Supreme Court judges in the First World War

By Tony Cunneen BA MA Dip ED

Recent research into the role of the New South Wales legal profession in the First World War has revealed how support for the conflict became a corporate enterprise for the families of the eight New South Wales Supreme Court justices of the period and a number of their colleagues in the High Court of Australia. This article will explore some of their actions and activities throughout the war.

Motivated by a potent combination of an ingrained loyalty to the British Empire and a deep sense of social obligation the sons, wives and daughters of New South Wales' justices Cullen, Street, Gordon, Pring, Simpson, Sly, Harvey and Ferguson supported the national cause whether through enlistment in the armed forces, involvement in charities or the personal encouragement of those affected by the fighting. It would be hard to find a professional group that displayed more personal commitment to the First World War world than these judges and their families. During the period of the war (1914-18), six out of the eight judges had sons who enlisted. Twelve out of sixteen eligible sons joined up.[1] We do not know the circumstances of those who did not enlist. It may well be that they offered themselves for service, but were not accepted, as appears with Claude Simpson, the youngest son of Justice Archibald Simpson.[2] The service of those who went overseas was by no means tokenistic.[3] Nearly all the judges' sons saw action. Most were wounded. They were either gassed, shot, maimed by high explosives or suffered debilitating illness. Three were killed. While the other two judges did not have sons able to enlist, this did not stop them and their families assisting in other ways. The experiences of all these eight families make for a fascinating and as yet untold story. The inflammatory accusation made by workers' organisations such as, the Industrial Workers of the World (IWW), that judges and the prosperous classes were shirking their duties and allowing others to do their fighting was totally wrong and unjust.[4]

HAR Snelling QC in J M Bennett's *A History of the New South Wales Bar* wrote that like those who had fought in the Boer War, the legal fraternity who joined up 'were inspired by a mixture of patriotism, daring and the elements of chivalry and pilgrimage that had characterised the Crusades.'[5] We may add to that mixture an all-pervading sense of social obligation and shared values of service and loyalty. Families, churches, the press and the legal profession itself inculcated such values. Judges' close social networks also created a mutually supportive environment.

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Australian war graves in France. Photo: iStockphoto..

For the most part the judges lived in either the Eastern Suburbs around Darling Point or at Hunters Hill on the Lane Cove River. Mosman was also becoming a desirable location. Most of their sons went to either Sydney Grammar School, The King's School at Parramatta, or Shore at North Sydney. Their daughters often went to Ascham or Abbotsleigh. They formed close-knit communities. Hunters Hill residents had nicknamed one early morning departure from their Alexandra Street Wharf, the 'Judges' Ferry'.[6] There were many social and professional opportunities for judicial families to share their ideas and experiences. The close connections of the families extended to their sons serving overseas. There were multiple references to the sons of judges in the letters to Justice Ferguson from the soldiers serving overseas. But the war did not simply involve the men.

Women at the time endured the tight expectations of limited public involvement as uncomfortably as they wore the hideously impractical whalebone corsets which fashion dictated for them. Charitable activity had been a long tradition for judges' wives. The war gave them an opportunity to extend such charitable support into wider and more formal areas of public life, particularly the Red Cross and the various charities generically labelled as 'Comforts Funds'. These highly effective organisations became prominent features of the social and political landscape. They attracted the support of a range of legal families, including those of judges.[7]

The first recorded meeting of any formal Red Cross organisation

in Australia was in 1911 when the Lane Cove Branch of the Red Cross had its first gathering in the Hunters Hill Town Hall.[8] Mrs Alice Simpson, the wife of Justice Simpson, was president. Justice Simpson actively supported the first calls to establish an Australian Branch of the Red Cross during 1912 and 1913. The initial aim was to give girls experiences and opportunities similar to those that the army gave to boys. The outbreak of the war galvanised those people already interested in the organisation into a vigorous promotion of its ideals and provided them with the opportunity to put these ideals into action. Originally the Red Cross was to train women and girls in First Aid and other volunteer work. However, the war stimulated the extension of its activities into a variety of areas. This exponential expansion of the scope, personnel and budget of charitable activities entailed the development of complex organisations, which were held publicly accountable for everything they did. In addition, all people involved had a profound emotional investment in the activities. The wives of the Supreme Court judges were among the leaders of these bodies.[9]

