

Doing their bit: barristers in the Second World War

This is the first of a two-part series by Tony Cuneen. The whole work is an ongoing project by the author for the Francis Forbes Society for Australian Legal History. A symposium, sponsored by this society, the Bar Association and the University of Technology and Science on Historical Connections between Lawyers and Australian Defence Forces is planned for 24 March 2012. The symposium will to be opened by Chief Justice Bathurst, and will include speakers from the Australian legal community, academia and the military. Comments and further material are welcome. Please contact the author at acunneen@bigpond.net.au

Introduction¹

Over three hundred New South Wales barristers saw service in the Second World War.² A few have had their memoirs published or had their experiences mentioned in biographical articles.³ Often the reference to their military service occurs as an isolated statement in an obituary or similar account, presented as a footnote to their professional lives. Judge and war veteran John (Gaffer) Flood Nagle⁴ 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 completed.⁵ Most participants are now dead. This series is a consolidation and memorialisation.

The New South Wales Bar contributed men to the war effort in excess of the normal percentage of volunteers from across the country. Of the 148 people (the vast majority men) admitted to the bar after 1930, 92 enlisted in the armed services. Some years were particularly strongly represented. Seventeen out of the 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 service. By war's end, 18 barristers were dead: killed in action, died of illness, or victim of accident.

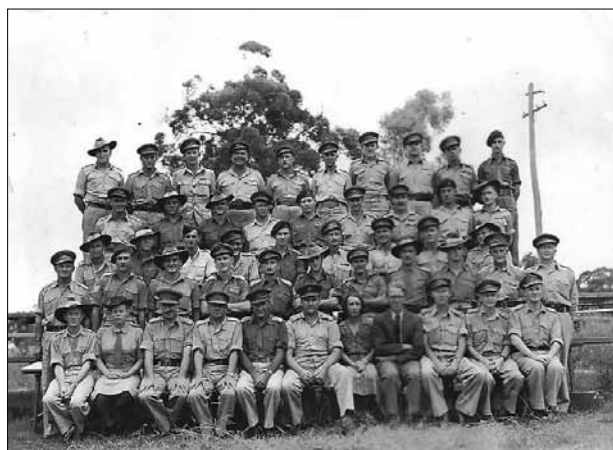
Two hundred ex-servicemen were admitted to the bar after the war. Of the 300 barristers who had war service, at least 117 became judges. Others went into politics, the most prominent being Prime Minister Gough Whitlam QC. Sir John Kerr AK, GCMG, GCVO, QC was a chief justice of New South Wales and a governor-general.

Barristers enlisted in the army, navy or Air force and served in a variety of places and capacities during the war. They saw action in the close jungle combat of New Guinea, they experienced the privations of the Burma Railway and Changi Prisoner of War Camp, they took part in the bombing raids over Germany, and they sailed on the North Atlantic convoys.

At one point it was the proud claim of Sydney University's Law School that its graduates and students

were represented in virtually every unit of 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, in the words of the time, 'doing their bit'. Moreover, the war would prove a watershed for the law itself: war related issues shaped both the nature of much litigation and the people who lived through the conflict.



Lt Col John Kerr, later CJ and governor-general, front row, centre, 1945. Photo: courtesy Des Ward

Enlistment

Whatever glamour war service may have had in the early years of the Federation it had well and truly evaporated in the trenches of the Western Front and on the slopes of Gallipoli. In the 1930s, Great War veterans were dying in their thousands at an average age of 45 years, when the average for non-veterans was 60. The author's grandmother kept a diary of her life covering both conflicts, and when the Second World War broke out in 1939 she scrawled in large letters across a whole page: 'Dear God – Not Again!'

It took a committed person to forgo a prosperous professional life and enlist for frontline service. However, the generation of barristers who did so would eschew any overly idealistic articulation of heroic motives. Their usual responses, when asked to articulate their motives, were simply to say that 'everyone was doing it' or 'it was the thing to do'. Whatever their true reasons, the Sydney Bar supplied a substantial proportion of recruits in relation to their number, just as they had done for the last Great War, when at least 39 barristers enlisted and ten were killed in action.

The patriotic urge to enlist by existing members of the bar affected some men who could have justifiably kept out of the services. Henry T E (Bernie) Holt⁶ 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, held at the racetrack at Warwick Farm. The experience of a trainee soldier was a much different world from that of a judge. Accommodation was in the horse stalls, 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'.⁷ Like so many lawyers the combination of his military and legal skills led him into some of the more obscure but significant aspects of the war effort.

Another District Court judge to offer himself for service was First World War veteran Bertie Vandeleur (Baron) Stacy. He was too old for active service and was appointed the Commanding Officer of the Sydney University Regiment during the war. Other barristers who were rejoining or continuing reserve service after the First World War included Angus Leslie, Merlin Loxton MC,⁸ Cyril Bartholomew Lynch and William Ballantyne (Rocket) Simpson.⁹

Cyril Bartholomew Lynch had been admitted to the bar in 1938 after working as a teacher. He had been seriously wounded twice in the First World War. He put his age down from the correct 45 years to 38 and enlisted in July 1940. He would have a hard time of it.

