abortive attack with four divisions in mid-December which petered out with no ground being gained. The High Command were slow to realize that machine gun fire and the use of barbed wire entanglements had immeasurably increased the vulnerability of attacking infantry compared with the battles of the past. Kitchener was still opposed to any increase in the allocation of machine guns to infantry battalions. Sir Douglas Haig, the future Commander-in-Chief of the BEF, also believed that the value of the machine gun as a defensive weapon was being greatly exaggerated.

Before the end of 1914 Sir John French confirmed another two death sentences. Both soldiers had been tried and convicted together on charges of attempted desertion. Two days before Christmas a Battery Sergeant-Major in the Royal Horse Artillery had been looking around in an empty farm a few miles behind the line. He had forced his way into a barn and had discovered the two men in civilian clothes hiding in a pile of straw. At first they had pretended to be French and the sergeant-major might well have been taken in had he not found two army caps and two service rifles buried in the straw. He had arrested the men who had then admitted that they belonged to a Home Counties regiment and that they had gone absent a few days previously when their battalion was moving up to the trenches. They were court-martialled on 30 December and were shot standing side-by-side on 12 January 1915.

The war establishment of a British infantry battalion at that time was 30 officers and 990 other ranks. The Official History makes this comment on the state of BEF at the end of 1914:

In British battalions which fought from Mons to Ypres there scarcely remained with the colours an average of one officer and thirty men who had landed in August, 1914. The old British Army was gone beyond recall.

Notes

1. Report of His Majesty's Commissioners for Inquiring into the System of Military Punishments in the Army, 1836.
2. Charles M. Clode, *Military Forces of the Crown*, Vol. 2.
3. Philip Magnus, *Kitchener. Portrait of an Imperialist*.
4. Walter Bloem, *The Advance From Mons 1914*.
5. *Ib.*
6. *Op. cit.*
7. *Ib.*
8. *Ib.*
9. *Ib.*
10. Lieutenant George Roupell, quoted in David Ascoli, *The Mons Star*.
11. The atmosphere was equally euphoric in Germany. Walter Bloem speaks of 'scenes so stirring and so full of intense patriotism as to be beyond belief'. It was, he says, 'the picture of a nation rising up immense in its unity, gigantic in its strength to complete its self-expression, to fulfil its destiny'. *Op. cit.*

COURTS MARTIAL IN THE FIELD

IN TIME OF peace the highest judicial tribunal in the British Army had been the General Court Martial, consisting of at least five officers who were usually advised by a legally-qualified judge-advocate. During the war, except for the trial of officers, most of the serious charges arising overseas were dealt with by Field General Courts Martial (FGCM), which were less formal¹ and were far more simple to convene.

The Rules of Procedure, set out in the *Manual of Military Law*,² laid down that an FGCM must ordinarily comprise not less than three officers and that whenever possible the president should hold the rank of major or above. A judge-advocate could be appointed to assist them but this very rarely happened. If the court consisted of three or more officers they had power to award any sentence which could have been awarded by a General Court Martial; however, they could only pass a sentence of death if all the members were in agreement.

The ordinary wartime FGCM was composed of either three or four officers, the senior of whom, probably a major or a lieutenant-colonel but occasionally a captain, acted as president. It was customary for the prosecution to be conducted by the accused soldier's adjutant and for a junior regimental officer, referred to as 'the prisoner's friend', to defend him. A civilian barrister or solicitor was not allowed to appear at any court martial outside the United Kingdom without the permission of the Army Council.

According to the Rules of Procedure every accused must be afforded a proper opportunity of preparing his defence, and must have the freest communication with his witnesses which was consistent with good order and military discipline and with his own safe custody. Time and again at courts martial during the war there was no real defence to the charge and the evidence or statement of the accused amounted to little more than a plea of extenuating circumstances. In those rare cases where there was a genuine defence it must be questionable how often it was adequately put forward. The defending officer was usually hampered by his inability as an advocate and his lack of knowledge of law and procedure. In addition, owing to the confusion and impermanence of conditions at the front it was often

impossible to contact or to identify some essential witness.

On several occasions it was suggested in the House of Commons that soldiers on trial for their lives should be defended by professional lawyers. Early in 1916 the Under-Secretary of State for War said at Question Time, 'It is obvious that counsel cannot be employed on courts martial which take place in the field.'³ Much later in the war, he told the Commons that if a man on a capital charge had no one to defend him 'a suitable officer would be found for the purpose whenever possible'.⁴ A government minister in December 1917 refused to accept the suggestion from a backbencher that out of 25 executions confirmed by the Commander-in-Chief during the previous October only one prisoner had had any officer to defend him.⁵ Even under conditions of active service it is difficult to believe that a soldier was usually condemned to death without at least being offered the assistance of a defending officer. There were occasions, no doubt, where through obstinacy or mere fatalism the offer was refused. Often when the charge was almost irrefutable the prosecution witnesses were not cross-examined at all and the soldier on trial adduced no evidence in his defence. In May 1915 the president of an FGCM in France, which had sentenced a man to be shot for desertion, put in a memo to the Commander-in-Chief, 'He was given every opportunity of giving evidence on his own behalf or making a statement. I asked him several times if he had some explanation to give for going absent and he simply replied, "No".' On at least two other occasions, one in July 1917 and the other in April 1918, men were executed for desertion who had not been represented at their trials. The Commander-in-Chief was fully cognizant of the position when he confirmed both the death sentences. In the latter case the accused soldier's division was actively engaged in operations against the enemy on the day of the court martial and he had chosen to proceed with the trial rather than having it adjourned until an officer became available to assist him with his defence. The court made it clear to the Commander-in-Chief that they had done everything within their power to elicit any facts which might help the prisoner and had warned him repeatedly of the serious position in which he stood if he refused to make a defence.

