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Teresa Iacobelli  
*University of Western Ontario*

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# **Arbitrary Justice?**

## **A Comparative Analysis of Canadian Death Sentences Passed and Commuted during the First World War**

**Teresa Iacobelli**

The topic of military executions has dominated the study of discipline and punishment during the First World War. Considering the relatively small numbers of men who were executed, 361 in British and Dominion forces combined, it is startling how much attention the subject has garnered.<sup>1</sup> The morality of the practice been widely discussed and debated and it has spawned recent pardons campaigns in the United Kingdom, New Zealand and Canada. Yet, virtually ignored in these debates have been the stories of the 3,080 men of the British and Dominion forces who were also sentenced to death, but saw their sentences commuted. What was the fate of these men and what accounts for their salvation when the luck of others had run out?

The main focus of this article is a comparison between those death sentences confirmed and those commuted. The topic has been solely researched within a Canadian context in which 222 death sentences were passed during the course of the war, and 25 Canadians actually faced the firing squad. Similar to the British statistics as a whole, 89 per cent of all Canadian death sentences were commuted in the First World War.<sup>2</sup>

For the purpose of this article, the courts-martial and personnel records of 50 Canadian soldiers have been studied. An attempt has been made to find patterns and consistencies to explain why some death sentences were confirmed when others were not. Preliminary findings suggest

that the timing of a particular offence, the disciplinary state of an accused soldier's battalion and the opinions of divisional commanders were the most important influences acting upon the final decision of a military court martial. However, where an individual soldier's personal disciplinary record was taken into account, the decisions of the courts-martial appear, more often than not, to have been quite random and arbitrary.

### **The Courts-Martial Process**

To our modern mindset, the practice of a military killing its own volunteers is a difficult one to comprehend, yet from 1914 to 1918, military executions were seen both as an effective punishment, and as a necessary tool in the maintenance of morale. It is within the context of those times which one needs to analyse the practice of military executions. In Canada in 1914 the death penalty was both accepted by and practiced in civilian society, and in the case of the military death penalty, examination of Parliamentary Debates from 1914 to 1921 gives no suggestion that there was any controversy over its use.

In 1914 the death penalty was applicable to a number of crimes listed in the Army Act.<sup>3</sup> This study is concerned solely with its application to the crimes of desertion and cowardice. Defined by the *Manual of Military Law* of 1914, desertion "implies an intention on the part of the offender



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either not to return to His Majesty's service at all, or to escape some particular important service..."<sup>4</sup> Therefore, *intent* is the most important feature and distinguishes desertion from the lesser charge of absence without leave (AWL). Cowardice was a much more subjective charge and therefore harder to prove. Cowardice could be linked to disobedience or refusal to obey orders, however, it differed from these lesser charges in that the offence had to occur before the enemy or in the presence of danger.<sup>5</sup>

There were four types of courts martial: regimental, district, general and field general. Regimental and district courts-martial dealt with minor crimes, while general and field general were reserved for serious offences which could potentially result in a punishment of death. The cases researched for this study deal exclusively with field general courts-martial (FGCM). FGCMs differed from general courts-martial in that they were held in the field and in the interest of expediency were simplified in both procedure and requirements. Throughout the course of the First World War FGCMs were far more common than general courts-martial.

In order to convene a court martial with full punitive authority, no less than three officers were required to be in attendance. In the case of passing a sentence of death it was required that all members of the court martial be in agreement. The final decision in any death sentence rested upon the Commander-in-Chief. On the Western Front, where 90 percent of British death sentences were passed, Field Marshal Sir John French was Commander-in-Chief from August 1914 until the end of 1915; thereafter, Field Marshal Sir Douglas Haig assumed the appointment. The fact that Haig confirmed the bulk the executions (253 death sentences were confirmed by Haig) has only fueled the popular representation of him as an uncaring and ruthless leader, the so-called "Butcher of the Somme." Yet, according to some historians, the very fact that 90 percent of the death sentences passed were eventually commuted does much to dispute this description.<sup>6</sup>

Field Marshal Sir Douglas Haig, commander-in-chief of the British Commonwealth forces, is often referred to as "The Butcher of the Somme." He was the man responsible for confirming the majority of death sentences during the First World War. However, the fact that 90 percent of death sentences were overturned puts Haig in a different light.

By 1915 all capital cases required a plea of “not guilty” to insure that evidence would be heard. Perpetrators were offered the assistance of a “prisoner’s friend” who was an officer who usually had little knowledge of military law or procedure, but was assigned to act in the role of defense counsel. The army did not take full advantage of trained lawyers who served among the ranks.<sup>7</sup>

For those punishments handed down by the FGCMs there were some guidelines, but only regarding maximum punishments, which were to be imposed for the worst offences and to habitual offenders. In the cases of commuted sentences, alternative punishments were commonly military imprisonments, which could be served with or without hard labour, and penal servitude. The sentences in the cases studied range anywhere from two to 15 years and further research has turned up no formal guidelines informing these sentences. By all accounts the punishments in the commuted cases appear to have been somewhat random and dependent upon the sentencing officer.

The power of commutation was further reinforced in 1915 with the Suspension of Sentences Act. According to a 1918 report by the Ministry of Overseas Forces in Canada, the Act was meant to “give men who had committed serious military offences, because of exhaustion, or their loss of courage or for other reasons, a chance to save their reputation and to win a remission of their sentences.”<sup>8</sup> More than an act of mercy towards soldiers, the Suspension of Sentences Act also prevented the overcrowding of military prisons and balanced the military’s two strongest needs—firm discipline and an ample supply of men for the front lines.

### The Evidence

Among the 50 cases examined in this study are all 25 members of the Canadian Expeditionary Force (CEF) who were executed, as well as 25 men who were sentenced to death, but later had their sentences reprieved. The 25 commuted cases were chosen to correspond with the confirmed cases. For example, if there was an individual sentenced and executed in 1917, a death sentence which was passed and commuted in 1917 was also selected. Wherever possible there was also an attempt to match the

dates by month as well. The cases were also chosen by offence. Therefore, for every individual executed for desertion, there is an individual who had their death sentence commuted for the same offence. However, because two of the 25 men were executed for murder and there was no possibility of commutation in such cases, two more commuted cases of desertion were chosen in their stead. The 50 cases represent an array of Canadian battalions and span from 1916, the year of the first execution, to 1918. One soldier executed was a company quartermaster sergeant, serving as platoon sergeant at the time of his offence; all of the others were privates. All incidents studied occurred on the Western Front.<sup>9</sup>

The information for each individual comes from courts-martial records and military personnel files. The documents contained within the courts-martial records were not uniform. In the cases of the executed men transcripts of courts-martial do not exist. It is unknown what has become of these records and one can only assume that the records have been lost or destroyed. In addition, because courts-martial were held in the field and in a hurried manner, there was likely very little documentation to begin with as record keeping was not a priority. This lack of evidence is perhaps revealing of the nature of the courts-martial process. Most useful for the present paper were Field Service Records, letters from officers to divisional headquarters, and in some cases, personal letters from relatives of the deceased which were included in the files. Among the commuted cases, courts-martial files were more complete, containing such crucial documents as schedules listing both charges and pleas, summaries of evidence including witness testimony, and most telling of all, statements of superior officers regarding the character of the accused, the state of discipline in the battalion and recommendations for punishment. Again, the files were not standardized, but on the whole these records were in much better condition than the records of those men executed.

