

Edward Opotiki Mousley

Author, lawyer, soldier, prisoner of war

DESMOND HURLEY

*So the months went by, and we
ate husks,*

*Chupatties, and mule, and
weeds.*

*We'd Divisional Orders for
breakfast,*

And ribs of the silent steeds.¹

Prison seems to bring out the doggerel in men and Edward Mousley was no exception. Mousley, a Victoria University graduate and international lawyer, is one of New Zealand's forgotten authors. His most personal book, *The Secrets of a Kuttite*, is a fascinating account of his experiences in the Siege of Kut and afterwards as a prisoner of war in Turkey from 1916 to 1918. Yet the only recorded copy in the New Zealand library system is held by Wellington Public Library in its WWI section. Of his other books, only *Man or Leviathan? A twentieth century enquiry into war and peace* is listed as being held in New Zealand, in two copies.

Edward Opotiki Mousley was born in Opotiki on March 27, 1886 (although a note from his brother in Victoria University files says 1887), where his English-born father, William Thorp Mousley, had taken up storekeeping. Edward was one of nine children, the elder of two boys, and was, he says, marked for law by his father when, as a child, he displayed an inquisitive and argumentative nature.

His family returned to England some time after he was born and then re-emigrated to Oroua Bridge (Rangiotu) in 1890, where his father was postmaster for a brief time before moving to Palmerston North.

Edward kept terms in law at Victoria College (Victoria University of Wellington) in 1906, 1907 and, although he did not officially graduate LLB until 1918, he must have



completed the requirements in those two years when law degree requirements were less formalised than today. His other achievements at Victoria appeared to have been minor ones on the hockey field.

MOUSLEY AS A TEACHER

Edward then took up teaching. In 1909 he accepted a position at King's College in Auckland, probably to earn money to further his law studies overseas. The college magazine introduced him in the following terms (though why they thought he came from Birmingham is not at all clear):

Mr Mousley, who hails from Birmingham, was late assistant master in the Newtown High School. He has taken the teacher's full course, and has had varied experience in New Zealand and Australia. He obtained the teacher's D certificate in 1904, with two special mentions, after having been bonus-winner three times in his three teacher's personal examinations. In Australia he

won the Jackson prize for imaginative essay-writing. Mr. Mousley has already shown great interest in many of our institutions, particularly in the doings of the Concert Club, as he is himself an enthusiastic violinist.²

Mousley spent two years at King's where his duties included cricket, debating, and coaching football. In 1912 he went to England to study law at Emmanuel College, Cambridge where his studies were interrupted by the war. King's College Debating Society had already predicted a bright legal career for him.

His sound knowledge of the rules of debate, his long experience in public speaking, and his appreciation of the difficulties that beset the paths of youthful aspirants, have made him an ideal leader. We wish him every success at Cambridge, and some day hope to see him adorning the woollack.³

THE ROYAL ARTILLERY AND THE SIEGE OF KUT

When war broke out he enlisted in the Royal Field Artillery which, strangely enough, saw him commissioned in the Indian 6th Army and he soon found himself caught up in the siege of Kut-el-Amara. Kut is a town on the bend of the river Tigris in Iraq. Here the Indian 6th Army under General Townshend (who had relatives in Auckland and Picton) surrendered to the Turkish Army on April 29, 1916.

Waiting at Azizie (now Al Aziziya) on the Tigris for orders, he had the 'privilege of witnessing a spectacle at once unique and magnificent' – the Turkish Army advancing and the British Army in retreat.

Moving south-eastward rose the dust of the main Turkish advance, mounting in clouds higher and higher. The quicker dust marked their cavalry, and here and there in dense column formation their wheeled traffic came on. To the southward in perfect order, and moving at an even pace, was our own army in retreat. The khaki column reached away to the horizon of dust, and the swarthy visages of our Indian troops doing rearguard in extended order, and the gleam from the accoutrements of the 14th Hussars were visible without field glasses.⁴

The siege brought new culinary experiences.