In theory all trials by court martial were open proceedings and could be attended by any members of the public or the press who chose to be present. In practice, however, courts martial in the field invariably took place in private.⁶ This was partly due to the circumstances of active service and partly to the attitude of many senior officers who regarded the trials as purely domestic affairs, solely concerned with the administration of military discipline. Their approach to the matter was autocratic and stern. Lord Wavell attended his first court martial as a 19-year-old subaltern of the Black Watch in 1902. The memory

remained with him all his life, says his biographer, because of the president's insensitive behaviour to the accused.⁷

In A. P. Herbert's novel *The Secret Battle*, much of which was based on his own wartime experiences, he says that courts martial in the BEF generally took place in the best bedroom at some estaminet with the members of the court seated in front of a vast white bed. Before he enlisted in 1915 Alan Herbert had graduated in jurisprudence at Oxford University and he took part, both prosecuting and defending, at a number of courts martial in France. Through the pen of the narrator in *The Secret Battle* he described the difficulties of the officer for the defence. A great many members of the court considered him superfluous to the proceedings and, if he made any attempts at any genuine advocacy, 'they could not stomach the sight of him'. Although the Rules of Procedure provided that the prisoner's friend should be granted all the rights of a professional counsel, the narrator went on:

Many courts I have been before have never heard of the provision; many, having heard of it, refused flatly to recognize it, or insisted that all questions should be put through them. When they do recognize the right they are immediately prejudiced against the prisoner if the right is exercised. Any attempt to discredit or genuinely cross-examine a witness is regarded as a rather sinister piece of cleverness; and if the Prisoner's Friend ventures to sum up the evidence in the accused's favour at the end – it is often 'that damned lawyer-stuff'. Usually it is safer for a prisoner to abandon his rights altogether in that respect.

A further hindrance to the advocate was created by the slow pace of the evidence, as the President compiled his longhand note. Herbert's narrator explains:

After a question was put there was a lengthy pause while the officer wrote; then there was some uncertainty and some questions about the exact form of the question. . . . Finally, all being satisfactorily settled and written down the witness was allowed to answer. But by then the shiftiest witness had had time to invent a dozen suitable answers. No liar could possibly be caught out – no deceiver ever be detected – under this system.

After the prosecution case had been completed the prisoner was entitled either to give evidence on oath or to make an unsworn statement, if he chose to do so. He could also call witnesses for the defence. The court was then closed whilst the members considered their findings.

The court re-opened when a decision had been reached. At that time, if the verdict was 'not guilty' it was disclosed forthwith: if it was

'guilty' the president simply stated the court had no findings to announce and they proceeded to hear evidence with regard to the prisoner's character. Finally, the defending officer or the prisoner himself could make a plea in mitigation of sentence, after which the president declared, 'The proceedings in open court are terminated', and the court was again closed, this time for the members to deliberate on the sentence.⁸

The reason why no announcement was made after a verdict of 'guilty' was that neither the conviction nor the sentence became official until they were confirmed by the proper confirming authority, which for capital offences was the Commander-in-Chief of the area in which the crime had been committed. When a trial was over, although the accused knew full well if he had been convicted, he remained in total ignorance of the sentence which had been passed on him until promulgation took place days or weeks later.

If an officer was detailed to sit on a court martial he had no option in the matter. Court martial duty was generally unpopular in the Army. Speaking in a debate in the House of Commons just after the war a Member who had served as an officer in France said, 'I have never yet met a lay officer who did not loathe to sit on a court martial.'⁹ In the same debate another Member, who had had extensive experience of courts martial in the BEF, said, 'Sometimes I found a court martial which was all that could be desired in every way. Other times I found one which was utterly incompetent for its work. I thought it was a scandal to ask such a court to adjudicate upon any case whatever.'¹⁰ The same speaker went on to tell the House of a major who had informed him that whenever he sat on a court martial he always imposed the maximum sentence laid down by the Army Act so that the confirming authority could reduce it if necessary. On the other hand, the speaker said, he had been informed by a confirming officer that he never reduced a sentence, because he considered that the members of the court had actually seen the witnesses and were in a far better position than he was to assess the proper punishment for the offence. It seems strangely illogical for a tribunal with a complete sentencing discretion to pass the maximum penalty coupled with a recommendation that it should be reduced. Yet a number of courts martial which imposed the death sentence added a recommendation, sometimes a strong recommendation, to mercy. The answer may lie in the fact that a number of inexperienced and comparatively junior officers were completely out of their depth when sentencing for serious offences. The official statistics show, in fact, that out of all the death sentences by courts martial during the war years only approximately 10 per cent were actually confirmed.

After a court martial had condemned a soldier to death, the papers in

the case were passed up in turn to his commanding officer, his brigade, division, corps and army commanders for each of them to add their views as to whether the sentence should be commuted or confirmed. Then the file was sent to the judge-advocate's branch to ensure the proceedings had been in order; and lastly it was placed before the Commander-in-Chief for his ultimate decision. At the beginning of 1915 a circular memorandum was issued by the War Office telling commanding officers exactly what information they were required to provide on such occasions. Firstly, they were to give particulars of the soldier's character, 'from a fighting point of view as well as that of general behaviour', specifying his previous conduct in action and his period of service overseas. Secondly, they were to report on the state of discipline within their unit. And thirdly, in the case of convictions for desertion, they were to give their opinion, 'based on your personal knowledge and that of your officers on the soldier's characteristics', as to whether the crime 'had been deliberately committed with the object of avoiding the particular service involved'. If a colonel happened to express a negative view upon this last matter he was really saying that he disagreed with the verdict reached by the court, as the necessary intention was an essential element in the legal definition of desertion.

