

'Trouble does not exist': The New South Wales Bar and the Red Cross Missing and Wounded Enquiry Bureau¹

By Tony Cunneen

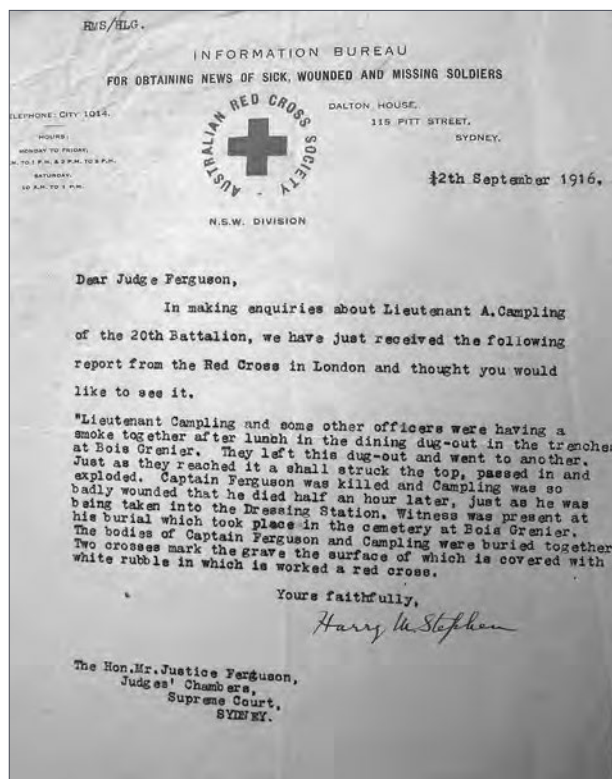
Pierce Arthur Goold, a 38-year-old law student, serving with the 3rd Battalion, was one of many who simply disappeared in battle during the first days after the Gallipoli landing. Goold was well known in the New South Wales legal community, despite stating his occupation as simply a 'bushman' on his enlistment form. In fact he was articled to John O'Neill in the law firm Murphy and Moloney in Elizabeth Street. Goold was also the firm's accountant, a director of several mining companies and a founder, and vice-president of the New South Wales Country Storekeepers Association – but in 1915 he was simply one of hundreds who were missing on the Gallipoli Peninsula. Eventually, in April 1916 a reliable witness who knew Goold, Sergeant Major Edwards, was located in Egypt. He made a statement in Cairo that:

He saw Gould (sic) on top of Shrapnel Gully, 27th April, severely wounded, gasping. Was left there. Never heard of since. Positive that he perished. The ground where he lay was ½ way between German Officer's trench and Johnson's Jolly. Right on Turks trenches. Body never seen on May 23rd when armistices, and think Turks buried him. Roll was called on 30th, Anzac Beach, when he was missing. Is convinced that he is dead.²

Goold's mother in Greenwich, Sydney, knew nothing more than his fate as having been killed in action on 27 April 1915. His body was never found. Goold's story would reoccur thousands of times during the First World War. That there was any information at all about him was due to a remarkable project initiated in Australia by the Sydney equity barrister, Langer Mead Loftus Owen KC³ on the urging of his wife, Mary: The Red Cross Missing and Wounded Enquiry Bureau. The bureau is an overlooked contribution of the legal profession to the wider Australian community.

The many obituaries and eulogies concerning Langer Owen detail his background, education and his appointment to the Supreme Court Bench, but his creation and operation of the Red Cross Missing and Wounded Enquiry Bureau in the First World War ranks as foremost amongst his achievements for the general population. He was appointed CBE in 1918 for his work with it, with his citation mentioning the way in which 'his tact, gentleness, and tender consideration had brought much help, comfort, and consolation'⁴ for the bereaved. The extensive files of the bureau are now digitised and are one of the most invaluable historical sources available through the Australian War Memorial.

Within days of the landings on Gallipoli there were brief mentions in the various news outlets of battles, of Australian units in action and suspected casualties – but despite the



worries this news caused to the relatives of soldiers it was nearly impossible to find out anything definite about individual soldiers. The romantically patriotic headlines *Heroes of the Dardanelles* did little to assuage the concerns of worried families as beneath the praise was generally a montage of photos of men who were wounded and killed. Since many units were primarily comprised of men from particular locales it was easy for relatives to become extremely worried about the fate of loved ones who obviously took part in the same actions as the photographed 'heroes.' Australia went into shock.