We have eaten up some very tough bullocks, and I much prefer donkey to mule. We are down to horse in a day or so. The floods have put our meagre fires out, and for dinner we had half-raw donkey, red gravy, and half-cooked rice with some date stuff that made me feel like an alarm clock just set off.⁵

As the siege dragged on, conditions became much worse and Mousley became more philosophical.

One can only psychologize viciously on the difference in point of view between a full man and an empty one. Eating maketh a satisfied man, drinking a merry man, smoking a contented man... It is not far from the truth to say I have to-day done none of these. For by *eating* one cannot mean half a slice of chaff bread, nor by *drinking* a water-coloured liquid like our siege tea, nor yet by *smoking* a collection of strange dried twigs and dust. Man, it has been excellently observed, cannot live by bread alone. How much less, then, can he live upon half chaff and half flour?⁶

For dinner we had a very excellent roast joint of horse and some rice. I find that first-class horse is better than second-class mule, and only second to second-rate young donkey. It beats camel and eclipses buffalo altogether.⁷



When it became more and more difficult to get supplies through by boat up the Tigris, the Mesopotamian Half Flight (with two New Zealanders, Hugh Reilly and W.W. Burns, among the original few pilots) began air-dropping supplies, a forerunner to the Berlin airlift.

April 16th. – Aeroplanes to-day made several early trips, carrying some 150 lbs. of atta [flour] each trip. One lot fell into the Turkish lines. Kut apparently is not the easy mark it seems, for at different times quite a few parcels, detonators, money and medicines have got the other bank or the enemy's lines here. In fact one wonders why the Turks, instead of shooting at our fliers, don't encourage them...⁸

April 18th. – For three or four days our heavy sea-planes have brought us food, dropping each day from one half to a ton of flour and sugar in the town and as often as not into the Tigris or Turkish lines.⁹

When the British surrendered, the garrison were in a greatly enfeebled state.

The awful disease, enteritis, a form of cholera, attacked the whole garrison with greater vigour after Kut fell, and the change of food no doubt helped this. It showed also that before surrender the garrison had drawn on its last ounce of strength. A man turned green and foamed at the mouth. His eyes became sightless and the most terrible moans conceivable came from his inner being, a wild, terrible retching sort of vomiting moan. They died, one and all, with terrible suddenness.¹⁰

FROM KUT TO TURKEY

The officers captured at Kut were taken up the Tigris to Baghdad by boat, the vessel stopping at intervals so they could bury those who had died since the last stop. The other ranks, Indian and British, were forced to march to Baghdad under horrendous conditions. Mousley described seeing some of these men driven by Kurdish guards.

We tingled with anger at seeing on the other bank a sad little column of British troops who had marched up from Kut being driven along by a wild crowd of Kurdish

Above: An operating theatre in Kut from In Kut and Captivity with the Sixth Indian Division by E.W.C. Sandes (1919).

horsemen who brandished sticks and what looked like whips. The eyes of our men stared from white faces drawn long with the suffering of a too tardy death, and they held out their hands towards our boat. As they dragged one foot after another some fell, and those with the rearguard came in for blows from cudgels and sticks ... I have been told by a sergeant that he saw one [man] killed instantly by a blow on the head from a stirrup iron swung by a Kurdish horseman for stopping by the road a few seconds. Men were dying of cholera and dysentery and often fell out from sheer weakness. But the remorseless Kurd, worse than the Turk, knows no excuse.¹¹



At Mosul the officers were placed in the infamous barrack prison.

We have some rooms in an appallingly dirty barracks among gangs of Kurds in chains. Every day or so one of these is hung. Down in the basement our men are dying wholesale. They are the survivors of previous columns.¹²

By this time, Mousley had lost two stone and was suffering from stomach problems, lack of food, a shell-bruise and continual pain in his eyes from sand aggravation, a problem which persisted long into his captivity.

The prisoners were then marched overland through the desert to Nisibin on the northern border between Syria and Turkey.

On this trek we lost the sense of time. Sometimes we marched by day, but generally in the evening and well into the night. But for us time was not. I knew two seasons only; when we walked and when we did not.¹³

Mousley was very ill and feverish when they arrived at Nisibin but not too sick to be appalled at the conditions in which they found some of the soldiers from Kut who had preceded them.