Apart from the notes of evidence recorded by the president at the trial and the commanding officer's opinions pursuant to the circular, the only additional document which had to be forwarded with the court martial papers was the condemned soldier's Army Form B. 122, his conduct sheet.¹¹ The B. 122 would show his date of enlistment and a list of his previous disciplinary offences, but it would disclose nothing more. Sometimes, of course, further details with regard to his background or his circumstances would emerge from the notes of evidence, usually from what he had said in his own defence or from his statement in mitigation of sentence. This, however, would have been merely fortuitous since in most cases neither the accused soldier nor his defending officer were fully aware of the sort of factors which might be pertinent to the application of mercy.

It is hardly conceivable that a Commander-in-Chief should have made his decision whether to confirm or commute a sentence of death on the paucity of information which was usually available to him. The personal details of the condemned man were largely ignored – his age, his domestic responsibilities, whether he was a regular, a territorial, a Kitchener volunteer, or at a later stage in the war a conscript; and if he happened to be serving only for the duration, his character as a civilian, his occupation in peacetime and his prospects. Apart from the circumstances of the offence, the issue of life or death seems to have been determined by two factors – whether it was considered that the condemned man had the makings of a good soldier; and whether his

execution might be beneficial for the immediate needs of discipline.

After the finish of his trial the prisoner who had been convicted of a capital offence was removed in custody to a place of detention at his divisional or his corps headquarters. He was returned to the guard-room of his own unit just prior to the promulgation of his sentence. Early in 1918 the Under-Secretary of State for War told the House of Commons that in the BEF there was an interval of 'somewhere about fourteen days' between a soldier being sentenced to death and his execution by a firing squad.¹² Apart from the first two executions of the war the usual period actually varied between nine and sixteen days; but on occasion, when there was some reason for the delay, it could extend up to a month or more.

If the Commander-in-Chief had confirmed a death sentence the promulgation generally took place at a special parade of the condemned man's unit on the evening before his execution. At the parade, which was attended by the prisoner under escort, his adjutant or another officer read out extracts from the evidence at his trial, the findings and sentence of the court, and the order of confirmation by the Commander-in-Chief. Sometimes this ritual was delayed until the morning on which the prisoner was to be shot.

It might have seemed, for the sake of humanity, that the terrible news of his impending fate should have been broken to the condemned man in the privacy of his detention room, but the agonizing ordeal of the promulgation parade remained as an authorized procedure throughout the war. Apparently there were senior officers who considered that it served a useful purpose, as in November 1916 a divisional directive concerning a private about to be executed ordered that promulgation was to take place in front of as many men as could be made available.

One can assume that on many occasions the instincts of compassion superseded the rigid formalities of army discipline and the condemned man was informed of his sentence as sympathetically as circumstances would permit. During the summer of 1915 the GOC of a division in France issued instructions that a death sentence, just confirmed, should be promulgated to the soldier in private by one of his battalion officers, with the chaplain and the medical officer in attendance.

Death was no stranger in the forward lines of battle, but most soldiers were sustained in action by an innate belief in their own invulnerability. The certainty of proximate death to be suffered ignominiously at the hands of his own comrades must have been a horrifying prospect for the condemned man.

On 2 January 1915, Lord Kitchener sent a letter to Sir John French at the headquarters of the BEF in which he said:

I suppose we must now recognize that the French Army cannot make a sufficient break through the German lines to bring about the retreat of the German forces from Northern Belgium. If that is so, the German lines in France may be looked upon as a fortress that cannot be carried by assault and also that cannot be completely invested, with the result that the lines may be held by an investing force whilst operations proceed elsewhere.

The months of January and February 1915 were a period of extreme privation for the troops in the front line. That winter in Flanders was said to be the worst within living memory. The incessant rain interspersed with heavy falls of snow resulted in severe flooding. The British trenches, lacking both duck-boards and drainage, were perpetually waterlogged and in constant need of maintenance and repair. And the shelling and sniping continued to take their steady toll of casualties. Owing to the absence of a proper system of communication trenches the wounded could only be evacuated under cover of darkness. George Roupell recorded in his diary:

When a man was wounded, the cry went up, 'Where's the officer? A man hit!' It was the officer's job to put on iodine and bandage up the wound. The officers were supplied with hypodermic syringes and morphia tablets to keep the men quiet till we could get them away, but on the whole the men were wonderfully good, and it was only in the more serious cases that one used drugs.¹³

A modest effort was being made to provide the troops with a primitive form of welfare. Laundry, bathing and disinfestation centres were set up in the rear areas; and a routine of reliefs and rest periods was introduced for units which were actually involved in the fighting. By the end of January the strength of the BEF had grown to just over 347,000 and it had been divided into two armies, the first commanded by Sir Douglas Haig and the second by Sir Horace Smith-Dorrien.

By this stage a substantial proportion of the BEF consisted of men who had been recalled from the reserve. They were not always the best quality of soldier for the type of fighting on the Western Front. In December 1914 Sir John French had complained to the War Office that some of the reinforcements being sent to him were over 50 years old and had not fired a rifle since the Boer War. A commanding officer in the 6th Division, reporting on the state of discipline in his unit at the end of February 1915, stated, 'There is a lot of drunkenness and absence resulting from it in a battalion which is composed of about two-thirds reservists.'