On occasion these portraits could be particularly poignant for the legal profession. On 1 June 1915, under the banner of *Australian Heroes* was a large portrait of the son of Justice Phillip Whistler Street, Laurence Street – killed in action on Gallipoli. Beneath his image was that of the Sydney barrister Beaufort Burdekin, wounded in action with Royal Field Artillery in France and below him, that of George B G Simpson, the son of the chief judge in Equity, Justice Archibald Simpson, wounded in action on Gallipoli. Considering the losses already suffered amongst men connected to the legal community it was hard for the legal profession not to be affected by the war.

The cryptic cabled reports in newspapers did little more than cause intense concern and agitation in a population desperate to have solid news about their loved ones. There were questions

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in federal parliament over the appalling lack of information. The army's ramshackle system of dealing with notifications of death, injury or illness, conducted from an overworked office in Melbourne, was woefully inadequate to the task. People scanned the casualty lists to see who was injured, killed or missing. It was not unusual for the first news of the loss of a loved one to be a mention in one of those lists. There were cases where the first people knew of a relative's fate was when a letter to a man on active service was returned and stamped: *Killed in Action*.

Early in the war, the Sydney barrister, Herbert Curlewis KC⁵, spent an anguished afternoon chasing along Macquarie Street and surrounds in Sydney trying to find his brother-in-law, Francis Pockley, to tell him of the death of his son, Brian Pockley, who was killed in action with the Australian Naval and Military Expeditionary Force in Rabaul – before the father read of it in the evening news on the ferry home in the afternoon. The position and connection of the legal profession in the heart of Sydney, and their proximity to the cable offices, meant that they often had access to information before the wider community.

Langer Owen KC had volunteered as chief censor at the Pacific Cables Office in Sydney at the start of the war. He was well aware of the mechanics of communicating news via the rather labyrinthine network of cables and relay stations which connected Australia to the world. At the time Australia was the end of a very unreliable, easily interrupted network of undersea lines. If one line failed then another could be used via a number of relay stations to send and receive messages. In addition, Langer Owen's legal skills enabled him to collect and weigh evidence. He was also an excellent organiser, and influential in the Sydney legal community. He was used to exercising his authority: but combined these attributes with a profound sense of social justice and obligation to become involved in charitable works. Also, the fact that his son William⁶ enlisted and saw action meant that he could empathise with those who were worried about the fate of loved ones. The enlistment of many lawyers and their relatives gave the profession great credibility in the eyes of the general public.

Langer Owen knew his way around the various corridors of power. He secured the active support of the New South Wales Law Institute (now known as the Law Society), the New South Wales Bar Association and the national executive of the Australian Red Cross. More importantly he was promised and given general financial and practical support from the entire legal community. The operational details of the bureau became

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officially recognised in the annual *Law Almanacs* published during the war.

The idea of an enquiry bureau spread around Australia and senior lawyers actively promoted the program in every capital city so that by December 1915 every state was covered. Solicitor, J Beacham Kiddle, and barrister, EF Mitchell KC, set up the bureau in the Colonial Mutual Chambers Melbourne, assisted by the firm of Henry Hurry and Sons, solicitors of Kyneton. Messrs Cohen, Kirby and Co, solicitors, also established a branch of the bureau in Bendigo. Solicitor, JE Heritage, was a leader in Tasmania. In South Australia it was established by Sir Joshua Symon KC on the request of Lady Galway of the Red Cross. In Brisbane one of the leaders was a solicitor, G Waugh and well known barristers such as A Feez KC and G Scott were involved with the active support of the attorney general, TJ Ryan. The bureau was established in Perth under the leadership of two silks, RR Pilkington KC and TP Draper KC and operated out of the offices of the solicitors Parker and Parker in Howard Street.

The Sydney bureau set up their first office in Woodstock Chambers at 88 Pitt Street in July 1915. Their first enquiries overseas were handled by the British Red Cross Bureau which was already established in Egypt, but this was clearly insufficient for the task as the Australian casualties started to mount. Vera Deakin, the daughter of former Prime Minister Alfred Deakin was the key appointee in establishing the workings of an Australian bureau in Egypt, with the help of Lady Barker of the British Red Cross. Deakin was introduced to Lady Barker by the Sydney barrister Adrian Knox KC⁷, who had travelled to Egypt as part of a mission to investigate and organise the delivery of service and goods from the various charitable activities in Australia. Knox conducted a small number of interviews with troops about missing comrades. He formally established the cause of death in action of the well-known solicitor Ernest 'Nulla' Roberts. Knox's delegation included four men who would become officially designated as *Red Cross Searchers* in hospitals and rest camps.

