

DOING THEIR BIT': NEW SOUTH WALES BARRISTERS IN THE SECOND WORLD WAR

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Draft for comments

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Comments and further material welcome

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His Honour Des Ward (right) with his cousin on Bougainville 1945
(Courtesy Des Ward)

The author invites any people with more photos or information concerning Barristers who served in the war to pass them on for inclusion in the project.

A Note on Sources

It has been a challenge tracking down details of people some 65 years after the end of the war. The first stage was to generate an Honour Roll. Initially I used lists in the *Law Almanac* from 1943/1944 which published basic details of those Barristers and solicitors who had served in the armed forces. Many men who were subsequently admitted to the Bar also served and I have included them as well. Their names were initially located by matching lists from the post war Law Almanacs with Databases of service personnel. Searching through the database of the State Archives and then the Law Almanac gave many names and details of men who went on to become Queens Counsel or served on the bench. Many generous members of the Bar and the Judiciary (too many to mention here, but they are much appreciated) as well as the general public supplied further details in response to public requests for information through *Bar Brief* and the *RSVP* section of the *Sydney Morning Herald*. Eventually information came from around Australia and overseas, including Hawaii and Istanbul in Turkey.

Regrettably the process of research was not started just a few years before the demise of many men who could have easily listed those who had served and of course given accounts of their own experiences. As usual any such enquiries have to balance the desire for information with the natural modesty of so many Australians who will underplay their own actions at the expense of being considered self aggrandizing. Luckily their families were able to overcome any such reticence. I am particularly indebted to His Honour Harry Bell who read a number of drafts and went out of his way to make detailed written and verbal commentaries on them. In addition His Honour Des Ward, despite illness, spent some hours being interviewed at length about his experiences and supplied a number of photographs ó helpfully scanned by his wife Carolyn.

Other interviews were conducted with Sir Laurence Street, Judge Margaret O'Toole, Judge Michael Slattery and Tom Hughes QC. In addition valuable encouragement, advice and information was generously provided by many members of the legal profession and their families. I am especially grateful to the members of the Francis Forbes Society for Australian Legal History, particularly the Secretary Geoff Lindsay, SC, as well as the NSW Bar Association, especially Chris Winslow and Philip Selth for their great support for the project.

Tony Cunneen.

Introduction

It is impossible in the space of one short article to do justice to the wide range of experiences of some three hundred or so Barristers who saw service in the Second World War.¹ Their story has only been told intermittently. A few have had their memoirs published or had their experiences mentioned in biographical articles.² Often the reference to Barristers' and judges' wartime service occurs in isolated statements in obituaries or biographical accounts: a footnote to their professional lives. Judge and war veteran John (Gaffer) Flood Nagle³ believed that lawyers' experiences in the war were worthy of a book and collected a file of letters from other veterans, but the project was never complete.⁴ This paper goes some way towards introducing their story,

The New South Wales Bar contributed men to the war effort far in excess to the normal percentage of men from across the country. Of 148 people (the vast majority was men) who were admitted to the Bar after 1930, 92 enlisted in the armed services. Some years were particularly strongly represented. Seventeen out of 20 men admitted to the Bar in 1938 enlisted as did six out of seven Barristers admitted in 1937. In 1943 at least a third of all Barristers were on war related A total of 18 Barristers were killed in action, died of illness or accident. Another 200 war veterans became Barristers after service. Of the 300 Barristers who experienced war service, at least 117 became judges. Others went into politics, the most prominent being Prime Minister Gough Whitlam QC or related areas, such as the Chief Justice of New South Wales and later Governor General, Sir John Kerr QC

Barristers served in a variety of places and capacities during the war – in the RAAF or the Navy or the Army in places as far apart as the close jungle combat of New Guinea, the privations of the Burma Railway, the bombing raids over Germany or the North Atlantic convoys. At one point it was the proud claim of Sydney University Law School that its graduates and students were represented in virtually every unit in the Australian Armed Forces. At the height of the conflict the members of the Bar were part of a legal diaspora scattered across every theatre and aspect of the war. Others maintained the tradition of supporting the conflict through their work in war

related industries and charities. There was real sense of pride in the Bar that its members were 'doing their bit'.

Enlistment

Whatever glamour war service may have had in the early years of the Federation had well and truly evaporated in the trenches of the Western Front and the slopes of Gallipoli. In the 1930s First World War veterans were dying in their thousands at an average age of 45 years, when the average for non-veterans was 60. It took a committed person to forgo a prosperous professional life and enlist for front line service. However, typical of that generation any Barristers who enlisted would always be wary of any overly idealistic articulation of heroic motives – usually just saying that 'everyone was doing it' or that 'it was the thing to do' when asked for their motives. Whatever their reasons, the Sydney Bar supplied a substantial proportion of recruits in relation to their number – just as they had in the First World War.

The patriotic urge to enlist by existing members of the Bar affected some men who could have justifiably kept out of the services. Henry TE (Bernie) Holt⁵ had served in the First World War and was appointed a Judge of the District Court in August 1939. When war broke out a month after his appointment he answered a call for ex-gunner officers to attend a refresher course. Holt promptly attended the course which was held at the racetrack at Warwick Farm. The experience of a trainee soldier was a much different world from that of a Judge. Accommodation for the trainees was the horse stalls at Warwick Farm Racetrack, which he no doubt accepted as part of the deal. He was appointed a captain in the Citizen Military Forces (CMF) but resumed his judicial duties and assisted in what was euphemistically termed 'certain intelligence work'.⁶ Like so many lawyers the combination of his military and legal skills led him into some of the more obscure, but nonetheless significant aspects of the war effort.

Some Barristers insisted on enlisting despite physical disability. Barrister Frank Carter Stephen⁷ had just been admitted to the bar in 1938. He had a congenital deformity of one foot which severely restricted his movement such that he had to

employ a runner when playing cricket. Although there could not have been possibly any obligation on him to enlist he nevertheless joined the Australian Army Legal Department, and rose with that Department until he became Assistant to the Judge Advocate General from 1942 to 1944 with the rank of major. He later joined the AIF. HJH Henchman commented -If ever there was a man on whom there was no obligation to go to fight it was this man and if ever there was a man who realized it was his duty to his country it was Frank Carter Stephen.⁸ Another who overcame a physical limitation was Frederick George (Funnel Web) Myers.⁹ One of his notable characteristics was the possession of physical courage and powers of endurance. He had a disability which required him to wear a cumbersome surgical boot. This did not prevent him from engaging in military service in World War II. Myers was quite well known for having gone over the Kokoda Track despite his disability.¹⁰

Barristers, such as Angus Leslie, Merlin Loxton MC¹¹ or William Ballantyne (Rocket) Simpson¹² were rejoining or continuing reserve service after the First World War. Cyril Bartholomew Lynch had been admitted to the Bar in 1938 after working as a teacher. He had also served in the First World War and had been seriously wounded twice. He put his age down from the correct 45 years to 38 and enlisted in July 1940. Others were following family traditions. Michael Helsham¹³ followed his father to both the Bar and to war. Adrian Curlewis¹⁴, John Bruxner¹⁵ Laurence Street¹⁶ and Tom Hughes¹⁷ came from families with extensive military connections and had relatives who had been lost in World War One. Laurence Street was named after his uncle who fell in action during the first few days at Gallipoli. Tom Hughes' father, Geoffrey Hughes MC AFC had served in the First World War then again in the Second World War. John Bruxner's father had been awarded the DSO in the First World War. A number of Barristers had military reserve experience - with the Sydney University Regiment a particularly strong source of full time recruits. William Victor Windeyer and David Selby¹⁸ had their initial experience of the military in this unit. Others such as Alan Victor Maxwell¹⁹ had commenced their military training in school - in his case he had been a Cadet Lieutenant at *Shore*, a school with a strong tradition of military service amongst its ex-students. Of those who were not at the Bar when war broke out 17-year-old George Buckworth was a great example of just how

keen some young men were to enlist. He was a good four years underage when he enlisted.

Sydney University Law School Comforts Fund

The Sydney legal community gave its support to the war and their professional colleagues who enlisted through a variety of schemes and projects. The Sydney University Law School Comforts Fund was a source of great support for any Law School students and graduates who were in the service. The fund was founded at a meeting at the Law School in Phillip Street on 10 July 1940. The emerging Sydney University Law School had displayed great enthusiasm for the First World War and there was little change in the Second Global Conflict of 1939 to 1945. Again the Law School was a central clearing house of support for the lawyers who were away on active service.

The patrons of the Law School Comforts Fund at first were Sir John Peden and the Chief Justice, Sir Frederick Jordan. Sir Frederick was also Lieutenant Governor during the war and his Associate was John Slattery²⁰ who recalls the time of rationing and administrative simplicity far different from today.²¹

The President of the Law School Comforts Fund was Sybil Greenwell (nee Morrison) one of the earliest woman Barristers in New South Wales. An influential group of KCs were Vice Presidents. One of the stalwart operatives was the talented Jean Mullin (nee Malor), who had graduated with First Class Honours in Law, but never practised, instead devoting herself to a long and successful career as an editor. Another key supporter was Margaret Dalrymple-Hay, the clerk to the Faculty of law and the Law School Librarian during the war.

The aim of the fund was to keep legal men and students in the services in touch with the Law School and the profession, and with each other; and to send them benefits not obtained through other sources. Any legal people were to be included in the list of the fund's beneficiaries. While there were occasional parcels of delicacies the main object of the fund was to keep men on the roll regularly supplied with reading matter. Books and other items were comparatively rare at the time especially on active service. The items sent included books, and newsletters. The main such newsletter

was a quarterly magazine called *The Legal Digest* which was a gossipy compilation of news of lawyers on active service, significant court cases and family details from Australia. It was a mixture of practical and cheeky references to the legal profession: some significant cases, appointments and decisions as well as plenty of references to mess parties, jokes and gentle mockery of those in the uniform and the profession. John Bruxner said that the *Digest* was particularly appealing to anyone wanting to wallow in sex, crime, scandal, gross breaches of censorship and security regulations, defamation and all the more typical outpourings of yellow journalism.²² His lighthearted hyperbole captures the tone exactly, although there were plenty of somber references to those who had fallen in action. Barristers offered summaries of significant legislation and court life for the *Legal Digest* while others entertained visiting service personnel. The Fund was supported by virtually the entire legal profession. Law School students who wished to continue their studies while on active service were sent lecture notes, digests of cases and were to be able to sit examinations under appropriate supervision in camp. The extra effort was perhaps made easier by the decreasing number of students in the Law School during the war.

Unfortunately the good will of the Fund did not prevent an ugly dispute developing over the appointment of two professors to the Law School: the new Dean Professor James Williams and Professor Julius Stone were subject to some criticism as it was thought in some quarters that their appointment should have been delayed until after the war to give any servicemen who wanted to apply the chance to do so. The dispute involved a number of unfortunate confrontations between the University Senate, students and faculty and was never really satisfactorily resolved.