Some barristers insisted on enlisting despite physical disability. Frank Carter Stephen¹⁰ had just been admitted in 1938. He had a congenital deformity of one foot which severely restricted his movement



Barrister James (Ted) O'Toole. Photo: courtesy of Her Honour Judge Margaret O'Toole.

such that he had to employ a runner when playing cricket. Although there could not have possibly been 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. H J H Henchman commented that '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 realised it was his duty to his country it was Frank Carter Stephen.'¹¹

Another who overcame a physical limitation was Frederick George (Funnel Web) Myers.¹² '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 well known for having gone over the Kokoda Track despite his disability.¹³

Other barristers to enlist were keeping up family

traditions. Michael Helsham,¹⁴ Adrian Curlewis,¹⁵ John Bruxner,¹⁶ Laurence Street¹⁷ and Tom Hughes¹⁸ came from families with extensive military and legal connections. Some had relatives who had been lost in the First World War. Laurence Street was named after his uncle who fell in action during the early days at Gallipoli. John Bruxner's father had been awarded the DSO in the First World War.

Tom Hughes's father, Geoffrey Hughes MC AFC had served in the First World War and would serve again in the Second World War. Tom's uncle Roger died as a result of wounds suffered while tending a patient in the First World War.¹⁹

A number of barristers had military reserve experience, with the Sydney University Regiment a particularly strong source of full time recruits. William John Victor Windeyer (always Victor)²⁰ and David Selby²¹ had their initial experience of the military in this unit. Others such as Alan Victor Maxwell²² 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 among 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 to its members who enlisted through a variety of schemes and projects. The emerging Sydney University Law School had displayed great enthusiasm for the First World War and there was little change in the second. Again the Law School was a central clearing house of support for the lawyers who were away on active service. The Sydney University Law School Comforts Fund was directly concerned for any Law School students and graduates who were in the services. The fund was founded at a meeting at the Law School in Phillip Street on 10 July 1940.

The first patrons of the Law School Comforts Fund were Sir John Peden and the chief justice, Sir Frederick Jordan. Sir Frederick was also lieutenant governor during the war. His associate John Slattery²³ has recalled a time of rationing and administrative simplicity far different from today.²⁴ Jordan travelled to and from work by

tram and put in long hard hours. He was very keen to ensure that people knew 'what they were meant to do' under the intrusive war regulations. There was a great expansion of litigation during the war, much of it related to these regulations.²⁵

The first 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 silks 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. She took a direct interest in the careers of the Law School students and graduates. The Fund was supported by virtually the entire legal profession.

The aim of the Comforts 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 reading material were in short supply at the time, especially on active service, and they were invaluable to relieve the tedium of long periods away from home and out of the normal flow of life.

Lawyers kept in touch with professional and social news via a quarterly magazine called *The Legal Digest*. This typed script of around 25 pages was a gossipy compilation of news of lawyers on active service, significant court cases, appointments, the latest decisions and family details concerning the profession. It was compiled under the guidance of Margaret Dalrymple-Hay and contained a mixture of general, and sometimes cheeky, references to the social and professional lives of lawyers. There were plenty of references to mess parties, jokes and gentle mockery of those in the uniform and in practice at home.

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.²⁶ His lighthearted hyperbole captures the tone exactly, although there were sombre references to those who had fallen in action. Practising barristers offered summaries of significant legislation and court life for *The Legal Digest* while others entertained visiting service personnel.

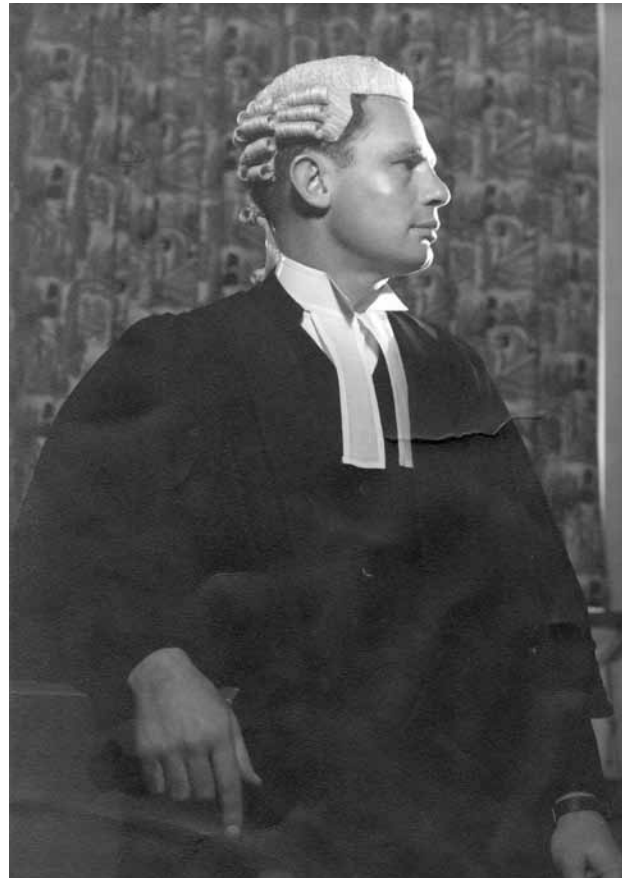
Sydney University Law School went to great lengths to assist their students during the war. Staff took a great personal interest in students and graduates. Students who wished to continue their studies while on active service were sent lecture notes and digests of cases and were to be able to sit examinations 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 goodwill generated by support for 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, the students and the faculty, and was never satisfactorily resolved.