I saw some human forms which no eye but one acquainted with the phenomenon of the trek could possibly recognise as British soldiery. They were wasted to wreathes of skin hanging upon a bone frame. For the most part they were stark naked except for a rag around their loins, their garments having been sold to buy food, bread, milk, and medicine. Their eyes were white with the death hue. Their sunken cheeks were covered with the unshaven growth of weeks. One had just died and two or three corpses just been removed, the Turkish attendant no doubt having heard of the approach of an officers' column. But the corpses had lain there for days. Some of the men were too weak to move. The result of the collection of filth and the unsanitary state in the centre of which these men lay in a climate like this can be imagined. One could see their tracks through the dirt and grime. Three or four hard biscuits lay near the dead man. Other forms near by I thought dead, but they moved unconsciously again. One saw the bee-hive phenomenon

of flies which swarmed by the million going in and out of living men's open mouths.¹⁴

The second stage over the desert was from Nisibin to the Syrian railhead at Ras-el-Ain. On the way, they caught up with and passed straggling British soldiers from previous columns.

I shall never forget one soldier who could go no farther. He fell resignedly on to the ground, the stump of a cigarette in his mouth, and with a tiredness born of long suffering, buried his head in his arms to shut out the disappearing column and smoked on ... Shortly after, on the same awful night, I saw another man crawling on all fours over the desert in the dark quite alone. He said he hoped to reach the next halt, and get his promised ride for half an hour, and by that time he might go on again to the next place. We picked him up, and I gave him my strap. Another sick orderly held him up. He was all bone, and could scarcely lurch along. We eventually got him to the halt, and gave him a place in a cart.¹⁵

From Ras-el-Ain, Mousley's party went by train to Angora (now Ankara) and were then marched under less onerous conditions to their final camp at Kastamuni in Northern Turkey, about 70 km from the Black Sea coast.

A PRISONER IN TURKEY

There were none of the large barrack-like prison camps in Turkey that were found in Germany; rather the officers were isolated under guard in houses in the town. These were usually taken over from Armenians who had been assassinated or forced to join the Armenian diaspora.

Conditions were somewhat primitive but – apart from one camp where the commandant was notorious for bru-

*German military camp in the Taurus mountains, set up along the unfinished Berlin-Baghdad railway to ensure motorised transport of war materials to Palestine and Mesopotamia. At one of these camps Mousley was greatly helped by a compassionate German officer. From *Four Years Beneath the Crescent* by Rafael de Nogales (1926).*



tality and corruption of many kinds – the main problems were obtaining sufficient food, cold in winter, lack of proper medicines and hospital care, and boredom.

Rumours come. Rumours go.

*What's the truth? – we don't know.*¹⁶

It was a while before he had contact with home – there had been reports of his death at or soon after Kut. One of his letters refers to a New Zealand friend, possibly H.B. Wallace who taught at King's College in 1906 and at Auckland Technical College in 1907.

Letters are turning up more regularly ... I also heard from Wallace... It must be eleven years since he and I sat on the golden sand of a green-vestured island in that silvery sea around Auckland – smoking our pipes, and filling in with a wish what we wanted to complete the scene. I remember wanting a girl, but he wanted books and debate. In between are my world travels, and Cambridge, and Germany, and now I've been running about in a war, and he, since a professor at Princetown, writes to condole with me at being out of the war so early! He ought to congratulate me on my luck in staying in it so long. But then, of course, he can't know anything about Kut yet.^{16a}

As the war continued conditions in most of the camps generally improved but food prices escalated with inflation and, as officers were paid an allowance out of which they had to support themselves, there was always a problem with food. The prisoners provided their own diversions.

The next day I actually turned out to rugger for our house, as left wing three-quarter ... We played three spells of ten minutes each, and quite enough too – with a ball stuffed with wool, as we had no bladder. Kastamuni is totally hilly, and the footer ground over a mile away, is uneven and stony, but the best we can get. Correct collaring is barred, but we go croppers just the same.¹⁷

Mousley revived his interest in music with 'a violin of sorts' acquired in the local bazaar.