Barristers in the Middle East

The first major operational theatre was in the Middle East where the leading lawyer in the service was Brigadier Victor Windeyer.²³ At one stage Victor Windeyer was commanding the 2/48 Battalion at Tobruk. He was an energetic and brave leader who often went forward into the front line positions. His courage and skill were recognised by the awarding of the Distinguished Service Order (DSO). One of his officers during the siege was Lieutenant David W Barton Maughan,²⁴ another Sydney Barrister. Maughan was lucky to survive the battles including one shell burst on his battalion headquarters which killed a number of other officers. Barrister Robert (Rex) Green²⁵

was not so lucky. He was killed in action at Tobruk 27 October 1942 serving with the 2/17 Battalion. Other men later admitted to the Bar who served at Tobruk included Phillip Woodhill²⁶, Ernest Byron²⁷ and Desmond Merkel who was there with the 2/13 Battalion, the same unit as Barton Maughan.

Merkel wrote of his experiences there:

The dust-choked sangars, the heat, flies and dysentery, weevil-studded bread and salt-fouled water, oily bully-beef and greasy margarine. The acrid smell of exploding shells and their horrifying scream; the murderous rattle of strafing aircraft, the whispering menace of mortars. The long cold nights on patrol, the savage attacks beaten back. The deadly hiss of splinters and the calls for stretcher bearers in the dark. The longing for cool fresh water as the burning months dragged on. All these faced and endured till the siege was lifted . . .²⁸

Another area of operation in the Mediterranean was in Greece. This ill fated campaign found a number of Barristers struggling to escape with their lives. One Barrister, Charles Walker, age 39, was killed in action on 12 April 1941 while serving with 1 Anti Tank Regiment. When Greece fell to the German advance in April 1941 a number of Australian units were cut off and had close escapes. Major Phillip James Woodhill had survived Libya but was one of the thousands of Australians trapped in Greece. It was a desperate time and Woodhill combined with another officer, Captain Vail, to lead hundreds of men to safety. It was an arduous experience. Food shortages, long forced marches and constant attack from enemy planes and troops had a harsh effect on Woodhill's health. The normally ebullient good natured man was reported to be 'a shell of his former self' after the experience.²⁹ He had a brief recuperation in Egypt before rejoining his unit in the Lebanon and Syria. He was to be withdrawn from front line duty and was made the Legal Staff Officer (LSO). He was a close associate of Victor Windeyer as they had been in the Sydney University Regiment together as well as the same chambers in 184 Phillip Street. Also serving in Greece was Woodhill's close friend and fellow Barrister Alexander (Alec) Sheppard³⁰. Sheppard too was active in trying to hold together the fragmented Australian troops. He worked hard to maintain a supply line using donkeys to cover the rough tracks

through the mountains, always at risk of ambush from the enemy patrols. He later supervised the embarkation of troops from the beach near Marathon. Sheppard was awarded the Military Cross for his work in both these areas.

Captain T A M (Mick) Boulter³¹ was another Sydney Barrister caught in the same predicament on Greece. He was born in Adelaide and had been a solicitor in Melbourne but was admitted to the Sydney Bar in 1939. He was captured as a corporal at Kalamata on 29 April 1942 and taken to a disease ridden Prisoner of War camp at Corinth where he was put with around 10,000 British prisoners. On 5 June the prisoners were marched out for the first stage of their transfer to camps in Germany. His experiences were recorded in the *Official History* of the campaign:

Boulter escaped on 7th June by jumping into some low scrub beside the road and lying there until dark. That evening he obtained clothing from a Greek and for some days worked in the fields in return for food and shelter. Thence he was sent to a remote and self-contained mountain village on Mount Oiti near Lamia where he was joined by two other Australians, a British pilot, and a Pole. They decided to make their way to Euboea and thence from island to island to Turkey. They left the friendly villagers, crossed the railway and main road, climbed the Kallidromon mountains and reached the coast where, on 22nd June, a fisherman ferried them to Euboea. Here, among Greeks they listened to the B.B.C. broadcasting the news that Germany had invaded Russia. The Greeks made the fugitives so comfortable that all but Boulter decided to remain where they were. He walked through the hills to the east coast of Euboea and then along it seeking in vain for a passage. He could now speak "quite a little Greek", and he eventually reached a monastery, where (as always at the monasteries) the priests treated the fugitive with great sympathy, and the bishop arranged with a fisherman to take him to Skyros, first stage in the escape of many Allied soldiers. He walked across the island to Skyros town, and there met a Greek who had already been paid by the Consul at Smyrna for ferrying escapers thither. They reached Smyrna on 25th July after three days at sea, and sailed to Haifa on a Greek tramp about ten days later.³²

Boulter was something of a celebrity after his return to the Allied forces and his daring story was written up in the press.

Not all the Barristers who served in the Mediterranean were in the Army. Barrister, William Gordon Kloster, was a pilot with No 3 Squadron flying Tomahawks against the Luftwaffe. On 22/11/41 at 1540 a total of 23 Tomahawks took off to sweep over the Tobruk-El Adem area and met over twenty Messerschmitt 109s south-east of El Adem. During an hour long dogfight, the Germans lost six 109s. Six Curtiss Tomahawk IIBs of 3 Squadron were lost. William Kloster was one of two men taken prisoner. Kloster had previously flown out of Palestine and in the Syrian Campaign. He survived the war as a prisoner in Germany.

Other Barristers to serve in the Middle East including Peter Leslie³³, who learnt sufficient Arabic to translate conversations later in court³⁴, William (Bill) Ash³⁵, Bertram (Bertie) Wright, William Prentice³⁶ and John Flood Nagle. John Nagle saw action as a gunner in the Middle East with 2/5 Field Regiment then later as a paratrooper in the South West Pacific. His younger brother, Val, a solicitor, was killed in action in New Guinea. Nagle was pleased to serve with his good friend Leicester (Shagger) Meares³⁷ in the Middle East then later in New Guinea. Chance meetings between lawyers in foreign parts were always the subject of much appreciation, such as when Edward St John³⁸ was on his way to a court martial in the Middle East was hailed by fellow Barrister William Ash on his way to join another Sydney Barrister Lieutenant Colonel Turner in the 2/13 Battalion. Ash served with the unit throughout the Middle East and New Guinea campaigns.

A number of Barristers served in the legal section of the army in the Middle East. At one point the Sydney Barristers who were working together in Tel Aviv included Brigadier William Simpson, Rex Chambers³⁹, Allen Eastman, Edward St John, David Benjamin and John M Hammond. Also working with Brigadier Simpson was Russell (Dooley) Le Gay Brereton⁴⁰ who in the midst of enduring sandstorms so fierce he claimed had to take a shovel to bed to dig himself out in the morning speculated on his power as Aide De Camp to General Morshead. Brereton speculated about approaching Lieutenant Colonel Rex Chambers and asking if it was possible to go

absent without leave, sit on his own court martial, find himself guilty then send himself home.⁴¹ Stories of windstorms and other natural hazards, boozy encounters with members of the English Bar and other gossip were duly reported in the pages of the *Legal Digest*. Other Barristers were on active service in more remote areas. William Perrignon⁴² who was serving with the Australian Survey Regiment, wrote to the *Digest* of having to endure 'a howling gale and rain pouring all over the floor'⁴³ in the Lebanese mountains.

These men, who had been at the Bar before the war broke were part of what one Barrister, Alexander Sheppard, called 'the legal circle in the AIF.'⁴⁴ The network extended across all theatres of war. So it went into operation when on 26 November 1941 in Beirut, Philip Woodhill died tragically from food poisoning. He had only a few hours earlier seen his friend and fellow Barrister, Alex Sheppard on the road to Baalbek. The legal community in the Middle East came together for the funeral in Beirut and included the Melbourne King's Counsel Brigadier Herring as well as Victor Lieutenant Colonel Victor Windeyer, and the Sydney solicitor Captain Fred Chilton. News of Woodhill's death travelled to New Guinea where his friend and fellow Barrister, David Selby was serving. Selby had been best man at Woodhill's wedding and was distraught over the death of his friend. The legal community across the country mourned Woodhill's death as indicated by the many letters to his wife, Joan. Letters of sympathy came from David Selby, Sir John Peden of the Sydney University Law School, Brigadier William Ballantyne Simpson, Percy Spender MP KC, Lieutenant Colonel JP Fry of the Queensland Bar and Assistant Judge Advocate General at the time, David Selby on duty in Rabaul and Major General Herring KC. The Bar was conscious of its own and the death of any member was keenly felt by the others.

There were various attempts by members of the Bar to minimise the damage to the professional lives of Barristers were enlisted. Some of the schemes were more practical than others. One idea proposed by Windeyer KC in February 1942 was that a scheme would be established where every Barrister would donate sixpence in every guinea earned to a fund to maintain the income of Barristers on active service. In addition there was a scheme where Barristers would work for half fees, sharing with

those on active service. These schemes were well meaning but did not receive the required support to become accepted practice.⁴⁵

Late in 1942 the huge battle at El Alamein marked one of the turning points of the war. Brigadier Victor Winderley again displayed his great skill and aggressive spirit in action, for which he was awarded the Bar to his DSO. In addition Barton Maughan was awarded the Military Cross for his enterprise, courage and coolness during the battle. Russell Le Gay Brereton viewed the battle from the high position of Aide de Camp to General Morshead and recalled the spectacle of the armies moving about the plains and the grandeur of the flares, tracers and the unearthly peace after twelve days of bedlam.⁴⁶ Sadly Lieutenant Colonel Turner was killed at El Alamein, age 33. While these men were engaged in the Middle East many Barristers were fighting much closer to home.

Singapore and Malaya 1942

After the early days in the Middle East the next Theatre to absorb the best of the legal profession was in the Far East fighting the Japanese. The Australian defence plan centred on the Singapore Strategy and the mystique of the British Empire. The idea of Singapore as some kind of impregnable bulwark against any threat had mesmerized Australia against the looming threat of the Japanese expansion. Tragically the legendary Singapore Strategy was not supported by military reality. The first blow fell on Australian troops in the Malay Peninsula. Posting to defend that area was not popular as it was considered too far away from any real action. Everyone involved was shocked by the speed of the Japanese advance.

After a series of defeats the Allied forces withdrew to Singapore Island. Two Barristers lost their lives in the defence of the island: Major Richard Keegan⁴⁷ on 11 February and Thomas Vincent MC on 9 February 1942. Keegan was severely wounded and had to be left behind when his unit was overwhelmed by a Japanese attack near Bukit Timah area on the southern half of the island. He had been involved in virtually non-stop fighting for weeks. Also with him in the 2/19 Battalion was

Major Thomas Vincent. He had been admitted to the Bar on the same day as Keegan, 15 February 1934. They fought through the campaign commanding adjacent companies in the Battalion. He was missing, presumed killed 9 February in the Tengah area. He had been involved in an extraordinary series of action including travelling through enemy lines to round up stragglers and bring them over 30 miles back through the jungles and the Japanese to their own lines. His company held the last rearguard action over the Johore Causeway before its destruction.⁴⁸ As a result of his actions he was awarded the Military Cross after the fall of Singapore, but details of his death were not established until much later. The medal was presented to his 11 year old son, Anthony, at Government House in 1946.