There were various attempts by members of the bar to minimise the damage to the professional lives of barristers who were enlisted. Some of the schemes were more practical than others. One idea proposed by Richard Windeyer KC in February 1942 was a scheme 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.²⁷

Barristers in the Middle East theatre

The first major operational theatre was in the Middle East. A well-known barrister in the service was Lieutenant Colonel (later Brigadier) Victor Windeyer. At one stage Windeyer was commanding the 2/48 Battalion at Tobruk. He was an energetic and brave



Des Merkel, by Max Dupain, courtesy Merkel family

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 Windeyer's officers during the siege was Lieutenant David W Barton Maughan,²⁸ 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) Green²⁹ was not so lucky. He was killed in action at Tobruk on 27 October 1942 serving with the 2/17 Battalion. At the time the 2/17 Battalion was commanded by Lieutenant Colonel John Wilson Crawford of the firm Ellison, Rich and Crawford. Crawford had commanded the Sydney University Regiment immediately prior to Windeyer. Other men later admitted to the bar who served at Tobruk included Philip Woodhill,³⁰ Ernest Byron³¹ and Desmond Merkel who was there with the 2/13 Battalion, the same unit as Barton Maughan.

Merkel wrote of his experiences there:³²

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 . . .

Greece was another area of operation in the Mediterranean. The ill-fated Greek campaign found a number of barristers struggling to escape with their lives. One, Charles Walker, aged 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 Philip James Woodhill had survived Libya but was one of the thousands of Australians trapped on the mainland. He was a close associate of Victor Windeyer; they had been in the Sydney University Regiment together as well as the same chambers in 184 Phillip Street. Greece was a desperate time and Woodhill combined with another officer, Captain Vail, to lead hundreds of men to safety on the coast. 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.³³ He had a brief recuperation in Egypt before rejoining his unit in the Lebanon and Syria. He was withdrawn from front line duty and made the Legal Staff Officer (LSO).

Also serving in Greece was Woodhill's close friend and fellow barrister, Alexander (Alec) Sheppard.³⁴ 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.

The position of LSO which Philip Woodhill filled was established in the Headquarters in Palestine in March

1941. The appointment of a professional lawyer to the role had a 'healthy effect' on the legal aspect of running an army. 'Court martial applications [were] better prepared, summaries contain[ed] less inadmissible evidence and courts of inquiry [were] better conducted.'³⁵ In addition the LSO dealt with the increasing number of compensation claims made by the local population for traffic accidents, assaults, and malicious damage.

The lack of clear guidelines did not help the LSO who had to balance unsupported claims with the need to keep the local population politically aligned with the Allied forces. David Benjamin advised that it was generally considered wise to uphold a claim rather than having it thrown out of court on a 'legal technicality'. To help in their quest for 'Justice', they imported two books, *Cockle on Evidence* and *Roscoe on Criminal Evidence*. The major cases they tried included the usual Absent Without Leave, Robbery with Violence and False Representation.³⁶

Captain T A M (Mick) Boulter³⁷ was another Sydney barrister caught in 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:³⁸

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 BBC 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 out. 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.

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. 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 southeast 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 Leslie,³⁹ who learnt sufficient Arabic to translate conversations later in court,⁴⁰ William (Bill) Ash,⁴¹ Bertram (Bertie) Wright, William Prentice⁴² and John Flood Nagle. John Nagle saw action as a gunner 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 Leycester (Shagger) Meares⁴³ in the Middle East as well as New Guinea.

Chance meetings between lawyers in foreign parts were always welcome and often mentioned in letters to family or to *The Legal Digest*. These enthusiastic reports suggest that the bar community was close knit and supportive of its members, despite the sometimes combative nature of the professional side of their lives. In 1941 Edward St John⁴⁴ was on his way to a court martial in the Middle East when he was hailed by Bill Ash, who was on his way to join the 2/13 Battalion. That unit was

commanded at the time by Sydney barrister Lieutenant Colonel Turner. 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 Chambers,⁴⁵ Allen Eastman, Edward St John, David Benjamin and John M Hammond. Russell (Dooley) Le Gay Brereton⁴⁶ was also working with Brigadier Simpson. Brereton wrote that he endured sandstorms so fierce that he had to take a shovel to bed to dig himself out in the morning. He also playfully speculated on his power as aide de camp to General Morshead. Brereton essayed lightheartedly 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.⁴⁷

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 Perrignon⁴⁸ 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'⁴⁹ in the Lebanese mountains.



