

Sutton Veny War Graves



Lest we Forget

World War I



5372 CORPORAL

J. H. DURKIN

6TH BN. AUSTRALIAN INF.

27TH NOVEMBER, 1917 Age 24

*Commonwealth War Graves Headstone for Cpl. J. H. Durkin is located in
Grave Plot # 251A. B. 18. of St. John the Evangelist Churchyard, Sutton Veny*

Joseph Harold DURKIN

Joseph Harold Durkin was born at Kilmore, Victoria in 1893, to parents Bartholomew and Clara Durkin (nee Poulton). Clara Durkin died on 28th February, 1902 at Kilmore.

The 1915, 1916 & 1917 Australian Electoral Rolls for the division of Bourke, subdivision of Brunswick South lists Joseph Harold Durkin, Railway Employee, of 170 Gold St, Brunswick.

Joseph Harold Durkin was a 22 year old, single, Train Examiner from 150 Pelham Street, Carlton, Victoria when he enlisted at Melbourne, Victoria on 28th January, 1916 with the 6th Infantry Battalion, 7th Reinforcements of the Australian Army (A.I.F.). His service number was 5372 & his religion was Roman Catholic. His next of kin was listed as his father – Mr B. Durkin of Sydney Street, Kilmore, Victoria.

Pte Joseph Harold Durkin embarked from Melbourne on HMAT *Euripides (A14)* on 4th April, 1916 & disembarked at Egypt. (date not recorded).

Pte Durkin was admitted to 17th General Hospital at Alexandria on 8th May, 1916 with VD. He was transferred to 1st Australian Dermatological Hospital at Cairo on 15th June, 1916. He was discharged on 15th August, 1916. Total VD period of 100 days.

Pte Durkin was transferred to D. Q. Details on 15th August, 1916 & then transferred to Moascar on 16th August, 1916.

Pte Durkin embarked from Alexandria on 27th August, 1916 for Overseas on *Megantic* with 1st Div. Details.

Pte Durkin was to report to No. 1 Command Depot at Perham Downs, England on 13th September, 1916 & proceeded on furlo from No. 1 Command Depot at Perham Downs on 14th September, 1916. Pte Durkin reported back from furlo and was medically classified as B1 A.

Pte Durkin was marched in to 2nd Training Battalion, No. 3 Camp Sutton Veny on 31st October, 1916.

Mrs Clara Lynch of 136 Gold St, Brunswick wrote a letter written to Base Records on 23rd August, 1917 asking for the address details of Private Joseph Harold Durkin as she stated in his last letter to her he had complained of receiving no letters from her. She wrote that Joseph had "lived at my home since he was about 16 years old up to the time of his going into camp. He enlisted after my three sons had done so & I feel sorry for him not getting my letters as his own mother being dead. He has always looked on me as his mother. Hoping you will pardon my troubling you." The address that Mrs Lynch had for Pte J. H. Durkin was B Comp., 6th Battn. No. 5 Camp, Durrington, Salisbury, England.

Private Joseph Harold Durkin was appointed Acting Corporal on 24th October, 1917.

Corporal Joseph Harold Durkin was found dead at 11 pm on 27th November, 1917 at the Lewis Gun Hut, No. 2 Camp, 2nd Training Battalion, Sutton Veny, Wiltshire, England.

A Coroner's Court was held at the Military Hospital, Sutton Veny to enquire into the circumstances surrounding the death of Acting Corporal Joseph Harold Durkin, 5372, 6th Battalion, A.I.F.

Coroner's Court Report – Witness statements:

SUTTON VENY.
29th. November 1917.

1st. Witness. No. 296. Acting Corporal Verwey ASSER, 6th.
Battalion, attached 2nd. Training Battalio
A.I.F. at Sutton Veny, Lewis Gun Instructor,
being duly sworn states:-

Examined by the Coroner:-

- Q. How long have you known the deceased? About three years.
- Q. You knew him before you came to England? Yes.
- Q. In Australia? Yes.
- Q. His name was? Joseph Harold DURKIN.
- Q. Where did he come from? Melbourne.
- Q. Now just tell us what happened; you were in the Hut?
A. Yes I lived next to him.
- Q. You live in the same hut; the same room? Yes.
- Q. By the way; what was he? Lewis Gun Instructor.
- Q. You occupied the same hut at the Camp? Yes.
- Q. Nobody else in the room? No.
- Q. Are there other rooms in the same hut? No, only the one big room. It is used as a School for Lewis Gun work.
- Q. Are there any other huts in the neighbourhood? Yes; plenty of other huts.
- Q. Now tell us what happened? All day on Tuesday Corporal DURKIN, was very depressed, all day he was inclined to be snappy.
- Q. Have you noticed it about him before? No never before. During the day he got two letters; one from Australia; one from Salisbury.