After the collapse of resistance on the Malay Peninsula troops were penned into Singapore and on 11 February 1942 the Japanese flew over and dropped small boxes carrying the terms of surrender.⁴⁹ One these boxes was taken to the commander by a young, grimy captain, Adrian Curlewis⁵⁰ of Mosman ó a Barrister in his previous life. The surrender would take him into three years of harsh captivity in which he would prove himself to be a genuine leader many times over.⁵¹ At the same time as Adrian Curlewis went into captivity the Curlewis home, *Avenel* at Mosman was evacuated. Phillip Woodhill's family moved to Bowral, partly for safety and partly to deal with the grief. Enlistments in the armed forces increased across the community.

Thousands of Australians were captured in Singapore and went first into Changi prison. Adrian Curlewis had the opportunity to accompany General Bennett in his controversial escape to Australia escape the Japanese: He said of the time that:

I didn't quite know if was an order or a request that I should join (Bennett's) party to do some swimming through mangroves to get a boat. Then when I went away from the original invitation I started to think it over: would the men feel that they had been let down by the officers? I made up my mind then that I wouldn't go.⁵²

A number of other Barristers endured the privations of being prisoners of the Japanese including Captain Phillip Head⁵³, Richard WL Austin, the First World War

veteran Cyril B Lynch, James P Lynch and a young articled clerk David Griffin (Griffin was later admitted to the Bar)⁵⁴. James P Lynch had been admitted to the Bar in 1937.

Adrian Curlewis was one of the leaders in Changi POW camp. Apart from the brutal conditions one of the worst enemies of the prisoners was boredom and the overwhelming lack of purpose in their lives. One way to combat these debilitating mental handicaps were for there to be course conducted in which the men could learn some sort of skill. Adrian Curlewis was one of founders of 'Changi University' set up just four days after the capitulation. He was nominated as Dean of the Faculty of Law and taught subjects in that field as well as Malay languages and motor mechanics.. The courses had to be kept secret from the Japanese and where possible they used smuggled text books Curlewis also conducted a course in surf life-saving while in Changi.⁵⁵. Another camp which had legal courses was at Kuching with its famous 'Kuching University'. Brisbane Barrister Len Draney conducted the law course. Sydney solicitor Allan Loxton was a keen student.

Adrian Curlewis' diaries indicate that he took some comfort that he shared this time as a POW with his close friend from the Bar, Philip Head. They were under the command of Lieutenant Colonel (Sir) Frederick 'Black Jack' Galleghan in Changi. In a discussion with Galleghan one evening Phillip Head pointed out that when they were back in Sydney they would have to raise their hats to judges in the street. Galleghan thought this was 'bloody nonsense'. Head insisted it was the proper etiquette and when he was back in Sydney Galleghan checked and discovered that Head was right. So after Adrian Curlewis was appointed to the bench in 1948 he happened to meet his old commanding officer, Galleghan, on the Mosman Ferry wharf one evening. Galleghan immediately raised his hat in deference to Curlewis' superior status and said, 'Good evening, sir.'⁵⁶

Phillip Head was another Barrister who was a very significant figure in the POW camp. He was created an MBE (Military Division) for his 'exemplary performance of his duties. His citation read:

The Duties called for tact, efficiency and courage, particularly when dealing with Japanese and Major Head exhibited those qualities in a marked degree. He always endeavoured to assist his fellow [prisoners of war and his continued unselfish efforts helped to ameliorate their conditions. His continuous and outstanding devotion to duty and loyalty under very difficult circumstances and the impartial manner in which he performed those duties earned him the respect of prisoners of war of all nationalities in Singapore.⁵⁷

David Griffin noticed that there were some young European children in the camp and he wrote a book for them, *The Happiness Box*, which was illustrated by his commanding officer. The Japanese commander suspected it was a really a secret code and it was saved from destruction by being buried. It was later recovered and published in Australia. Cyril Lynch (no relation to James) had a son who joined the RAAF while his father was a prisoner in Changi. The son was shot down over Germany. He became a prisoner of the Germans so as far as can be established the only father and son Prisoner of War combination in Australia.

As if Changi was not bad enough another group were selected to go to the Burma Railway. Ironically they were the healthy ones and the opportunity to leave Changi was greeted with some relief at the time. After all, it was believed that nothing could be worse than Changi.⁵⁸ Adrian Curlewis was transferred by train to the Burma-Thailand Railway. His report on this experience, written in collaboration with another officer was the basis for the *Official History* of that dark time in Australian history. It is impossible to do justice to the horrific conditions which Adrian Curlewis survived and proved himself to be a leader in the way he made representations to the Japanese regarding the well-being and safety of the POWs. This was a most dangerous business as the Japanese and Korean guards considered any hesitation in an explanation as an indication of deception and the Australian involved could be punished.⁵⁹ The Sydney Barrister James P Lynch was transferred to Japan, where he died of cerebral malaria in 1944.

Barristers in the Navy

A number of Barristers served with the Australian navy including Laurence Street; George Amsberg⁶⁰; Oliver Beale⁶¹; Robert St John⁶²; Harold Farncombe⁶³; David Moore; Gordon Johnson; John Sinclair⁶⁴ and William Kenneth (Bill) Fisher.⁶⁵ One young man to enlist in the RAN as a Hostilities Only Volunteer Reserve was Phillip Evatt.⁶⁶ He signed on in November 1940. He trained at the Anti Submarine School at Rushcutters Bay in Sydney then sailed to England and volunteered for the Royal Navy for submarines. He served on board *HMSm Unbroken* and *HMSm United* in the Mediterranean Sea throughout 1943. In October 1944, Evatt was appointed the commissioning First Lieutenant in *HMSm Tapir* when left for its first war patrol off the west coast of Norway near Bergen. On 12 April the crew were warned by sonar the presence of a U-boat, which they engaged.. Evatt was awarded the Distinguish Service Cross as result of the action. The *London Gazette* 19 June 1945 stated the award was for 'exceptional skill, audacity and judgement whilst service in *HM Submarine Tapir*. He trimmed the submarine during successful attack on a German U-boat in rough and difficult weather in which the U-486 was destroyed by a salvo of torpedoes off Ferjesen Fjord . . . and for efficiency of a very high order of training the crew and for generally high standard as an officer during thirteen war patrols. Ivan Black⁶⁷, another Barrister in the navy was serving in the North Atlantic when he was captured and spent three years in a German Prisoner of War Camp. His incarceration was not as brutal as that suffered by his colleagues under the control of the Japanese, but it was still a grinding experience which he alleviated by the usual round of lectures and educational activities. He was also greatly comforted to receive parcels from the Law School Comforts Fund to ease his sense of isolation as well as to provide some practical items of use.

On 20 November 1941 Barrister Richard Sievey was serving on board *HMAS Sydney* when it engaged the German raider *Kormoran*. In one of the great mysteries of the war the well armed *Sydney* was sunk by the comparatively weaker German ship. Sievey was lost along with all his shipmates. He had only been admitted to the Bar in March of the same year in which he died. His brother, John, died when *Perth* was sunk in March 1942. Barrister Lieutenant Lytton Wright was on board *Yarra* when it took part in an operation involving the seizure of an oil refinery and the occupation of the associated oil fields. *Yarra* later went down in an heroic engagement in which it engaged three Japanese Cruisers. Lytton Wright was killed in the action. He was

described as -lecturer in Admiralty, brilliant graduate, yachtsman, sportsman and friend of all the world.⁶⁸

Nineteen Forty Two was a worrying time for many people in the law with a number of lawyers missing in action Alan Bridge⁶⁹ had been in Java as Naval liaison officer and had failed to make the rendezvous with a ship to be evacuated. He was to spend some months evading capture in Timor. He had written lightheartedly to the Law School only a few weeks before mention that he

-had become quite expert in diving into appropriate cover from the bombs that were dropped in regular visits from the Japanese. These parts are magnificently picturesque. Hosts of native servants would spoil us utterly if Japs, mosquitoes, scorpions and other over attentive friends did not detract from the charm of life.^ø

At the time of his being reported missing he had a wife and young daughter.⁷⁰ The experience on Timor left him thoroughly debilitated.

Rabaul and New Guinea.

As the Japanese thrust down the Indonesian Archipelago and into the north of New Guinea a number of Barristers were caught up in futile actions. One of the most famous was at Rabaul. Barrister, David Selby, had an extraordinarily gallant and hazardous military career when the Japanese invaded the island in February 1942. He had been an officer in the Sydney University Regiment before the war and through that unit he was connected with many local lawyers.⁷¹ He was part of a small anti-aircraft unit located on Frisbee Ridge on Rabaul and which, in the naively quixotic strategies of the time, was meant to stop a force many times its size. His unit was able to fire at a number of Japanese planes but eventually he recalled being seized with a -peculiar numbnessø as he looked down on a Japanese invasion force many times larger than the Australian defenders.⁷²

When the Japanese overwhelmed Selbyø's position he took to the jungle with a large group of stragglers for a long trek south, evading death many times. At one stage Selbyø's group was under great threat from natives who were stirred to action by what

they thought was the demise of law and order. Selby's band was saved by the kind hospitality of an impressive Irish-Australian priest, Father Ted Harris. In the narrow coincidence of such things, Harris was himself a graduate of Sydney University Law School and a friend and contemporary of another fellow graduate Frank Hidden⁷³. Harris was from Balmain and had graduated in Law in 1932 but immediately gone in to study to be a priest and ran the Catholic mission on Rabaul. After leaving Father Harris, Selby continued on his way, tormented by hunger and always fearful of ambush from either the Japanese or the natives. He wrote of creeping along with his revolver loose in its holster, listening for suspicious sounds and half expecting, at any time, to hear the whistle of a spear through the leaves.⁷⁴ They were only very lightly armed and virtually starving by the time they reached safety. Selby did an excellent job leading the men out of danger.

As promised a boat, *HMAS Laurabada* went back to rescue people from the Mission in which Selby had taken refuge. Father Harris refused to leave his flock. The last photo is of him standing in his short sleeves on the wharf, smiling as he waived farewell to the last ship which could have taken him to safety. He chose to stay with his native parishioners. He was a fine member of the Sydney legal community although his path had taken him away from the Bar. The Japanese inevitably captured him. There are a number of different accounts as to how Father Harris met his death. All of them are cruel. David Selby remained a lifelong admirer of the priest and spoke often of him.

While these tense actions were taking place the young Barristers joined up in increasingly large numbers. Virtually all the young men admitted to the bar after 1940 enlisted soon after their admission. In addition young law students were very keen to interrupt their studies and enlist, especially in 1942, one of the worst times of the war for Australia. The Japanese attack on Pearl Harbour meant that in this year mainland Australia would be directly attacked. Early in the year, Barrister, Sybil Greenwell who had been President of the Law School Comforts Fund resigned from her position to give her services as a camp cook for the duration of the war. Her position was taken by Mrs Colin Davidson the wife of Mr Justice Davidson.⁷⁵ At the time there were over 300 members of the legal profession on active service.

By April 1942 there was scaffolding around the General Post Office building in Martin Place, blast barriers around some city firms and calls for an extensive system of air raid shelters around the city. Windows were shatter proofed and blacked out. In May those measures became more pressing as Sydney Harbour was subject to direct attack by Japanese Midget submarines and cargo ships could be sunk not long after they left the Heads. There was rationing of tea and beer, shortages of everything from sugar and rice to toothbrushes and raincoats. The arrival of American troops left wigged and gowned Barristers in Philip Street liable to be asked to pose for photographs by the allied visitors who were heard to exclaim loudly that they had never seen anything like it in their lives. Counsel occasionally appeared in court in military uniform, although it was disapproved of by the Bar Council and side arms and head dress were not to be worn.