Captain Russell Brereton, 9th Division Legal Branch (middle of the picture), seen here later in the war during an adjournment of a war crimes military court on Labuan Island, North Borneo in December 1945. Photo: Australian War Memorial, Ref: 122773.

These men, who had been at the bar before the war broke out, were part of what Sheppard called 'the legal circle in the AIF'.⁵⁰ The network extended across all theatres of war. 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 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 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. They had enjoyed many good times together. 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 Sir John Peden of the Sydney University Law School, Brigadier William Ballantyne Simpson, Percy Spender KC MP, Lieutenant Colonel JP Fry of the Queensland Bar and assistant judge advocate general at the time, David Selby and Major General Herring KC. The bar was conscious of its own and the death of any member was keenly felt by the others. He was known as being very good company, who enjoyed calling out loudly 'Round me men, they're picking off the officers' when in his cups.

The battle at El Alamein late in 1942 marked one of the turning points of the war. [Now] Brigadier Victor Windeyer again displayed his great skill and aggressive spirit in action, for which he was awarded a bar to his DSO. 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'.⁵¹ When Lieutenant Colonel Turner was killed at El Alamein, he was 33.

Singapore and Malaya 1942

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 and

the English Navy. The idea of Singapore as some kind of impregnable bulwark against any threat had mesmerised Australia against the looming threat of the Japanese expansion. It was not supported by military reality. The first blow fell on Australian troops in the Malay Peninsula, a military posting which had not been popular as it was considered too far away from any real action. Everyone involved in defending the Malay Peninsula was shocked by the speed of the Japanese advance in early 1942.

After a series of defeats on the mainland the Allied forces withdrew to Singapore Island. Two barristers lost their lives in its defence, Major Richard Keegan⁵² 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 had commanded adjacent companies in the battalion throughout the campaign. Vincent 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.⁵³ 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.⁵⁴ One of these boxes was taken to the commander by a young and grimy Captain Adrian Curlewis⁵⁵ of Mosman, a barrister in a 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.⁵⁶ Curlewis' harbourside home at Mosman, Avenel, was evacuated at the same time as he went into captivity. In addition, Phillip Woodhill's traumatised family moved to Bowral,

partly for safety and partly to deal with the grief. Enlistments in the armed forces increased across the community in response to the ever increasing threat.

Thousands of Australians were captured in Singapore and passed into Changi prison. Adrian Curlewis had the opportunity to accompany General Bennett in his controversial escape to Australia. Curlewis said of that time:⁵⁷

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.

A number of other barristers endured the privations of being prisoners of the Japanese including Captain Phillip Head,⁵⁸ Richard WL Austin, First World War veteran Cyril B Lynch and James P Lynch (no relation to Cyril). Another prisoner was a young articled clerk, later Sir David Griffin, barrister and Lord Mayor of Sydney.⁵⁹

Curlewis was one of the leaders in Changi POW camp. Command became problematic after the surrender of so many troops as the usual structures and supports for the military hierarchy fell away. Only naturally capable leaders were able to earn the respect of the troops in the new situation. Apart from the brutal conditions one of the worst enemies of the prisoners was boredom and the overwhelming sense of the lack of purpose in their lives. One way to combat these debilitating mental handicaps was for there to be a course conducted in which the men could learn some sort of skill. Adrian Curlewis was one of the 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 the instructors used smuggled text books.⁶⁰ His most popular lecture was entitled the 'ABC of Crime' in which he took a letter of the alphabet and 'explained in it legal terms and related an interesting or amusing incident that he recalled. A was for arson, B was for bribery . . .' and so on.⁶¹ He also conducted a course in surf lifesaving.⁶²

Curlewis also worked on the Division War Diary for the Malayan Campaign. He interviewed many officers to compile an account of the disastrous defeat. The task

was most onerous and not without controversy in the claustrophobic atmosphere of a POW camp. The traumatised prisoners were struggling to understand the reasons for their predicament and Curlewis was in a difficult position. He was right when he said that 'some hard words will appear when the whole story (of the campaign) is written.'⁶³ The activity went some way towards giving purpose to their incarceration. In May 1942 he wrote in his diary: 'God, what a waste of life this is.'⁶⁴

Adrian Curlewis's diaries indicate that he took some comfort that he shared this time as a POW with his close friend from the bar, Phillip 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.'⁶⁵

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 reads:⁶⁶

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.

The other barristers who were prisoners had their own adventures. 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 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. This is believed to be the only father and son POW combination from Australia.

