

## IRELAND ON SUNDAY

# One Law for the Lions, Another for the Donkeys

By Peter Day

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**THEY CAME** from far and wide to the little southern English churchyard to pay a final tribute to the gallant old soldier, a proud survivor of both the Boer War and World War One, who had tragically fallen victim to an asthma attack at the age of just 66. The obituary in the local weekly newspaper spoke movingly of 'an officer and a sportsman' who liked a hand of whist, a gentle game of billiards, and the contemplative pleasures of rod and line in a trout stream. Lt Col AE Mainwaring, the obituary writer reported, 'possessed a large and devoted circle of friends of all ranks in social life. In fact, his striking personality invariably attached to him those with whom he worked or played. 'The mourners included a brigadier-general, four colonels, a lieutenant colonel, a major and an army captain as well as a large gathering of family, friends and representatives of the local football and cricket clubs, of which Lt Col Mainwaring was vice-president.

What nobody mentioned - either at the funeral service or in the fulsome obituary that appeared in the Sussex Express of Friday, October 17, 1930 - was that this former commanding officer of the Second Royal Dublin Fusiliers had been accused of cowardice on the Western Front and subsequently court-martialled. So too, as everybody with a passing interest in the Great War now knows, were more than 300 ordinary soldiers, including 26 Irishmen – variously accused of cowardice, desertion of duty or simply disobedience during the four years of hell that were World War One.

Men - and boys - like 19-year-old Private Patrick Joseph Downey from Limerick, convicted of disobedience in Salonika in December, 1915, after refusing to pick his cap up from the mud while tied by the wrists and ankles - crucifixion style - to a cartwheel as punishment for another misdemeanour. But, whereas rank-and-file soldiers like Downey met just one inevitable fate - blindfolded, tied to a post and shot dead at dawn by a firing squad drawn from among their former brothers-in-arms - it has now emerged that officers like Mainwaring met a very different form of justice.

Despite being found guilty of the ultimate betrayal of King and country - surrender in the face of the army - Mainwaring was cleared of cowardice. Instead, he was convicted of the lesser charge of scandalous conduct. Cashiered out of the army in disgrace, he was however allowed to quietly rebuild his life and - unlike those rank and file Irish soldiers who had been convicted in similar circumstances - ultimately to live it out in pleasant if uneventful retirement. In all, at least 15 officers were spared in

this fashion. Some even received a Royal pardon and were reinstated with full military honours. But 346 ordinary soldiers - including 26 Irishmen - were executed.

Now the Shot at Dawn campaign, which is seeking posthumous pardons for all those soldiers executed, has highlighted the markedly different treatment meted out to officers like Lt Col Mainwaring as part of its ongoing campaign. 'It was a question of different spansks for different ranks,' said Dubliner Peter Mulvany, co-ordinator of the Irish Shot at Dawn campaign. 'Only three officers were executed, one of them for murder. This has been kept quiet for obvious reasons.' Irish rank-and-file soldiers, it appears, were particularly at risk. Historian Professor Gerard Oram says the attitude of British officers towards Irish volunteers was that they were 'a warrior tribe that needed a firm hand to prevent ill-discipline'.

Ironically, Lt Col Mainwaring - who, although born in India, always regarded himself as an Irishman - met his downfall because he took a more compassionate attitude to the men of the Dublin tenements whom he commanded and who singularly failed to live up to their regimental nickname, 'The Old Toughs'. An officer and a gentleman of the old school, Mainwaring came from an impeccable military background. His father William was a general who had commanded the Fusiliers before him and who saw service in the Indian Mutiny and Afghanistan. Arthur had been with the Fusiliers since 1885, been decorated in the Boer War and written a history of the regiment. He also wrote on whist, croquet and billiards, in which he had been a runner up in the Irish amateur championship, and regularly played cricket for the MCC during his summer leave.