One son of a veteran who enlisted around that time was William Desmond Thomas (Des) Ward.⁷⁶ His father, Jonah (Harry) Ward, had died in 1922 of gas related injuries sustained in battles such as The Somme in the First World War. Despite the loss Des was keen to enlist but his mother insisted he finish his law degree first. In September 1942, he enlisted, two days after his final law exams in the Law School in Phillip Street Sydney.

Des Ward went into the army. He first trained in what was known as the Forward Defence Lines (FDLs) in the Kembla Grange area south of Sydney. Late 1942 was still a very dark time in the war and there were Japanese submarines active off the coasts. Sydney itself had been attacked only a six months earlier. Des was soon sent to gunnery school at Warwick Farm, then was fortunate to be selected for officer training. His university background probably helped him gain selection to be trained on the new 25 pounder artillery pieces then being introduced into the military. This background later also assisted him with selection for officer training. He recalls the interview. It was a formal military situation and the first question to Des was: 'What is your attitude to discipline?' As the interview progressed Des relaxed as the questions moved more onto the topic of law. 'I relaxed from the formal, pencil-like poses of an officer at attention and put my hand on his desk - later on I was ticked off by the adjutant for relaxing so much in the presence of a superior officer, but he had

been talking about the law, not military things and I thought it was ok. No one seemed to mind really except the adjutant.⁷⁷

Barristers in the Royal Australian Air Force

Many Barristers enlisted in the RAAF. The usual pattern was to enlist in Sydney then have basic training, often in Lindfield then to other areas in Australia before travelling via Canada in the Empire Air Training Scheme to Great Britain for their operational duties ó a very hazardous posting. One of the early enlistments was Alan Ritchie⁷⁸ who joined Bomber Command as a navigator/bomb aimer. He was awarded the Distinguished Flying Medal for having brought his damaged Wellington Bomber home to base after all the other crew had been injured. On 1 March 1943 Ritchie was lucky to survive a mission to Berlin when the Lancaster in the Pathfinder Squadron he was in as crew was hit by incendiary bombs dropped from the plane above. Ritchie worked with the pilot to bring the plummeting aircraft under control then navigate out of the German flak flying at a level of between 25 and 40 metres in height. It was an extraordinary escape with Ritchie lying in the nose shouting instructions back up to the pilot. Ritchie later returned to Australia after a 74 hour flight via Montreal, Ottawa, San Francisco, Hawaii and Canton Island in the Lancaster, Q for Queenie on promotional tour for War Loans. Ritchie visited the Law School and was something of a hero at the time. At one stage the Lancaster was flown under the Sydney Harbour Bridge and low over the city in what was known as a -beat upø The tour ended on 26 October 1943 when the plane crashed at Evans Head after a wind shift. All the crew survived.

Tom Hughes⁷⁹ then a first year law student, enlisted in the RAAF in 1942. As with many other young men who enlisted in the RAAF, he went through recruit training at Bradfield Park Camp at the end of Fiddensø Wharf Road Killara in the North Shore of Sydney. Tom survived the dangerous training regimes of being a pilot and navigator and was soon training men barely younger than himself. Tom Hughes was one of those men whose later talent in his profession became obvious in his service life.

At the end of 1943 Tom Hughes was posted to 10 Squadron flying Sunderland flying Boats out of Mountbatten Airbase on Plymouth Sound. It was a front line posting. Hughes service included hunting for submarines, which was certainly extremely hazardous. The German submarines were armed with 20 mm cannon which could be lethal if they hit the lumbering Sunderlands.⁸⁰ At the time, the Squadron was under the command of a solicitor from Wollongong on the South Coast, Squadron leader Philip Goodrich Adams. Tom was one of many who fought overseas with the RAAF

Flying Officer Clifford O'Riordan had attended St Ignatius College, Riverview and then studied Law at Sydney University. He joined 460 Squadron as a gunner in August 1942. He flew in Lancaster Bombers on many operations over Europe. He described one epic journey on 13 April 1943 - seeing the Alps as they flew south east to bomb the docks at Spezia in Italy. After eight hours in the air they were hopelessly lost on their return journey. They eventually flew home across Spain and up the Bay of Biscay. They were in the air for over eleven hours and lucky to get back. In the understated nature of the time he simply wrote in his diary that it was a shaky do. After landing he soon caught the midnight train to London and went on a pub crawl.⁸¹

Occasionally young Barristers enlisted together, as happened with Colin Kennedy and Ronald Stephens. Both young men enlisted together on 20 June 1942 soon after their admission to the Bar. Before posting overseas Kennedy was Stephens' best man at his wedding at the end of the year. Kennedy left soon after, following the familiar route to San Francisco then across to New York and through various training camps in New South Wales then overseas for further training in England. His friend Stephens went via Canada and sent his family photos taken in Ottawa. He was happy to meet up with any fellow Barristers and was pleased to spend time with Ted Perrignon,⁸² also in Canada on his way to England. Canada was a regular stopping off point for trainee aircrew as part of the Empire Air Training Scheme. Others to pass through there included: Ken Torrington⁸³ who was an instructor and also a shuttle pilot. Another shuttle pilot to cover the globe was HR (Rodney) Hudson⁸⁴ who made 13 trips between Canada and Great Britain as well as others to South Africa and virtually

every country in South America.⁸⁵ Canada was an intense experience. Torrington wrote from a frigid Winnipeg that he hoped to warm up by getting into a refrigerator but he was better served than fellow Barrister Pilot Officer Wallace Hutchinson who was in hut in Iceland gazing at glaciers, high mountains and 'artistic little villages where the islanders paint their houses white with red or green roofs.'⁸⁶

Training could be tough in Canada. Ted Perrignon⁸⁷ described his bomber course as 'living in a weirdly unreal world of sextants, spherical triangles, air-plots, ungodly projections etc. seasoned with a few mundane things such as stoppages of a browning gun, aircraft signals and current events.'⁸⁸ He went on to serve as a Junior Flight Lieutenant, bomb-aimer, in RAAF Halifax 462 Squadron (heavy bombers). He was stationed at Driffield, Yorkshire and flew over Germany with Bomber Command, heading the Allied advance into Europe. His unit often flew 'decoy', separating from the main bomber force over Germany, exiting 'window' - a metallic substance designed to confuse German radar, convince German fighters that his plane was the main bomber force, and draw their fire⁸⁸. When he finished his tour of duty, and was entitled to return home, he volunteered for a second tour.⁸⁹

Ronald Stephens' friend Colin Kennedy followed the same path through Canada and arrived in England as a fighter pilot in September 1943. Stephens settled into life in England with 13 Operational Training Unit and while with them was tragically killed in an aircraft accident. The loss in training is an example of the type of hazards faced by men alluded to in the 2005 *Bar News* article on the career of Tom Hughes in which it was noted that 'the danger of Tom's (and others) early training work should never be overlooked.'⁹⁰ Stephens had only just visited an English family in Oxford for his leave and they attended his funeral and wrote to his parents of 'his cheerful ways and good temper.'⁹¹ Another Barrister to lose his life in training was Ralf B Cassidy who died at Mallala Base with 6 Service Flying Training School in 2 November 1942. Not all the accidents were in the air. Barrister Lieutenant John Mortimer Phillips lost his life accidentally in Sydney 'supposedly while running to catch a tram to go to General Macarthur's Headquarters on 18 May 1942. David Lewis⁹¹ served in the Middle East, Syria and Palestine, only to lose his arm in a training accident in Queensland in 1943.

Serving in Bomber Command in Europe was particularly dangerous in 1942. Barrister Flying Officer Douglas John Richards was an Observer in a Hudson Bomber of 59 Squadron which left North Coates Airfield in Lincolnshire to attack an enemy convoy off the Friesian Islands. Nothing was heard of the plane again. Richards's body was found and he is buried near Oldenburg in Germany.⁹² Another Barrister to lose his life in Europe was Robert George Ashley Brathwaite who disappeared in action with 150 Squadron RAF flying out of RAF Base Lossiemouth to operations over Germany on 26 June 1942, age 27.⁹³ He was found to have crashed at Terschelling Island (part of the Friesian Island group) while flying as an observer in a Wellington Aircraft after having been attacked by a German Night fighter.⁹⁴ The others in the crew were Canadian and British. For a time he was posted as Missing and his mother in Killara, Sydney hoped he would be located as a prisoner of War, but his death was confirmed by a survivor. Mrs Brathwaite had lost her other son, Peter, in Syria in 1941. She had applied to have George returned to Australia from Canada during training there to avoid risking his life, but she was unsuccessful. Brathwaite had been lucky to survive an earlier incident when, in heavy sleet, his Wellington had overshot the flarepath runway at Elgin Aerodrome and on going round again had struck trees on the surrounding hills. Brathwaite had been the Associate to Mr Justice Street before enlistment.

Many others survived hazardous tours of duty, including Howard Purnell⁹⁵ who flew Mosquitoes with 464 Squadron. The Squadron history records Purnell as having been one of the first non-Russian servicemen to enter Hitler's Bunker at the end of the war after bribing the Russian guards. At the time he was with members of his squadron wandering about the ruins of Berlin.⁹⁶ Young George Buckworth was serving with the RAF in 75 Squadron when he was shot down over Belgium in 1942. He was awarded the Croix de Guerre for evading capture with the aid of the local Resistance and then not revealing information concerning them. He was a POW for 22 months and was awarded a Mention in Despatches for helping other prisoners survive a long forced march in the dead of winter. Remarkably he escaped back to England and flew again with Bomber Command and in April 1945 returned to Australia in a flight of Dakota DC3s.⁹⁷

Accidents were a constant threat. Bruce Panton Macfarlan⁹⁸ survived a crash in a Catalina Flying Boat which attempted to land in rough weather at Townsville on 7 September 1943 after flying from Merauke. The plane sank in only a few metres of water. Unfortunately the water pressure was sufficient to detonate the anti submarine depth charges carried onboard. Thirteen men were killed. Wing Commander MacFarlan was one of six men to survive.

Barristers in New Guinea

Many Barristers served in New Guinea including, Colin Begg⁹⁹; Allen Eastman; Denys Needham¹⁰⁰, Jack Fitzpatrick; William Ash, James (Ted) O'Toole¹⁰¹ and John Flood Nagle. They were known in the *Legal Digest* as the 'yellowing throng' or the 'yellow horde' because the Atabrin they took for malaria had that effect upon them. John Flood Nagle was a parachutist and despite his high activity managed to see a number of lawyers, including Brian Westgarth. Nagle's hospitality was legendary and he wrote of his fondness for life at the Sydney Bar with 'memories of pubs and courts and coffee houses, white paper and pink ribbon, and Philip Street lying lazy in the sun.'¹⁰²

There were many experiences of note in New Guinea. A young Alan Renouf survived a serious head wound while serving in what was known amongst some members of the legal fraternity as 'Hell's Own Country'. Typically the *Legal Digest* reported the incident in a light hearted manner: 'All he remembers of being knocked out was a thought passing through his mind, 'I'm dead and this is heaven'. Which brought a candid friend's obvious comment, 'optimistic cow aren't you.'¹⁰³ While wounded he applied to join Dr Evatt's newly established Diplomatic Cadet scheme, and thus commenced a long career in the Department of Foreign Affairs.¹⁰⁴ Another war veteran solicitor to become a diplomat under the scheme was Lloyd Tilbury.