Conditions in Changi were bad enough but for those men selected to go to the Burma Railway or other destinations life became hell on earth. Ironically many of the prisoners chosen to leave Changi were the healthy ones and the opportunity to leave the crowded gaol was often greeted with some relief at the time. After all, it was believed that nothing could be worse than Changi.⁶⁷ The men were told they would be moved to new and pleasant surroundings and that gramophones would be issued on their arrival at the Burma–Thailand Railway. The reality was far different.

Adrian Curlewis was transferred by train to the Burma–Thailand Railway as part of F Force in April 1943. His report on this experience, written in collaboration with another officer, Lieutenant Colonel Charles Kappe, was one of the sources for the *Official History* of that dark time in Australian history. It is impossible to do justice to the horrific conditions in which Curlewis survived and proved himself. As an officer 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 regardless of rank.⁶⁸ In addition Curlewis suffered from the usual tropical illnesses of malaria, beri-beri, ulcers and the like. One brief entry in his diary on 18 October 1943 read ‘Stone-breaking and starving’.⁶⁹ It is a good summary of what he endured.

The Sydney barrister James P Lynch was also transferred to the Burma–Thailand Railway. He kept a graphic diary of his time in captivity.⁷⁰ His account included descriptions of the regular beatings and general privations suffered by the prisoners. He endured long forced marches to the railway, and wrote that he had ‘a dazed recollection of trudging along with red hot irons in the muscles of ... calves and thighs and the packs feeling ten times their real weight’. On occasion he was asked to apply his legal training to the harsh



The Commonwealth War Graves Commission Cemetery at Thanbyuzayat, Myanmar (Burma). Photo: Courtesy of Chris Winslow.

conditions in captivity. Eight men were to be executed after an unsuccessful escape from the railway. Lynch was called upon to frame ‘a letter of protest based on international law and humanity’. It did not change the situation and they were all shot.

Conditions were generally appalling. He wrote of the ‘blotting, blinding rain that soaks through in a few seconds – rain that stings and despite the 15 degrees north latitude, freezes’. The men’s health deteriorated and there were outbreaks of malaria, smallpox and all the related tropical diseases. Lynch eventually succumbed to harsh conditions and died of cerebral malaria on 26 November 1943. He is now buried at Thanbyuzayat War Cemetery, Myanmar (Burma).⁷¹

Barristers in the navy

Barristers who served with the Australian Navy included Laurence Street; Harold Glass;⁷² George Amsberg;⁷³ Howard Beale;⁷⁴ Robert St John;⁷⁵ Harold Farncomb;⁷⁶ David Moore; Gordon Johnson; John Sinclair;⁷⁷ Clive Barker; Clive (Dickie) Dillon; and William Kenneth (Bill) Fisher.⁷⁸ Harold Glass enlisted in the navy in June 1942 after two years in the Sydney University Regiment. He was the communications officer on board *HMAS Shropshire* and *HMAS Australia* in 1943 and 1944. In early 1945, he was transferred to the Special Branch of the RANVR. He was then sent to serve on board the American ship, *USS Wasatch*, which was involved in the invasion of the Philippines. On board that ship he was

subjected to the terrors of Japanese kamikaze attacks.⁷⁹ Like many, he afterwards did not wish to talk greatly about his war experiences.

George Amsberg was luckier than many. He survived the war. At one time he was the ranking naval officer in Port Moresby and was well remembered by a family friend, Harold Herman, who was badly injured in the fighting in 1943 and had his leg amputated. Amsberg made a point of helping out Herman and visited him often while he was recuperating.⁸⁰

One young man to enlist in the RAN as a 'Hostilities Only' Volunteer Reserve was Phillip Evatt.⁸¹ He signed on in November 1940. He trained initially 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 *HMS Unbroken* and *HMS United* in the Mediterranean Sea throughout 1943. In October 1944, Evatt was appointed the commissioning First Lieutenant in *HMS Tapir* when it left for its first war patrol off the west coast of Norway near Bergen. On 12 April the crew were warned by sonar of the presence of a U-boat, which they engaged. Evatt was awarded the Distinguish Service Cross as a result of the action. The *London Gazette* 19 June 1945 stated the award was for 'exceptional skill, audacity and judgment while 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 Black⁸² was another barrister in the navy, serving in the English Channel area when he was captured, and spent three years in a German POW camp. After his release he described his capture as occurring on 15 February 1942 when he 'stepped ashore, or rather was tipped out of [his] dinghy on the inhospitable shores of Brittany' virtually into the arms of the Germans, who took him first to gaol where he 'languished in squalor for some 37 days before going into prison camp'.⁸³ 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 and to provide some items of practical use.