But on the morning of August 25, 1914, after four nights without sleep, his ears ringing with the sound of German shells, deprived of the certainty of orders issued from above because his superiors had long since disappeared, Lt Col Mainwaring was at his wits' end. The Fusiliers were among the first British regiments despatched to France in the early days of this war which everybody believed would be 'over by Christmas'. Their mission as part of the British Expeditionary Force: to help protect France from the German troops who had already over-run Belgium. The Battle of Mons, which started on August 22, was the first engagement between German and British troops in that part of Northern France that was subsequently to become notorious as the Western Front. But in these early days of the war that was supposed to end all wars there were no trenches, no 'no man's land', no barbed wire, no fortified positions.

The first clashes were between cavalry troops and only later did British infantry take up defensive positions along the Mons canal. But they were hopelessly outnumbered and ill-equipped: 70,000 troops as opposed to 160,000 and 300 heavy guns against 600 German. Within days the British had suffered almost 10,000 casualties and were in 'strategic retreat' - throwing away their weapons as they

ran. On August 27, the remnants of the Dublin Fusiliers arrived in the dusty little French railway town of St Quentin, where there were no trains to take his men away from the advancing enemy. The surviving soldiers - ill-educated, poorly trained volunteers from the Dublin slums who had only joined up because they thought the Army offered them decent pay and excitement - flatly refused to march another step. These bone-weary men, having fought and marched for 48 hours without respite or sleep, were now more dead than alive.

In fact, it has now emerged, so ill-prepared were they and their commanding officer for combat that one senior officer had actually tried to prevent Mainwaring even going to the Front. In 1913 Brigadier Aylmer Haldane complained that Mainwaring's men were poor shots who were prone to drunkenness and indiscipline. The officers were 'very stupid at grasping an order, no matter how clearly given.' When Mainwaring went down with colitis, Haldane tried to get him removed from his command but was overruled by doctors. And so the 'Old Toughs' found themselves thrust into the front line - and, equally quickly, in ignominious retreat. Nothing in the long and distinguished military career of their 50-year-old commanding officer had prepared him for the unimaginable horror of the retreat from Mons - or the fate that awaited him and his troops in St Quentin. Had he been made of sterner stuff he would have threatened them with the firing squad. Maybe even executed a few then and there for refusing to obey his orders. Instead Lt Col Mainwaring and the commanding officer of the First Royal Warwicks, Lt Col John Elkington, gave in to the hysterical entreaties of the local mayor and signed a piece of paper agreeing to surrender rather than see the citizens massacred in a German artillery bombardment.

After the court martial Mainwaring wrote a lengthy justification of his actions which he circulated privately among his friends. It described how he and Elkington, who had the future Field Marshal Viscount Montgomery among his junior officers, had marched in to face their first action on August 24, with the army already in retreat. As they dug in, next day, to cover their colleagues' backs, they come under heavy shellfire. They were last to retreat, under cover of darkness, and without rations went through the same ordeal the next day. In the midst of the battle Mainwaring received the last order he would get from High Command: 'The general says he wishes you to hold on here to the end. This is a personal message from him to the regiment.' By early evening everyone else had pulled out and Mainwaring wrote: 'The behaviour of our men had been splendid throughout. They were so dog tired that many of them slept through the infernal fire, as one could here them snoring. 'It was then he discovered that HQ had been abandoned and he determined on another night march in retreat,

hoping to catch up with them. He allowed his men to grab a couple of hours sleep in a barn but dared not nod off himself because there was no one to wake him. Early next morning he found himself in St Quentin, negotiating with the mayor for food and transport for his men, when panic broke out as a

messenger claimed the town was surrounded by Germans. He and Elkington agreed that they could not endanger the safety of the townspeople and tried to get their men up on their feet to march on. 'The fact is that the men could do no more for the time being, Their limit of endurance was reached. I considered it my duty to protect these men, who so nobly had done theirs. I still consider that it was so, and my conscience is quite clear,' Mainwaring wrote. The thick-set and normally implacable Mainwaring himself, an eyewitness later wrote, 'looked very pale, entirely exhausted and leaned heavily on his stick. He had no Sam Browne belt on and with the heat and fatigue he could scarcely have known what he was doing. 'And so he signed the document that was to bring about his disgrace.