It wasn't a good one but fairly loud. The strings were on

the wrong pegs, and such strings surely never existed before on any violin. The bow wanted some hair restorer badly. I tuned it up and powdered the few remaining hairs well on a lump of gummy resin, probably off a pine-tree, and then, by the smoking stove of a Turkish fire, I began to play – the first time for years and years. The room was empty but every one came up from below to see what on earth had happened. I found I had forgotten everything. After a half-hour bits of Beethoven, Raff, Dvorak and Vieuxtemps came back to me, but they wanted waltzes and marches. The end of it was they persuaded me to buy the thing. I practised assiduously for two or three hours a day for weeks and then the bow began to collapse and the

strings gave out.¹⁸

As others joined in, he found himself the leader of a 'band composed of two violins, a cello, a cracked flute, a clarinet and banjo'.

The Admiral plays a little, and having unearthed another fiddle has come in as second violin. Major Davis plays the violin a little, and we are going to fossick others out. Drums are under construction, and another 'cello is to follow. Remains the music. As none has ever been seen in Kastamuni probably since the town existed, nor can any be obtained anywhere or is allowed through, we have to write our own. This involves composition. There was luckily a volume of Prout's Harmony that turned up at Christmas, so one or two with leisure hours are working at it hard... I never could have believed I would endure such an offensive noise, let alone help to make it. "Dreaming" and "Destiny" and "The Girl on the Film" were the first things we attempted. It was a thin stream of trickling melody followed by the weirdest of side noises.¹⁹

"The band" grew into an "Orchestra" which performed every Saturday evening, with the addition of three more violins, a cello, a double bass, drums, and another clarinet, using musical scores written from memory or obtained from England.

Sometimes we sound almost like a seaside band at Home!!! I long for the old Queen's Hall Concerts again... The band is almost the only live thing here. One pines for music. Every evening I can get (so to speak) with my violin beyond these forests and mountains.²⁰

Books were another distraction and Mousley started an illustrated handwritten samizdat fortnightly called *Smoke*, which claimed to be "the Kastamuni *Punch* and *Tatler*". Mousley later smuggled the original copies out of prison. But his main scholarly occupation was a constitutional study 'of the possible Society of Nations or Interna-

Wooden-wheeled carts were the main form of transport for wounded POWs from Four Years Beneath the Crescent by Rafael de Nogales (1926).



tional Body, following out the constitutional developments and tendencies as revealed by the war since my pre-war work "The Place of International Law in Jurisprudence".²¹ This work is not in the British Museum Catalogue and appears to have existed only in thesis or essay form.

In the spring of 1918 Mousley wangled a transfer to Constantinople to have his eyes seen to, but before he left he was forced to hand over all his papers, including his book. The officer promised to return it if it contained nothing of military or political importance but he never saw it again; it was later found torn up in the inspector's office.

I was terribly depressed over my book and parts of this diary. Valuable or worthless, it stood in any case for a part of my life, and I felt as though something very close to me had been snatched away. For many months here and there I had written this. It was a history written among dying men, not of them, but of many things, and such that I can never reproduce. On many a night in the winter, by a black smoky oil light bought with money saved from my tobacco or mastik [arak] money, I had worked with the flickering wick near my bandaged eyes, my two worn blankets wrapped around my legs and feet, stockings around my head and neck to keep out the paralysing cold. Outside was three feet of snow and sleet and wind from the Russian waste blew icily over the Black Sea straight to my window. Ours was the highest and coldest house in camp, and faced the north high on the bluff above the town. And so I wrote and re-wrote until often only my writing hand remained unfrozen.²²

In Constantinople Mousley was put in touch with a Greek outlaw who was in hiding from the Turks but intended to buy a boat and escape across the Black Sea. Mousley discovered how to get out of his house and wandered round town in a fez and old clothes, testing his disguise and possible escape routes. This plan fell through when the Greek disappeared.

Conditions in the barracks were bad and Mousley smuggled a letter to the Dutch Ambassador who cared for

Allied prisoners in Turkey after America entered the war. A few days later the camp had a new and more humane commandant who allowed the men much more freedom.