On 19 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'.⁸⁴

The year 1942 was a worrying time for any people associated with the legal profession, as it was for the entire country. A number of lawyers were missing in action. Alan Bridge⁸⁵ had been in Java as Naval liaison officer and had failed to make the rendezvous with a ship to be evacuated. He had written lightheartedly to the Law School only a few weeks before, mentioning that he 'had become quite an 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.'⁸⁶

Bridge's lighthearted tone would have changed dramatically when he was caught on Timor with a mixed group of around 40 disappointed men from the navy, RAAF and army. They evaded capture for 58 days while the Japanese searched for them using ground and air units. It was the most harrowing of escapes and took place in extremely rugged and dangerous country. There were crocodiles threatening every river crossing. Men in the group died steadily from all manner of hazards, including snakebite. Most suffered multiple illnesses.⁸⁷ They were eventually rescued by the American submarine *USS Searaven* which transported the men back to Fremantle despite



Four officers from Lark Force of the Rabaul Garrison. Front row, left, Lieutenant David Selby, commanding officer of Anti Aircraft Battery Rabaul. Photo: Australian War Memorial. Ref: P05404.001.

the boat being loaded with ammunition and catching fire on the way. The men were an unforgettable sight on arrival; emaciated, unable to stand and barely alive. At the time of his being reported missing he had a wife and young daughter.⁸⁸ The experience on Timor left Alan Bridge thoroughly debilitated.⁸⁹ He was able to return to practice in 1943 and for a time held briefs at half fees for SM Falstein in view of the latter's air force service.⁹⁰

Clive (Dickie) Dillon was one of those barristers whose service in the navy took him to the four corners of the globe. At different times he was reported to be on a converted trawler in the North Sea, transiting through New York and based in London. He saw action against the battleship *Tirpitz* in the freezing reaches of the North Atlantic then was on escort duty in the Russian convoys. He moved to warmer locations in the Mediterranean and saw action against German landing craft in the Aegean. He wrote to *The Legal Digest* describing how bombarding Rhodes was a 'tame affair' which at least 'broke the monotony' of his service. On another occasion he captured a number of Germans in a landing craft and an armed caique. He described the experience in the kind of understated, breezy style common at the time; they 'put a few shots near the landing craft and most of the Huns got an idea that there was a better 'ole somewhere else, and dived overboard where they made themselves very annoying by wanting to be Kameraded [surrender]. A number of prisoners were picked up and our doctor had a long felt

ambition satisfied – he had always wanted the lavatories cleaned out by the *Herrenvolk*.⁹¹ Dillon survived the war and continued his service in the Naval Reserve.

Rabaul

A major area of operations for Australian soldiers was the Gothic violence of the New Guinea campaigns. 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. David Selby had a gallant and hazardous military campaign 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.⁹² He was part of a small anti-aircraft unit located on Frisbee Ridge on Rabaul, 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 numbness' as he looked down on a Japanese invasion force in the bay many times larger than the Australian defenders.⁹³

When the Japanese overwhelmed Selby'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 Selby'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 Hidden.⁹⁴ Harris was from Balmain and had graduated in 1932 but had immediately gone on to study to be a priest. He ran the Catholic mission on Rabaul. After leaving 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.'⁹⁵ They were only very lightly armed and virtually starving by the time they reached safety. Selby did an heroic 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 waved 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 report a cruel end to a brave life. David Selby remained a lifelong admirer of the priest and spoke often of him.

The end of the beginning

While these tense actions were taking place, young New South Wales barristers joined up in increasing 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 Harbor meant that in this year mainland Australia would be directly attacked. Early in the year, pioneering woman barrister Sybil Greenwell resigned her presidency of the Law School Comforts Fund 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.⁹⁶

By April 1942 there was scaffolding around the Martin Place GPO, 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, while 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 Phillip 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. (Side arms and head dress were not to be worn.)



Des Ward (right) on Bougainville.
Photo: courtesy of Des Ward.

One son of a veteran who enlisted around that time was William Desmond Thomas (Des) Ward.⁹⁷ His father, Jonah (Harry) Ward, had died in 1922 of gas related injuries sustained in battles including 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 in the AIF, two days after his final law exams in the Law School in Phillip Street.

Ward 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 six months earlier. Des was soon sent to gunnery school at Warwick Farm, and 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.'⁹⁸ His war, like so many others, had only just begun.