- Q. Are these the two letters here? (letters exhibited) I can't say. I didn't see them. The Company Clerk told me that he received two during the day. As a rule I read his letters. He always tells me when he gets letters from home. If he has any troubles he always tells me about them. I either read his letters, or he reads them to me. On Tuesday he never read his letters to me.
- Q. So that was rather unusual? Not to show you the letters? Yes very unusual. We spent all day on Tuesday instructing in the Lewis Gun School - Monday and Tuesday - and we retired to bed about 9.40 p.m. The next thing I heard was, I was woken up by a gun shot about a quarter to eleven. I jumped up out of bed, and snatched the rifle from Cpl. DURKIN'S hand, and pulled back the bolt.
- Q. The rifle was in his hand?. Yes.
- Q. Was there a light in the hut? It was pretty light but I struck a match. I snatched the rifle out of his hand.

Q. You saw that he had a rifle in his hand?

Q. You took it away? Yes, I pulled back the bolt and put the rifle down again, and then went and called the Sergeant of the Guard.

Q. Now of course, that is all you can say about what actually happened that night? That is all.

Q. Do you know of anything that has been worrying him? He has not looked well during the last few days.

Q. Did he complain about feeling unwell? He never complained of anything.

Q. You don't know that he has reported sick, or anything of that sort? No, he has never reported sick.

Q. Do you know of anything that has been worrying him? The only thing I can put it down to is that there is a woman in Salisbury - a married woman - who lives in Knox Row, Salisbury.

Q. He has been having relations with her? Yes.

Q. You think he has been worrying about her? Yes, I think so.

Q. Do you know the woman's name? Mrs. Dymond, 9 Knox Row. (letter exhibited and perused by the Coroner, who remarked that it was not signed).

Cpl. Asser. - I know the writing, it is from her.

Coroner. - There is nothing in these two letters.

Q. You think this letter is from her? Yes I know the writing

Q. Yesterday a telegram addressed to him signed "Aunty" is that from her? Yes.

Q. This Telegram simply says "Coming Thursday; reply time and where you will meet me - Aunty". This was yesterday after this had occurred? Yes.

Q. This is from this woman? Yes.

Q. Has he said anything much about her? The only thing that he said was, that where ever she goes he would go.

Q. Do you say she is a married woman? Her husband died about three weeks ago.

Q. Had he had relations with her before her husband died? I could not say.

Q. Did the husband live with her at home? He was in hospital all the time. Otherwise I could not say.

Q. I suppose you know his relations at home? I don't know his relations at home.

Q. Well how came he to have ammunition? I can't say how he got the ammunition, it is not kept in the hut where the guns are.

(3)

Q. Does the Lewis Gun take the ordinary ammunition of a rifle. Yes .303 ammunition is used. The ammunition is kept in the store hut, locked up.

Q. Would he be able to get at it if he wanted to? No it is always locked up. He could not get into it.

Q. How do you think he got the ammunition. The only way I can think, is down on the range.

Q. Was there any more ammunition about him? No.

Q. You never heard him threaten his life. Never.

Q. Was he always cheerful? Yes, until the last couple of days, he has not looked well at all.

Examined by the Jury.

Q. Was he a married man? No, single.

The Coroner here read over to the witness his evidence, as reduced to writing. At the point where the witness stated that he had struck a match:-

Q. Did you see a wound? Yes, I saw blood on his face, that's what made me send for the Doctor.

Q. Did you speak to him? I asked him if he was a fool, if he had been a "mag", the only thing he did was to groan.

2nd. Witness. No. 7371. Sgt. Frederick Smith, 10th. Battalion attached 2nd. Training Battalion, A.I.F. at Sutton Veny, being duly sworn:-

Examined by the Coroner.