The prevalence of desertion during those winter months was causing a great deal of anxiety to the senior officers in the BEF; so

much so that Sir Henry Rawlison, the GOC of IV Corps, ordered that a personal message from him should be read out to all units under his command, warning them of the dire consequences which might follow a conviction for this offence. Sir Horace Smith-Dorrien considered that the remedy must be more drastic. The only way of discouraging the men who were deserting to avoid service in the trenches, he said at the end of January, was 'to carry out some death penalties'. A brigadier in the 1st Division set out the reasons for commending such a course in a note to his divisional commander. He wrote:

Every infantry officer of experience will confirm my opinion that there comes a point when men will risk imprisonment or penal servitude rather than carry on their ordinary duty. They know that long sentences inflicted in war are whittled down as they pass up the military hierarchy and that if a sentence is not ended before the end of the war they may look forward to an amnesty at the end of hostilities. The execution of a man has a salutary effect on the bad and weak characters (in resisting temptation). The number of men likely to desert in the face of the enemy is very small and is composed of a few bad and weak characters. But if these few are able by their crime to obtain the safety and comfort of a prison their numbers will soon be swelled by others of slightly less weak character.

It was extremely difficult for soldiers who went absent from their units to remain at liberty behind the line in France for very long, and it was even harder for them to return to England. The Military Police patrolling the roads, the villages, the towns and the railway stations in the vicinity of the battle areas were constantly checking passes and travel documents. A stringent surveillance was kept of all troops entering the Channel ports of Le Havre, Boulogne, Rouen and Dieppe, while Allied and neutral vessels using these harbours were inspected periodically to ensure that no British soldiers were illicitly on board.

During January and February 14 soldiers were condemned to death and shot on the Western Front. Thirteen of them had been convicted of desertion and one, a corporal, for the offence of 'quitting post'.

These early desertion cases conformed to the patterns which were to become all too familiar throughout the course of the war. Some men went absent after a prolonged spell in action because they were unable or unwilling to put up with any more; some could not withstand the traumatic impact of their initial experiences in battle; some who were resting or in reserve had not the willpower to face a further period in the line; and some had been unbalanced by domestic worries or by bad news from home.

Private C and Private S were members of the same battalion of the Guards. They deserted at the beginning of November during the heavy fighting near Ypres when they had been in action almost continuously since the previous August. C, the older of the two, was a reservist; he had served as a regular from 1904 until 1912 and had been recalled to the colours when the British Army had mobilized. S had enlisted in 1909 and was still serving at the outbreak of war. Their commanding officer described C as an excellent soldier, but said that S had not lived up to his peacetime reputation since he had been on active service. Both men had remained at liberty for two months, being looked after for most of that time by a French farmer's wife. They were finally arrested when the Military Police raided the farm and found them hiding in a locked barn.

A number of survivors from the original BEF went absent around Christmas and the New Year. This was attributed by the staff to the amount of hard drinking that went on in units which were temporarily relieved from service in the line. Early in January a brigadier in the 6th Division issued an instruction that in future instead of charging troops with drunkenness they should be court-martialled for the capital offence of cowardice before the enemy.

The first NCO to be executed during the war had deserted after being in action for only three days. Corporal L was a regular soldier from Lancashire. His battalion had arrived in France in the latter part of August and had immediately been thrust into the line at the battle of Le Câteau. On 27 August, whilst the fighting was still at its height, L went absent. He had then drifted around the towns and villages behind the front, and had ended up living with a French woman at Nieppe. He was arrested by the Military Police on 21 December. At his trial Corporal L did not explain his motive for deserting: perhaps it was too obvious to require an explanation. He was shot on 22 January.

Two more of the executed men were reservists who had joined their battalions in January and had deserted after a very short time in action. A private from the North Country had gone into the line on 10 January and had absented himself on 20 January. Two days later he was found in the hold of a mail boat which was about to sail from Le Havre. He put forward no defence at his court martial but stated that he had been removed from his home at the age of 15 and had never seen his parents since then. The other man, a private in a Scottish Highland regiment, had deserted at the end of his first week in action.

Three of the soldiers executed during this period had deserted from battalions which had been resting but were under immediate orders to return to the line. Private S came from Middlesex and was 19 years of age. He had enlisted in the Regular Army five days before Britain entered the war and had been sent to France as a reinforcement after the

briefest possible training. He went absent on 23 January and was apprehended 24 hours later. The other two, both of whom were regulars, had also deserted in January. One of them, a lance-corporal in a Yorkshire regiment, had been recommended to mercy by the court on account of his previous good service in action and his excellent character. However, this did not save him from being shot. His army commander, Smith-Dorrien, was of the opinion that as no executions had been previously carried out in the condemned corporal's division an example was necessary to emphasize the seriousness of desertion.

A young private from an Irish regiment who had been with the BEF since the middle of September deserted from the front-line trenches two days before Christmas and remained at large until he was arrested in Armentières on 9 February. He told the court that he had gone absent on a sudden impulse after receiving a letter from home telling him that his two brothers had been killed in action. He was sentenced to death and executed.

During the first week of February a corporal and four privates, all members of the same section in an infantry battalion, were tried together on a charge of leaving their post without orders from their superior officer. The incident had occurred in the early hours of the morning on 28 January when they had been on duty in a front-line trench. A German patrol had crossed no-man's-land unnoticed and had grabbed a British soldier's rifle through a loophole in the parapet. Although the patrol had retired immediately with their souvenir a rumour had spread along the trench, fostered no doubt by the sudden outbreak of firing, the taut nerves and the darkness, that the Germans had actually occupied a portion of the line. The accused corporal, who was in charge of a section post, had panicked and, accompanied by the other four, had run back to the support trenches. Just before they had left their positions someone had been heard to shout, 'Clear out, boys! The Germans are on us! We have no chance!' An officer and a sergeant had quickly taken control of the situation in the sector and the five accused had been ordered to return to their company where they were placed under arrest.