When the First World War broke out the chief justice was the Honorable Sir William Portus Cullen KCMG. His wife, Lady (Eliza) Cullen, had an important public life. She was a foundation vice-president of the New South Wales division of the British Red Cross Society and remained a keen supporter of the society throughout the war years. In 1916-1917 she was president of the Australian Red Cross Society. She was also active in the Comforts Funds. Lady Cullen adopted a strong leadership role. In 1917 she inspected and addressed the quasi-military parade of 1,200 Voluntary Aid Nurses (VADs) assembled in the Sydney Domain. It was an important role for anyone. Her speech contained the simple exhortation to 'Carry on'.[10] This comment became the motto for the Red Cross in the last years of the war – a time when any glamour in dealing with the torn and shattered soldiers had well and truly evaporated. Her appearance at the parade in front of so many ladies, crisp and neat in their starched white uniforms, marching with military precision reflected her important position in the Red Cross, which had become one of the most high profile non-government organisations in the country. Women were on the march, literally and figuratively speaking. One feminist writer at the time, Elsie Horder, mentioned the belief that the work of women in the Red Cross 'had entirely demolished the anti-feminist arguments against our usefulness'.[11] Many women hoped that their war related activities would be a platform to greater community involvement after the conflict. While the Red Cross expanded, their sons went off to war.

Young Laurence Whistler Street went ashore at Gallipoli in the opening days of the attack. His actions in battle over the first two week earned him some recognition in divisional orders for 'acts of conspicuous gallantry or valuable services'.

Both the Cullen sons, William Hartford Cullen and Howard Clifford Cullen, left the comfort of their landmark family home, *Tregoyd,* in Mosman early in 1915 to enlist in the army.[12] William served on Galliopli from August 1915 with the 19th Battalion. He then served in a variety of front line and training units in France and England for the remainder of the war. Howard suffered severe illness on Gallipoli then was transferred to very eventful frontline duty in Europe. He survived being gassed in 1917 and later in that year was awarded the Military Medal[13]. The Cullen family experience was not unusual among the other Supreme Court justices.

The extended family of Justice Philip Whistler Street, the judge in Bankruptcy and Probate during the war, similarly displayed a compelling sense of duty to the empire. The Streets' second son, Laurence, left Sydney University Law School and his position as his father's associate to join up on 14 September 1914. His older brother, Kenneth Whistler Street[14], was also in the law but was in England when hostilities broke out. Many families such as the Streets had strong English connections through family and/or education. Kenneth Street joined the Duke of Cornwall's Light Infantry in England about two weeks after Laurence signed his papers. Their cousins, Humphrey Scott, of Wahroonga and Geoffrey Austin Street, from Elizabeth Bay had joined up around the same time.

Young Laurence Whistler Street went ashore at Gallipoli in the opening days of the attack. His actions in battle over the first two weeks earned him some recognition in divisional orders for 'acts of conspicuous gallantry or valuable services'. On 19 May he was leading his men in their defence against a powerful Turkish attack which began around 4.00 am. At one stage the Turks were standing over Laurence Street's trench and shooting directly into it. Bean describes the moment as one of 'tense excitement' with the Australians under Street and his major 'standing their ground.' As dawn came the Australians fought the Turks off, often sitting high above the trenches to gain a better shot at the fleeing enemy. In the early light, this practice made them targets to other Turks who had crept forward in the scrub. Street had bravely kept his men steady to repel the attack but left himself in an exposed position and was shot dead at around 4.30 am.[15] Gallipoli was a place that was geographically confined in the extreme, and in the claustrophobic atmosphere news of friends and relatives travelled fast. Thus, Laurence Street's death was communicated to his cousin, Captain Humphrey Scott, on a nearby position soon after the event, as was typical of the close family and social connections operating amongst the men on Gallipoli.