In the case of military personnel files, the information was much more uniform. Among the most important documents were statements of attestation which were helpful in constructing personal backgrounds; medical records which detailed any injuries and illnesses; and finally, reports listing all military offences and their



corresponding punishments. The combination of all of these documents allowed the assembly of a more complete picture of the individuals investigated, both from a personal and from a disciplinary perspective.

## **Factors Affecting Courts-Martial**

### **Disciplinary Records**

Popular perception would assume that as in civilian law, an individual soldier's past disciplinary record would be one of the most important factors in sentencing, and, therefore, one of the most accurate predictors in the decision of a military court martial. Based on this, one might assume that the records of the 25 Canadians executed were among some of the worst in the CEF, giving the members of the courts-martial little reason to exercise mercy, while, conversely, first time offenders would be spared the ultimate penalty. Many of the cases did conform to these general rules. For example, Private James Wilson had four AWL charges and had been the subject of numerous FGCMs before he was eventually shot for desertion. Out of the 23 men executed for desertion or cowardice, 18 had previous records that had included charges for either desertion or absence without leave, or in some cases both. Furthermore, seven of these individuals had been previously courts-martialed, including Privates Charles Welsh, Stephen Fowles and Norman Ling, who had all been reprieved from earlier death sentences. Conforming to what may have been expected among the commuted cases of death, 12 of the 25 men were first time offenders.

Yet, a significant number of men seemed to have been sentenced in contradiction to the military's own standards. Five men with clean records were shot by order of a court martial. Included in this group is Platoon Sergeant William Alexander, who had an exemplary disciplinary and service record prior to his crime and execution. While men such as Alexander suffered due to the inconsistencies in the court martial system, others seem to have benefitted

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Major-General Arthur Currie, commander of 1st Canadian Division, believed that the death sentence was warranted in some cases, especially for repeat offenders, but his sanction did not always result in the execution being carried out.

from them. Private Matthew Latto was a long-time disciplinary problem for the Canadian Corps. Before his desertion conviction and death sentence in January 1916, Latto had seven previous disciplinary incidences which had included ten different charges, including four for absence without leave. Recommending that Latto's sentence of death be carried out, Major-General A.W. Currie, commander of 1st Canadian Division, wrote of Latto's record on 21 January 1916:

This man has previously been tried and found guilty of a similar offence. He has further been guilty on several occasions of absence and also of insubordination. He has been sentenced to 18 months of I.H.L. (commuted to 6 mos.); to 2 years' I.H.L. and to 5 years' Penal Servitude without effect.<sup>10</sup>

Nevertheless, Latto's sentence was commuted to 15 years penal servitude. His case does not stand alone. Thirteen of the commuted cases had previous charges of AWL or desertion, and of this number six can be classified as having very poor disciplinary records, meaning that there was a previous FGCM conviction for desertion, or more than four cases of absence.

Based upon the cases of repeat offenders such as Latto or Auger, a natural question which arises for the researcher is why did repeat offenders persist in actions which could knowingly result in a punishment of death? At an 11 per cent rate of confirmation was the death penalty enforced enough to be feared? Were soldiers supremely confident in the suspension of sentences or did they look at possible imprisonment as a means of escaping the more dangerous pursuit of front line duties? According to historians Cathryn Corns and John Hughes-Wilson, for many soldiers the decision to desert was based on a well-calculated set of risks rather than being the result of momentary fits of panic or intense fear caused by shell-shock.<sup>11</sup> Being fully cognizant of the possible penalties, many men felt more comfortable in taking their chances on desertion, rather than remaining in the front lines. Prison was seen as a comfortable alternative to trench warfare. A letter written by Lieutenant-Colonel

T.L. Tremblay, commanding officer of the 22nd Battalion, substantiates this claim. In April 1917 Tremblay wrote:

There seems to be an impression among many of the men of my Battalion, that by committing the offence of desertion, they will be awarded a term of imprisonment, which will prevent them from serving in the trenches, and that the Canadian Authorities will arrange for sentences to be remitted after the war. I am of the opinion that in previous cases in which my men have been tried by F.G.C.M. and sentenced to a term of imprisonment, it has not had a beneficial effect on my Battalion.<sup>12</sup>

However, this reasoning is problematic. While it is true that deserters would have likely been aware of the low rates of confirmation of death sentences, they would have been equally aware of the extremely high rates of suspended sentences which quickly sent men back into the front lines. Out of the 25 commuted cases examined, 22 prison sentences were suspended and the men returned to front line duties. Therefore, if it were the ultimate goal of some men to spend their war years in prison and far removed from the action, their chances of achieving this would have been very slim.

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Lieutenant-Colonel T.L. Tremblay, commanding officer of the 22nd Battalion, believed that the death sentence was an essential tool for discipline, otherwise troops would desert with the expectation that they would be sent to prison and avoid the possibility of being killed on the battlefield.