Des Ward travelled to New Guinea after having joined a Victorian artillery unit of the 4th Field Regiment comprising 24 guns. Des's official role in the 4th Field Regiment

was the Gun Position Officer. He had a variety of duties, including supervising the men as they sweated and strained trying to haul the heavy artillery pieces into position. While the artillery was involved in many actions, much of their time was spent manhandling the heavy short or long barreled field guns up and over road which they often had to construct themselves. It was brutally hard work and the men were often stripped to their waists in the thick heat and humidity of the tropics. Des can well remember the hard work of it all. In collaboration with the senior officers in the unit he often had the duty to choose the gun position then supervise the digging in of the artillery pieces. Des has many photos of his unit in these activities, - a rare collection as personal photographs were banned on operations, but as he was the official photographer for the unit he was able to collect some graphically illustrative images of men hauling the guns into position as well as others of Dakota DC3 aircraft, transfers ashore by landing craft and the various tent lines and campsites. He had a very active war like so many of his contemporaries at the Bar.

In battles, Des acted as a Forward Observer, directing the fall of shot onto enemy positions. This role kept him in close operational duties with the front line of Infantry. Sometimes he could be within metres of the enemy. He recalled one particular group just over a stream. They were dug in with wood over the top. Des had to call the information by radio back to the guns. Usually the procedure was to let the first shell go beyond the target then walk them back on top of the Japanese. It was a gruesome business as the aim of the operation was to kill the enemy. Not all the hazards were from the Japanese. On one occasion a shell fell short and landed only a few metres from Des. He said that: -Luckily it landed in the soft mud of a river bank and penetrated before it exploded. I was covered in mud as then sent a fairly strongly worded message back to the gun layer to be more careful.¹⁰⁵

Many men remained distinctive characters despite their absence from the Sydney Bar during the War: their reputations fueled by the gossip in the *Legal Digest*. Tony Larkins¹⁰⁶ maintained his reputation for sartorial style even in the jungle in a New Guinea. His hospitality to fellow lawyers was much reported and appreciated He cut a

dignified figure, complete with a martial moustache and on occasion a silver topped cane and horse hair fly swot, in the Legal Corps on the island. Eventually illness forced him out. Sickness bedeviled the military careers of many others. James Edwin O'Toole¹⁰⁷ le Gay Brereton¹⁰⁸, Robert (Bob) Hope¹⁰⁹ and Victor Windeyer were just some stricken by some of the many illness which prevailed in the war zones. Many other Barristers, including David Hunter served in the Legal Corps on New Guinea.

William Ash back from service in the Middle East was under the overall command of Victor Windeyer in the 2/13 Battalion. After transfer to Milne Bay Ash took part in the sea born attack at Finschhafen in early October 1943. Ash led a platoon in a hard slog of a battle, with the Japanese putting up a dogged resistance despite their debilitated situation. Ash also took on a legal role in his unit and wrote the Legal Digest that -jungle juice cases and censorship troubles (wee) the bread and butter of legal practice in the tropics.¹¹⁰

Harry Bell¹¹¹, freshly graduated from Newington College in Stanmore in Sydney wanted to join the AIF. He was contacted by Margaret Dalrymple-Hay of the Law School to say that there were four places reserved in the Faculty for 1944 if he wanted to have one of them. He declined the offer and volunteered for the Cavalry Commandos, eventually joining the 2/9 Commando Squadron.¹¹² He served for a time with fellow law student and later Barrister and solicitor, Neil Newton.¹¹³ There were four members of the Bar in the Commandos. In addition to Harry Bell and Neil Newton were David Hicks in 2/5 Commando and Harry Emery in 2/4 Commando.¹¹⁴

Harry Bell went to Aitape in 1944 and later made a landing virtually unopposed at Dove Bay. Amongst the items he carried ashore with him was Victor Windeyer's book on Legal History, ready to use any spare moments to continue his study. Bell's unit was put ashore by the 43 Water Transport Squadron. The Adjutant for this unit was fellow Barrister Nigel Bowen¹¹⁵, and one of the corporals was a young Ninian Stephen.¹¹⁶

Barristers saw action throughout the South West Pacific Theatre. Some were in the RAAF. Gough Whitlam was called into service in June 1942. Whitlam served as a navigator and was stationed for much of the war at Gove, on the eastern Arnhem Land

coast of the Northern Territory. His squadron protected convoys off northern Australia, and later moved further north to undertake bombing raids on enemy supply camps in the islands and the Philippines. By the end of the war Whitlam was navigator on the only Empire aircraft assigned to the RAAF Pacific Echelon at General Douglas MacArthur's headquarters at Leyte and Manila, flying members of MacArthur's staff between the Philippines and Australia.¹¹⁷

In October 1943 Flying Officer Michael Helsham¹¹⁸ was serving with No. 2 Squadron. At that time the North-Western Area squadrons continued to support the New Guinea offensive by destroying as much of the enemy strength as possible in the Netherlands East Indies. The Hudsons of No. 2 Squadron and Mitchells of No. 18 Squadron continued nightly attacks on Koepang, Lautem, Fuiloro, Langgoer, and other targets.¹¹⁹ It was an extremely busy and hazardous time. On 11 October Helsham's Hudson bomber was badly damaged by anti-aircraft fire in the raid on Langgoer. The controls and wireless of the aircraft were shot away and the plane spiraled out of control. Helsham regained control and then piloted the plane back over 640 kilometres of open sea and crash landed at base. He was awarded the DFC for action. He survived to become Judge Advocate General of the RAAF.¹²⁰

Another Barrister to fight in the RAAF against the Japanese was John Richard Parkinson¹²¹. He lost his life in an aircraft accident at Fenton airfield in the Northern Territory on 2 February 1945. The Liberator Bomber in which he was Bombadier was returning from a 12 hour raid against Japanese shipping in cyclonic weather when it ran out of fuel near its base. He was trapped in the plane when it crashed and burned.¹²²

Jean Mullin (nee Malor) was directly touched by the grief of the war as some of the young men who she knew from her student days lost their lives, but especially when her brother, the Barrister, Ronald Malor was killed on operational duty with 70 Squadron while on a bombing raid over Bulgaria on 12 June 1944. This was around the same time as the great D Day Landings. Tom Hughes was on patrol duty flying over the English Channel and the Bay of Biscay searching for U Boats. After the landings Tom's unit flew close to the French Coast to undertake ÷photographic

reconnaissance as German forces withdrew from southwestern France. The work took them close to heavy flak around Belle Isle, St Nazaire and Lorient.¹²³

Sydney Barrister, Joseph Coen, another graduate of Sydney's Riverview College like Tom Hughes, went ashore with the British Army at Normandy on 11 June 1944, five days after D Day. Coen had survived the evacuation from Dunkirk. He went ashore with the Royal Artillery on 11 June 1944 (known as D Plus 5 Day). He wrote to his old school, Riverview, of the crowds of ships and wrecks sticking up out of the water, the dangers of alighting from a landing craft into deep water and how 'floundering, cursing, panting with the strain, the men staggered into the sand, where military police and beachmasters got them going on a road laid down with sections of steel mesh. He travelled inland quickly past graves marked with rough wooden crosses to avoid the German artillery towards Ouistreham and settling into a trench to the sound of the rattling of Bren guns and the occasional luminous glare of the Verey light'.¹²⁴ He was later wounded in action and survived the war.

1945 Burma and Balikpapan

The Westgarth family had a tragic experience of war. Mervyn Westgarth had died of meningitis while serving with the 12 Light Horse in the Middle East in the First World War. His brother Dudley had three sons: Donald Dudley, a Sydney solicitor, who was shot down and killed while flying a Thunderbolt fighter over Burma on Anzac Day, 25 April, 1945. His brother Captain Brian Westgarth had been admitted to the Bar before sailing to the Middle East with the Seventh Division. He returned safely then was sent into the Pacific campaign and was killed at Balikpapan on July 5 1945. He had been a well known member of the legal community, regularly contributing to the *Legal Digest*. Their brother John Dudley Westgarth was a captain in the Australian Tank Corps. They were very much a military family with their cousins David, Winston and Donald all serving in the armed forces in the Second World War.

Also on Balikpapan was a young law student who later joined the Bar, Lyones (Peter) Walcott. He was the Brigade Major for 21st Brigade and was involved in a great deal of military activity with his commanding General Ivan Dougherty. Amongst other

duties Walcott was involved in the occupation of Macassar after the Japanese surrender. He was awarded the MBE for meritorious service in Balikpapan and Morotai. Also serving in Borneo was Barrister Donald F Kelly¹²⁵. He was awarded the MBE for his meritorious service in the campaign.

Barristers on the Home Front.

Serving in the armed forces was not necessarily a disadvantage for a man's reputation in the long run, but in the short term it could take him out of the immediate political or legal processes which unwound in the circles of power and opportunity in the centre of Sydney. Many lawyers were fearful that their time away from the profession could adversely affect their careers. The Attorney General during the war was the Sydney Barrister Clarence Martin. According to his entry in the *Australian Dictionary of Biography*:

Hoping to strengthen his political credentials, Martin was commissioned in the Militia in March 1942 and transferred to the Australian Imperial Force on 15 July. In 1943-44 he was staff captain at Port Moresby Base. As a field co-ordinator (1944-45) on the staff of the quartermaster general, Land Headquarters, Melbourne, he rose to temporary major and travelled around the South-West Pacific Area. He was placed on the Reserve of Officers on 18 October 1945. His war service, however, isolated him from politics, even though he had not resigned his portfolio¹²⁶.

Martin was a leader in trying to ensure preference for servicemen in the allocation of briefs during the war. He was instrumental in having serving Barristers and Solicitors identified with dagger symbols next to their names in the *Law Almanacs* so people could engage them. The most senior politician to have been a member of the New South Wales Bar during the war was Herbert Vere Evatt.¹²⁷ His career is well documented in other publications. During the war he was a very capable diplomat and was a leading force in the establishment of the United Nations in 1945 and was President of its General Assembly 1948 - 1949. His later appointment to be Chief Justice of the Supreme Court of New South Wales in 1960 was marred by failing health and capacity.

The Law School attempted to help men maintain their studies while still serving in the armed forces. Major Raymond Reynolds¹²⁸ that he was helping so many men in his unit, the 56th Anti Aircraft Regiment, studying for their legal exams that he called himself the 'Honorary Dean of the North Queensland Law School.'¹²⁹ Law students were encouraged to continue their studies while on active service and the Secretary of the school, Dalrymple-Hay went to great pains to send out the necessary notes and exams for people to continue their work. Harry Bell studied his Legal History course while he was on active service. He carried Victor Windeyer's book of Legal History Lectures in his back wrapped in his gas cape. He made summaries and summaries of it, then did specimen exam papers which he sent back to the Law School to be marked by Dr David Benjafield. Victor Windeyer held great sway over people, not only because of his rank. He wrote regularly to the legal community of the university and was the subject of regular sightings and gossip. Despite the great efforts of his command, he too kept at his studies and in 1945 was awarded the degree of Master of Arts, based on a thesis he had started before the war but managed to finish during active service with the AIF.¹³⁰

As with the First World War many members of the Bar became active supporters for the various Comforts Funds and Red Cross activities. HTE Holt joined the committee of the Welfare Service of the Australian Red Cross Society (NSW Division) in 1944 and the Handcrafts Committee ó an important role as it entailed assisting wounded servicemen regain some form of occupational activity. He stayed with the society until 1970 and received the Honorary Life membership medal. Coincidentally the Horary Director of Red Cross Branches in New South Wales during the war was Lady Owen ó the widow of Sir Langer William Meade Loftus Owen, who had become a Judge after a very active involvement in the First World War, in which he, with his first wife, May, established the Red Cross Missing and Wounded Enquiry Bureau in the State.