Q. You were Sergeant of the Guard. I was Sergeant of the Guard, on the night of the 27th.

- Q. About what time? About 11 p.m. Cpl. Asser reported to me that a man had shot himself in the Lewis Gun Hut. I immediately sent Cpl. Buchanan for the Medical Officer and Orderly Officer. I then accompanied Cpl. Asser to the hut.
- Q. What did you find there? I found the deceased laid on the bed.
- Q. His own bed? His own bed, a blanket over him. A rifle resting in his right hand.
- Q. It was still in his hand, was it? Yes, sir.
- Q. Asser says he took it away from him. That is not correct then? When I went down there the hand was laid out like that (demonstrating) and the rifle resting on it. The breech was open, the cartridge case was extracted.
- Q. Cpl. Asser told us that he opened the breech. That is quite true? Yes, I waited there until the Orderly Officer came accompanied by the 2nd in Command (Captain Guilfoyle) and two other officers.
- Q. Do you know the deceased? No.
- Q. Do you know Asser? Yes I know him.

(4)

- Q. He is quite alright? Quite all right.
- A. You have no suspicion of foul play? Were there no signs of anything about the room, to suggest any struggle? No.

Examined by the Foreman of the Jury.

- Q. Was his bed close up against the wall, or was it out in the room? The bed was up against the wall, with the head close to the wall.
- Q. Was he alive when you saw him? No he was dead.

3rd. Witness. Capt. Eric, Loftus Mc. Kenzie R.A.M.C. attached to the Military Hospital, Sutton Veny, being duly sworn:-

- Q. When did you first see the body? I saw it this morning.
- Q. This happened on Tuesday night? It was reported to me on Tuesday night at about 11.45 p.m. that a dead body was being brought direct to the mortuary.

- Q. At what time was that? About 11.45 p.m. I was in bed at the time.
- Q. Then you have examined the body? Yes.
- Q. What did you find? A bullet wound had penetrated the head. The entrance wound was situated about 2 inches in front of the lobe of the left ear. It was a small wound and the surrounding tissues were blackened and burnt. The exit wound was about 2½ inches behind the lobe of the right ear.
- Q. That I suppose was the larger wound? Yes.
- Q. Are you satisfied that it was possible for that to be self inflicted. Well I would like to know the position of the rifle. It is rather difficult to determine that without a demonstration. You see, with a long rifle it would be difficult to reach the trigger with the rifle in a position to inflict such a wound, seeing that he he was covered with a blanket.

The witness was at this point handed the rifle exhibited. Placing the rifle in a perpendicular position with the butt on the ground and pressing the left cheek over the muzzle, witness failed to reach the trigger. Standing erect with the muzzle in the same position to the head, but the rifle held at an angle corresponding to the course evidently taken by the bullet, witness was able to reach the trigger.

- Q. Was he a very tall man? No.
- Q. You think it was possible for it to be self-inflicted? Oh yes.
- Q. And death would have been instantaneous? Practically instantaneous.
- Q. You have no knowledge of the man? No.

Examined by the foreman of the Jury.

- Q. It penetrated the small brain, right through it. Yes I should think it probably did.

(5)

The Coroner to the Foreman of the Jury.

Do you want to satisfy yourself about the position of the rifle at the time it was found by Asser? The unsatisfactory thing about it is, the fact of the rifle having been found in the hand.

A discussion ensued relative to the position of the bed and body the direction of the bullet etc. the likelihood of the rifle having been replaced by Asser on the hand of the deceased etc. after which it was considered unnecessary to recall the first witness.

4th. Witness. Lieut. George Arthur Lamerton, 11th. Batta. attached 2nd. Training Battalion, A.I.F. Sutton Veny, being duly sworn states:-

Examined by the Coroner

- Q. When did you first hear of anything? On the night of the 27th. about 11 O'clock.
- Q. You were called as.....? As Battalion Orderly Officer
- Q. To the Lewis Gun Hut? Yes.
- Q. Who called you? Mr. Meikle.
- Q. What did you see there? On entering the hut in the bottom right hand corner was Cpl. DURKIN lying on the bed with a gunshot wound through the left cheek.
- Q. He was dead was he? Apparently dead.
- Q. Would you mind, first of all, giving us the position of the bed, and then the position of the body? The bed was lying parrallel along the side of the hut, the head against the end wall.
- Q. How was the body lying? The body was lying on the right side facing out into the centre of the hut in a more or less crouched position.
- Q. The legs drawn up? The legs slight, but not so much the legs as the head. The head was inclined to fall off the end of the pillow, the head was just about the end of the pillow. It was bent a little forward.
- Q. Was the bed covered up with a blanket over it? Yes just slightly.