**Table 1a – Personal Information – Executed Cases**

Name	Birthdate	Birthplace	Marital Status	Profession	Date of Attestation	Place of Attestation	Age
Fortunat Auger	23 Dec 1890	Montreal, PQ	Single	Architect	23 Sep 1914	Valcartier, PQ	23
James H. Wilson	10 Jun 1878	Limerick, Ireland	Single	Labourer	22 Sep 1915	Valcartier, PQ	36
Frederick S. Arnold	28 Apr 1890	Cleveland, OH, USA	Single	Slackman	22 Sep 1914	Valcartier, PQ	24
John William Roberts*	5 Aug 1893 & 5 Aug 1895	St. Johns, NF & King's Cove, NF	Single	Cook & Sailor	5 Feb 1915 & 26 May 1915	Victoria, BC	21 & 22
Come LaLiberte	24 Mar 1893	Lotbiniere, PQ	Single	Labourer	5 Mar 1915	Montreal, PQ	21
Edward James Reynolds	2 Jan 1896	Toronto, ON	Single	Teamster	12 Apr 1915	Toronto, ON	19
Elsworth Young	2 Jun 1895	Halifax, NS	Single	Miner	26 Nov 1914	Halifax, NS	18
Henry H. Kerr	4 Sep 1891	Montreal, PQ	Single	Teamster	10 Jun 1915	Montreal, PQ	24
Maurice Higgins	26 Sep 1891	Charlottetown, PE	Single	<i>Illegible Text</i>	23 Nov 1915	Montreal, PQ	24
Eugene Perry	1 Apr 1896	Boucliche, NB	Single	Labourer	25 Sep 1916	Sussex, NB	19
Harold George Carter	20 Mar 1894	Toronto, ON	Single	Teamster	3 Mar 1915	Lindsay, ON	20
Gustave Comte	24 Feb 1895	Montreal, PQ	Single	Grinder	13 Sep 1915	Valcartier, PQ	20
Joseph LaLancette	1 Sep 1895	London, ON	Single	Tailor	10 Jun 1916	Quebec	20
Dimitro Sinizki	25 Sep 1895	Kiev, Russia	Single	Labourer	3 Dec 1915	Winnipeg, MB	20
William Alexander	18 Sep 1880	London, England	Single	Rubber Worker	24 Sep 1914	Valcartier, PQ	33
Thomas Moles	17 Nov 1891	Somerset, England	Single	Rancher	28 Aug 1915	Vernon Camp, BC	24
Edward Fairburn	21 Sep 1895	St. Catherines, ON	Single	Machinist	22 Nov 1915	St. Catherines, ON	20
Charles Welsh	3 Jul 1889	Chester, England	Single	Sailor	10 Feb 1915	Port Arthur, ON	26
Harold Edward James Lodge	22 Dec 1897	Toronto, ON	Single	Driver	15 Apr 1915	Ottawa, ON	18
Arthur Charles Degasse	17 Sep 1886	New Bedford, MA, USA	Single	Cook	23 Sep 1914	Valcartier, PQ	27
Leopold Delisle**	28 Jan 1892 & 28 Jul 1892	Montreal, PQ	Single	Labourer & Driver	15 Jan 1915, 22 Apr 1915, 30 Nov 1914	Montreal, PQ	22 & 21
Stephen McDermott Fowles	13 Jun 1897	Winnipeg, MB	Single	Farmer	16 Feb 1916	Winnipeg, MB	18
Wilson Norman Ling	15 Jul 1896	Toronto, ON	Single	Steamfitter	7 May 1915	Lindsay, ON	18
Alexander Butler	11 Jun 1888	London, England	Single	Porter/Carman	24 Sep 1914	Valcartier, PQ	26
Benjamin Defehr	29 Mar 1888	Winkler, MB	Single	Rancher	18 Nov 1914	Vancouver, BC	26
* Two attestation papers exist for John William Roberts							
** Three attestation papers exist for Leopold Delisle							

The fact is that the Suspension of Sentences Act was needed in 1915 as casualties mounted and as some deserters and repeat offenders took advantage of the system. As a result the disciplinary structure was forced to manage a precarious balancing act which needed to maintain order, yet also consider practical manpower needs. The army was not always successful in juggling these two goals and at times they made mistakes in distinguishing between those opportune moments to show firmness and those moments to show leniency. However, despite protestations on the part of some commanders, the problem was not with the Suspension of Sentences Act itself. The act was a very practical response to the realities of the war. The real problem was the inconsistent application of punishment. The fact that some chronic deserters were consistently treated

leniently while some first time offenders were executed left the system open to criticisms both among contemporaries and historians.

### **State of the Battalion and Recommendations from Officers**

While desertion and cowardice may have been individual acts, they were viewed by the military hierarchy as indicative of poor battalion discipline. For this reason the state of the collective behaviour of a battalion was a major factor when deciding whether a sentence of death should be confirmed or commuted. Behind every decision to execute lay the maxim “for the sake of example” and the question of whether such an example needed to be made. While it is true that some divisional commanders pushed for the application of the death penalty more so than

**Table 1b – Personal Information – Commuted Cases**

Name	Birthdate	Birthplace	Marital Status	Profession	Date of Attestation	Place of Attestation	Age
Robert Lee Miller	29 Nov 1887	Pictou, NS	Single	Miner	9 Oct 1914	<i>Illegible</i>	27
Matthew Latto	1 Aug 1894	Glasgow, Scotland	Single	Foreman	23 Sep 1914	Montreal, PQ	19
Delphis Jarry	28 Dec 1895	Montreal, PQ	Single	Labourer	21 Sep 1914	Valcartier, PQ	18
Anthony Collins	14 Jan 1878	Northumberland, UK	Single	Explosives Expert	21 Jun 1915	Vernon, BC	37
Frank Bickers	23 Aug 1874	Yorkshire, England	Single	Mason	12 Apr 1915	Toronto, ON	40
Thomas Gray	8 Feb 1881	Lancashire, England	Married	Labourer	24 Sep 1914	Valcartier, PQ	33
Ernest Richard Seed	10 Apr 1880	Southampton, England	Single	Labourer	23 Sep 1914	Valcartier, PQ	34
Harold Richardson	22 Apr 1881	Liverpool, England	Single	Clerk	19 Nov 1914	Quebec	33
Robert Bold	13 Aug 1897	Kirtcudborghshire, Scotland	Single	Farmer	16 Sep 1915	London, ON	18
Michael Mangham	15 Aug 1891	Leeds, Yorkshire, UK	Single	Carpenter	19 Apr 1915	Toronto, ON	23
Thomas Albert Bishop	27 Dec 1885	Peterborough, ON	Single	Milkman	20 Mar 1915	New Westminster, BC	31
Harry Owen Townsend	4 Jul 1895	Birmingham, England	Single	Labourer	15 Jul 1915	Brandon, MB	20
Arthur Lemay	21 Jul 1897	Lowell, MA, USA	Single	Day Labourer	23 Mar 1916	Lothiniere, PQ	20
Arthur Ratelle	11 Sep 1895	Montreal, PQ	Single	Labourer	9 Mar 1916	Montreal, PQ	20
Christian H. Kremers	18 Sep 1897	Collegeville, MN, USA	Single	Farmer	31 Jan 1916	Winnipeg, MB	18
Alexandre Gaudy	14 Aug 1897	Norte Dame du Lac, PQ	Single	Labourer	8 Jun 1915	Fraserville, PQ	18
Reuben Smith	3 Jul 1892	London, England	Single	Sailor	22 Sep 1914	Valcartier, PQ	22
Metro Marchuk	8 Sep 1891	Pedelskey, Russia	Married	Labourer	12 Jul 1915	Ottawa, ON	24
Nazar Oleinik	11 Jul 1890	Podoski, Russia	Married	Carpenter	20 Jan 1916	Toronto, ON	25
Thomas Howell	15 Feb 1896	Newfoundland	Unknown	Labourer	13 Mar 1916	Truro, NS	20
Arthur Anderson	18 Oct 1896	Mobile, SD, USA	Single	Farmer	17 Mar 1916	Prince Albert, SK	19
George Raymond Reed	15 Jul 1897	London, England	Single	Farmer	15 Nov 1915	Brandon, MB	18
Frank Zorn	7 Aug 1891	Baltimore, MD, USA	Single	Machinist	22 May 1916	Windsor, ON	24
John Edward Owen	16 Jun 1881	Wales	Single	Carpenter	28 Oct 1914	Winnipeg, MB	33
Rudolph Lafond	1894	Montreal, PQ	Single	Labourer	10 Mar 1915	Montreal, PQ	20
Calixte Peloquin	4 Feb 1897	Sorel, PQ	Single	Labourer	8 Mar 1916	Montreal, PQ	19

others, it appears that all levels of command believed in the deterrent effect of executions.

