

British Military Executions in The Great War.

Part 1

Any discussion of executions in the British Army during World War 1 is inevitably clouded by emotional feelings and prejudiced by myth and supposition. The very idea that the British Army, fighting the brutal Germans, could even contemplate shooting its own soldiers is a complete anathema to many people and that it was all down to a brutal military regime intent on maintaining discipline at all costs. For many, a discussion about the execution of British soldiers raises in their thoughts ideas of young, frightened and shell-shocked soldiers staggering around their trenches or in the surrounding countryside in states of confusion or fear and then finding themselves Court-Martialled for cowardice by a justice system that lacked integrity or legality. The harsh reality is that all the men shot for capital military offences were tried and convicted within a legal and lawful framework.

To dispel some myths surrounding the executions the following statistics are true for the soldiers who served from **4th August 1914 – 31st March 1920**;

- The number of men sentenced to death by Courts-Martial under the Army Act was **3,080**. **88.77%** were reprieved.
- **346** executions were carried out (**11.23%**)
- Of **324** British, Dominion and Colonial soldiers executed; **91** (28%) were under suspended sentence for a previous offence, including **9** soldiers under **two** suspended sentences.
- Of the **91** soldiers, **40** had been previously sentenced to death and their sentence commuted.
- **1** soldier had been sentenced to death for desertion on **two** previous occasions.
- Contrary to popular belief only **18** men were executed for cowardice, the vast majority, **266**, were executed for desertion.
- **35** were executed for murder
- **7** for quitting their post
- **5** for disobedience
- **4** for striking or showing violence towards a superior
- **3** for mutiny
- **2** for sleeping at their posts
- **2** for casting away arms
- The majority of the men were aged over **21** years of age
- The peak years for executions were **1916** and **1917**.

Harsh military justice was common practice in Europe's armies of the period, but in varying degrees. The French executed several hundred men during the war, although the exact figure is not known. The Italians executed 750 of their men, the Germans, however executed only 48, while even Belgium executed 12 of their soldiers.

The origins of British military discipline can be traced back to the time of Cromwell and the New Model Army. The Parliament of 1689 passed the first 'Mutiny Act' and over the following centuries military law was further reviewed and revised until the late Victorian period when the 'Army Act, 1881' became law. This fully integrated military law into the British justice system and codified in the *Manual of Military Law*, the 'bible' of military justice. It was this 'bible' of military law that was taken to France with the British Expeditionary Force in 1914.

For the pre-war Regulars of 1914, once they voluntarily enlisted into the army they accepted the military code of discipline that army life entailed. They had to reject their past and submit to a level of subordination far stricter than that which set the workman from his boss. Discipline was harsh and fundamental in demanding obedience from soldiers when in barracks or on active service. On active service the maintenance of discipline took on a greater degree of importance when the natural instinct of the soldier was for self-preservation. Therefore, the purpose of army discipline was to ensure that the soldier did not give way under pressure and the object was to leave no doubt in the mind of the soldier about where his duty lay. The acknowledgement of strict discipline that the voluntary soldier accepted when enlisting was clearly recognised.

However, for the conscripts who began to fill the ranks from 1916 onwards, that acceptance of discipline was not so clearly acknowledged or understood. It has been argued that conscripted men still saw themselves as working men, employed by the army for a specific job and in a general sense they never fully embraced soldiering as the volunteers did, viewing their lives with twin identities as civilians and soldiers and the professional ethos of soldiering was of no interest to them. Nevertheless, despite their attitude to soldiering, the conscripts accepted the hierarchical authority of discipline and there was no significant peak in the execution rate among the conscripts, with only nine per cent of all those executed being conscripted men.

The *Manual of Military Law* pervaded all aspects of military life for officers and men alike and it clearly stated the purpose of punishment,

'The object of awarding punishment is the maintenance of discipline;' it goes on to state;
'The proper amount of punishment to be inflicted is the least amount by which discipline can be effectively maintained. ***Occasionally, the exigencies of discipline, apart from the circumstances of the particular case, may render a severe sentence necessary.***'

This last sentence is important, in effect saying that if discipline is in danger of breaking down or collapsing the severest penalty can be imposed, despite the circumstances of the case under judgement, in order to serve as an example to others in the maintenance and preservation of discipline. As the war ground on and executions took place it can be seen that this specific provision in the *Manual of Military Law* was frequently used.

On 14 September 1914 the Commander-in-Chief, Sir John French, stated in Army Routine Orders that the maintenance of the strictest discipline was a necessity in order to achieve success. He made it clear that failure to maintain the highest standards of discipline would result in the infliction of the most severe punishment. By the time that order was published a number of Field General Courts-

Martial (FGCM) had already been convened and had passed death sentences on eight British soldiers, one of whom, convicted of desertion, had been executed on 6 September. His name was Thomas Highgate, 1st Battalion, Queen's Own Royal West Kents. Highgate fought at Mons with his battalion and took part in the Great Retreat.

Many regiments had men fall out along the retreat south as stragglers, and Highgate was assumed to be among them. However, dressed in civilian clothes, he was detained by the Gendarmerie in Tournan on 6th September and handed over to the Army. His case was dealt with by lightning speed. On the day of his arrest Lt. Gen. Horace Smith-Dorrien, commander of II Corps, ordered the convening of a FGCM. He completed a Declaration of Military Exigencies under Rule of Procedure 104 stating,

‘The proximity of the enemy rendered it *inexpedient* to observe the provisions of rules 4(c,d,e), 5, 8, 13, 14.’

In effect, this meant that the normal rules of procedure for the defendant would not be observed. In particular, Rules 13 and 14 respectively, ‘*Opportunity for accused to prepare defence*’ and ‘*Information of charge and delivery of summary evidence...*’ were not accorded to Highgate.

Highgate was medically examined by a medical officer and found to be ‘of sound mentally and bodily health and fit to undergo punishment.’ He was charged with, ‘*When on active service, deserting His Majesty’s Service*’. He pleaded not guilty. The main witness at the trial was a British gamekeeper, Thomas Fermor, employed on an estate at Tournan. It was he who confronted Highgate and handed him over to the Gendarmerie. At the trial Fermor testified that Highgate had said,

“I have lost my army and I mean to get out of it.”

Highgate, undefended, disputed Fermor’s account saying what he really meant was to get back to his unit. However, when questioned, he was unable to say why he had discarded his uniform and rifle and was in civilian clothes.

Highgate was found guilty and sentenced to death. Within four hours of the verdict the Corps Commander, Smith-Dorrien, endorsed the verdict and the next day Sir John French, C in C, confirmed the sentence. At 0707hrs the following day, September 8th, Highgate was executed by firing squad in front of a company each from the Dorset and Cheshire Regiments.

Without doubt Highgate’s execution was carried out for ‘***the exigencies of discipline***’ and as those two companies rejoined their battalions the news of Highgate’s execution would have spread quickly throughout the BEF, leaving no doubt in the mind of any British soldier that the highest standards of discipline would be maintained. Harsh as we may think it was, Highgate’s trial and execution was legitimate and fully sanctioned under British law.

Highgate, age 19, was buried in an anonymous grave on the outskirts of Tournan and is now remembered on the memorial to the missing at La Ferté sous Jouarre on the south bank of the River Marne.

Postscript: Highgate’s service record lists him as being absent prior to the outbreak of the war, from February 28th until May 4th 1914. His record states ‘Continually absent, but a good worker.’