- Q. What about the feet? The suggestion has been made as to whether he shot himself while out of bed? As far as I remember the body was just a little covered.
- Q. Now, what did you do? You had him removed? Along with Capt Guilfoyle and two or three officers we had him removed. Of course in the meantime the ambulance had been sent for.
- Q. He was sent up to the Hospital. Yes
- Q. Did you examine the hut any further then? Yes. Did you examine the bed at all? We just had a look at the bed. We did not disturb anything, we were waiting from the M.C.
- Q. Did you see any mark on the bed. No I just looked at the back of the head.

- Q. Were there any marks in the hut? The next morning I examined the hut along with the Sergeant of Police and the bullet had gone through the three ply wood - that is the lining and through the bottom of the Hut, right near the skirting only about 6 inches from the floor.
- Q. Can you tell me how far, roughly, was his head from the end of the wall, when you saw him? Roughly about fifteen inches - that is in the position in which he was lying.
- Q. Then the rifle must have been held up pretty well at an angle? Yes provided of course that the head never moved afterwards. As I said, it was in a crouched position.
- Q. Did you notice any mark on the bed that night? We never looked for any mark in the bed then. Next morning along with the Sergt. of Police and C.O. we examined the bed, and then there was a mark which might have been a bullet mark, outside on the ground - outside of the hut altogether - there was a spot where the bullet had apparently struck and recocheted.

A discussion here occurred between the Coroner, Foreman of the Jury, Sergt. of the Police, and Witness, as to the Position of the bed and the place where the bullet left the wall of the hut. Witness stated that the bullet had gone out immediately behind the head and left the outside wall of the hut at a spot about 6 inches lower than the hole in the inside lining.

- Q. Do you think it would have been possible for him to have done it himself. It would have been possible.

Q. Where was the other man's bed? Up on the other side of the hut. The other man was at any rate sleeping some little distance away. There was no sign in the hut of any struggle. Nothing absolutely.

The Coroner to the Jury.

That is all the evidence and it is for you to say whether you think the story of Cpl. Asser is correct. Of course, it is rather difficult to get any other evidence. In fact, there is no other evidence to be had about this, because all the evidence that you have got is clearly conclusive, I think, that this man for the last two or three days had been worried. He had evidently - we don't know - had relations with this woman in Salisbury. There is a long letter from her which is neither begun nor ended. There is a long letter and evidently he has had some relations with her, and apparently he was worried about it, and for a day or two before this occurred he had been a little quiet in his manner, and

so on. That is all the evidence as to the conditions of his mind. Then the question as to whether he did take his own life. Two officers state that it is possible for him to have done it, although it is not..... (interrupted by the Foreman of the Jury, who claimed that it was most improbable) It would be possible for a man in that position to reach the trigger, although it would not be an easy thing.

Foreman of the Jury to Sergeant of the Police.

Was there anything in the hut for the butt of the rifle to be rested on?

(7)

The Coroner I don't think you can say that there is any possibility or any improbability about it. It may be a difficult thing to do but a suicide will often go about most difficult things. He had the rifle and he had the cartridge and it was simply a question of how he was going to do it. I must leave it to you Gentlemen, to consider that point.

F I N D I N G.

The jury having retired and deliberated, returned to the Court and announced the following:-

"We have agreed that the wound was self-inflicted during a period of temporary insanity".

The Jury deliberated & announced "We have agreed that the wound was self-inflicted during a period of temporary insanity."

A letter from Brig.-General Griffith, Commandant to A.I.F., Administrative Headquarters, London, dated 25th January, 1918 reads : "re Murder by No. 296A A/Cpl. Asser V. A.A.S.C. - I have to report that a Jury at the Assizes at Devizes in England have brought in a verdict of "Guilty" on a charge of the murder of No. 5372 Corporal Joseph Harold Durkin by the above-named soldier, both of the 2nd Training Battalion, A.I.F.

At the inquest on Durkin a verdict of suicide was returned, but several days after a soldier in the adjoining hut made a report inculpating Asser.

There seemed some doubt as to whether the case came within the provision relating to the engagement of counsel at the expense of the Commonwealth, but under the special circumstances, I arranged for counsel to conduct the defence. The prosecution showed by experiments made with the Lewis Gun that the deceased could not have shot himself, that it was discharged within five inches of deceased's head, and that as Asser was the only other occupant of the hut he must have shot him. The Jury believed this account and the accused was sentenced to death."