At the court martial, Elkington, who was the more senior of the two, would deny authorising the surrender. Unbeknown to them, the Royal Irish Dragoon Guards were still holding off the advancing Germans and an episode of tragi-comedy was about to unfold. One of the cavalry officers arrived in the town and insisted the troops get on their feet and retreat. They refused. Enraged, he left, only to return with a more senior officer, Major Tom Bridges. Bridges recalled later: 'The men in the square were so jaded it was pathetic to see them. If one only had a band, I thought! Why not? 'There was a toy shop handy, which provided my trumpeter and myself with a tin whistle and a drum, and we marched round the fountain, where the men were lying like the dead, playing the British Grenadiers and Tipperary, and beating the drum like mad. They sat up and began to laugh and cheer.

I stopped playing and made them a short exhortation and told them I was going to take them back to their regiments. 'Late that evening 400 men marched out of the town. The exhausted Mainwaring summoned the strength to march at their head, despite collapsing twice. The incident was the inspiration for Sir Henry Newbolt's poem: *The Toy Band: A Song of the Great Retreat*. But for Mainwaring it was a march filled with foreboding. The cavalry officers had insisted that the mayor hand over his surrender letter to them and that could only mean a court martial. No official record of the hearing survives but one officer in the dragoons claimed that a firing squad was already drawn up when the court decided the two officers had suffered a mental breakdown, under stress, and dismissed the charge of cowardice.

Elkington, two years younger than Mainwaring, was to redeem himself a year later, fighting at Vimy Ridge for the French Foreign Legion, knocking out enemy machine gun posts until his leg was shattered by gunfire and he lay in a trench, close to death, for 13 hours. He was awarded the Croix de Guerre and in 1916 King George V reinstated him to his old rank in the Warwickshires, granting him pension rights since he was too badly wounded to fight again. It is unclear whether this affected Mainwaring's position but there was no official announcement of a change in his status. He lived out retirement quietly at Blackboys in Sussex, serving on village sports organisations and enjoying a reputation as a raconteur and cardplayer. The two men's names are among 6,500 officers' courts

martial in the records of the Judge Advocate General of the British Army. Dr Gerard Oram of the Centre for First World War Studies, Birmingham and his colleague Julian Putkowski are in the process of analysing them for a forthcoming book. Dr Oram told Ireland on Sunday last week: 'We have been doing comparisons with the treatment of men from the ranks and there are instances where officers were treated more leniently. There were also some who were dealt with quite harshly. 'The treatment of officers was different, because the Army Act made it different. They were tried by different rules and there were different punishments.

*'Peter Mulvany said: 'I find it very difficult to believe that in these circumstances Mainwaring and Elkington were found not guilty of cowardice, on grounds of stress. 'The authorities must have known that other troops were suffering from battle fatigue or shell shock but the defence of stress was never available to them. 'The fact is that there was retrospective action in cases like Lt Col Elkington to put officers back in the situation they had been before, either through Royal pardon or re-instatement, which was denied to those who had been executed. 'That was never made clear when the cases were reviewed recently by the British Government. Surely it makes the case all the stronger for a full pardon - even at this late stage - for all those executed by their own side?' 'With the 90th anniversary of World War I coming up, this issue should be laid to rest once and for all with posthumous pardons for everybody.'*

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\*Additional reporting: Andrew Bushe and David Barnes

**NOTE:**

The Editor of Ireland on Sunday has been notified that 306 not 346 is the number of soldiers executed for various military offences which ceased in 1929 to be punishable by death.; that the Shot at Dawn Campaign is seeking pardons for 301.

On 20 October 1916 Lt Col Elkington- "still very lame, but in otherwise good health"- was received by the King and on 28 October the following notice appeared in the London Gazette: 'His Majesty the King has been graciously pleased to appoint Lieutenant-Colonel John Ford Elkington, Royal Warwickshire Regiment, to be a Companion of the *Distinguished Service Order*'. He did not resume service and died on 27 June 1944.

- <http://www.shotatdawncampaignirl.com>