This intention to reassert discipline in the battalion repeatedly emerges as one of the most telling and persuasive points made by commanding officers charged with reviewing the sentences of death. For example, in the case of Alexandre Gaudy of the infamously poorly-disciplined 22nd Battalion, Brigadier-General H.D.B. Ketchen, commander of 6th Canadian Infantry Brigade, wrote that “The crime of desertion from the trenches has been very prevalent in this Battalion, and it is considered that unless examples are immediately made in such cases, that this crime will continue.”<sup>13</sup> Conversely, when it was felt that a battalion was well-disciplined and that a crime was not motivated by the overall laxness of the battalion, these sentiments were also expressed by commanding officers. Such was the case in the recommendations found in the court

martial of Private Townsend of the 1st Canadian Mounted Rifles. As Major-General Louis Lipsett, commander of the 3rd Canadian Division, wrote in Townsend’s recommendation for commutation, “The Discipline in the Brigade is good, and the Battalion behaved very well during the Somme Battle; an example is not required.”<sup>14</sup> It was statements from men such as Ketchen and Lipsett which had the most influence on the decisions of the confirming authorities. These recommendations were absolutely necessary to outline the facts of the case, and most importantly the quality of the individual and the battalion. Recommendations for sentencing were submitted up the chain of command. Letters found in those cases researched came from commanders of the battalions, the brigades and the divisions. Along with their recommendations on confirmation of the sentence, commanding officers were expected to comment on the accused’s behaviour and fighting record, whether the crime in question

was committed deliberately, the state of the battalion and whether an example was needed.

The importance of the recommendations of commanding officers speaks to a certain degree of maneuverability within the prescribed British procedures for courts-martial. Historian Gerard Oram believes that on the whole there was more leverage within the British military legal system than has traditionally understood. He argues that unit commanders had the means at their disposal to avoid the use of the death penalty among their own men.<sup>15</sup> In many instances commanders looked for extenuating circumstances so as to avoid a recommendation of death. For example, in the case of Private George Raymond Reed, what was described by Brigadier-General J.H. Elmsley as “extreme youth” was taken as an extenuating circumstance and as a reason to commute his death sentence.<sup>16</sup> Furthermore, medical evidence, in particular shell-shock, also became a consideration in courts-martial. By 1916, the term shell-shock had become widely known and used among the men of the CEF. Not only did claims of shell-shock become more abundant in the medical tents, but by 1916 shell-shock also became a much more widely used defence at courts-martial. Some cases surely warranted such claims, but many others did not. The reality was that most of the men were criminals in the context of CEF discipline, and only a few could be legitimately categorized as shell-shock victims.

According to *The King's Regulations and Orders for the Army*, an accused person was supposed to be assessed by a medical officer on each day of his court martial.<sup>17</sup> However, this protocol does not appear to have been followed. All evidence indicates that medical reviews were only carried out when shell-shock was used as a defence or if testimony emerged indicating that shell-shock was a contributing factor to an offence. Even in some cases where these factors were present it appears that medical exams were never called for. That said, these courts-martial must be understood in context. Medical exams were time consuming for a system of justice meant to deal with crimes quickly and in the field. The fact that medical exams were not given for every individual who faced a court martial does not indicate gross miscarriages of justice. What is more problematic is that they were not given consistently in cases where shell-shock was a

probable factor. The inconsistencies may be due to the fact that in the First World War shell-shock was not understood by medical or military authorities in the same way that it is today. To fault members of courts-martial for this would be to project our own knowledge into the past. Secondly, the lack of medical exams may have been due to the individual wills of officers of the court martial wishing to hurry along the process. This deliberate disregard for relevant evidence is far more problematic and leaves the military judicial system open to modern criticism and accusations of injustice.

Out of the cases reviewed, three of the executed men, Privates Eugene Perry, Thomas Moles and Frederick Arnold, made claims of shell-shock. It appears that none of these men received a medical exam, including Arnold, who had been treated for shell-shock just prior to his offence. However, incomplete records make it impossible to confirm this. Arnold was hospitalized for shell-shock from 2 January 1916 to 22 May 1916. Upon discharge from treatment Arnold absented and was apprehended on 27 June 1916. It is probable that Arnold's absence was influenced by his illness and his fear of returning to the front lines, yet there was no indication among his records that Arnold's illness was taken into account. There is no proof of a medical examination to determine Arnold's state of mind at the time of his court martial, nor any other records which suggest that his illness was considered to be an extenuating circumstance. Based upon Arnold's previously clean record and his treatment for shell-shock, his case stands out as an almost inconceivable decision to proceed with execution.

In spite of cases such as Arnold's, further research into commuted cases has proven that at times members of courts-martial did show genuine concern for a defendant's mental state. At these times, shell-shock was used as a successful defence and the medical evidence was thoughtfully considered. In the commuted cases, records show that seven of the twenty-five men had either suffered previous cases of shell-shock, or had claimed that their offence was in some way triggered by their mental condition. Out of these seven cases at least three of the men, Privates Reuben Smith, Harry Townsend and John Owen, did receive evaluations by an Army



Captain holding Court Martial (on nervous German Prisoner) by George L. Stampa.

Medical Board. Without complete documentation it is impossible to know the circumstances of the other cases. What these commuted cases make clear is that there was not a callous disregard for all shell-shock claims, nor a systemic attempt to target the mentally weak for execution. Not every soldier was treated judicially by the court martial system, but nor was every individual treated unfairly. The reality was much more nuanced and dependent upon other mitigating factors regarding the accused, the opinion of those officers who sat on the court martial, as well as overall battalion discipline and timing.

### Timing

The third major factor worth considering when discussing the fates of those accused of desertion or cowardice was the timing of the offence. Both the period and duration of absence were factors which weighed heavily upon the decisions of the courts-martial. According to the findings of Gerard Oram, death sentences were strongly influenced by the phases of the war. Oram's statistics indicate a direct correlation between an increase in the enforcement of death sentences and the planning and execution of a

major British offensive. Oram believes that there are two major reasons for this relationship:

Firstly, desertion increasingly was more prevalent as zero-hour approached: tensions were no doubt heightened as the usual preliminary bombardment intensified. Secondly, the courts martial may at such times have adopted a harsher line with alleged deserters, using the death sentence as a deterrent to prevent any evasion of front line duties.<sup>18</sup>

These standards seem to have been maintained throughout the course of major offensives, only becoming more relaxed as the battles tapered off.

