

military were likewise established. Testimony as to orders by their superior officers inciting or commanding them to slay and to burn is before us. In addition, three former members of this "police" force, the Royal Irish Constabulary, have appeared as witnesses before us testifying, and two more have deposed, to the nature of their orders and their duties. These persons have corroborated in all essentials the evidence of other witnesses that the words "police," "policeman," and "constable" as used by the British in Ireland are misleading and tend to reflect dishonor upon that honorable class which in other lands maintains "law and order."

Banal murder is very rare in Ireland. The first witness before the Commission, Mr. Denis Morgan, of the Urban Council of Thurles, testified that neither murder nor any other major felony had been committed in his town during twelve years, and there is a good deal further testimony to the same effect. Ex-Constable Daniel Galvin handled only one case of murder in thirteen years. We are, therefore, forced to consider that most of the alleged 600 British casualties have arisen out of the present political situation in Ireland.

Causes of Casualties Suffered by Imperial British Forces in Ireland

Mr. John Derham, Commissioner of the town of Balbriggan, testified that Burke, a sergeant of the Imperial British forces, was slain in a drunken brawl in a public-house (saloon) of Balbriggan on September 20, 1920. So far as we can ascertain no civil investigation was made of the killing of Burke, the British in Ireland having apparently abdicated the judicial function. Further, there was no attempt to arrest or even to find the parties to the murder. Instead, a few hours after Burke's death Imperial British forces burned, looted, and slew in Balbriggan. It would appear from the attitude of the Imperial British authorities towards the sack of Balbriggan that the British High Command judged the slaying of Burke to be a corporate crime of the citizens of Balbriggan—a judgment unconfirmed by the evidence before the Commission.

Mr. Morgan testified that Irish Republican police had rescued from the vengeance of the people drunken members of the Imperial British forces, behaving outrageously. The deaths of Burke and others would appear to us to prove that at least some of the slain Imperial British forces were victims of their own carelessness and drunken aggression. The responsibility for such deaths would seem to rest ultimately upon the authority that permits, condones, or encourages drunkenness among the British troops.

Accidental Casualties.—It was testified that a Captain Beattie and an unknown private of the Imperial British forces perished as a result of their negligence in the handling of the petrol (gasoline) with which they were kindling the Templemore Town Hall. Against the circumstantial detail of this testimony and the partial corroboration given to it by a minute of the Templemore Urban Council must be placed the fact that the Imperial British forces took vengeance for Captain Beattie's death by renewing their depredations in Templemore. It seems clear to the Commission that the risk of fatal accident in this case was inseparable from the dangerous duty in which this British officer and his men were engaged. The danger inherent in such duties, assigned to and accepted or assumed by members of the Imperial British forces, is not attributable to the Irish people.

Disciplinary Casualties.—Ex-member of the R.I.C. Tangney testified that he and two of his comrades were shot at, near Cloughleen, by a "Black-and-Tan" named Richards, whom they had refused to guide to the home of a suspected Republican, one Walsh. Evidence submitted to us by certain recent members of the Imperial British forces, and corroborated by the testimony of other witnesses, indicates that defection from these forces is frequent and occasionally is discouraged by the killing or flogging of those who too publicly contemplate resigning. D. F. Crowley testified to 500 resignations out of 9,000 men during April and May of 1920, and said that after he himself had resigned he had been backed against a wall and threatened with loaded revolvers by "Black-and-Tans. A constable Farley in Adare was alleged to have been murdered under similar circumstances.

Citizens of the Irish Republic would seem to your Commission not blameable for incidental, accidental, and disciplinary casualties in the Imperial British forces in Ireland and for casualties incurred under circumstances of general violence and terror. Such casualties probably amount to a certain percentage of the whole 600 who, it is alleged, have been killed. The refusal of the British to present their side leaves us with only fragmentary evidence of the causes and occasions of death in the remainder.

Deaths in Open Warfare.—Fortified barracks or block houses held by Imperial British troops have been attacked, captured, and destroyed, and armed British units in trains, motors, and other vehicles, and on foot, have been assailed by Irish Republican forces. For an Irish Republican Army, drilled, disciplined, and when desirable, uniformed, already exists, and we have evidence concerning one member of it captured in action and subsequently executed by the British. It is in these military operations that the greater part of the British casualties seem to have occurred. Upon the legality of such operations the terms of our commission preclude us from expressing a judgment. But if the point of their legality be waived, it would appear to us that the Irish Republican forces, in such cases as we have been able to examine, have observed the recognised conventions of war. In no case have we found evidence of physical violence done by the Irish to any member of the Imperial British forces who surrendered or was captured in arms. Indeed, there is considerable evidence that such prisoners were treated with humanity, in most cases being given their liberty after they were disarmed.

Deaths in Raids on Barracks.—Besides such casualties incurred by Imperial British forces attacked by the armed forces of the Irish Republic, other casualties have been sustained by the British in the course of raids made by the Irish on barracks. We distinguish this category, without being able to estimate its size, chiefly because the casualties it covers have been in a measure incidentally inflicted by men who sought not to slay but to arm themselves for defence. Mr. Morgan testified that a barrack at Littletown was attacked and disarmed on a Sunday afternoon without a shot being fired. Mr. Francis Hackett estimated that not more than twenty "police" had been killed during the British evacuation of 600 barracks. On September 27, 1920, about fifty members of the Irish Republican Army surprised the British military barracks at Mallow and demanded the supply of arms contained therein. No casualties would have been suffered on either side had not five or six men from the garrison escaped and begun firing. In the exchange of shots that followed a British sergeant-major was mortally wounded, but no one else was injured. Mr. Frank Dempsey it will be recalled testified that after the arms had been taken from the garrison a doctor and a priest were sent for by the Irish Republican troops to minister to the sergeant-major. The barracks were not burned, nor was any man harmed intentionally, the single purpose of the raid being to secure arms and amunitions which since 1914 had been prohibited by the British administration to Irish Volunteers. The old law forbidding the possession of arms anywhere in Ireland had gone unenforced during 1913, while Sir Edward Carson was organising and equipping his Ulster Volunteers, but it had come rigidly into force in the rest of Ireland a year later when it was discovered that the Irish Volunteers were claiming an equivalent privilege. The responsibility for such deaths, however unintentional, would appear to us to rest squarely upon the Irish. It would seem, however, that the storing of arms in known places, isolated and inadequately protected, on the part of the Imperial British High Command is under existing conditions in Ireland almost an invitation to attack.

Deaths on "Duty."—Testimony attributes to the Imperial British forces approximately 48,000 raids, entailing wreckage of property, robbery, murder of citizens, brutality to priests and women and children, and indiscriminate flogging. Many of the raids, by all accounts, have been made at night by members of the British forces who were dressed in civilian clothing or were otherwise unrecognisable as having military business, and so were subject to resistance by citizens as common thugs and house-breakers. In certain raids masks have been worn; in that on Lord Mayor MacCurtain's house his assailants had their faces blackened and wore long raincoats and soft dark hats.