PLANS FOR ESCAPE

Mousley was continually making plans for escape. He cultivated the guards, established contact with an English sailor (an interned civilian in mufti) whom he met while out on the street, stumbled on to a Greek restaurant which afterwards became a centre for plots and plans, made contact with a man who had been in charge of a Turkish tug, and often passed as a provincial German or

German American in encounters with German soldiers.

When two newcomers joined him in his escape plans, they eluded surveillance to meet with two outside allies on Boxing Day, 1917, and set off in choppy water in a 12-foot boat only to find that although they had a plentiful supply of eggs, there was nothing to bail out water, no spare mast, one faulty rowlock, a chart, and a telescope. The swell increased, one of the men nearly fell overboard several times and the skipper and one of their companions were sea-sick. They bailed madly with small tins, decided they were going in the wrong direction, and found they could not turn the boat around which was now heavily waterlogged and leaking horribly. They got the sail up just as a gale sprang up and the mast broke off, but they managed to return to their place of imprisonment without being caught. The whole frustrated escape makes a wonderfully humorous tale, for which, after the war, he was mentioned in despatches. But there were no similar commendations for New Zealand "other ranks" who also attempted unsuccessful escapes; one at least was subsequently flogged by the Turks.

As the war drew to a close, in the more relaxed conditions of the immediate pre-Armistice period, Mousley found himself involved in internal Turkish political manoeuvring in a city which was then a mass of intrigue. Once a peace treaty with Turkey had been signed, he was able to leave Turkey as companion to a Turkish politician to act as a go-between in the intricate and involved post-war negotiations.

NEW ZEALAND ECHOES

There are occasional references to New Zealand in *Secrets of a Kuttite* which reflect the author's origins. A night in the desert sets him thinking of comparable experiences:

It was colder than ever and a biting wind blew through our very souls. No one who has not sampled it for himself can credit the intense cold of such a Mesopotamian

night. I have registered the cold of the Oberhof, where twenty feet of snow and icicles forty feet high rendered every wood impassable. I have boated on the west coast of Scotland where the wind from Satan's antipodes cuts through flesh and bone. I have felt the cold from the glaciers of New Zealand. But I have never felt cold to equal that of December 2nd of the Retreat.²³

A desert battle reminded him of Rotorua.

I shall never forget the horrid little affair behind the dust heap. I could see the Arabs' heads over the river as they shifted to take better aim, and the dust every yard or so that the bullets knocked up reminded one of Frying-Pan Flat in the volcanic region of New Zealand.²⁴

A novel by Robert Chambers recalled his youth.

an evening years ago in faraway New Zealand, when in the heart of the great silences I looked through my tent door and saw the rain on the wild river and great forests and distant mountains.²⁵

The besieged people of Kut, mourning their dead, evoked memories of a Maori tangi.

The whole night long wild howlings and dismal wailing of the Arabs for their dead and wounded continued and kept me awake... The Jews here cry in a different key altogether, a wobbly vibrato long sustained, much less sweet but not wholly unlike the *tangi* of the Maoris in New Zealand.²⁶

In Turkey, he saw resemblances to his birthplace (and coined a new adjective).

After a few miles of fern-edged brooks that tumbled along quite New Zealandy, we reached the plain again, and followed a road among scantily cropped stretches until three o'clock, when my driver pointed away to the right and said the one word "*Kastamuni!*"²⁷

A letter from home provoked a moment of nostalgia.