Humphrey Scott would have heard the cacophony of battle engulfing his young cousin on the next ridge. He wrote the following letter to Justice Street within a week of Laurence's death:

> My Dear Uncle Phil,
>
> It is with deepest regret I am now able to write to you to give what few details I have been able to gather about poor Laurence's death . . . I am told that Laurence – in keeping his men in good spirits and directing their fire – was exposing himself and not in the least worrying about any danger.[16]

Such willingness to lead from the front was typical of Laurence Street's contemporaries.[17] Condolences flowed to the Street family from Laurence's fellow officers and eventually the king and queen.

Meanwhile, in England, Kenneth Street learnt that an old football injury precluded him from active service with the British Army. He returned to Australia and served on the staff of the German internment camps in New South Wales, then in a variety of staff positions throughout the war.[18] When he married, Kenneth named his son Laurence, in honour of his dead brother. Both would later become chief justices of New South Wales.

Kenneth and Laurence's cousin, Geoffrey Street, had a very eventful war during which he won the Military Cross.[19] Two other close Street relatives lost their lives: Lieutenant Colonel Humphrey Scott, was killed by a sniper on 1 October 1917 near Polygon Wood, and a more knockabout member of the extended family, John Rendell Street of Bathurst, was killed at Pozieres in 1916. A number of other families related to the Streets also lost sons in action.

Mr Justice Rich was one of four justices of the High Court of Australia who lost a son in action.[20] He had been a judge on the New South Wales Supreme Court from 1911 to 1913. His son, John Rich, was killed at Festubert, fighting with the British Army on 17 May 1915 around the same time as Laurence Street was killed, and in remarkably similar circumstances – leading his men from the front. Both boys had been to Sydney Grammar School. Justice Street was the chairman of the trustees of the school during the war. As such

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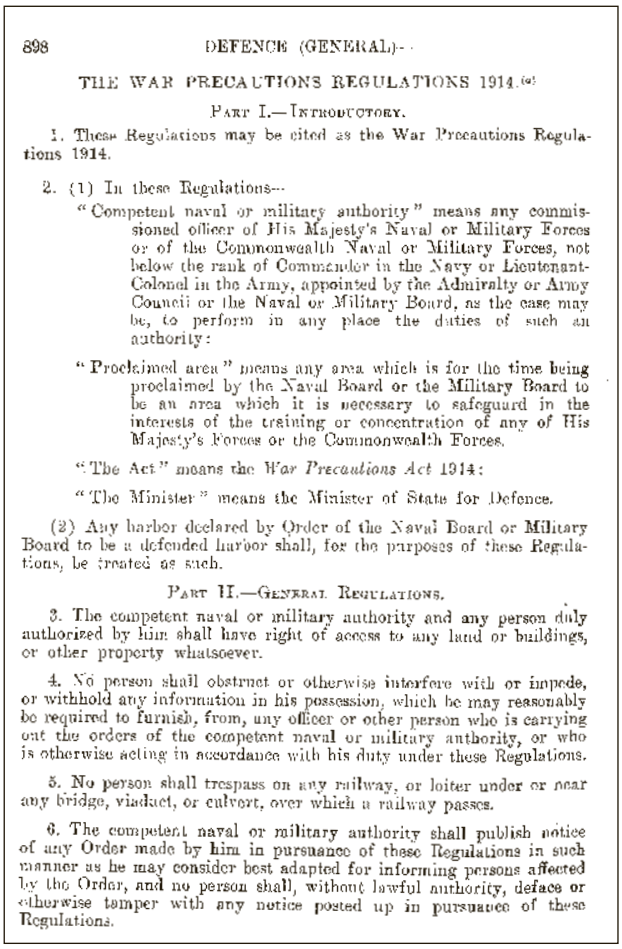
Photo: iStockphoto

he was a regular attendee at a variety of functions for Old Boys and students. On occasion, the names of those Old Boys killed in the war, referred to as *Fallen Sydneians*, were read out to the assembly. John Rich was the eighth name on the list. Laurence Street was the ninth. Justice Street would regularly address the assembly, often exhorting them to enlist.[21] He led by the example of his own sons. This sense of public service through support for the war permeated the Supreme Court and the High Court at the time. Their sons and associates enlisted at a rate far out of proportion to other sections of the population.