The cause of death that was originally shown on A/Cpl. Durkin's Casualty Form as "Died of wounds self-inflicted during a period of temporary insanity" was amended to read "murdered by Pte Asser V., 296a, 1st Div. Train in Lewis Gun Hut, No. 2 Camp, 2nd Training Bn. Sutton Veny". (see section at end on Vernon/Verney Asser) & (Section from History of Wiltshire Constabulary – The Sutton Veny Camp Murder).

A death for Joseph W. Durkin, aged 24, was registered in the December quarter, 1917 in the district of Warminster, Wiltshire.

Corporal Joseph Harold Durkin was buried on 1st December, 1917 in St. John the Evangelist Churchyard at Sutton Veny – Grave no. 253 (CWGC has grave number as 251A). From the burial report of Cpl. Durkin - *Coffin was polished Elm with brass handles and name plate – Cpl. Durkin was given a Military Funeral. 20 Australian soldiers are buried in the Military Section of this Cemetery. A wooden cross is to be erected by his Battalion.*

Pte Joseph Harold Durkin requested in his Will, which was extracted from his Pay Book undated, that all his money & property to be divided – half to his father Bartholomew Durkin of Sydney St, Kilmore & the remaining half to be equally divided between his sister Margaret Durkin of 150 Pelham St. Carlton & his youngest brother Anthony Durkin of Leicester St, Carlton.

A War Pension was granted to Bartholomew Durkin, father of late Pte Joseph Harold Durkin in the sum of 14/- per fortnight from 1st February, 1918.

Corporal Joseph Harold Durkin was entitled to British War Medal only as he had not entered a Theatre of War. A Memorial Scroll & Memorial Plaque were also sent to Cpl. Durkin's father – Mr B. Durkin (Scroll sent January, 1922 & Plaque sent October, 1922)

The CWGC lists Corporal Joseph Harold Durkin, 5372, of 6th Battalion, Australian Infantry, A.I.F., as the son of Bartholomew and Clara Durkin, of Sydney St., Kilmore, Victoria.

Corporal J. H. Durkin is commemorated in the Hall of Memory Commemorative Area at the Australian War Memorial, Canberra, Australia on Panel 46.



Roll Of Honour WW1 Australian War Memorial Canberra, Australia

J. Durkin is also remembered on the Kilmore War Memorial located at Sydney & Powlett Streets, Kilmore, Victoria



Kilmore War Memorial (Photos courtesy of Monument Australia – Kent Watson, Graeme Saunders & Roger Johnson)

(107 pages of Corporal Joseph Harold Durkin's Service records are available for On Line viewing at National Archives of Australia website).

Information obtained from the Australian War Memorial (Roll of Honour, First World War Embarkation Roll) & National Archives.



The Sutton Veny Camp Murder

One of the earliest uses of an experiment in ballistics in the detection of a crime took place in Wiltshire in 1917 – after a murder was discovered at Sutton Veny Camp. In 1917 Britain was in the last painful throes of the First World War. Salisbury Plain was, for hundreds of thousands of doomed men, their last home on English soil. The Plain was then, as it is now, a huge training area. Hutted and canvass encampments were situated all around. From dawn till dusk the thunder of horses' hooves, rattle of machine gun fire and rumble of artillery could be heard. Thousands of miles from home, for thirty-one-year old Australian Verney Asser, the War consisted of training young Australians to use the Lewis machine gun at the Sutton Veny firing range. Asser shared a hut with another Australian, Corporal Durkin, also a Lewis Gun Instructor. Durkin and Asser were competing for the affections of a young widow. Durkin was the luckier of the two and, despite an engagement to an Australian girl, he began to see the widow on a regular basis. Towards the end of November 1917 he wrote to ask her to visit the camp on the 28th. The night before she was due to arrive, both men finished duty early and visited the canteen. Both appeared to be in good spirits. The two returned to their hut at about 9pm. During the evening, no doubt, Corporal Durkin informed Asser that he was expecting to see the woman on the following day. At 9.30pm Asser called at the musketry store almost next door to his hut, and told Corporal Milne, who was in charge, that he wanted some empty magazines. He was allowed to help himself. Five minutes later, as Corporal Milne was preparing to go to bed, he heard a shot from Asser's hut – a bullet came smashing through the wall, passing through a tunic and a haversack, before exiting through the other wall on the far side of the hut. Milne, believing the shot to be an accident, thought nothing more of it. He undressed and went to bed. Forty minutes later Asser was again at the musketry store. He rummaged around for a minute or so and left