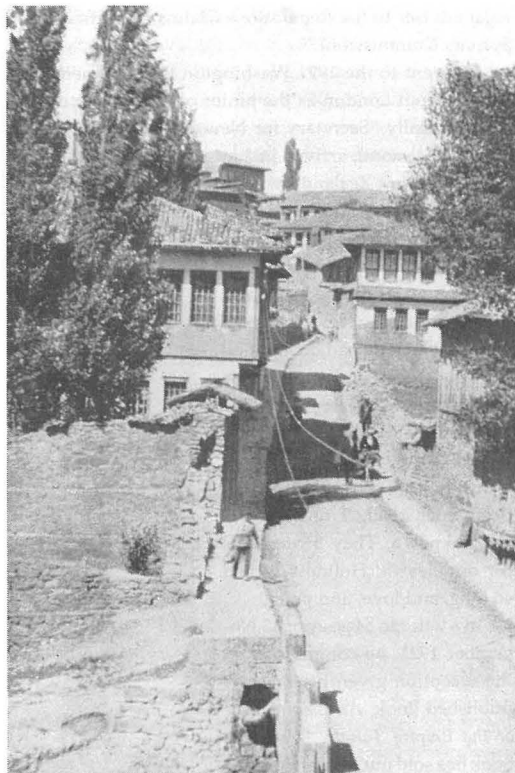
I have heard again from home, written before Kut fell... With these letters I am among the heath of Camberley, the hills of New Zealand, and the 'buses of London, once again.²⁸

MOUSLEY'S POST-WAR CAREER

When he returned to New Zealand from Turkey in 1919, Mousley graduated MA and LLB and was called to the bar at Lincoln's Inn. He began his career in International Law by assisting Premier Massey in Massey's first post-war visit for the Peace Conference in Paris, where the Treaty of Versailles was signed in 1919. Mousley produced a small book, with a foreword by Massey, for a meeting of the Dominion Prime Ministers. This reiterated ideas from the work his Turkish commandant had destroyed, and reflected Mousley's interest in a League of Nations – an idea before its realisation.

Opposite: The "Kut Plot" in Baghdad cemetery from Other Ranks of Kut by P.W. Long (1938).

Above: A street in Yozgad photographed with a camera made secretly by prisoners. Similarly in Kastamuni, officer's were confined in town houses. From In Kut and Captivity with the



An Empire View of the Empire Tangle... states various Empire points of view... The position of the Dominions in 1914 and after is then examined – their internal powers, defence and foreign policy, and the relations of the Dominions to the League of Nations... In a chapter headed "The Tangle" the author deals with the results of the Dominions becoming members of the League [of Nations] as it now stands. Another chapter is concerned with the Empire from without, the United States, and the League and the Empire.

The book further examines the requirements first, of the Empire, and secondly, of the Dominions, states the problem for solution, and suggests that a simple Dominions Council in London would clear the air... consolidate the Empire point of view, and would retain the unity of the Empire besides possessing other advantages.²⁹

Mousley was married to a Miss King-Hunter at Kensington on 13 May, 1919.³⁰ In 1919-20 he went to Mesopotamia as chief legislative draftsman of the Judicial Department, but the climate no longer suited his health and his doctors recommended that he return to England where he settled permanently.^{31,32} So far, I have seen no evidence that he ever returned to New Zealand, although a letter to Massey indicates that he intended to do so after the post-war Washington Disarmament Conference.

He was a member of the British Empire delegation to this Conference in 1921-22, to The Hague in 1922, and to the 3rd Assembly of the League of Nations. He became

legal adviser to the Reparations Claims Department (the Sumner Commission).³¹

He went to the 1921 Washington Disarmament Conference from London as the junior of a two-man delegation, officially "Secretary for New Zealand". His senior, Sir John Salmond, arrived just in time to lay New Zealand's wreath at the Commemoration of the Unknown American Warrior. If Salmond had arrived any later, Mousley was prepared to stand in for him and lay New Zealand's wreath which he had brought all the way from London and was, as he wrote to Massey, 'of large mauve and white chrysanthemums and very beautiful'. Mousley also chose the inscription which read, 'Unnamed yet not unknown, They brought us for our dearth, Holiness lacked so long, and love, and pain'.

In a letter to Massey of 13 November 1921, he commented on the reception given his recently published book, *An Empire View of the Empire Tangle*. 'My little book has sold out here and I think it very important that your point of view in its preface should at this moment be placed directly before the minds of some Delegates to the Conference.'

His mind, however, was also occupied with more practical matters. In a time-honoured New Zealand tradition towards their civil servants, he was being paid a pittance and expected to keep himself out of his own pocket and obtain his refund later. He took this opportunity to put his case directly to his Prime Minister.