Despite the deaths and wounds to the members of the Street family, and others of his close acquaintance, Justice Street's youngest son, Ernest filled in his attestation papers in mid 1917. He needed his parents' permission to enlist as he was only eighteen at the time. Both parents duly signed notes giving their consent to Ernest's enlistment. Ernest Street left the sweeping harbour views from the family home, *Liverynga* in Darling Point, to follow his brothers and cousins to war. He was wounded in action in October 1918, barely three weeks before Armistice Day.

Justice David Ferguson's experience of the war was as poignant as any of his fellow judges. His son, Arthur Gardere Ferguson survived Gallipoli then was transferred to the Western Front. Justice Ferguson became absorbed in the Gallipoli campaign to such an extent that he constructed a detail model of the Gaba Tepe and the beaches. The historian, Charles Bean was one of Justice Ferguson's many correspondents during the war, and he used the model in his later *Official History* of the conflict. Justice Ferguson corresponded with all manner of people, from private soldiers to generals, including his clerk, Cecil Lucas, who served for the duration. On 14 June 1916 Justice Ferguson's son, Arthur, fell in action during the battle of the Somme in France, as his other son, Keith[22], was sailing over to join his brother in war. Arthur Ferguson had seen hard fighting after and was to be recommended for military decorations for his actions rallying his troops under fire in early May – in much the same way as his fellow *Old Sydneians*, Laurence Street and John



898 DEFENCE (GENERAL)—

THE WAR PRECAUTIONS REGULATIONS 1914.(a)

PART I.—INTRODUCTORY.

1. These Regulations may be cited as the War Precautions Regulations 1914.

2. (1) In these Regulations—

"Competent naval or military authority" means any commissioned officer of His Majesty's Naval or Military Forces or of the Commonwealth Naval or Military Forces, not below the rank of Commander in the Navy or Lieutenant-Colonel in the Army, appointed by the Admiralty or Army Council or the Naval or Military Board, as the case may be, to perform in any place the duties of such an authority:

"Proclaimed area" means any area which is for the time being proclaimed by the Naval Board or the Military Board to be an area which it is necessary to safeguard in the interests of the training or concentration of any of His Majesty's Forces or the Commonwealth Forces.

"The Act" means the *War Precautions Act* 1914:

"The Minister" means the Minister of State for Defence.

(2) Any harbor declared by Order of the Naval Board or Military Board to be a defended harbor shall, for the purposes of these Regulations, be treated as such.

PART II.—GENERAL REGULATIONS.

3. The competent naval or military authority and any person duly authorized by him shall have right of access to any land or buildings, or other property whatsoever.

4. No person shall obstruct or otherwise interfere with or impede, or withhold any information in his possession, which he may reasonably be required to furnish, from, any officer or other person who is carrying out the orders of the competent naval or military authority, or who is otherwise acting in accordance with his duty under these Regulations.

5. No person shall trespass on any railway, or loiter under or near any bridge, viaduct, or culvert, over which a railway passes.

6. The competent naval or military authority shall publish notice of any Order made by him in pursuance of these Regulations in such manner as he may consider best adapted for informing persons affected by the Order, and no person shall, without lawful authority, deface or otherwise tamper with any notice posted up in pursuance of these Regulations.

Rich. A few weeks later Arthur Ferguson was at an orders group with other officers in the front line when a shell came howling into the dugout. He was killed instantly. Letters of condolence again flowed into the judicial community, including one from the prime minister, William Morris Hughes.