At the court martial the corporal was condemned to death and the four private soldiers were each awarded ten years' penal servitude. These sentences were all confirmed by the Commander-in-Chief.

Soldiers were always encouraged to plead 'Not Guilty' to capital offences, however flimsy or nonexistent their defences. One of the few cases during the war where a man pleaded 'Guilty' to a charge of desertion occurred in the Second Army on 30 January 1915. Sir Horace Smith-Dorrien was obviously troubled by such an occurrence and in a memorandum to the Deputy Judge Advocate General at GHQ he

pointed out that there had been no evidence on oath against the accused. 'Although this is legally correct,' he went on, 'it is a question as to whether when a death sentence is involved the court martial should not make the man plead "Not Guilty" and take sworn evidence.' Despite Sir Horace's doubts the sentence was confirmed by Sir John French and the soldier was executed.

A considerable number of the sentences of penal servitude and imprisonment imposed by courts martial during the war were suspended within a short while under the provisions of the Army (Suspensions of Sentences) Act, 1915; when this occurred the soldier concerned was returned to his unit for normal duties and a date was set, usually three months ahead, for the sentence to be brought forward for reconsideration. If his conduct was good in the meanwhile, or if he performed a deed of gallantry in the field, his sentence might be remitted when it came up for review; on the other hand, if the report on his behaviour was unsatisfactory it could be implemented right away. A third alternative open to the reviewing officer was again to postpone the decision until some time in the future.

Notes

1. At one FGCM in France in 1914 there was no Bible available and witnesses were sworn on a 'handsomely bound French cookery book'. David Ascoli, *The Mons Star*.
2. *Manual of Military Law*, 1914.
3. House of Commons, written answers, 20 January 1916.
4. House of Commons, oral answers, 6 March 1918.
5. House of Commons, written answers, 6 December 1917.
6. The *Manual of Military Law*, 1914, stated: 'The court can deliberate in private, and may either withdraw for the purpose or cause the court to be cleared; but at other times the court must be open to the public, military or otherwise, so far as the room or tent in which the court is held can receive them. It is not usual to place any restriction on the admission of reporters for the press.'
7. John Connell, *Wavell, Scholar and Soldier*. Field Marshal Earl Wavell (1883–1950) was one of the most respected military commanders of the Second World War.
8. The information in this paragraph was supplied to the author by Mr Harold Dean, CB, QC, Judge Advocate General of the Forces, 1972–9.
9. Captain Thorpe, House of Commons, Army (Annual) Bill, Committee stage, 11 April 1921.
10. Major M. Wood, House of Commons, Army (Annual) Bill, Committee stage, 11 April 1921.
11. Very often the B.122 was not available.
12. House of Commons, oral answers, 16 January 1918.
13. Quoted by David Ascoli, op. cit.

NEUVE CHAPELLE AND THE SECOND BATTLE OF YPRES

IT HAD BEEN hoped that Haig's First Army would be able to carry out an offensive in the area of Neuve Chapelle during February 1915, but the continuation of the bad weather made this impossible. When the attack was eventually commenced on 10 March a slight frost had temporarily hardened the muddy and waterlogged surface of the ground.

This was the first planned offensive by the BEF on the Western Front and it formed a prototype which was to be followed with minor variations for the rest of the war. During the night of 9–10 March, parties were sent out to clear away or cut passages through the British wire, and well before dawn the attacking formations were concentrated in the front-line trenches. At 7.30 a.m. an artillery barrage opened up, designed to pulverize the German positions and to destroy their wire entanglements. At zero hour, just after 8 a.m., the artillery lifted to new targets behind the enemy line and the waiting troops left the cover of their trenches, clambering up small ladders which had been placed at regular intervals along the parapet. No-man's-land at this point was about 200 yards wide and the men were supposed to cross it in close formation at a steady double, but movement was extremely difficult owing to the thick mud underfoot. If they reached the German trenches they went in with the bayonet.

Bayonet drill was regarded as particularly important by the British Army; recruits spent hours jabbing and thrusting at bags of straw and learning to swing the rifle butt as a kind of cudgel. According to the manual of training then in use, 'The bayonet is essentially an offensive weapon. In a bayonet assault all ranks go forward to kill or be killed.' A private in the 1st Lincolns described his first bayonet charge as 'a proper bloodthirsty affair'. He went on:

I can't remember whether I got home with the point. I do know that the Germans didn't like the taste of steel and they soon made a bolt for it. I can't say I blame them. A bayonet is a wicked weapon.¹

Although the attack on 10 March was reasonably successful and Neuve Chapelle was captured, during the next two days the British could make no progress. On 13 March Sir John French reported to Kitchener, 'Cessation of forward movement is necessitated by the fatigue of the troops, and above all by want of ammunition.' In this brief battle the First Army had suffered nearly 13,000 casualties.

General Joffre, the French Commander-in-Chief, was pressing for the BEF to launch another major assault in the latter part of March while the French Army was concentrating for its spring offensive, but Sir John French was reluctant to embroil his forces again before he had received sufficient reinforcements from home. He did agree, however, to carry out a series of small-scale attacks and to take over about five miles of the French forward line. 'It seemed to the British officers at the front', says the Official History of the campaign, 'that they were being sacrificed to gain time until the French were ready for a big spectacular effort; but this, even if ever intended, did not materialize.'