Certainly timing was an important consideration when offences and courts-martial coincided with major offensives. Offensives influenced the behaviour of the ordinary soldier, as well as the decisions of high command. For example, half of the executions for cowardice in the British Army took place during the Battle of Somme, a battle which tested the wills of British soldiers to a previously unfathomable level.<sup>19</sup> Furthermore, high command was far more unlikely to forgive transgressions committed during major battles which others endured. No

**Table 2a – Court-Martial Information – Executed Cases**

Name	Battalion	Charge	Date of Court-Martial	Date of Death	Case Information
Fortunat Auger	14th Bn	Desertion	5 Mar 1916	26 Mar 1916	Present at the first gas attack at Ypres in 1915 and at Festubert in May 1915; Autumn of 1915 began pattern of disciplinary breaches; AWL 3 times in November/December 1915, sentence of 1 yr. HL for 3rd offence; Sentence suspended 8 Jan 1916, returned to battalion and promptly deserted; Captured 11 Jan 1916
James H. Wilson	4th Bn	Desertion	21 Jun 1916	9 Jul 1916	Constant disciplinary problem who encountered little to no action; In less than 1 yr. he was the subject of 3 FGCMs, went repeatedly AWL; Absented on 25 Feb 1916 and surrendered himself on 29 May 1916; Rather than another FGCM, he was told to prepare for the trenches at Mt. Sorrel; He fled on 12 Jun 1916 and surrendered 4 days later
Frederick S. Arnold	CFA	Desertion	5 Jul 1916	25 Jul 1916	Served at Festubert and Givenchy and was admitted to hospital for shellshock in 1916; Upon discharge in 1916 he absented and was captured in Boulogne; First offence
John William Roberts	2nd CMR	Desertion	15 Jul 1916	30 Jul 1916	1 previous AWL charge; Second absence coincided with Mt. Sorrel offensive, where his unit suffered heavy casualties; Apprehended in plain clothes
Come Laliberte	3rd Bn	Desertion	25 Jul 1916	4 Aug 1916	During tour at Ypres he failed to obey order to proceed to front; Charged with desertion rather than cowardice; Sentence was accompanied by a strong recommendation for mercy
Edward James Reynolds	3rd Bn	Desertion	8 Aug 1916	23 Aug 1916	Fought at Mt. Sorrel, but absented in July 1916 when ordered to front during tours of Ypres; Returned 2 days later; Ordered up the line, he again deserted; Arrested; Clean record prior to these 2 incidences
Elsworth Young	25th Bn	Desertion	19 Oct 1916	29 Oct 1916	1 prior minor AWL before deserting from the Somme in 1916; Apprehended in plain clothes
Henry H. Kerr	7th Bn	Desertion	7 Nov 1916	21 Nov 1916	Repeat AWL offender and record of generally poor conduct; Last desertion occurred at the Somme
Maurice Higgins	1st Bn	Desertion	27 Nov 1916	7 Dec 1916	Served at Mt. Sorrel; 2 minor AWL offences (both in England) Deserted at Courcellette, arrested after 2 weeks, then escaped custody and rearrested
Eugene Perry	22nd Bn	Desertion	3 Apr 1917	11 Apr 1917	1 minor previous AWL offence; Fought at the Somme; deserted in early April and arrested hours later
Harold George Carter	73rd Bn	Desertion	5 Apr 1917	20 Apr 1917	Deserted at Courcellette; Sentenced by FGCM to 10 yrs. PS; Sentence suspended in 1917 prior to Vimy Offensive; Deserted again
Gustave Comte	22nd Bn	Desertion	6 Jun 1917	3 Jul 1917	Minor infractions on record (i.e. unshaven, improperly dressed, 6hr. absence); Fought consistently at all of his unit's major engagements; Deserted Apr 1917, prior to Vimy advance; Arrested in mid May following the completion of the Vimy offensive
Joseph LaLancette	22nd Bn	Desertion	7 Jun 1917	3 Jul 1917	4 AWL charges before April 1917, including charge on 30 Dec 1916, which stated "absence from trenches and causing another man to take his place"; Fled again on 7 Apr 1917 and captured in July 1917
Dimitro Sinizki	52nd Bn	Cowardice	12 Sep 1917	9 Oct 1917	Refused an order to continue up the line with his battalion; Eventually continued under escort, but repeated his protests the next day when he sat down and stated that he would rather be shot than return to the trenches
William Alexander	10th Bn	Desertion	29 Sep 1917	18 Oct 1917	Clean record prior to FGCM - Served at 2nd Ypres, Festubert, Mt. Sorrel, the Somme and Vimy Ridge; Absented at Hill 70 where he was meant to lead an attack, causing another man to be forced to take his place; The attack was a success - Alexander was found 2 days later in nearby village - Claimed he suffered a shell hit
Thomas Moles	54th Bn	Desertion	4 Oct 1917	22 Oct 1917	Served at the Somme and Vimy Ridge; Long history of disciplinary problems, including 4 absences between Dec 1915 and Jun 1916; Numerous charges of drunkenness and other minor infractions; Final desertion lasted for a period of three weeks
Edward Fairburn	18th Bn	Desertion	7 Feb 1918	2 Mar 1918	Deserted in Apr 1917 and was arrested in Bruay in Jan 1918; Presumed dead for a period of time
Charles Welsh	8th Bn	Desertion	12 Feb 1918	6 Mar 1918	Evaded all major engagements of the 8th Bn including Mt. Sorrel, the Somme and Vimy Ridge; 2 previous FGCMs for desertion; 2nd FGCM resulted in death sentence which was commuted to 5 yrs. PS, then 2 yrs. HL before being eventually suspended; Deserted under suspension while at Passchendaele in Nov 1917; Captured 2 months later
Harold Edward James Lodge	19th Bn	Desertion	23 Feb 1918	13 Mar 1918	Deserted from Passchendaele; Prior to desertion he had a clean record in 2 yrs. of service; Deserted on 2 Nov 1917, captured in Boulogne in a Red Cross uniform on 12 Dec 1917; Escaped custody 9 days later; Captured on ship in Jan 1918; Escaped custody again by jumping from a train; Captured in Boulogne and found guilty of 3 charges of desertion
Arthur Charles Degasse	22nd Bn	Desertion	26 Feb 1918	15 Mar 1918	Chronic deserter - at least 10 AWL offences, as well as a number of other charges; Absented prior to Vimy and remained absent until May 1917 where he was arrested in Paris; Escaped and evaded capture until Oct 1917 when he was arrested again in Paris, in disguise
Leopold Delisle	22nd Bn	Desertion	1 May 1918	21 May 1918	Lengthy record of disciplinary problems, including numerous absences and acts of insubordination; Sentenced by FGCM to 1 yr. HL in March 1916 for striking a superior officer; Fled German advance at Arras in Mar 1918
Stephen McDermott Fowles	44th Bn	Desertion	18 May 1918	19 Jun 1918	2 previous desertion convictions resulting in death sentences; Both commuted to 10 yrs. PS and eventually suspended; Deserted almost immediately after rejoining battalion following the second suspension; Resulted in 3rd FGCM and confirmed death sentence
Wilson Norman Ling	2nd Bn	Desertion	8 Jul 1918	12 Aug 1918	2 previous FGCMs, one resulting in death sentence which was commuted to 2 yrs. HL, then suspended in Jun 1917; Absented again just days after suspension and evaded capture for almost 1 yr.; Upon arrest he attempted to fool authorities with false information
Alexander Butler	RCD	Murder	24 June 1916	2 Jul 1916	Charge of murder resulted in automatic death sentence
Benjamin DeFehr	1st Can. Reserve Park	Murder	22 Aug 1916	25 Aug 1916	Charge of murder resulted in automatic death sentence