Keith Ferguson was not aware of the death of his brother, and the family received breezy letters about his life on board the transport ship while they also dealt with letters of condolence from Europe. Keith Ferguson could have been kept from the front line but his father insisted this not be the case. [23] Accordingly, Keith was severely wounded in action himself. He survived the war but had a long period of recovery. Justice Ferguson and his family fostered a strong network with soldiers, particularly those who were lawyers or who had legal family connections. They were all indefatigable letter writers and gave practical support to the soldiers through their energetic leadership of the 20th Battalion's Comforts Fund. Justice Ferguson also found time to act as an official visitor to internment camps for those designated as enemy aliens. One photo in the Australian War Memorial Collection shows him visiting Holsworthy Camp with Kenneth Street in the background. Justice Ferguson had a busy war. He was royal commissioner inquiring into the Wheat Acquisition Act in 1915, and into the cost of production and distribution of gas in 1918.

Another judge to act as an official visitor, in addition to his duties on the bench was Justice John Musgrave Harvey. As such he travelled long, hard distances. He visited Berrima, Holsworthy and Trial Bay camps and collected photographs of the daily lives of the internees.[24] Justice Harvey visited Holdsworthy Camp once a month, and Trial Bay and Berrima every three months. He listened to their troubles and 'made enquiries as to what had happened to their personal belongings, their farm implements, their stores of grain and produce, which, owing to their owners having been carried off to concentration camps, were left absolutely unprotected up and down the length and breadth of the country. Indeed, much of this property had become the prey of good Australians who were still at large'.[25] He was the subject of a unique appeal from the Swiss government to facilitate the visit to Liverpool camp by 26 alleged fiancés of the same number of internees.[26] Harvey's attitude to the romantic request is not recorded in Scott, but the appeal was unsuccessful. A later incident involving Justice Harvey and internees was not so lighthearted. In 1918 he headed an inquiry under the War Precautions Regulations into the internment of seven men of Irish descent trying to elicit support for the Irish Republican movement. He found that 'the phase of the movement with which they were concerned involved collaboration with German interests against those of the Empire'.[27] The government continued the internment. Justice Harvey led later inquiries into the Irish Republican Brotherhood (also known as the Fenians). Justice Harvey's only son, Charles, enlisted in July 1916, but his health was not sufficiently robust for overseas duty and he was invalided out of the army. Justice Harvey was chief judge in Equity and probate during the war and was known for his high workload and speed of work.

On 20 October 1914 the transport, *Euripedes*, took two sons of Justice Archibald Simpson, the chief judge in Equity, to war. Lieutenant Adam James Simpson was a 26-year-old law clerk. His brother, George, was a 27-year-old grazier. When they left, their mother was continuing her work with charities and was on the first General Committee of the newly formed Australian Red Cross. Mrs Simpson remained active in a very practical manner serving on the War Chest committee, which sent 'Comforts' to the Sydney based 4th Battalion. She was particularly close to this unit. Her son, George, was killed fighting with it in the savage battle at Lone Pine in August 1915. Her other son, Adam, served with the battalion throughout the war. The 4th Battalion Comforts Fund met weekly throughout the war and maintained a constant stream of welcome, practical supplies to the men at the front.

Another family to be very active in the support for the war was that of Justice Sly. He had no sons. Justice Sly's wife, Constance, was another foundation member of the executive of the State Division of the British Red Cross Society. Constance Sly was also co-editor of

a significant book, *The War Workers' Gazette*, published in January 1918.[28] Young Edith Sly was one of four Sly daughters and she is recorded as having worked in the Red Cross in a variety of roles.[29]

Also very active in the Red Cross was the then well known singer, Margaret Jane Gordon, the wife of Justice Alexander Gordon. Their children were only two and six years old when war broke out – obviously too young for any direct involvement. Justice Gordon's associate in 1914, William Kenneth Seaforth Mackenzie had a distinguished military career. Margaret Gordon commenced a lifetime of work with a variety of charitable causes, including the Red Cross. Her entry in the *Australian Dictionary of Biography* describes how she:

> aided the Red Cross Society and regimental and battalion comforts funds, by singing at concerts and matinées, helping at innumerable fêtes, playing in bridge tournaments and running a flower stall on Saturday mornings. On 23 June 1915 she was chief organizer of a concert at the Town Hall featuring Antonia Dolores, and herself sang 'some melodious little Welsh songs'; over £1000 was raised for the Red Cross. As the 'singing voice', she and Ethel Kelly, as the 'speaking voice', staged Henri Murger's 'La Ballade du Désespéré', set to music by Herman Bemberg, on several occasions.[30]

The wives of the Supreme Court judges expended enormous energy throughout the war and proved to be the organisers of one of the most effective institutions in the home front. They were able to deal with the talented but imposing Lady Helen Munro-Ferguson who took charge of the Red Cross and chose women of a certain style and calibre, who she found both effective and comfortable to deal with. Prominent legal families were just the sort of social context that she found suitable for the leaders of the Red Cross. They did not let her down.

Women in the Red Cross had to deal with entrenched discrimination. One prominent lawyer active in the Red Cross was Adrian Knox KC.[31] He served on a number of their committees. These committees often involved both men and women and Knox was not comfortable with the mix. He lamented in a letter to James Murdoch, the commissioner in the London Branch of the Red Cross, of having to serve on what he termed 'Cock and Hen' committees. His reference was clearly to the necessity of having to work with women. He was keen to avoid it if possible.[32] James Murdoch expressed similar sentiments. Their private opinions were not necessarily shared with everyone. In 1918 the passing of the Women's Legal Status Act by the New South Wales Parliament provided that a person should not by reason of sex be deemed to be under any disability or subject to any disqualification to be appointed a judge of the Supreme Court or of a District Court, a chairman of Quarter Sessions, a stipendiary or police magistrate, a justice of the peace, or to be admitted and to practise as a barrister, solicitor or conveyancer.[33] It was a long time before this law actually resulted in women being appointed to these positions.[34]

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Photo: iStockphoto.

There were a number of high profile cases to exercise the judicial skills of the Supreme Court justices during the war. It is impossible to detail them here, but one in particular was that of the IWW. The experience of the defendants in front of Justice Pring was one of the more controversial cases during the war. The trial gives an opportunity to profile the intersection of political, personal and social vectors operating on judges during the war.

At the time of the IWW trial Pring was also a governor of The King's School, and president of its Old Boys' Association. As such he was party to the universal grief, which met the flurry of tragic telegrams, which came after Gallipoli, Fromelles and Pozieres. He had attended memorial services to ex-students killed in action, including the barrister, Charles Edye Manning who had been secretary of The King's School Old Boys' Association at the same time as Pring was its president. Two other lawyers from The King's School had also been secretaries of the Old Boys' Union: the charismatic Ernest Ambrose 'Nulla' Roberts and Alan Mitchell. Both of these men had died at Gallipoli. Pring had attended Roberts's memorial service

in the atmospheric stone chapel at The King's School. Charles Manning's brother, Guy, had been killed accidentally while serving in New Guinea. Pring would certainly have known about these and many other deaths.[35]

Pring had been a fine barrister and had a great reputation but he was a world away from the earthy, boiling world of labour politics, which centered on the Sussex Street area and the Darling Harbour Docks down the hill from the law courts. In the midst of the first part of the controversy Pring's son, Philip, enlisted in the Field Artillery in November 1916, right at the height of the publicity surrounding the trial. He sailed for war in 1918. Pring's younger son, Sydney, enlisted in early 1917 and sailed to the front at the end of that year. He was wounded but survived the war. Pring's other son, Percy, is not recorded as having enlisted in Australia. Pring's clerk, Edmund Beaver did enlist in the beginning of 1916 and won the Military Cross in the last months of the war. He was wounded in action on three occasions but survived the war.