once more. When questioned afterwards Corporal Milne did not know what Asser had taken. Ten minutes later the Corporal heard another shot from the same direction and, at just after 11pm, Asser turned up with the Sergeant of the Guard to say that Durkin had shot himself. The body was found undressed and covered by bedclothes. Durkin's body was lying on its right side, with the arms outstretched and a rifle lying across the wrists. There was a bullet wound on the left cheek and an exit wound on the opposite side of the head, just below the ear. Asser claimed that he had been woken by the shot at 10.45pm. Jumping out of bed, and by the light of a match, he saw that Durkin had shot himself. Before he had alerted the Sergeant, Asser claimed that he had snatched the rifle away, ejected the cartridge and replaced the rifle in the position in which it had been found. Asser's bed, however, was rolled up – so he couldn't have slept on it. When questioned further, Asser gave the unlikely explanation that he had slept on the floor! Furthermore when Asser had alerted the Sergeant, he had been fully dressed and was wearing both his puttees and his boots. He denied all knowledge of the shot which had penetrated Corporal Milne's hut. The facts were reported to the local police constable and, at the following day's inquest, Asser gave evidence that he believed Durkin had been depressed about his relationship with his fiancée and the young widow. The jury returned a verdict of suicide.

In the meantime Superintendent Scott visited the scene of the tragedy. After experimenting with the rifle, and hearing Corporal Milne's evidence, Scott concluded that Durkin had been murdered. The crime was reconstructed and it was proved beyond doubt that suicide was impossible. With the muzzle of the weapon pressed against the cheek, the trigger was too far for a man of Durkin's build to reach. When the fatal wound was examined it was noted that there were no signs of singeing at the point where the bullet had entered the face. The shot must have been fired at some distance from the cheek rather than from directly against it. In order to disprove the theory of suicide it was decided to conduct one of Wiltshire's first experiments in ballistics. The aim was to produce a wound that resembled the one causing Durkin's death. A leg and shoulder of newly skinned mutton was chosen as a target. By firing at the mutton from varying distances, with the same rifle and similar bullets, it was discovered that a very similar wound could be produced from a range of five inches. With Durkin's slight build and the muzzle of the rifle five inches away it would have been impossible for him to pull the trigger with his finger. Suicide could have been committed – but only if he had used his toe to pull the trigger, and then only if he had been uncovered. Accordingly Asser was arrested on 3rd December and committed for trial at the Devizes Assizes on the 18th January 1918. The only problem for the prosecution was in establishing a motive for the murder. There was evidence of quarrels in the past, and that the two men had both visited the same woman – but there was no proof that there had been jealousy over her affections. However, the jury's attention was drawn to the results of the experiments with the rifle, the significance of Asser's visit to the musketry store and the dress of the defendant at the time. The judge also asked why Asser took the gun from the deceased and ejected the cartridge. The defendant replied that he didn't know. He also denied that he had visited the musketry store. This, said the judge in summing up, was a question of either accepting the defendant's word or the Corporal's. Asser also denied firing the shot that penetrated the Corporal's hut. Asser was convicted of murder and leave to appeal on the grounds of insanity was refused. He was hanged. The Director of Public Prosecutions commended Superintendent Scott for his initiative.

(The History of Wiltshire Constabulary)



Newspaper Reports

DEATHS

On Active Service

DURKIN – Killed in action 27th November, Acting Corporal Joseph Durkin, loved brother of Maggie Durkin, aged 25 years.

May his soul rest in peace

(The Age, Melbourne, Victoria – Monday 10 December, 1917)

AUSTRALIA'S HEROES

CASUALTY LIST No 377

DIED, CAUSE NOT STATED

A. Cpl. J. H. Durkin, Kilmore

(*The Ballarat Star*, Victoria – Tuesday 8 January, 1918)

IN MEMORIAM

On Active Service

DURKIN – In loving memory of my brother Private J. H. Durkin, died at Salisbury Plains on the 27th November, 1917, loved brother of Maggie, aged 25, R.I.P.

I cannot clasp your hand, dear Joe,
But let this little token tell
I still remember thee.

Inserted by his sister, Maggie.

(*The Age*, Melbourne, Victoria – Wednesday 27 November, 1918)

Commonwealth War Graves Commission Headstones

The Defence Department, in 1920/21, contacted the next of kin of the deceased World War 1 soldiers to see if they wanted to include a personal inscription on the permanent headstone at St. John the Evangelist Churchyard at Sutton Veny. Space was reserved for 66 letters only (with the space between any two words to be counted as an additional letter) & the rate per letter was around 3 ½ d (subject to fluctuation).