The Searchers were an influential group, and could be described as 'men of standing'. There were 200 applications for Knox's

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four places in 1915. The initial four men were: Robert Cain and Stanley Addison from Melbourne and Dr Norman Kater and Anthony Hordern from Sydney.⁸ Hordern was the scion of the prosperous department store family of the same name. He paid for his own car to be transported to Egypt as did the pastoralist JB Donkin. They used these vehicles to transport convalescing soldiers, as well as to travel to various hospitals to act as searchers. Other searchers to arrive included the Sydney solicitor, H Stuart Osborne, and businessman, Frank de Villiers Lamb. While some worked in Egypt, others went over to the casualty stations on Lemnos and the hospitals on Malta. These were men who had been rejected for military service but were keen to help out in any way they could.

H Stuart Osborne was a particularly indefatigable searcher. He returned to Australia in 1916 and continued his work scouring the wards at Randwick hospital for news of lost men. In 1917 he was one of those who interviewed soldiers about the fate of Desmond Gavan Duffy, the barrister son of the Honourable Justice Frank Gavan Duffy of the High Court of Australia. Sydney solicitor Vero Read was one who went searching in Randwick hospital for details of the fate of Arthur Ferguson, the son of Justice Ferguson. The report he made gave some comfort to the grieving family, noting that Ferguson was considered 'a splendid officer, and no one could wish for a better man – and was liked by everyone. He was a real gentleman and would do anything for his men.'⁹

In Sydney, the opportunities for interviews with returned soldiers were offered through the various ANZAC cafes and canteens which were set up about the various cities. There was one canteen in Sydney near the Art Gallery in the Domain conducted by the Mosman branch of the Red Cross. Hospitals at both Randwick and Georges Heights were regularly visited by Searchers.

By November 1915 around 500 cabled enquiries had been made by the Sydney bureau on behalf of the relatives of the Gallipoli casualties. Many more would follow and the resulting material would be examined by some of the 50 or so barristers and solicitors who then worked part – or full – time in the bureau – others were on call if needed. The bureau constantly advertised that it was 'desirous of doing everything in its power to alleviate the anxiety of those relatives who have heard that their loved ones abroad are ill, wounded, missing or dead.'

Vera Deakin moved to England in mid-1916 and established the office in London, again with the help of Lady Barker. Deakin had conducted some interviews herself around the various hospitals in Egypt, but her real skill was as a manager of the process. She was remarkably efficient in organising the

masses of enquiries, reports and replies. She, and a number of Australian women, wrote thousands of letters to people trying to track down the details of those missing or killed in action. Possible witnesses included a member of a subject's unit or medical officers in casualty clearing stations and hospitals. All ranks and all parts of the armed forces received her letters. She was admirably helped by Miss Mary Chomley, who later headed the Prisoners of War Department of the Australian Red Cross in London. The fate of prisoners of war was always problematic and it was only after the war, when Captain Mills visited Germany and traced all of the German records that the fate of many missing men, such as the Sydney barrister Ignatius Norris who disappeared at Fromelles in 1916, could be established.

By mid-1916 there were 4400 cases on file in New South Wales. The number of enquiries soon increased far beyond those early days and the Sydney bureau moved into larger premises at Dalton Chambers at 115 Pitt Street in Sydney. Eventually, there were thirteen full-time office workers, at least three of whom were funded by the New South Wales legal profession. The others were Red Cross employees. Lawyers were major donors to this and other charitable causes. The work expanded, as did the war. In 1917 there were around 3,000 cables each month sent to the United Kingdom.

The bureau urged all members of the Red Cross to know that its services were available free of charge to anyone who sought help. While payment would be accepted if offered, no one was under any obligation to part with money. There were some testy statements made in the press by Langer Owen if anyone suggested that this was not the case. The cable companies, such as the Eastern Telegraph Company, offered much reduced rates for their services. Regular ads appeared in the newspapers inviting people to come in and talk and ask for help. Langer Owen made himself constantly available – to the extent that when the bureau shut over Christmas/New Year later in the war he advertised his private home phone number as a point of contact. The motto of him and his staff was 'Trouble does not exist'. The slogan was coined as a response to the many enquiries which began with the somewhat hesitant introduction: 'I don't want to trouble you but...' and referred to the efforts the workers at the bureau would go to help people.