**Table 2a – Court-Martial Information – Commuted Cases**

Name	Battalion	Charge	Date of Court-Martial	Sentence	Case Information
Matthew Latto	13th Bn	Desertion	16 Jan 1916	15 yrs. PS	Constant disciplinary problem; Received FP No. 1, four times in 1915; Nov 1915, 2 yrs. HL for disobeying superior officer; Dec 1915, 5 yrs. PS for same offence; Sentenced to death in Jan 1916, commuted to 15 yrs. PS, transferred to England to undergo sentence; Released from military in 1919 by reason of misconduct
Delphis Jarry	14th Bn	Desertion	2 Feb 1916	10 yrs. PS	Constant disciplinary problem; AWL five times in first year of enlistment, received FP No. 1 or 2 in each case; Month long absence resulted in death sentence, commuted to 10 yrs. PS; Returned to lines Oct 1916; GSW to leg at Vimy Ridge
Anthony Collins	7th Bn	Desertion	10 Feb 1916	10 yrs. PS	Death sentence accompanied by recommendation for mercy based on good character; Commuted to 10yrs. PS and immediately suspended; Sentence remitted due to gallantry in action - May 1916, suffered GSW and severe shellshock at Ypres; Discharged in 1917 as medically unfit
Frank Bickers	3rd Bn	Desertion	11 Feb 1916	5 yrs. PS	No disciplinary problems prior to FGCM; Death sentence commuted to 5yrs. PS based on recommendations for mercy; Sentence immediately suspended and later remitted entirely on account of gallantry in action; Suffered gas poisoning in May 1917 and discharged in Jan 1918 as medically unfit
Thomas Gray	14th Bn	Desertion	21 Mar 1916	5 yrs. PS	One prior charge for drunkenness; Found guilty of deserting working party; claimed to have slept through their departure; Returned to front following suspended sentence; Died of influenza on 4 Nov 1918
Ernest Richard Seed	14th Bn	Desertion	21 Mar 1916	5 yrs. PS	Four previous AWL charges; Found guilty of deserting working party; Claimed to have been sick; Returned to front lines upon suspension of sentence; GSW to arm at Ypres in Jun 1917 resulted in form of paralysis and discharge in Dec 1917
Harold Richardson	3rd Bn	Desertion	27 Apr 1916	10 yrs. PS	Overstayed leave; Claimed to have been drunk and lost track of time; Witnesses at trial attested to previously good conduct; Death sentence commuted and suspended on same day; Returned to lines and received GSW to arm in Sep 1916; Returned to Canada
Robert Bold	3rd Bn	Desertion	21 Jul 1916	10 yrs. PS	Witnesses at trial attested to previous good conduct in battle, as well as a belief that Bold was suffering from nervous breakdown at the time of desertion; Demobilized in 1919
Michael Mangham	3rd Bn	Desertion	24 Jul 1916	10 yrs. PS	Two prior sentences of FP No. 1 for disobeying orders; Sentence suspended on Jul 31, 1916; Returned to service where he suffered gassing and shellshock in Sep 1916; GSW to shoulder at Vimy; Absented following armistice in Dec 1918; Rejoined battalion by Jan 1919 and demobilized in 1920
Thomas Albert Bishop	7th Bn	Desertion	31 Oct 1916	5 yrs. PS	Failed to return from 9 days granted leave in May 1916; Apprehended in Oct 1916; Stated desertion was unintentional and caused by heavy drinking; Released from military prison in Nov 1917; Returned to lines and received GSW at Arras Front in Sep 1918; Demobilized in 1919
Harry Owen Townsend	1st CMR	Desertion	11 Nov 1916	5 yrs PS	Two previous infractions related to failure to obey orders, but not instances of absence before desertion from Courcellette on Sep 27, 1916; Apprehended 4 days later by police in Calais; Suicide letter used against him at FGCM to prove intent; Accused claimed to have been suffering from shellshock and memory loss; No witnesses could be found to attest; Medical Board found Townsend responsible for actions; Sentence suspended Nov 22, 1916; Demobilized in 1919
Arthur Lemay	22nd Bn	Desertion x2	24 Feb 1917 & 27 Mar 1917	5 yrs PS x2	Disciplinary problems within first year of service; 14 days FP No. 1 for 3 day AWL in Jan 1917; FGCM for desertion in Feb 1917; Sentence suspended; Less than 1 month later another desertion and FGCM; All commanders recommended death; Sentence commuted and suspended in Oct 1917; KIA on 30 Aug 1918
Arthur Ratelle	22nd Bn	Desertion	3 Apr 1917	15 yrs. PS	No prior offenses; Released from Rouen Military Prison in May 1918; On Nov 1918, his sentence was put back into execution; Demobilized in 1919
Christian H. Kremers	78th Bn	Desertion	10 May 1917	15 yrs. PS	FGCM conviction for desertion in Dec 1916; Sentence suspended; Absented 8 Apr 1917; Gave himself up at transport lines; Escaped while under arrest and captured 29 Apr 1917; All officers recommended death sentence be carried out; Sentence suspended in Sep 1918; Wounded in Oct 1918
Alexandre Gaudy	22nd Bn	Desertion	6 Jun 1917	15 yrs. PS	Deserted 8 Apr 1917; Claimed to have been sick and went to find medical officer, but was too weak to make it; Conflicting evidence at trial; Sentence suspended and returned to front; GSW on 30 Aug 1918; Demob. 1919
Reuben Smith	2nd Bn	Desertion	6 Jul 1917	5 yrs. PS	Received 2 wounds in battle before FGCM; Present at Vimy; Deserted 27 Apr 1917, but at no time did he leave the forward area, or actual war-zone; Arrested in shellhole on 22 Jun 1917; Stated he was experiencing a weakened mental state; Medical Board found no evidence of shellshock; Went back to lines and absented again in 1917; Never apprehended and fate remained unknown
Metro Marchuk	47th Bn	Cowardice	6 Sep 1917	10 yrs. PS	No prior offenses; Sentence suspended, returned to front; GSW to chest in Nov 1917, ending his service
Nazar Oleinik	38th Bn	Desertion	6 Sep 1917	5 yrs. PS	Deserted to find Russian Army; He stated he had every intention to return, left to find a translator to sort out problems with separation allowance; Recommendations for mercy based on service at Vimy and La Coulotte-Avion in 1917, and a clean record; Sentence suspended 23 Sep 1917; Returned to front; Demobilized in 1919
Thomas Howell	RCR	Desertion	27 Jan 1918	2 yrs. HL	Absent from 14 Nov to 9 Dec 1917; Sentence suspended in July 1918; Returned to lines; Demobilized in 1919
Arthur Anderson	46th Bn	Desertion	9 Feb 1918	10 yrs. PS	Wounded in Jan and Nov 1917; Failed to return from leave in England and apprehended in Liverpool in Feb 1918; Sentence suspended, went on to provide exemplary service at Cambrai and at 1st and 2nd battles of Valenciennes; Demobilized in 1919
George Raymond Reed	1st CMR	Desertion	13 Feb 1918	5 yrs. PS	Evacuated from the Somme with shellshock; Returned to service and fought at Vimy Ridge and Hill 70; Deserted at Ypres, claimed to have gotten lost from battalion and stayed at Poperinghe; Became too frightened to return after a few days absence; Recommendations for mercy based on previous good conduct and youth; Sentence suspended on 9 Jul 1918; Discharged Mar 1919
Frank Zorn	78th Bn	Desertion	5 Jun 1918	10 yrs. PS	Following service at Vimy, Zorn left battalion, and hid in caves; Zorn stayed away for months, but remained in uniform the whole time; Zorn gave up and faced court-martial; Despite claims of shellshock, there is no evidence of medical exam; Discharged Aug 1919
John Edward Owen	27th Bn	Desertion	18 Jul 1918	10 yrs. PS	Served at the Somme and suffered shellshock at St. Eloi; Deserted 12 Apr 1917 and arrested on 29 May 1918 after being initially presumed dead; Medical exam given; The results were inconclusive regarding shellshock, but classified Owen as being of low-grade intelligence; Sentence suspended; went on to suffer a nervous break down in Aug 1918; Demobilized in 1919
Rudolph Lafond	22nd Bn	Desertion	28 Aug 1918	7 yrs. PS	2 previous charges for AWL; Arrested for desertion on 20 Jul 1918; Escaped custody and apprehended on 23 Jul 1918; Demobilized in 1919
Calixte Sarr	22nd Bn	Desertion	28 Aug 1918	7 yrs. PS	4 previous AWL charges, and 1 charge of insolence to superior officer; Arrested for desertion on 20 Jul 1918; Escaped custody and apprehended 23 Jul 1918; Demobilized in 1919