The expense in connection for the erection of permanent headstones over the graves of fallen soldiers was borne by the Australian Government.

(*Information obtained from letters sent to next of kin in 1921*)

A letter written by R. W. Murphy, 82 Baker St, London dated 6th May, 1925 to The Official Secretary, Australia House, Strand, London concerns the headstones of Captain Harold South & Private Joseph Harold Durkin & was filed in Captain South's Service Record file. The initial correspondence concerned the fact that the temporary cross in Sutton Veny Churchyard for Captain South was found to be in a "state of disrepair, while apparently every care had been taken to maintain the remaining Australian graves". The letter dated 6th May, 1925 reads:

"With reference to your letter.... the forms which were received from the widow of the late Captain S. South A.M.C. contained the following information:- "His friends at A.G.H. Sutton Veny wrote saying that they were erecting a Private Memorial."

The next-of-kin of 5372 Corpl. J. H. Durkin, 6th Bn., A.I.F. also made reference to a Private Memorial, with the result that the two were not included in the original contract for headstones. When it was definitely ascertained that these two graves were not marked by Private Memorials, arrangements were made for the two additional headstones to be cut. The stones were ordered on the 8th January, 1925 and they are now reported as cut and awaiting erection. They should be in position on the graves in a few days."

Corporal Joseph Harold Durkin does not have a personal inscription on his headstone.

Photo of Cpl. J. H. Durkin's Headstone in St. John the Evangelist's Churchyard, Sutton Veny, Wiltshire.



(Photo courtesy of David Milborrow)



War Graves at Sutton Veny *(Photos from CWGC)*



Verney Asser

Verney Asser was born at Ballarat, Victoria in 1887.

Verney Asser was a Porter & had served with Instruction Staff Australia in His Majesty's Service. He was aged 28 years & 9 months when he enlisted at Zeitoun, Cairo, Egypt on 1st March, 1916 after stowing away on *Malwa*. He was posted to 1st Company A. A.S.C. (Australian Army Service Corp) & given a Service number of 296A.

Precis of Service – Pte V. Asser:

17/4/1916 – In Reinforcement Camp at Tel-el-Kebir

22/7/1916 – Admitted to Hospital, England (Mental derangement)

26/7/1916 – Discharged from Hospital

12/9/1916 – Proceeded Overseas to France

26/10/1916 – On Command At Havre

16/12/1916 – Proceeded to 1/Anzac Entrenching Bn.

7/7/17 – To Hospital sick

17/1/17 – Embarked for England (gastritis and debility)

19/2/17 – Discharged from Hospital to furlough

5/3/1917 – Marched into No. 1 Command Depot Perham Downs

22/9/1917 – Attended a course in the "Lewis Gun" at Tidworth from 16th to 25th August. Classed 2nd Class

Pte Asser was promoted to Acting Corporal on 24th January, 1917 while attached to 2nd Training Battalion.

Acting Corporal Asser was written up for an Offence at Sutton Veny – "Conduct to the prejudice of good order and military discipline in that he made a false statement to his Commanding Officer. His rank was reverted back to the permanent grade of Private on 29th November, 1917 (2 days after Cpl Durkin was found dead).

Pte Asser was marched out to Warminster – under escort on 4th December, 1917.

Pte Asser was held at the Wilts Assizes on the 15th and 16th Jan 1918, charged with the murder of No. 5372 A/Cpl. Joseph Harold Durkin, 6th Bn. at Sutton Veny Camp on 27th November, 1917. Jury's Verdict – Guilty. Judge's Sentence – Death.

Pte Asser was hanged on 5th March, 1918 for the murder of 5372 Pte J. H. Durkin after being convicted by Civil Court at Shepton Mallet. He was buried within the precincts of the Prison. A death was registered in March quarter 1918 for Verney Asser, aged 30, in the registration district of Shepton Mallet, Somerset.

Pte Asser was automatically forfeited from any War Medals issuable on account of his War Service – Board Proceedings B.R.M. 54/173, Dated 3.10.22 The Memorial Scroll & Memorial Plaque normally issued were cancelled.

The CWGC lists Private Verney Asser, service number 296A, of 1st Div. Train., Australian Army Service Corps.