During the war, Sydney Barristers, Eric Miller KC and WJ Dignam assisted Mr Justice Lowe at the Royal Commission into the 'Brisbane Line' in the Victorian Supreme Court. There were some other notable cases, one of which was the extraordinary case of William Dobell's portrait of Joshua Smith which was pursued so enthusiastically by (Sir) Garfield Barwick. The matter attracted a lot of press coverage and at one stage Richard Kirby had been briefed to appear for Dobell. Kirby was appointed to the bench before the case was complete. Garfield Barwick, appointed KC during the war, also successfully challenged the validity of the National Security Regulations during the conflict.¹³¹

Late in 1941 the war expanded dramatically with the entry of Japan into the conflict and the numbers of recruits from the legal profession increased. There were all manner of issues to be resolved. One Dr Eduard Korten, a LLB from the University of Vienna and a Barrister and solicitor of many years experience in Austria was refused a certificate of fitness by the Barristers' Admission Board on the grounds that he was an enemy alien. He could be admitted in 1944 when he was able to be naturalized. He was represented by Harold Snelling, with Clive Teece and Else Mitchell representing the Bar Association. Korten was eventually admitted on 10 March 1944.

There were some discomforts for those who were at home. The shortage of sleeping cars on trains meant that the High Court bench had to keep an all night vigil when travelling interstate. There were mornings too, when Jean Mullin and WJ Baldock sway(ed) from the same tram strap while bunches of judges like grapes of wrath, hand from handrails meditating darkly that 'the weakest kind of fruit drops earliest to the ground.'¹³² The shortage of Articled Clerks also caused much consternation for those in the law.

One home military unit which attracted a range of Barristers was the Directorate of research in Melbourne. It was in this unit that Barrister John Kerr 'made the spectacular rise only associated with film stars.'¹³³ Other Barristers to serve in the unit included Bill Perrignon (who also served in a Flash Spotting unit). One other interesting member of note was Professor Julius Stone of the Sydney University Law School.

There were a great range of committees to absorb the energy of Barristers: everything from the Family Welfare Committee of Legacy, the Stevedoring Commission, the Aliens Tribunal, the Hirings Assessment Tribunal and the War Damage Commission. WJ Bradley KC was the Commissioner of Quotas and Shipping.

Legal Section

It was only natural that Barristers would find themselves involved in many court cases in the military during the war. Some Barristers used their legal skills as law officers. (Sir) James Kenneth Manning was one who saw legal service, in his case with 9 Operational Group of the RAAF. Many others acted in legal capacities either as members of the armed services or in associated roles. The legal section of the army absorbed the professional skills of a variety of men including Edward St John. One Sydney Barrister, John Bowie Wilson KBE VD became the Judge Advocate General. He was involved in a variety of military cases, but it was his appearance in the Royal Commission into the escape from Singapore of Lieutenant General Gordon Bennett which put him firmly in the public gaze. Bennett's escape was viewed as illegal by Wilson and he stated so under cross examination from Bennett's counsel, another Sydney Barrister, John Clancy KC. Counsel assisting the Commission was WR Dovey KC, also of the Sydney Bar.¹³⁴

It could be of great use having a Barrister in a unit. Some were used in courts of enquiry, but Clifford O'Riordan in RAAF in Europe was valued because he was useful in acting as defence counsel and getting the defendants off the charges. It made him a very popular figure with his fellow airmen. In one court martial he defended a fellow airman called 'Blue'. In O'Riordan's own words: 'They laid it on thick for Blue, but the country police were just a piece of cake in cross examination and too (his) surprise and delight (they) got away on every charge.' His reward seems to have been a celebration later in the hotel at Scunthorpe with Blue. O'Riordan became legendary as he acted as the defending officer in most of the Courts martial in the Group and 'had the record of getting the majority of his clients off.' His comrades mistakenly believed he was a KC in Sydney, and no doubt his skill in court made him

look a very serious counsel, but it was not the case. He had significant court room experience from his days at the bar, including defending an accused murderer.

O'Riordan appeared against the Crown Prosecutor, TB Crawford KC in the case in November 1940, one of his last cases before enlistment in January 1941. O'Riordan's loss in action 29/30 July 1943 caused great grief in his unit. He was very popular and had started compiling a history of his unit when he was lost in raid over Hamburg.

End of the War

The end of the war was witnessed by many lawyers in many parts of the world. Barrister, Colin Kennedy, was a pilot in an impressive fly over of Tempest Fighter Aircraft at the German surrender in Denmark.¹³⁵ (Sir) Laurence Street arrived in Tokyo Bay a few days before the Japanese surrender to MacArthur. Phil Opas was at the surrender ceremony at Morotai. Harry Bell was at the surrender of General Adachi at Cape Moen. Tom Hughes was on duty patrolling the Channel Islands on VE Day -rounding up German vessels caught off shore at the surrender.¹³⁶

After peace was declared, Des Ward was transferred to Allied Intelligence Bureau and worked on a revision of the laws of New Guinea and Papua. At the time he was based at Middle Head with a young Lieutenant Colonel John Kerr also based in the same camp preparing patrol officers to go into New Guinea after the war. Harry Bell was left in Rabaul for a time but managed to complete his course and sat his exams in Legal History while he was on the island in 1946.

War Crimes Tribunal

After the war there were a number of Inquiries and Tribunals which absorbed the skills and energy of many Barristers. Some men, such as Adrian Curlewis returned from the scarifying experience of being a prisoner of war on the Burma Thailand Railway only to be soon investigating such issues as disparate as the treatment of refugees on ships. Many others served on the many War Crimes Tribunals which were in operation around the world.

It was only natural that lawyers would find themselves involved in the various investigations and trial into War Crimes ó particularly involving the Japanese. (Sir) Richard Kirby was appointed in late 1945 a member of the Australian War Crimes Commission established to investigate claims of Japanese atrocities against Australian troops. He travelled to Ceylon where he impressed Lord Mountbatten and avoided the tendency to exact excessive retribution from the Japanese. Other Barristers involved in the War Crimes Tribunals included: Thomas Mackay, John Brennan¹³⁷, M Desmond Healy¹³⁸, John Williams¹³⁹ and Ken Wybrow. Not all the Barristers hated the Japanese. Ken Wybrow, who had served in New Guinea, the Solomon Islands and Borneo told his children many stories of the cases that came before the War Crimes Tribunal and how he respected the Japanese soldiers for their devotion to Japan and their loyalty to commanding officers. He learnt the Japanese language and maintained contact with a few Japanese after the war.¹⁴⁰

The Queensland High Court Justice, Sir William Webb, was one of the most significant jurists in the war crimes tribunals as they gradually evolved from being politically motivated attempts to punish the enemy into a more balanced, legal examination of evidence with properly briefed counsel doing their best to defend their clients.

Not all the investigations involved the enemy. In early 1946, Captain John Joseph (Mangrove) Murphy, a former Patrol Officer and Coast watcher on New Britain was tried by Court Martial for having treacherously given intelligence to the Japanese and for giving more than simply his name rank and serial number in interrogation. He was defended at the Court Martial by his cousin, the Sydney KC, Eric Miller and David Hunter.¹⁴¹

Post War Generation

The end of the war marked the beginning of a period of great expansion and prosperity for the Bar. At first Sydney University was suddenly straining to take the influx of new students. Lecture hall strained to meet the demand and Wallace lecture Theatre was built to accommodate the large numbers. The Law School also greatly

expanded in size with some 1100 students enrolled there in the years immediately after the war, compared to 650 in 1953.

There was a surge of newly energized veterans ready to take on new causes, and cases, and there was plenty of work to keep them busy.¹⁴² Immigration brought rapidly expanding urban population to New South Wales. There were increases in all manner of areas where a Barrister could be briefed: industrial relations, workers' compensation, personal injury all expanded. Sir William Cullen's reference to the 'weary weary wait' before a person became established at the Bar was no longer the case¹⁴³. There was a sense amongst older Barristers of a new generation taking over.¹⁴⁴ Sir Adrian Curlew was appointed a Judge of the District Court on 1 September 1948, barely three years after being released from captivity. Alfred rainbow was even quicker. He was appointed a Compensation Judge in 1945 while he was still on military service.

After the war Barristers tried to pick up their roles. Men who had been in the services were interviewed by vocations guidance officers as they were demobilized and some were advised to seek out a profession the law, based in part on their results in the early IQ tests which were then administered. Occasionally this led men into the profession who had not entertained the idea previously. Kevin Holland reportedly had his job held open for him at the bank while he served, but on the advice of the vocations officer he chose law and subsequently went on to become a Judge of the Supreme Court.¹⁴⁵

Other ways men were set up in the law was that the city council leased out a building on the corner of 150 Philip Street and Martin Place exclusively for the use of Barristers who were returned soldiers. It was colloquially known as 'Diggers' Inn by the legal fraternity - and 'Diggers' Dugout' in the press. Some legal firms such as Abbott, Tout, Creer & Wilkinson only briefed ex-servicemen as did the legal Service Bureau. There were a number of people who believed that 'the claims of men who served their country (should be) paramount' when it was a question of filling jobs.¹⁴⁶ Aspiring lawyers could be educated under the Commonwealth Reconstruction Training Scheme (CRTS), which paid their university fees and gave them a weekly

allowance of three pounds five shillings for single men or five pounds ten shillings for married men. This lasted for three years then they were given loans with generous interest and repayment schedules. The CRTS men were at least three years older and brought with them a wealth of experience. Professor Brian Fletcher, a young undergraduate at the University at the time recalls the distinctive nature of the men of the CRTS, who were older, clearly bonded to each other and especially keen to make up for lost time in their studies.¹⁴⁷ Many would become the leaders of a greatly expanded Bar after the war.

Conclusion

The Second World War marked a watershed time for the New South Wales Bar. Life for Barristers would change irrevocably after the conflict. A new generation would move into the law and their actions would shape the character of the bar and the judiciary for the following fifty years. There was plenty of work straight after the war, although there was a drastic shortage of chambers. The police courts were working at full capacity and there was a lot of Landlord and Tenant work available as the war time regulations meant that there were a number of protected tenants who held onto the many abodes which had been let out during the war by soldiers and others whose lives had been dislocated by the conflict.¹⁴⁸ There were still jury trials for motor vehicle accidents, increasing cases from an expanded immigrant population, divorce proceedings and workers compensation. In the words of His Honour Harry Bell, it was a 'good time at the bar' and the 'weary weary wait' for a position described by the early Chief Justice Sir William Cullen, was no more¹⁴⁹. Bright men, and increasingly women could rapidly become successful, prosperous Barristers. It was a time of an expanding, but still a close knit community of around 230 Barristers in the early 1950s. Within six months of admission a newcomer would know most of the others. It was natural that so many energetic and committed men would find their way onto the judiciary. They were hard workers and the high proportion of judges from the 1960s onwards who were ex-servicemen suggests that overseas experience was a positive factor in the selection process.