doubt this was an influential factor in the CEF's decision to execute Private Edward Fairburn. Fairburn was absent from April 1917 to January 1918. The absence of ten months indicated to the court martial a very clear intent to desert, and an awareness of this intention. Furthermore, during his period of absence Fairburn had missed the major offensives at Vimy Ridge, Hill 70, and Passchendaele, an extremely important factor in the desperate days of 1917.<sup>20</sup> Statistics from the 50 cases researched clearly indicate the intolerance on the part of command for desertion committed in the days preceding or during major allied offensives. Out of the 22 men executed for desertion in the CEF, three were deserters from the Somme, four deserted during or just prior to the advance on Vimy, two men were deserters from Passchendaele, while three more deserted during intense operations. Strikingly, only three men whose sentences were commuted had deserted during major battles, one from the Somme and two from Vimy Ridge. This contrast is one of the most telling features that distinguish cases in which the death sentence was carried out from those in which it was commuted.

Larger events in the war also influenced decisions on the death penalty. In 1917 the French Army, demoralized by the failed Nivelle Offensive, fell prey to mutiny. While the French managed to recover and fight on, the incident heightened the fears of collapse among British and Dominion leaders, as they too were losing men in extraordinary numbers in offensives which often seemed futile. In 1917 there was no better instance of these pressures than Passchendaele. In attempting to force a British breakthrough in Flanders, the British Forces launched an attack on 31 July 1917, suffering a total of 310,000 casualties over the next three months in exchange for five miles of land. Unable to admit failure, the British leadership allowed the battles to continue far into the autumn. For Canada's part, in two weeks of fighting from 26 October 1917 to 6 November 1917, the CEF suffered 16,000 casualties to capture of the village of Passchendaele.<sup>21</sup> As Andrew Godefroy writes, "The effect on the soldier's morale can only be imagined. Passchendaele was slaughter and incompetence of the leadership, and every soldier knew it."<sup>22</sup> In an effort to prevent the demoralizing effects of the battle, and to ward

off dissent, the British leadership looked to reimpose discipline. Whether executions proved at all effective in maintaining morale is highly debatable. It is likely that the executions were most useful among leaders in convincing themselves that they were doing all that could be done in order to maintain the fighting capabilities under the most disheartening conditions.

## Conclusion

In a 1922 memorandum entitled, "Some Notes Regarding the Award and Confirmation of Sentences of Death on Canadian Soldiers in the Great War, 1915-1918," the Chief of the General Staff wrote:

It can be confidently asserted that no man suffered the extreme penalty except after a fair trial and after due consideration had been given to all extenuating circumstances. This is certainly true of all cases occurring in the Canadian Corps and there is no reason whatever to doubt that it is not equally true of the cases outside the Corps.<sup>23</sup>

Based on the research contained in this article, this statement appears questionable. In comparing Canadian death sentences confirmed with those that were commuted, certain patterns emerge, but so do inconsistencies. While there is no evidence whatsoever to indicate that any of the convicted men were innocent of their crimes, there are a number of cases which give one cause to question the decisions of the confirming authorities, as well as their attention to extenuating circumstances. Most notable among these cases are the executions of five first time offenders, especially in light of repeated commutations of flagrant and habitual offenders. A comparison of the confirmed and commuted death sentences has shown that, contrary to what some historians have led us to believe, the military judicial system was not black or white, either fair or unfair. It was often apparently inconsistent and largely affected by time and circumstance.