Pte Verney Asser has “recently been accepted for commemoration by the Commission. However, it will not be possible to add his name to this Memorial immediately.” Pte Asser’s name will be added to the Brookwood (United Kingdom 1914-1918) Memorial at Surrey, England.



Brookwood (United Kingdom 1914-1918) Memorial *(Photo from CWGC)*



Newspaper Reports

THE WARMINSTER TRAGEDY

SOLDIER CHARGED WITH MURDER

Verky Asser, Lewis gun instructor to the Australian Force, was at Warminster yesterday and committed for trial, charged with the wilful murder of Joseph Harold Durkin, also an instructor.

Evidence was that the men occupied a hut together, and on the night of November 27, Asser went to the guardroom and reported that Durkin had shot himself,

Mr Sims, for the Public Prosecution, stated it was impossible for Durkin to have taken his own life. He had a bullet wound in the cheek and the rifle from which the cartridge had been extracted was lying across his body on a ___ bed.

(Western Daily Press, Bristol – Friday December 21, 1917)

HUT MYSTERY

Army Gun Instructor Sent for Trial on Charge of Murder

An Australian Lewis gun instructor named Verney Asser was sent for trial at Warminster yesterday on a charge of the wilful murder of Joseph Harold Durkin, also an instructor.

Durkin was found shot in the head, a bullet having entered his left cheek. He was lying in his bunk in a hut, the only other occupant of which was Asser. A rifle was lying by his side.

Asser reported that Durkin had shot himself, but the prosecution called evidence to show that this was impossible.

(The Daily Mirror – December 21, 1917)

WILTSHIRE CAMP MURDER

APPEAL COURT AND A PLEA FOR INSANITY

In the criminal Appeal Court on Monday, Verney Asser, a former member of the Australian Imperial Force, applied for leave to appeal against his conviction at Wiltshire Assize for the wilful murder of a comrade at a West of England camp.

Mr Emanuel, for the appellant, read a statement written by the appellant, in which he stated that insanity ran in his family, and that his father committed suicide at Bootle. The appellant also asserted that he had been detained at Haslar Hospital and other places for insanity.

Counsel stated that the actions of the appellant before he committed the crime were consistent with the theory that he was not responsible for his actions at the time.

Mr Justice Darling said that this case fell within the rules of the Court to the effect that where such a defence as this is put forward by an appellant as a reason for a re-trial they considered it was far more satisfactory, in the interests of justice and the prisoner himself, that the matter should be left in the hands of the Home Secretary to investigate. Under these circumstances the application would be disallowed.

(Bristol and Exeter Journal and Western Advertiser, Taunton and Bristol – Wednesday February 20, 1918)

EXECUTION AT SHEPTON MALLET

Verney Asser, late a member of the Australian Imperial Force, was hanged at Shepton Mallet Prison yesterday for the murder of a comrade named Dinkin, at a West of England camp.

(Western Daily Press, Bristol – Wednesday March 6, 1918)

EXECUTION AT SHEPTON MALLET

Verney Asser, late a member of the Australian Field Force, was hanged at Shepton Mallet on Tuesday morning for the murder of a comrade at a West of England Camp. It will be remembered that Asser was condemned to death on January 16th, and an appeal was lodged on the ground of insanity. This appeal was, however, dismissed.

Great secrecy was observed in regard to the execution, and there was no hoisting of the black flag or tolling the bell. The first intimation the inhabitants of Shepton Mallet had of the occurrence was the posting of the notice on the outside of the gaol.

A coroner's inquest was held on the body and the evidence of the governor of the gaol, as also the doctor in attendance, was to the effect that death had been instantaneous.

No statement was made by the prisoner as to his guilt or innocence.

(Somerset and West of England Advertiser – Friday March 8, 1918)

WILTSHIRE MURDER EXECUTED

London March 6

Cpl. Asser, otherwise known as Berney Asher, who was sentenced to death at the Wiltshire Assizes for the murder of a gun instructor on November 25, was executed at the Shepton Mallet Prison on Tuesday.

(The Register, Adelaide, Sth Australia – Friday 8 March, 1918)

NEXT OF KIN

The undermentioned are requested to communicate with the officer in charge, base records, Victoria Barracks, Melbourne :-The next of kin of No. 296A Pte V. Asser, 1st Divisional Train, A.A.S.C, Australian Imperial Force, is requested to communicate with the chief clerk, 3rd Military District, Victoria Barracks.

(The Age, Melbourne, Victoria – Saturday 6 April, 1918)