On 25 August 1916 the *Sydney Morning Herald* wrote of the scene in Dalton Chambers in Pitt Street where one could look around the large room and see 'well known barristers and solicitors who [were] from morning to night, without fee and without reward, save the thanks of a grateful people in order that they may bring comfort to the families of brave

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men who have been caught in the maelstrom of war.' When a new casualty list came in the room would fill with lawyers who would come 'for the task at hand. All honorary. All working on the brief their country had placed in their hands. All with their coats off.' The bureau was treated with something approaching a reverential respect. Letters to the bureau were quoted in the *Sydney Morning Herald*. One expressed gratitude for details of a 'brave brother's last hours', another that at last 'the weight of anxiety was lifted' regarding a husband lost at Lone Pine. One mother was comforted to know that her 'son died the noblest death a man could die, rifle in hand, at the front of the fight.'

By the end of 1916, at least 200 people per day made their way to the bureau in Sydney where they were met and given a sympathetic ear by one of the duty lawyers. Visitors could come as often as they liked and stay as long as they wished while they waited for the fate of loved ones to be established. Langer Owen often invited grieving relatives in to his office, or sent them a letter, to inform them of the result of any investigation. Any further information was also sent on when it became available.

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The number of enquiries increased dramatically as the war escalated. Eventually the bureau started a file on any soldier listed as a casualty. Visitors to the offices were stunned by how extensive the cards and filing cabinets were. By mid-1917 there were 30,624 cases under investigation in Australia. By February 1919, there were 36,000 cases on file with a total of 25,615 cables sent to inquire as to the fate of the men. Eventually, a remarkable 400,000 written reports were sent out regarding the fate of men killed or missing in action.

The problem of finding out what had happened to a casualty was a function of the nature of warfare at the time. The crowded excitement of frontal attacks meant that waves of men disappeared into No Man's Land and it was only when a subsequent roll call was made after the battle that there was any indication of who had failed to come back. In these circumstances rumours, mistaken identification and false impressions obscured just what had happened. When Anthony Hordern was interviewing men to discern the fate of the law student, Pierce Goold, Hordern met a soldier who was certain

he had seen Goold on Gallipoli only two weeks earlier, and weeks after Goold had been killed. Such rumours were not uncommon and families could be rent with false hope as returning, often wounded and traumatised soldiers gave some vague report that a loved one was alive somewhere. It was common for searchers to append some form of comment to a report as to the reliability of an interviewee. The appellation 'a particularly reliable and careful witness' could determine which of the conflicting reports was chosen as the most likely explanation rather than the rather more general, 'I heard somewhere that...'

The circumstances of men listed as *Missing* were particularly horrible as relatives oscillated between wild hopes and black despair, which could not be resolved. Any rumour was eagerly devoured in the hope that a missing son, husband or brother could be found. Grieving relatives of missing men constructed elaborate scenarios imagining their sons dazed and wounded and suffering loss of memory in some remote hospital, unable to communicate their details to the staff. Desperately worried mothers and fathers of missing soldiers would haunt the soldiers' canteens and hospitals trying to find out about their loved sons. People outside of Sydney had to rely on the bureau to search on their behalf. Even families who had confirmed news of the death of a son, brother or husband wanted to know the details of the engagement in which he was lost. Naturally they wanted to know: How was he killed? Did he suffer?

Any extensive reading of the files suggests that the accounts were often sanitised. Invariably men died instantly, or were unconscious, without pain – even the victims of gas, as was the cause of death of the Sydney barrister, Geoffrey McLaughlin. One example was particularly close to the Sydney legal community. On 29 July 1916 it was the turn of the 25th Battalion to charge forwards at Poziers. They were cut to pieces. Among the dead was the nephew of a judge. The deceased soldier was a 42 year old, who enjoyed a free and easy life as a station hand in Queensland. He was well known in his unit and his comrades were clear about his fate. He was hit, probably in the spine and unable to move. Rather than being captured he put his rifle under his chin and shot himself. The Red Cross interviewed five witnesses who confirmed the suicide in battle. One stated that he was 'extremely anxious that this report should not reach relations, who are in fairly good position.' Accordingly the Red Cross Missing and Wounded Bureau was rather coy about his end, simply stating that he received a 'fatal wound.' But the relations were not to be fooled. His sister was in London and had experience with the stories of returned men. She requested the full items. There is no record of them being sent. His

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brother-in-law, a Sydney solicitor travelled to England later and gained a statutory declaration from an eyewitness, which confirmed the death, but did not mention the manner of it. It was a sad journey for the brother-in-law as his own son was also among the dead at Pozieres.