Our preliminary and provisional arrangements were more or less altered by the fact that I have a definite position as one among four others of Dominion Secretaries. My qualifications are greater than those of any other in many respects including my membership of the English Bar, degrees at

Cambridge and in New Zealand, qualifications on the Continent, and experience in official appointments at Home added to my special acquaintance with aspects of matters on the importance of which New Zealand puts a high value. I do not think that my country would wish me to work for a lower emolument... It is quite certain

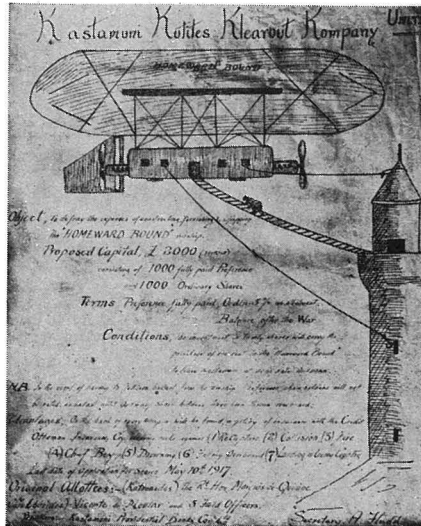
that with the 20 pounds a week which I understand Cabinet has passed... I shall only be able to exist and keep my wife and family in England. I may say that in the whole of my attention to the Imperial problem and the preparation for the present Conference I have carried on without salary since leaving Baghdad on account of my wound as you know. Prices here surpass anything I have ever seen outside Turkey during the war. It is impossible to get breakfast under one and a half dollars (8/-) and a haircut under a dollar (5/6).

The conference arrangements in other respects were typically parsimonious. He wrote to Massey on December 1921:

We have no staff of any nature whatsoever as Sir John and I are trying to keep down expenses, but the other Dominion Delegations have a staff of four or five each... [Sir Maurice] Hawkey and I did the secretarial work of the Plenary Committee of all the Powers when the Submarine problem was up. [This was a proposal for the abolition of the submarine]... Up to date I have received no pay. I have given all my attention to my work here and have every confidence that on my arrival in New Zealand adjustments and payment will be forthcoming including my fare to New Zealand.

OTHER WORKS

In addition to *Secrets of a Kuttite*, Mousley published two novels, a work on international law, and two thoughtful books, *The Democratic Advance* and *Man or Leviathan?* in which he discussed the relationships be-



Above: King Arthur's Knights of the Oblong Table at mess (Subject: Pooling of Parcels). The hills of Kastamuni in the distance. A page from *Smoke* contributed by Mousley. From *Secrets of a Kuttite* (1922, second edition).

Below: An escape advertisement from *Smoke*, composed by Mousley Kastamuni Kuttites Klearout Kompany Unltd. Object, to defray the expenses of constructing, furnishing, and equipping The "Homeward Bound" Airship. From *Secrets of a Kuttite* (1922, second edition).

tween democracy, the national state and world order.²⁹ The foreword to *Man or Leviathan?* suggests that it was based on his Cambridge thesis.

This book, the work of some years, carried forward the results of labours in an enquiry, interrupted by the war, and which, in all its incompleteness, was accepted by Cambridge University as an original contribution to knowledge. "War is inevitably the alternative of law."

Mousley wrote a number of letters to *The Times* on various topical subjects. In 1936 he wrote deprecating the Italian use of poison gas.³³ A 1938 letter advocated a Ministry of National Service and compulsory service for home defence.³⁴

I suggest that the first duty of such a Ministry would be to lay down a strong and just basis for universal service so that, which is quite certain, the service would be readily given for that very reason. If we are all in it together we must all be included in the ration if we are hungry, in the pension if we are disabled, and our dependants must be compensated if we fall. In short, the old line dividing soldier from civilian has already gone. I was legal adviser on British civil war damage claims under consideration for an *ex gratia* award by the Royal Commission presided over by Lord Sumner, and venture to cite from my book... "England's Reparation Victims and the War Debt," which produced a ceaseless stream of correspondents whose unacknowledged cries and exhortations indicate what might happen in any future intensified war.