Endnotes

1. 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 queen's counsel or served on the bench. Many generous members of the bar and the judiciary as well as the general public supplied further details in response to public requests for information through *In Brief* and the RSVP section of the *Sydney Morning Herald*. Eventually information came from around Australia and overseas, including places as far afield as Hawaii and Istanbul in Turkey. Regrettably the process of research was not started until 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 rather than risk being considered self aggrandising. Luckily their families were able to overcome any such reticence although many recall that their fathers did not talk of their experiences a great deal, preferring to move on from something they found to be generally frightening and tedious. 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, helpfully scanned by his wife Carolyn. Justice John Slattery also spent considerable time with the author going over the draft article and Honour Roll and made valuable suggestions. Other interviews of varying length were conducted with Sir Laurence Street, Judge Margaret O'Toole, Justice Michael Slattery, Justice Bill Windeyer, Tom Hughes QC and Ross Pearson. 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.
2. 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 having offered her services as a cook. Many other female barristers were engaged in war related charitable activities during the conflict.
3. Some notable exceptions have been David Selby's *Hell and High Fever*, Harry Bell's *Wee Waa to Wewak*, or the fictionalised 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, and it is used in this article with permission from the author.
4. Later chief judge at common law, additional judge of appeal, royal commissioner into NSW Prisons.
5. 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.
6. Later a judge of the District Court, chairman of all Quarter Sessions and acting judge of the Supreme Court, QC.
7. H J H Henschman, *A Court Rises: Supplement No.1 1959-1982* The Law Foundation of New South Wales, Sydney, 1982, 5-8.
8. Later judge of the Supreme Court of the ACT and also of Norfolk Island.
9. Later judge of the Supreme Court of the Australian Capital Territory and judge of the Supreme Court of Norfolk Island.
10. Later His Honour Judge Stephen QC.
11. Henschman, 21.
12. QC, later judge, Supreme Court, Equity Division.
13. 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'.
14. Later chief judge in equity, additional judge of appeal, QC.
15. Later a judge of the District Court.
16. Later a judge of the District Court.
17. Later Sir Laurence Street, chief justice, QC and a leading member of the NSW legal community.
18. 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.
19. Peter Hughes, Roger's son, was killed in a flying accident in the Second World War.
20. William (Victor) Windeyer was later awarded CBE, DSO & Bar and on three occasions MID. He was subsequently knighted and served as a judge of the High Court of Australia and a privy councillor. He was christened William but was known as Victor.
21. Later QC, acting judge (Supreme Court of Papua New Guinea), judge in divorce (Supreme Court), additional judge of appeal, lecturer and deputy chancellor Sydney University.
22. Later a judge of the Supreme Court, QC.
23. Later judge of the Supreme Court, AO, QC. Details from Justice Michael Slattery, interview 18 April 2011.
24. The Honourable J P Slattery AO QC Address Supreme Court Judges' Dinner 1 February 2007. <http://www.forbessociety.org.au/documents/slattery.pdf>.
25. I am indebted to comments on this topic made by his Honour Justice John Slattery in interview at Chatswood, 23 May 2011.
26. 'Tropical Titbits' *Legal Digest No. 12*. 31 December 1943, 7.
27. 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.
28. Maughan was the son of David Maughan DSO KC. He wrote a volume of *The Official History of Australia in the War of 1939-1945, Series I, Army, Vol.III, Tobruk and El Alamein*. He became a solicitor after the war.
29. Prior to enlisting was a prosecutor with the NSW police.
30. 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.
31. Vale Ernest Byron QC in *Stop Press: Newsletter of the NSW Bar Association*, No 61 May 1999, p.11. Byron was admitted to the bar and was later deputy senior public defender.
32. Sgt D Merkel 'Parade at Gaza Airport' in *Bayonets Abroad: Benghazi to Borneo with the 2/13 Battalion AIF*, pp.299-300.
33. Letter, Alexander Sheppard to Mrs Woodhill, McKenzie Papers.
34. Listed as a barrister on enlistment papers but not listed in the New

South Wales Almanac for the time.