During the months of March and April nine soldiers of the BEF were condemned to death for desertion and shot. They were all regulars or reservists and eight of them had gone absent in October and November of the previous year.

The term 'shell-shock', which was later applied to a variety of conditions emanating from the traumas of the battlefield, had not then come into use. In subsequent years Lance-Sergeant W, who was court-martialled in the middle of March, might have been considered a victim of shell-shock. He was a regular soldier aged 26 and was serving in a famous Rifle regiment. His division had landed in France with the initial contingent of the BEF and had suffered severely both in the retreat from Mons and in the First Battle of Ypres. As a result of the fighting in early November W's own battalion had been reduced to little more than 150 men. About this time he went absent. Nothing more was heard of him until an evening just before Christmas when, still dressed in uniform, he called at the house of a boot-maker in Arques and begged to be given a bed for the night. The boot-maker, noticing that W looked wet through and exhausted, took pity on him and invited him in. He then saw that W appeared to have a flesh wound in one of his hands.

W had remained at the boot-maker's house until, as the result of a tip-off, he was arrested by a gendarme at the beginning of March 1915. He was handed over to the Military Police and interrogated by a major who reported that he seemed half-dazed and was either unwilling or unable to answer the simplest questions. Eventually W made a statement in writing in which he asserted that he had undergone some sort of nervous breakdown directly after being wounded in the hand. He repeated this in his defence at his subsequent trial, but the court was

unimpressed and sentenced him to death. Someone at Army Headquarters who read the papers in the case thought that an enquiry ought to be made into W's mental state, and an instruction was issued on 19 March that he should be kept under observation by a medical officer. It is difficult to say whether or not a thorough psychogenic investigation was carried out on Lance-Sergeant W as he was shot at dawn four days later.

It was most unusual in the early stages of the war for a soldier under sentence of death to be examined by a doctor. A private in a Lancashire regiment said at his trial that during the previous year, while he was serving in India, he had been in hospital with nervous trouble and heart failure. No attempt was made to check the truth of his statement. He had taken part in the retreat from Mons and had deserted at the end of October, at a time, he said, when terror had almost driven him out of his mind. General Smith-Dorrien considered this to be a case which deserved 'the most severe penalty'. The man was shot towards the end of April.

Another soldier from the same battalion, Lance-Corporal I, had been executed six days earlier. I was a regular who had enlisted in July 1914 at the age of 18. After only two months' training he had been sent to France with a draft of reinforcements in the middle of September. He had deserted during the First Battle of Ypres and was eventually apprehended at Boulogne in February 1915. I had had his nineteenth birthday while he was in custody awaiting court martial but even his extreme youth at the time of his offence had not saved him from the firing squad.

Three of the soldiers who were executed in April had been recommended to mercy by their courts of trial. Two of them had excellent characters and one had been praised for his conduct in action. Senior commanders not infrequently ignored such recommendations in deciding whether a death sentence should be commuted or confirmed.

Since military executions were carried out largely for their exemplary effect, it would be interesting to discover what sort of reactions they evoked within the Army. Stephen Graham, who joined a Guards battalion of the BEF in 1917, says² that a young soldier in the company to which he was posted had been court-martialled and shot for cowardice³ two years previously after the battle of Neuve Chapelle. Graham had had an opportunity of speaking to some of the men who had been there at the time and he wrote: 'The company was mortified at the imputation of cowardice to any of its ranks, and felt that they were in a way disgraced by the sentence.'

Apart altogether from any affront to regimental pride there is ample evidence that an execution for a military offence gave rise to a great deal of revulsion and resentment in a condemned man's immediate

unit. One result of this was that it was frequently alleged that he had been wrongly convicted, sometimes on perjured evidence. A case in point was the execution referred to by Stephen Graham, the details of which he had obtained from hearsay and from battalion mythology. Graham starts from the premise that the executed soldier, to whom he refers as Private X, had been 'one of the bravest boys in his company, and at the time one of the most eager'. The conviction had been procured, he says, mainly upon the evidence of a hated sergeant-major. According to Graham's version, an enemy shell had burst very close to Private X during an attack and he had wandered away in a dazed condition. When he had turned up again his Company Sergeant-Major had accused him of cowardice and desertion and had immediately placed him under close arrest. At the court martial, Graham goes on, 'the judges were men of another regiment; they took the Sergeant-Major's word against Private X's obscurely-written, verbose defence'. Accordingly, X was found guilty and sentenced to death.

What had actually occurred was that Private X had deserted from his battalion when it was taking part in a dawn attack at Neuve Chapelle on 11 March 1915. He had last been seen advancing with his platoon at 7 a.m. and about three hours later, while the attack was still in progress, he had been found at the battalion ammunition dump in the rear. He was questioned by a sergeant-major and had said that his company commander had sent him back on an errand. Later he had changed his story and stated he had been on his way back to his billet to fetch some cognac. At his court martial he simply said that he had lost his head in the fighting and that he bitterly regretted what he had done. He made no mention of being dazed by a shell. Private X was recommended to mercy but the death sentence was confirmed.

It is noticeable how often in the mythological accounts of cases in which men were executed, a malicious officer, warrant officer or NCO has become the villain of the piece. It may be that as these tales were told and re-told they grew into allegorical condemnations, not only of the whole supposed system of military injustice, but also of the fearsome power which was wielded by those who misused their military authority.