The findings presented here suggest that the disciplinary record of the convicted man was often not so important as the state of the battalion and the timing of a crime in relation to major

operations. While certainly these factors did not hold a consistent level of importance in the 50 cases examined, they were nevertheless the most constant predictors of courts-martial decisions.

The state of the battalion weighed heavily upon the minds of men like Haig and the divisional commanders as it spoke to the need for examples to be set. "For the sake of example" influenced each court martial decision, and carried particular weight immediately prior to, or during, major offensives. For this reason the timing of the accused's period of desertion or act of cowardice was important. To miss a major engagement proved not only clear intent to the court martial, but at times was considered to be an unforgivable transgression.

What is most striking about the decisions of the courts-martial is that often the actual facts of a case seemed to have been of secondary importance. Recommendations from commanders focused on behaviour prior to an offence and the state of the battalion, paying little attention to the actual details of the crime in question. It was not so much the offence that was being tried, as it was the individual's past and his battalion's performance in war.

In the interest of making an example bad choices were sometimes made. Whether a crime coincided with a major offensive, or at a time when commanders decided it was necessary to prove to a rebellious battalion that actions had consequences, a soldier often found himself at the mercy of circumstances. Therefore, while it can be argued that the timing of the offence and the state of a battalion proved to be the most important factors differentiating between a sentence commuted and one confirmed, it should also be acknowledged that at times pure luck.

To characterize the death sentences of the First World War as travesty or necessity is not enough, and certainly not the topic of this article. This article is meant only as another step in uncovering the reality of the courts-martial system examined through a sample of the cases of commuted death sentences. Perhaps the greatest injustice which could be done to this topic is to not acknowledge the complexity of the courts-marital system and to not realize that each death sentence represented a unique case

deserving its own study. It is clear that some leaders made mistakes, some men showed fear, some men were irresponsible and some injustices were committed. To acknowledge this is not to call for pardons, but to confront the past in a way that promotes deeper understanding. Ninety years on, the First World War and the trials of its soldiers is a topic which still fascinates many, and the executions of our very own is a topic still searching for reckoning.

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## Notes

1. The first work to deal exclusively with the issue of British executions in the First World War was Ernest Thurtle's *Shootings at Dawn* (1924). There was a resurgence of interest in the 1970s and 1980s, with the two most notable works being Anthony Babington's *For the Sake of Example* (1983) and Julian Putkowski and Julian Syke's *Shot at Dawn* (1989). More recent works of importance include Cathryn Corns and John Hughes-Wilson's *Blindfold and Alone* (2001), as well as Gerard Oram's *Worthless Men* (1998) and *Military Executions During World War I* (2003).
2. Ninety per cent of all death sentences were reprieved in the British Army. Gerard Oram, *Death Sentences Passed by Military Courts of the British Army, 1914-1924*, ed. Julian Putkowski (London: Francis Boutle Publishers, 1998), p.13. and Gerard Oram, *Worthless Men: Race, Eugenics and the Death Penalty in the British Army During the First World War* (London: Francis Boutle Publishers, 1998), p.124.
3. Army Act (1881) can be found in Part 2 of War Office, *Manual of Military Law* (London: His Majesty's Stationary Office, 1914). Of particular importance is Section 4, "Offences in Relation to the Enemy Punishable with Death" and Section 6, "Offences Punishable More Severely on Active Service than at Other Times." Canadian forces were subject to the British code of military law.
4. *Manual of Military Law*, p.18.
5. Leonard Sellers, *For God's Sake Shoot Straight!: The Story of the Court Martial and Execution of Sub. Lt. Edwin Dyett* (London: Leo Cooper, 1995), p.66.
6. Cathryn Corns and John Hughes-Wilson, *Blindfold and Alone: British Military Executions in the Great War* (London: Cassell, 2001), p.450. The figure of 253 executions derived from Oram, *Worthless Men*, p.113.
7. According to *The Times*, as of 12 December 1914, 1,150 solicitors and articled clerks were serving within the British ranks, as well as 726 credited barristers as of 18 December of that same year. "Law in the Fighting Line," *The Times* [London] 12 December 1914, p.12 and "Barristers-at-Arms," *The Times* [London] 18 December 1914, p.4. Similar statistics for the Canadian forces could not be found.
8. Jean-Pierre Gagnon, *Le 22e bataillon (canadien-français), 1914-1919* (Ottawa: Les Presses de l'Université

- Laval et le ministère de la Défense nationale, 1986), p.300. Original French text translated by Dr. Roger Sarty of Wilfrid Laurier University. Note that the 175,000 members of the Chinese Labour Corps who served primarily on the Western Front, were excluded from the Suspension of Sentences Act. Oram, *Worthless Men*, p.108.
9. Personal Information on the 50 soldiers can be found in Table 1 which compiles details derived from attestation papers.
  10. Library and Archives Canada (LAC), RG 150, Series 8, File 649-L-9560, Reel T-8671.
  11. Corns and Hughes-Wilson, p.337.
  12. LAC RG 150, Series 8, File 649-R-6854, Reel T-8680.
  13. LAC RG 150, Series 8, File 649-G-14260, Reel T-8667.
  14. LAC RG 150, Series 8, File 649-T-14196, Reel T-8686.
  15. Gerard Oram, *Military Executions During World War I* (London: Palgrave MacMillan, 2003), p.171.
  16. LAC RG 150, Series 8, File 649-R-10396, Reel T-8680. Reed's case appears to be an exception to the rule as age was not meant to be a consideration in sentencing, furthermore, the age of convicted soldiers was not to be included in the courts-martial files that crossed the desk of Sir Douglas Haig. Oram, *Worthless Men*, p.91.
  17. *The King's Regulations and Orders for the Army* (London: His Majesty's Stationary Office, 1914), p.130.
  18. Oram, *Death Sentences Passed by Military Courts of the British Army, 1914-1924*, p.14.
  19. Corns and Hughes-Wilson, p.188.
  20. LAC RG 24, Series C-1-b, Reel C-5053 and Andrew B. Godefroy, *For Freedom and Honour? The Story of 25 Canadian Volunteers Executed in the First World War* (Nepean, ON: CEF Books, 1998), p.60.
  21. Michael Duffy, "Battles: The Third Battle of Ypres, 1917." <firstworldwar.com> The War to End All Wars. 11 August 2001. Retrieved 1 July 2004. <<http://www.firstworldwar.com/battles/ypres3.htm>>.
  22. Godefroy, p.59.
  23. LAC RG 24, Vol. 2538, File HQS 1822-2 "Some Notes Regarding the Award and Confirmation of Sentences of Death on Canadian Soldiers in the Great War, 1915-1918."

Teresa Iacobelli is currently a doctoral candidate in the Department of History at the University of Western Ontario. Her dissertation will be a further exploration of the application of the death sentence in the Canadian Expeditionary Force during the First World War.