35. David Benjamin War Diary of Legal Staff Office. Middle East, April 1941. Available online at Australian War Memorial.
36. Benjamin 1941. pp.2–8.
37. Later a judge of the District Court, chairman of all Quarter Sessions, QC.
38. G Long, *Greece, Crete and Syria Official History of Australia in the War*, Australian War Memorial, Canberra, p.189.
39. Later judge (District Court) chairman of Quarter Sessions. Also served in New Guinea and Australia.
40. Email from Peter McEwan SC, 26 August 2010.
41. Later judge of the Supreme Court, QC.
42. Later chief justice Supreme Court of Papua New Guinea, judge in Australian Federal Court, QC.
43. Later judge (Supreme Court), president NSW Bar Association president Australian Bar Association, QC. Further information supplied by his friend Harry Bell, among others. Meares was known as a great character, much given to ascribing nicknames to barristers and judges, some of which are mentioned here. He was well known by the nickname, 'Shagger', because of his wide use of the term.
44. Later Member House of Representatives, QC.
45. Later a judge of the Supreme Court.
46. Later judge (Supreme Court).
47. *Legal Digest* No 8, 31 December 1942, p.7.
48. Later judge (District Court) chairman of Quarter Sessions, senior member NSW Industrial Commission, chairman-judge Crown Employees Appeal Board, QC.
49. William B Perrignon, letter to Sydney University Law School, *Legal Digest*, No 4. 30 September 1941, p.7. Later a District Court judge, chairman of Quarter Sessions.
50. Alexander Sheppard, letter to Margaret Dalrymple-Hay, 4 December 1941. Mckenzie Papers.
51. 'Echoes from El Alamein' in *Legal Digest* No. 9, 31 March 1943, p.2.
52. Admitted to the bar 1934. Chambers at 132 Phillip Street.
53. 'Near North' *Legal Digest* No. 5 31 March 1942, p.9.
54. L Wigmore, *The Japanese Thrust*, Vol IV of *The Official History of Australia in the War of 1939–1945*, Australian War Memorial. Canberra pp.354–355.
55. Later His Honour Sir Adrian Curlewis, a judge of the District Court.
56. One Victorian 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.
57. Sir Adrian Curlewis, quoted in Hank Nelson, *POW: Prisoner of War - Australians Under Nippon* ABC Books 1985, Sydney, p.20.
58. Later a judge (District Court), chairman of Quarter Sessions, QC.
59. 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', *National Library of Australia News*, Vol XIII, No.8, May 2003, pp.11–13.
60. Kuching POW camp had a similar course, conducted by the Brisbane barrister, Len Draney. Sydney solicitor and POW, Allan Loxton, was one of his students.
61. Philippa Poole (ed) *Of Love and War: The Letters and Diaries of Captain Adrian Curlewis and his Family 1939 – 1945*, Lansdowne Press, Sydney, p.178.
62. 'Life-Saving in POW Camp', *Sydney Morning Herald*, 17 October 1945, p.8.
63. Adrian Curlewis quoted in Peter Stanley 'The men who did the fighting are now all busy writing': Australia Post-Mortems on Defeat in Malaya and Singapore, 1942–45. In Farrell & Huston, *A Great Betrayal? The Fall of Singapore*, p.256.
64. Adrian Curlewis in P Poole (ed), *Of Love and War: The Letters and Diaries of Captain Adrian Curlewis and his Family 1939–1945*, Lansdowne Press, Sydney, p.132.
65. Stan Arneil, *Black Jack*, Macmillan, Melbourne, 1983, p.75.
66. 'Obituary Judge Phillip Head' QC MBE *The Australian Law Journal*, 63, p.578.
67. Arthur (Speed) Hollingsworth POW in Changi and Japan. Personal Interview with the author, Manly, June 2002.
68. John Allen, POW on Burma–Thailand Railway. Interview with the author, Dural, 12 January 2011.
69. Adrian Curlewis in Poole P, p.216.
70. James Lynch. 'The Diary of Sergeant James Lynch' in The Wave Rolls On Waverley College Old Boys' Association. I am indebted to Justice John Slattery who alerted me to this document.
71. Details come from Lynch Diary.
72. Later judge (Supreme Court) judge of appeal, president of the NSW Bar Association, QC.
73. Later judge (District Court) chairman of Quarter Sessions QC ED had two trips to Vietnam as judge advocate.
74. Later KBE, QC, MP, federal parliament, minister for transport and minister for supply, ambassador to the United States.
75. Later judge (Federal Court) chief justice of Western Samoa.
76. Admitted to the bar, 6 June 1958 then joined firm of solicitors Alfred Rofe & Sons. Served in First World War. Commanded HMAS *Canberra* and HMAS *Australia*. Later became a rear admiral CB DSO MVO. His wide ranging career is well documented in other naval circles.
77. Later judge (District Court), QC, leader of Sydney Naval Reserve Legal Panel.
78. Later judge (Supreme Court, president Industrial Relations Court) QC.
79. Sources include the war record of Harold H Glass at National Archives as well as private communication with Dr Arthur Glass in July 2011.
80. Harold Herman, interview with the author, Sydney, May 2011.
81. 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.
82. Later member for Neutral Bay in the NSW Legislative Assembly.
83. I Black in *Legal Digest* 18, 30 June 1945, p.11.
84. *Legal Digest* 5 March 1942, p.9.
85. Later judge (Supreme Court of Northern Territory), QC.
86. *Legal Digest* 5 March 1942, p.7.
87. Colin Humphries, *Trapped on Timor*, 1991, pp.30–71.
88. *Legal Digest* 5 March 1942, p.9.
89. I am indebted to Campbell Bridge SC for his assistance in this account of his father's experience.
90. *Legal Digest* No 10 31 June 1943, p.2.
91. CB Dillon *Legal Digest* 17 31 March 1945,
92. Jen Rosenberger 'A judge You'd Follow into the Jungle' *Sydney Morning Herald* 3 October 2002.
93. David Selby, *Hell and High Fever*, Currawong Publishing Co, Sydney 1956, p.34.
94. Later a judge of the District Court.
95. David Selby 1956, p.119.
96. *Legal Digest* No5. March 1942, p.10.
97. Later a judge of the District Court, QC. ED and had two trips to Vietnam as judge advocate.
98. Information comes from a series of personal and telephone interviews with the his Honour Des Ward with the assistance of Carolyn Ward conducted by the author over the period of November–December 2010, with the final draft approved by email.