On 22 April, a beautiful spring day, the Germans counter-attacked to the south of Ypres and introduced a new horror to the weaponry of warfare. During the afternoon the officers and men of an Algerian division of the French Army were mystified to observe a strange greenish-yellow cloud drifting towards their trenches on a light breeze. Presently they were enveloped in a choking, lethal haze of chlorine vapour. Many of those who escaped asphyxiation abandoned

their positions and struggled back to the rear. For the next few hours, unknown to the Germans, a portion of the Allied line was virtually unmanned. Neither the French Army nor the British had taken any precautions against the use of gas and no protective equipment was available for their troops. Early directions to the BEF were that in the event of a gas attack they should hold wetted cloths or handkerchiefs over their mouths and noses; proper respirators were not issued until the summer of 1916.

The BEF was involved in sustained and heavy fighting for the whole of May 1915, a month which saw the conclusion of the Second Battle of Ypres, as well as the battles of Aubers Ridge and Festubert. Although they continued to suffer severe casualties they made no appreciable gains of ground and achieved no significant improvements in their tactical situation. They were still suffering from a shortage both of artillery and of shells; so much so that Sir John French had had to inform the War Office on 25 May that unless his reserves of ammunition were immediately replenished he would have to suspend all further offensive operations. A German cavalry officer's description of a sector of front around Ypres at this time is quoted in the Official History. He said:

The whole countryside is yellow. The battlefield is fearful. A curious sour, heavy, penetrating smell of dead bodies strikes one. . . . Bodies of cows and pigs lie, half decayed; splintered trees, the stumps of avenues; shell crater after shell crater on the roads and in the fields.

For the whole of that summer the positions of the opposing armies on the Western Front remained fairly static. In the grim and sustained conditions of trench warfare the BEF was suffering casualties at an average rate of 300 a day. The shelling, bombing, patrolling and raiding were constant, and the snipers continued to take their steady toll. Roland Leighton wrote to Vera Brittain telling her about the first death in his platoon shortly after his arrival at the front.⁴ The man was shot through the temple while firing over a parapet, said Leighton:

I did not actually see it thank Heaven. I only found him lying very still at the bottom of the trench with a tiny stream of red trickling down his cheek on to his coat.

Meanwhile a new army of citizen-soldiers was being hastily trained in Britain and formations in the line were being reinforced by drafts of Kitchener volunteers, sometimes within three or four months of their enlistment. Robert Graves has said that most of the men who joined his battalion in France during May 1915 were either over-age or under-age.⁵ When they had enlisted some of them had pretended to be

younger than they really were and some of them had pretended to be older. Of the 40 soldiers in Graves' own platoon at the time, 14 were over 40 and five were boys of less than 18.

During the months of May, June, July and August, 18 soldiers were executed in the BEF, 14 for desertion, three for cowardice, and one for murder.

Six of the deserters who were shot in June and July might well have been suffering from some form of traumatic neurosis, but only one of them was medically examined before he was executed. A Scottish private, who was not represented by an officer at his trial, had joined his battalion in France the previous December and had gone absent five months later. His company commander said that he had been a good soldier and had borne an excellent character until just before his desertion when he suddenly seemed to have lost his nerve. The divisional commander was not impressed by this and urged that the death sentence should be carried out as there had been several other desertions from the same battalion and an example was necessary. Two regular soldiers from Worcester had deserted together at the end of June. The first, a man in his thirties, had served for 13 years and was a veteran of Mons; the second, who was 25, had been in France since November. Their commanding officer spoke well of their conduct in action but commented that both of them had appeared to be suffering from nervous strain.

Several of the executed men had pleaded for leniency at their trials on account of their mental condition at the time of their offences. Private H, a young soldier in a Kent regiment, had enlisted in the Regular Army in 1913. He deserted during the retreat from Mons and he was arrested by the Military Police in Paris the following May. His nerves had been shattered, he said, by the sights he had seen at the Battles of Mons and Le Câteau and he had reached the end of his endurance. His brigade commander considered his case a bad one deserving the extreme penalty. Another regular soldier, Private D, had enlisted in a Scottish regiment in June 1914. He had served with the BEF since the beginning of the fighting and had deserted from a front-line trench during a heavy artillery bombardment in March 1915. D, who was described by his commanding officer as being a well-behaved man but not a particularly intelligent one, claimed that he had lost his memory after a shell had exploded very close to him and he had wandered off in a daze. Although amnesia resulting from shell-burst was never accepted by the military commanders as a pretext for desertion, it sometimes received more credence from regimental officers with personal experience of the massive barrages on the Western Front. A corporal who said he had suffered loss of memory induced by hearing shellfire was sentenced to death for

desertion in July 1915, by a court consisting of a major, a captain and a lieutenant, all of whom had served in the line. They recommended him to mercy on the ground that he might have been speaking the truth. Their recommendation was not followed and the corporal was shot.

The first Kitchener volunteer to be executed was sentenced to death for desertion in June 1915. Private T, a member of a Surrey regiment, was 24 at the time of his conviction. He had enlisted for the duration of the war on 9 September 1914. In April, just before the Second Battle of Ypres, he had left his battalion while it was marching up to the trenches. He told the court that he could not remember much about it. At the time, he said, he had been verminous, covered in sores and under treatment from his medical officer for dysentery. Eventually he had walked to Boulogne where a sailor had given him some civilian clothes and advised him to see the British Consul. He had reported to the consulate and had been sent back to England. He was arrested as an absentee at Dover soon after he landed. T was shot on 1 July 1915, less than nine months from the day he had volunteered to serve in the Army.