As for the IWW, theirs and related cases went on for years and involved a variety of Supreme Court judges, including Sir William Cullen, Justice Sly and Justice Gordon. Public outcry led to a further review by Justice Street, which basically confirmed the bulk of Pring's judgment. The IWW accusations of the unfair burden of the war on the working class would not have elicited much sympathy from any of these gentlemen, so affected were they by the loss of friends and loved ones in the conflict. Eventually, after much agitation the 'IWW Martyrs', as they were called, were released after a review by a judge from Tasmania in 1920. Their supporters promptly gave them a reception in Sydney Town Hall.

The deaths of those men connected with the legal profession took away many who had the potential to go on to high positions. The lost sons of justices Street and Ferguson had every chance of following their fathers into high legal office – just as their brothers were to show through their own careers. Many other talented lawyers also fell. Charles Edye Manning, the son of the deceased Justice Manning, was killed in action in 1916. Charles Manning was the only soldier who served in the war who had already been a judge, having had the distinction of being the first British judge in New Guinea during his time there with the Australian Naval and Military Expeditionary Force. As with so many of his position he did not wish to spend the war doing work he could have done in the law. His desire to see action cost him his life. His death was marked with great public services. The legal community supported each other in their grief.[36] The deaths spread into all levels of the law. Many of the tombstones in the vast cemeteries devoted to the First World War have a special significance to the New South Wales legal community. Similarly, the imposing marble monument to the conflict, looming over the hallway in the Supreme Court must have been particularly poignant to those men dispensing justice just next door.

Note: The author teaches English and History and is the Senior Studies Co-ordinator at St Pius X College at Chatswood. He has published two books, *Suburban Boys at War* and *Beecroft and Cheltenham in World War I*, in addition to numerous articles. This article includes new research as well as information contained in two working papers on the legal profession in World War One, which may be accessed on the web site for the Forbes Society for Australian Legal History at www.forbessociety.org.au. The research is ongoing. There is certainly much more material available than has been currently accessed. People with information or interest concerning this topic are keenly invited to contact the author at: acunneen@bigpond.net.au

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Endnotes

1. Figures are based on the judges' family records from the New South Wales Registry of Births Death and Marriages, available online at: http://www.bdm.nsw.gov.au/familyHistory/search.htm
2. Sydney Grammar School's *The Sydneian* started publishing in 1918 lists of Rejected Volunteers to prevent a 'reasonable feeling of contempt' for those who had not served. Claude HG Simpson is on the first list.
3. There are a number of letters in the personal files of the sons of judges and in other collections such as the letters of Justice Ferguson in which there are specific requests to have their sons placed in the frontline unit of their choice and not be put into safe units in the rear.
4. A popular motif in the IWW programme was that the working class carried the bulk of the fighting. On 22 August 1915 Tom Barker, who was later imprisoned had said: 'Let those who own Australia do the fighting. Put the wealthiest in the front ranks; the middle classes next; follow these with the politicians, lawyers, sky pilots and judges.' Reported in Verity Burgmann *The IWW in International Perspective*. Available on http://www.historycooperative.org/proceedings/asslh2/burgmann.html
5. In Bennett, J.M (1969) Editor *A History of the New South Wales Bar*. The Law Book Company Limited. Sydney
6. Family documents of Justice Manning's held in the archives of the Hunters Hill Historical Society, describe the close relationship in the peninsula's legal community. HTE Holt in *A Court Rises* comments that at one stage there were sufficient judges to 'constitute a Full Court on the ferry each morning to Circular Quay.' The Law Foundation of New South Wales. 1976. Page 161.
7. The activities of the First World War charitable organisations are not yet fully profiled, nor are the social lives of the legal families at that time.
8. The early years of the Red Cross in Australia are not completely documented. The date of 1911 was supplied to the author by the archivist for Red Cross Australia and is taken from a description of the meeting by one of the participants. The description is held in the Red Cross archives in Melbourne.