Many Barristers and lawyers lost loved ones in the war. Richard Latham, son of Sir John Latham a successful Victorian lawyer etc KIA in RAF WWII. Teece KC had the endless worry of his son Normand a prisoner of war in Germany. His daughter,

Elizabeth was awarded Mention in Despatches for her work in the WAAFs. She was not the only woman associated with the law in service. Pat Long Innes, daughter of Justice Long Innes served in the Merchant Navy for three years as a purser. Alfred Rainbow's brother James lost his life in an aircraft accident near Penrith in New South Wales. Sydney Henry Francis Windeyer, solicitor and brother of Brigadier William Windeyer was killed in action in Egypt in October 1941.

Within a few years there was one of the most significant High Court Cases of the century and men such as B B Riley, who had only recently been appearing in the thick humid atmosphere of tented war crimes tribunals, or Bruce Macfarlan who had been lucky to survive a plane crash in Townsville, were in the much more rarified atmosphere of the High Court. Men's lives went on and for some their professional and personal achievements and setbacks may have overshadowed their war experiences but as the curtain is drawn on the post war generation and the biographies are written for many judges and Barristers, there should be some acknowledgement that their actions during the Second World War helped to define the man which each became.

Many men could not be mentioned in detail in this brief account. (Sir) Gordon (Skull) Wallace¹⁵⁰ was the very few KCs to serve in the armed forces. He served in Australia and New Guinea as Assistant Adjutant and Quarter master General. A young Lionel Bowen¹⁵¹ trained as an artilleryman then health reasons meant he worked as a medical orderly in Sydney Hospital. The war still touched him through the grief of the loss of his close childhood friend in the RAAF.¹⁵² After the war Barristers continued their connection to their old comrades in arms. Harry Bell became patron of the Commando Association. Harry can recall travelling in to an Anzac Day march on the train from Turramurra with Sir Iven Mackay and Sir Victor Windeyer, both of whom were displaying the long row of medals they had earned in various conflicts. Leicester Meares would entertain the men from his old Signals Section in his Chambers each Anzac Day.¹⁵³ There were many other such associations.

Lest we Forget

A visitor who walks up the stairs which spiral towards the dome of the Old Supreme Court in King Street will see two small brass plaques at the top. They seem to exist almost as an afterthought on the edge of the corridor. People have walked by them for years and in the strange world of things hiding in full view have failed to see them, or failed to take notice of the names and significance of what is recorded there. These are the Honour Rolls of solicitors and Barristers who lost their lives in World War Two. They are dwarfed as memorials by the looming stone monolith on the ground floor which lists the names of all those members of the legal profession who served in World War One. If all the lawyers and law students who served in World War Two were listed then the memorial to them would trace the elegant curve of the staircase and line the wall - a bronze tapestry from the floor to the top of the dome. The plaque on the right reads:

**IN MEMORY OF THE MEMBERS OF THE
BAR OF NEW SOUTH WALES
WHO DIED ON SERVICE IN THE WAR 1939 –
1945**

BRATHWAITE, RGA

CASSIDY, RB

GREEN, RNR

KEEGAN, RW

LYNCH, JP

MALOR, RL

O'RIORDAN, CT

PARKINSON, JR

PHILLIPS, JMK

RICHARDS, DJ

SIEVEY, RT

STEPHENS, RF

TURNER, RWN

VINCENT, TG

WALKER, CK

WESTGARTH, BD

WOODHILL, PJ

WRIGHT, GL

References

- ¹ At this stage no women have been found to have served although one female Barrister, Sybil Greenwell was reported in the *Sydney Morning Herald* as have offered her services as a cook. Many other female Barristers were engaged in war related charitable activities during the conflict.
- ² Some notable exceptions have been David Selby's *Hell and High Fever*, Harry Bell's *Wee Waa to Wewak*, or the fictionalized account of John Williams in the film *Blood Oath*. There was a fine biographical account of Tom Hughes AO QC in the *Bar News* of Winter 2005.
- ³ Later Chief Judge at Common Law, Additional. Judge of Appeal, Judge (Supreme Court) Royal Commissioner into NSW prisons
- ⁴ I am indebted to Judge Nagle's daughter Winsome Duffy who reported seeing the file of collected letters from war veteran lawyers as a teenager. Telephone Interview 15 February 2011.
- ⁵ Later a Judge of the District Court, Chairman of all Quarter Sessions and Acting Judge of the Supreme Court QC
- ⁶ HJH Henchman *A Court Rises: Supplement No.1 1959-1982* The Law Foundation of New South Wales, Sydney, 1982, 5-8.
- ⁷ Later His Honour Judge Stephen QC
- ⁸ Henchman, 21
- ⁹ Later Judge (Supreme Court, Equity Division) QC
- ¹⁰ TEF Hughes AO QC Address Supreme Court Judges Dinner 2 February 2006 Available on http://www.lawlink.nsw.gov.au/lawlink/supreme_court/ll_sc.nsf/pages/SCO_tefhughes020206 Hughes also mentions that Myers was known unaffectionately as 'funnel web'. The nickname has been mentioned in conversation by the author with other Barristers as well.
- ¹¹ Later Judge of the Supreme Court of the ACT and also of Norfolk Island
- ¹² Later Judge of the Supreme Court of the Australian Capital Territory and Judge of the Supreme Court of Norfolk Island
- ¹³ Later Judge (Supreme Court) Chief Judge in Equity, Additional Judge of Appeal, QC
- ¹⁴ Later Judge of the District Court
- ¹⁵ Later a Judge of the District Court.
- ¹⁶ Later Sir Laurence Street, Chief Justice NSW
- ¹⁷ Tom Hughes has had a long and distinguished career at the NSW Bar and in politics. He was Commonwealth Attorney General, President of the Bar Association and QC. He was awarded the Legion d'honneur in 2005
- ¹⁸ Later Acting Judge (Supreme Court of Papua New Guinea) Judge in Divorce (Supreme Court) Additional Judge of Appeal Lecturer and Deputy Chancellor Sydney University QC
- ¹⁹ Later a Judge of the Supreme Court QC
- ²⁰ Later Judge of the Supreme Court AO QC. Details from Justice Michael Slattery, interview 18 April 2011.
- ²¹ The Honourable J P Slattery AO QC Address Supreme Court Judges Dinner 1 February 2007 <http://www.forbessociety.org.au/documents/slattery.pdf>
- ²² Tropical Titbits Legal Digest No. 12 31 December 1943, 7.
- ²³ William (Victor) Windeyer was later awarded CBE, DSO & Bar and MID on three occasions. He was subsequently knighted and served as a Judge of the High Court of Australia, was a Member of the Judicial Committee of Privy Council and a KC. He was christened William but was known as Victor.
- ²⁴ Maughan was the son of David Maughan DSO KC. He wrote a volume of the Official History and became a solicitor after the war.
- ²⁵ Prior to enlisting was a prosecutor with the NSW police.
- ²⁶ Admitted to the Bar 1931, subsequently became the Legal Assistant, Crown Law Office, New Guinea. I am greatly indebted to Judge Chris McKenzie a Judge of the of the Hawaiian District Court who generously copied and sent over 150 pages of letters and documents pertaining to his father who died on active service when Chris was an infant.
- ²⁷ *Vale Ernest Byron QC* in Stop Press Newsletter of the NSW Bar Association No 61 May 1999, 11. Byron was admitted to the Bar and was later Deputy Senior Public Defender
- ²⁸ Sgt D Merkel 'Parade at Gaza Airport' in *Bayonets Abroad: Benghazi to Borneo with the 2/13 Battalion AIF*, 299 & 300.
- ²⁹ Letter, Alexander Sheppard to Mrs Woodhill McKenzie Papers.
- ³⁰ Listed as a Barrister on enlistment papers but not listed in the *New South Wales Almanac* for the time.

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- ³¹ Later a Judge of the District Court, Chairman of all Quarter Sessions QC
- ³² G Long *Greece, Crete and Syria* 189.
- ³³ Later Judge (District Court) Chairman of Quarter Sessions Also served in New Guinea and Australia.
- ³⁴ Email from Peter McEwan SC 26 August 2010
- ³⁵ Later Judge of the Supreme Court QC
- ³⁶ Later Chief Justice Supreme Court of Papua New Guinea, Judge in Australian Federal Court QC
- ³⁷ Later Judge (Supreme Court) President NSW Bar Association President Australian Bar Association QC Further information supplied by Harry Bell.
- ³⁸ Later Member House of Representatives QC
- ³⁹ Later a Judge of the Supreme Court
- ⁴⁰ Later Judge (Supreme Court)
- ⁴¹ Legal Digest No 8. 31 December 1942, 7.
- ⁴² Later Judge (District Court) Chairman of Quarter Sessions Senior Member NSW Industrial Commission Chairman-Judge Crown Employees Appeal Board QC
- ⁴³ William B Perrignon letter to Sydney University Law School *Legal Digest* 30 September 1941 No 4.
- ⁴⁴ Alexander Sheppard Letter to Margaret Dalrymple-Hay 4 December 1941. Mackenzie Papers.
- ⁴⁵ JR Kerr, CLD Meares, BJF Wright, RTH Barbour & PR Capelin -The New South Wales Bar Association in JM Bennett (Ed) A History of the New South Wales Bar the New South Wales bar Association 1969, 162 & 163.
- ⁴⁶ -Echoes from El Alamein in Legal Digest No. 9 31 March 1943, 2.
- ⁴⁷ Admitted 1934. Chambers at 132 Phillip Street
- ⁴⁸ -Near North in Legal Digest No. 5 31 March 1942, 9.
- ⁴⁹ L Wigmore *The Japanese Thrust* 354-355.
- ⁵⁰ Later His Honour Sir Adrian Curlews a Judge of the District Court.
- ⁵¹ One Victoria silk who had been a member of the legal department on Singapore, Major Maurice Ashkanasy KC, managed a daring escape by boat in February 1942.
- ⁵² Sir Adrian Curlews Quoted in Hank Nelson *Australians Under Nippon* ABC Book 1985, Sydney, 20.
- ⁵³ Later a Judge (District Court) Chairman of Quarter Sessions QC
- ⁵⁴ Admitted to the Bar 1946. Later a partner in Dudley Westgarth and Co. Knighted in 1976. Had a long career, including being Lord Mayor of Sydney Details from Meredith Hinchcliffe -Sir David Griffin Renaissance Man in *National Library of Australia News* May 2003, 11-13
- ⁵⁵ -Life-Saving in POW Camp in *Sydney Morning Herald* 17 October 1945, 8.
- ⁵⁶ Stan Arneil *Blackjack*,
- ⁵⁷ -Obituary Judge Phillip Head QC MBE *The Australian Law Journal*, 63, 578.
- ⁵⁸ Arthur (Speed) Hollingsworth POW in Changi and Japan. Interview with the author, Manly, June 2002
- ⁵⁹ John Allen, POW on Burma Thailand Railway. Interview with the author, Dural, 12 January 2011.
- ⁶⁰ Later Judge (District Court) Chairman of Quarter Sessions QC ED had two trips to Vietnam as Judge Advocate
- ⁶¹ Later QC MP Ambassador to the United States
- ⁶² Later Judge (Federal Court) Chief Justice of Western Samoa
- ⁶³ Admitted to the Bar, 6 June 1958 then joined firm of solicitors Alfred Rofe & Sons
- ⁶⁴ Later Judge (District Court) QC leader of Sydney Naval Reserve Legal Panel
- ⁶⁵ Later Judge (President Industrial Relations Court) QC
- ⁶⁶ Later a Judge (Federal Court, Australian Industrial Court, ACT Supreme Court) Acting Judge Supreme Court of Northern Territory, Judge of the Supreme Court of Norfolk island, Head of Royal Commission into use of chemical agents in Vietnam
- ⁶⁷ Later Member of the Legislative Assembly for Neutral Bay.
- ⁶⁸ *Legal Digest* 5 March 1942, 9
- ⁶⁹ Later Judge (Supreme Court of Northern Territory) QC
- ⁷⁰ *Legal Digest* 5 March 1942, 9
- ⁷¹ Jen Rosenberger -A Judge You'd Follow into the Jungle in *Sydney Morning Herald* 3 October 2002.
- ⁷² David Selby *Hell and High Fever*, Currawong Publishing Co, Sydney 1956, 34.
- ⁷³ Later a Judge of the District Court
- ⁷⁴ David Selby 1956, 119.
- ⁷⁵ *Legal Digest* No 5. March 1942, 10.