It was apparent that soldiers who had only enlisted for the duration were going to be punished with the same severity as members of the Regular Army if they committed any military offences. Two more early volunteers were executed for desertion during the summer of 1915, one at the end of July and the other at the beginning of August. Private P from Worcester, a man with a wife and children, had joined up on 29 September 1914. He was sent to a battalion in France early in 1915 and had instantly acquired a good reputation with his officers. In the middle of June, when his company were resting a few miles behind the line, they received orders to carry out an assault the following morning. At evening roll-call P was missing. He was arrested about three weeks later and having put forward no defence at his trial he was shot with two other men from his battalion on 26 July. Private P had volunteered for a Somerset regiment within a few weeks of the outbreak of war. He went with a draft to the BEF at the commencement of the Second Battle of Ypres. At the end of July while his battalion was engaged in heavy fighting he disappeared for four days. In the course of his plea in mitigation he said that he was used to hearing regularly from home but at the time of his desertion he had received no letters for several weeks and he was extremely upset about it. The court sentenced him to death with a recommendation to mercy on the ground that he had been suffering from mental worry. The sentence on P was confirmed and he was shot on 19 August.

As a matter of official policy executions were given the maximum publicity within the BEF. Not only were the particulars announced in

the Commander-in-Chief's routine orders but much fuller details were often published in the routine orders for the condemned men's own divisions. When an infantry private had been executed in May 1915, the routine orders for the 8th Division included a summary of the evidence at his trial and even mentioned the name of the place where he had been shot. The divisional commander added his personal direction at the end of the announcement: 'The above is to be read out on parade to every squadron, battery and corresponding unit in the Division.'

The constant emphasis on executions for desertion gave rise to the inevitable distortions, rumours and exaggerations. An infantry lance-corporal stated at his court martial in April 1915 that having become separated from his section during an attack he had been afraid to report back as he had heard that men were being executed habitually for merely being absent without leave. At another trial during the same month a gunner in the Royal Horse Artillery said that he had been drunk in Armentières for two days without a pass and he had only deserted because his friends had warned him that if he reported back to his battery he would probably be shot.

So great was the natural dread of the firing squad that many men awaiting trial by court martial on capital charges endeavoured to escape from custody. The security arrangements at most guardrooms in the BEF were inadequate and the number of escapes was extremely high, but usually the fugitive soldiers were recaptured within a short space of time. A private in a North Country regiment managed to abscond no less than three times before being executed in the middle of April.

Three men, two regulars and a reservist, were shot for cowardice during the spring and summer of 1915. Private H was a regular soldier in a Midland regiment and had served with the BEF for five months at the time of his court martial. In the early hours of the morning on 9 May his battalion had been in the assembly trenches waiting to make a dawn attack. They had come under heavy shellfire and had suffered a number of casualties. When the order was given to start the assault H was missing. He had reported to another unit three days later saying he had had to fall out as he had sprained his ankle. He was promptly examined by a doctor who had found nothing wrong with him. His commanding officer said that he had absented himself on two previous occasions at the height of a battle without any charges being brought against him, and that he was a worthless fighting soldier, only intent on saving his own skin.

Private C, a regular in a Lancashire regiment, was another soldier with an unfortunate record in action. He had been a member of the original BEF and had deserted at the end of August 1914. He was

arrested the following October but had escaped from custody and had remained at liberty until just before Christmas. C was court-martialled in January 1915 and was sentenced to three years' penal servitude. He had served about three and a half months of this term when it was suspended on 4 May and he was returned to his battalion in the line. On the evening of 23 May they were manning a support trench near Ypres and C told several men in his section that he was not feeling well. At 3 a.m. next morning they were subjected to a gas attack. When it was over C had disappeared. An hour and a half later he was found by a private in the RAMC lying at the side of a road a couple of miles behind the line in a dazed and exhausted condition. C was taken to a field ambulance dressing station where he was examined by a doctor and was found to be free from gas poisoning. After he had been convicted of cowardice and sentenced to death, his brigadier commented, 'I fear that if immediate examples are not made of the men who quit their trenches the fighting qualities of the Brigade will deteriorate.' C was executed on 12 June.

Another soldier was shot for cowardice on 16 July. Private B was a Londoner and was serving in a Rifle regiment. He was a man in the middle-thirties who had joined the Army in 1898 and had been called up from the Reserve on the outbreak of war. He had been posted to the Western Front in November 1914. On 24 June 1915, B's battalion had been in the trenches in a particularly active sector of the line. Shortly after dawn they were ordered to man the parapet and to open rapid fire after a mine had been exploded under the forward German trench directly in front of their positions. B had persistently refused to leave his dugout, telling his platoon sergeant that he felt too shaky to stand on the fire-step. He stated in his defence at his trial that on two occasions in the past he had been found to be suffering from nervous debility. After the explosion of the mine, he said, his nerves had been so upset that he had not known what he was doing. A week before his execution B was examined by a medical board which reported that he appeared to have no mental abnormality.

The first soldier in the BEF to be executed for murder was a corporal in the Royal Engineers who was tried by General Court Martial in May 1915. He had shot a lance-corporal in his own unit with his rifle after an argument in an estaminet. He was sentenced to suffer death by hanging. For the remainder of the war men who were condemned to death for murder by courts martial overseas were always sentenced to suffer death by shooting, just as if they had been condemned for purely military offences.

Notes

1. Quoted by David Ascoli, in *The Mons Star*.
2. Stephen Graham, *A Private in the Guards*.
3. He was actually shot for desertion.
4. Vera Brittain, *Chronicle of Youth, War Diary 1913-1917*.
5. Robert Graves, *Goodbye to All That*.