9. A number of other wives of legal professionals, including Lady Hughes and Mrs Langer Owen, were also very active in the Red Cross and Comforts Funds. This paper concentrates on the families of Surpeme Court judges.

10. *The Red Cross Record.* 8 January 1918. This wartime record is the primary source of information concerning the Red Cross in World War I

11. Elsie Horder. 'Women and the War' in *The NSW Red Cross Record* I, 11 Feb 1915. 47.

12. Unless otherwise stated, details regarding the careers of the sons of judges come from the ir individual Service Records held in the National Archives of Australia, series number B2455, and the Australian War Memorial Databases and Collections.

13. The details of the recommendation for this award are not recorded on the website of the Australian War Memorial, although it is gazetted.

14. Later Sir Kenneth Whistler Street, Chief Justice and Lieutenant Governor.

15. Bean C.E.W. (1921) *Official History of Australia in the War of 1914-18 The Story of Anzac Volume I* Sydney: Angus and Robertson 143, 156.

16. Sir Kenneth Whistler Street (1941) *Annals of the Street Family of Birtley*. Private Publication. Sydney. Courtesy Sir Laurence Street. pp. 182-183.

17. School magazines from the Greater Public Schools of the period repeatedly exhort their ex-students to fulfil their obligations as leaders.

18. Sir Kenneth Whistler Street, ibid. Pgs 176-178

19. After the war he eventually went into politics and became the minister for army and defence in World War II. He was killed in an air crash in Canberra in August 1940.

20. Sitting High Court justices to lose sons in the war included justices Gavan Duffy, Richard O'Connor, George Rich and Henry Bournes Higgins. There were a number of District Court judges to also have sons involved in the fighting.

21. Details of these occasions are taken from the archives of Sydney Grammar School, especially its magazine, *The Sydneian*, which has multiple references to the Street and other families. Information is reproduced here courtesy of Sydney Grammar School.

22. Later Sir Keith Ferguson, a Judge on the Supreme Court.

23. There are letters on file in the State Library Ferguson Family Collection, written to the Military authorities by Justice Ferguson expressing his wishes that his son Keith not be held back..

24. These photographs may be viewed on the Australian War Memorial web site, in the Collections section.

25. Justice JM Harvey, 'A Note on the Duties as Official Visitor for the Australian Government to Prisoners of War Camps in New South Wales during the War 1914 – 18' in *The Australian and New Zealand Society of International Law - Proceedings.* Melbourne University Press. Melbourne, 1935. p156.

26. The incident receives a tongue-in-cheek representation in Ernest Scott's *Australia During the War* Angus & Robertson. Sydney 1941 on pages 161 to 162.

27. Ernest Scott, ibid. 462n.

28. Basic details on Constance Sly's life come from the entry in the *Australian Dictionary of Biography* for Richard Meares Sly by John Kennedy McLaughlin Vol 11, Melbourne University Press, 1988.

29. Details of her war work come from *The Weaver*, the magazine of her school, Abbotsleigh, in Wahroonga and are reproduced here courtesy of that institution.

30. Martha Rutledge. Margaret Jane Gordon in *Australian Dictionary of Biography* Vol 9 Melbourne University Press 1983.

31. Later Sir Adrian Knox KC, a Chief Justice of the High Court.

32. Correspondence between Adrian Knox KC and James Murdoch.1916 Archives of the Australian Red Cross. Melbourne.

33. HTE Holt op cit 151.

34. The attitudes of the New South Wales legal profession towards this Bill are not canvassed in this paper, but it is worth noting that the chief justice, Sir William Cullen was a regular attendee at the Friday salons conducted by one of the feminist supporters of the Bill, Rose Scott.

35. Details of Justice Pring's school connections are taken from *The King's School Magazine*, 1914 to 1919, and are reproduced here courtesy of the King's School.

36. The New South Wales Bar Association sent letters of condolence to both Justice Rich and Justice Street on the loss of their sons.