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- ⁷⁶ Later a Judge of the District Court QC ED and had two trips to Vietnam as Judge Advocate.
- ⁷⁷ Information comes from a series of personal and telephone Interviews with the His Honour Des Ward with the assistance of Carolyn Ward conducted over the period of November December 2010 by the author with the final draft approved by email.
- ⁷⁸ Later Registrar in Divorce Supreme Court
- ⁷⁹ Tom Hughes has had a long and distinguished career at the NSW Bar and in politics. He was Commonwealth Attorney General, President of the Bar Association and QC. He was awarded the Legion d'honneur in 2005
- ⁸⁰ In one of the ironies war, a German Submarine Commander at the time, Ewald Euchtriz had been Tom Hughes School Captain at St Ignatius College, Riverview in 1938. Euchtriz had naively visited Germany in 1939 and been conscripted into the German Navy where he fought out the entire war. Information courtesy James Rodgers of St Ignatius College, Riverview.
- ⁸¹ C T O'Riordan's Diary Extracts. In Herington *Air Power Over Europe 1944 – 45*, 498.
- ⁸² Later Founding Judge of the Environment Court QC
- ⁸³ Later Judge (District Court) Chairman of Quarter Sessions
- ⁸⁴ Admitted to the Bar 8 March 1946
- ⁸⁵ *Legal Digest* No 12, 31 December 1943, 8
- ⁸⁶ *Legal Digest* No. 9, 31 March 1943, 9.
- ⁸⁷ On the Air of England in *Legal Digest*, No. 13, 31
- ⁸⁸ Email from Richard Perrignon 23 March 2010
- ⁸⁹ Email from Peter McEwan SC 26 August 2010
- ⁹⁰ *Bar News* 2005, 68
- ⁹¹ Later Judge (District Court) Chairman of Quarter Sessions
- ⁹² RAAF Personnel serving on Attachment in Royal Air Force Squadrons
http://www.awm.gov.au/catalogue/research_centre/pdf/rc09125z004_1.pdf
- ⁹³ His body was eventually found and identified by dental records in 1948. His brother was Killed in Action in Syria in June 1941.
- ⁹⁴ Details of the extensive search for his remains and the long series of enquires made by his mother can be found in his service records available on the Website of the National Archives of Australia on <http://recordsearch.naa.gov.au/scripts/Imagine.asp>
- ⁹⁵ Later appointed Public Defender. QC. I am indebted to Judge Joe Moore who alerted me to information concerning Howard Purnell.
- ⁹⁶ The Calgary Mosquito Society Website, memories of Jack Rayner.
<http://www.calgarymosquitosociety.com/feature07/feature07.htm>
- ⁹⁷ Nicholas Buckworth & Harriet Veitch War Hero, POW, lawyer, spook and businessman Sydney Morning Herald 21 November 2009
- ⁹⁸ Later a Judge of the Supreme Court and Admiralty Judge
- ⁹⁹ Later Judge (Supreme Court) QC
- ¹⁰⁰ Later Judge (Supreme Court, Equity Division) President NSW Bar Association QC He also served at Balikpapan with the 2/5th Artillery Regiment
- ¹⁰¹ Later Crown Prosecutor
- ¹⁰² *Legal Digest* No.16,31 December 1944, 6.
- ¹⁰³ *Legal Digest* No. 9. 31 march 1943, 7.
- ¹⁰⁴ Alan Renouf was one of only twelve successful applicants out of over 1500 who applied.
- ¹⁰⁵ Author Interview with Des Ward December 2010
- ¹⁰⁶ Later Judge (Supreme Court) QC
- ¹⁰⁷ Admitted to the Bar in 1931 and served in New Guinea. Details supplied by his daughter Judge Margaret O'Foole in correspondence with the author in October November 2010
- ¹⁰⁸ Served Middle East, New Guinea, Borneo, Judge Advocate War Crimes Tribunal on Labuan Later a Judge of the Supreme Court
- ¹⁰⁹ Later Judge (Supreme Court) Judge of Appeal, QC
- ¹¹⁰ Gossip in the Forces *Legal Digest* No. 17, 1 March 1945, 5.
- ¹¹¹ Hubert H (Harry) Bell. Later District Court Judge, Chairman of Quarter Sessions and Acting Supreme Court Judge.
- ¹¹² Interview by the author with Judge Harry Bell 6 February 2011
- ¹¹³ Judge (District Court)
- ¹¹⁴ David Hicks, Harry Bell & Neil Newton became District Court Judges in New South Wales. Harry Emery of the Victoria Bar, became a Justice in the Family Court of Australia. Details from Harry Bell, telephone interview 2 April 2011.

¹¹⁵ Later Sir Nigel Bowen Judge (Supreme Court) Chief Judge in Equity, Inaugural Chief Justice Federal Court, President NSW Bar Association QC

¹¹⁶ Later Sir Ninian Stephen KG AK GCMG GCVO KBE QC 20th Governor General of Australia and a Justice in the High Court of Australia

¹¹⁷ National Archives of Australia Australian Prime Ministers

<http://primeministers.naa.gov.au/primeministers/whitlam/before-office.aspx>

¹¹⁸ Later a Judge of the Supreme Court, Chief Judge in Equity and Additional Judge of Appeal Judge Advocate General of the RAAF QC

¹¹⁹ TEF Hughes AO QC Address Supreme Court Judges Dinner 2 February 2006 Available online at http://www.lawlink.nsw.gov.au/lawlink/supreme_court/ll_sc.nsf/pages/SCO_tefhughes020206

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¹²⁰ My thanks to Harry Bell for his help with this information

¹²¹ Was the Assistant Conveyancer at the Public Trust Office. Listed as a Non-practising Barrister.

¹²² -Crash of a Liberator <http://www.ozatwar.com/nt29.htm>

¹²³ -Tom Hughes: Legion D'honneur *Bar News* of Winter 2005, 70

¹²⁴ JV Coen -Invasion of Normandy *Our Alma Mater* Riverview College December 1944.

¹²⁵ Later Crown Prosecutor

¹²⁶ Paul White -Martin, Clarence Edward *Australian Dictionary of Biography* Online Edition

¹²⁷ HV Evatt was an iconic Labor politician who was variously a High Court Judge, Minister for Foreign Affairs, Commonwealth Attorney General, President of the United Nations General Assembly, Chief Justice of New South Wales QC. KStJ

¹²⁸ Raymond Reynolds admitted to the Bar 1938 later Judge (Supreme Court) Judge of Appeal, Chairman Law Reform Commission

¹²⁹ -Army of Home Front *Legal Digest* No 12, 31 December 1943, 3.

¹³⁰ -Wrote Thesis for Degree While Fighting With AIF *Sydney Morning Herald* 4 September 1945, 4.

¹³¹ Justice JP Slattery, Address, 2007, 3.

¹³² -Vigilant Benches and Hanging Judges, *Legal Digest* No 15, 30 September 1944, 1.

¹³³ -Home Chat in the Army *Legal Digest* No. 14, 30 June 1944, 3.

¹³⁴ The Royal Commissioner was a South Australian Judge Sir George Ligertwood and he found that Bennett's escape had not been legal. It was a controversial finding which followed Wilson's opinion. Wilson was made a KC in 1946 but died a year later. He was succeeded as Judge Advocate by Justice William B Simpson

¹³⁵ I am indebted to Felicity Kennedy for details concerning her late husband Colin. Details conveyed in a letter to the author 9 February 2011. She had met Colin while he was serving in England and she was Adjutant at the 13 Operational Training Unit where he was located.

¹³⁶ -Tom Hughes: Legion D'honneur, 71.

¹³⁷ Later Judge (District Court) Chairman of Quarter Sessions Resident magistrate in Fiji. Acting Justice of the Supreme Court of Papua New Guinea

¹³⁸ Later Judge (District Court) Chairman of Quarter Sessions QC

¹³⁹ Later Judge Workers Compensation Commission QC The film *Blood Oath* is based on his experiences.

¹⁴⁰ Email with the author from Ken Wybrow, son, 22 August 2010

¹⁴¹ Phillip Selth *The Trials of John Joseph (Mangrove) Murphy* (1914 to 1997) Sydney 13 May 2010, 1.

¹⁴² Harry Bell noted the preference for servicemen after the war.

¹⁴³ Dalrymple-Hay, 12

¹⁴⁴ I am indebted to Babbette Smith, former Chief Executive of the Bar Association and daughter of His Honour Bruce Macfarlan for her memories of the people from the post war period. Information given in a number of emails on 20 & 21 November 2010

¹⁴⁵ Harry Bell supplied this information

¹⁴⁶ *Legal Digest* 30 September 1942 No 7, 2

¹⁴⁷ Professor Brian Fletcher. Conversations with the author, Sydney 2010

¹⁴⁸ I am indebted to His Honour Harry Bell for his generous sharing of memories of the years immediately after the war in a series of conversations in October 2010. His Honour also very generously edited drafts for the Honour Roll and supplied many useful details and much encouragement.

¹⁴⁹ Dalrymple-Hay 22

¹⁵⁰ Later Judge (Supreme Court) First President Court of Appeal Acting Chief Justice Supreme Court, KC Co author(with Sir Percy Spender) of *Company Law and Practice*, and (with J McI Young) *Australian Company Law and Practice*

¹⁵¹ Later Commonwealth Attorney General, Deputy Prime Minister

¹⁵² Email from Anthony Bowen. 24 March 2003

¹⁵³ Details from telephone interview with Harry Bell, 2 April 2011