Many Sydney lawyers donated their time to interview soldiers or to man the office in Sydney. Most insisted on anonymity – one was simply referred to by Langer Owen as 'the master'. Others always used their initials. One searcher in Sydney had the initials 'W E G' and interviewed many men and was clearly well connected to the Sydney legal profession but it has not been possible as yet to identify just who he was. Some of the barristers who were searchers and workers in Sydney were listed in the *War Workers' Gazette*¹⁰ of 1918 and included: I S Abrahams, G C Addison, E A Barton, F J Bethune, F I V Coffey, C Delohery, J A Ferguson, G Flannery, V Haig, C A Hardwick, E J B Macarthur, L J McKean, R K Manning, H H Mason, A V Maxwell, W D M Merewether, H S Nicholas, A G M Pitt, T P Power, P H Rogers, T Rolin, A V Worthington, F M Stephen, H M Stephen, C E Weigall, C A Weston and David Wilson. Many of the searchers had to investigate people they knew, such as when the barrister, David Wilson, who was often seen at Randwick Hospital, interviewed an eyewitness to the fate of his fellow barrister, Francis Coen, who was killed in action on 28 July 1916.

The people who acted as searchers overseas included the Adelaide solicitor W J Isbister, and the Sydney solicitor W J V (Vero) Read. Read specialised in interviewing soldiers in hospital in Weymouth and noted the rituals and rules surrounding the process, including the practice that interviews were not to be conducted while the doctors were doing their rounds. Other enquiries were conducted by the British Red Cross, which issued a book of names of the subject of enquiries to searchers every month. The British Red Cross had some 1500 searchers, many of whom enquired about Australians, including the indomitable Hilda Pickard-Cambridge. She had been staying near Koblenz in Germany at the start of the war and, after spending August 1914 concealed in her hotel, escaped by joining an American family on a Dutch steamer down the Rhine. The novelist EM Forster was also a searcher and interviewed Australians in Egypt. Eventually information came from such widely scattered places as Hungary, Sweden,

German East Africa, German West Africa, Sierra-Leone, Capetown, Durban, India and Ceylon, in addition to the more expected locations of the United Kingdom, France and the Mediterranean.

The Red Cross Missing and Wounded Bureau closed its office to the public in Sydney in March 1919 but continued distributing information concerning missing men until 1920. In July 1919 then Acting Justice Langer Owen was presented with a Commander Order of the British Empire after four years of 'magnificent' service. His legacy is the collection of files, measuring some 55 metres of shelf space in the Australian War Memorial archives, but the real worth of which lies in the comfort those letters gave to the many grieving relatives of the men who fell in action. The bureau provided an interface between the people in Australia and the battlefields. In addition, the Red Cross Missing and Wounded Enquiry Bureau is testimony to the power of the legal profession to utilise its skills to help the community. The lady who first suggested the idea, Mary Langer Owen, is one of the hidden heroes of the conflict – she died of exhaustion from war work in 1917, worn out by the tireless support she maintained for so many war related causes.

Endnotes

1. An earlier version of this article appeared in *Wartime – Magazine for the Australian War Memorial* November 2010. This article includes new research and is specifically focussed on the contribution of barristers. Note, this article is part of a continuing research project into the varied roles of lawyers in the First World War. Anyone interested in the topic is invited to contact the author.
2. Statement by Sgt Maj Edwards concerning Pierce Arthur Goolod 'Red Cross Missing and Wounded Files' Australian War Memorial Website <https://www.awm.gov.au/people/rolls/R1490189/>
3. Later a justice of the Supreme Court of New South Wales.
4. Rutledge, Martha, Owen, Sir Langer Meade (1862 – 1935) *Australian Dictionary of Biography* <http://adb.anu.edu.au/biography/owen-sir-langer-meade-8499>.
5. Later a judge in the Court of Arbitration and father of Judge Adrian Curlewis
6. William Owen, later a justice of the Supreme Court of New South Wales and a justice of the High Court of Australia. Langer Owen's father, Sir William Owen had been a justice of the Supreme Court.
7. Later chief justice of the High Court of Australia.
8. Oppenheimer, M. *The Power of Humanity: 100 Years of Australian Red Cross 1914 – 2014*. Harper Collins, Sydney 2014, p 43.
9. Statement re Arthur George (sic) Ferguson. Red Cross Missing and Wounded Files. Australian War Memorial. <http://static.awm.gov.au/images/collection/pdf/RCDIG1045141--1-.pdf>
10. Comforts Funds 1918 War Workers' Gazette.