The claims of these people are for bodies broken by bombs; claims of children and dependants for their breadwinner who was killed or incapacitated and whose home was destroyed by raids from the air or the sea; for civilians whose health was ruined during internment by the enemy or in forced marches over Turkish deserts; for lives and property destroyed by enemy submarines in mid-ocean; and also the claims of British nationals in respect of their property - sometimes humble furniture and personal effects of sailors and fishermen, sometimes the cargo of British merchants which was sunk on the high seas or intercepted before reaching its destination - as well as the claims of British nationals owning property and businesses throughout the length and breadth of the world."

But what of his status as an international lawyer? Dr G P Barton comments, in a personal communication, that Mousley was 'a strong supporter of imperial unity and indivisibility. For better or for worse, the tide of history moved against his point of view... [he was] an articulate and committed contributor to an important intra-imperial debate after the first world war. But I would regard that as Empire/Commonwealth constitutional law rather than international law... [Despite his work "The Place of International Law in Jurisprudence"] it appears that he had little influence (if any) on the development of international law generally.'

Mousley died on 17 January 1965. Ironically, for a self-professed international jurist, his last publicised activity was a dispute with his neighbour over their boundaries.

This work has been generously supported by room in the English Department at Victoria University of Wellington, and, for four months in 1994-1995, at the Stout Research Centre. I am extremely grateful to Dr G.P. Barton, QC, for kindly answering questions on Mousley's status as an international jurist and I would like particularly to thank his research assistant, Rosemary Gordon BA, LLB (VUIW), for valuable information on Mousley's legal publications.

E.O. MOUSLEY'S PUBLISHED WORKS

Books

The Place of International Law in Jurisprudence. [Listed as a publication in *Who Was Who*, where it is stated to have been "awarded Cambridge University Diploma as original contribution to world's knowledge". It is not available in New Zealand, and I have not been able to confirm its existence other than as a thesis].

Smoke: The Kastamuni Punch & Tatler. [1917]. Handwritten illustrated samizdat fortnightly produced in Kastamuni prison camp under the editorship of E.O. Mousley. The whereabouts of the original copies brought back to England by Mousley are not known.

An Empire View of the Empire Tangle. With preface by Rt. Hon. W.F. Massey. P. S. King and Son, London, 1921. viii, 87 pp..

The Secrets of a Kuttite. An Authentic Story of Kut, Adventures in Captivity and Stamboul Intrigue. John Lane, The Bodley Head Limited, London, 1921. xvi, 392 pp., illust.

Blow Bugles Blow: An English Odyssey. A novel. Hutchinson & Co., London, 1931. [2nd impression, 1932]. 352 pp.

A British Brief: England's Reparation Victims and War Debt. Hutchinson & Co., London, 1932. 206 pp.

Mr. Salt Finds Happiness. A novel. Arthur Barker, London, 1933, 317 pp.

Le siège de Kut-el-Amara; traduction française du colonel d'artillerie Georges Cros... Payot, Paris, 1934. 200 pp. (Collection de mémoires, études et documents pour servir à l'histoire de la guerre mondiale.)

Man or Leviathan? A twentieth century enquiry into war and peace. Allen & Unwin, London, 1939. 470 pp.

Federal Union (with others). [No further details, but listed in *Who Was Who*.]

The Democratic Advance. Andrew Dakers, London. 1942. 198 pp. [Reprinted March 1942].

Articles

'New Zealand. While Canada and South Africa aim at a greater individuality, Australia and New Zealand stand for an expression of one will throughout the Empire - A suggested Dominion Secretariat at the Foreign Office.' *The World's Work*, October 1923. Vol 42 : 451-454.

'The Cabinet Secretariat and Empire Government'. *Fortnightly Review* (London), March 1923. Vol. 119 : 523-526.

NOTES

1. *Secrets of a Kuttite*, p. 251. Further references: 4 (p. 12); 5 (p. 52); 6 (p. 82); 7 (p. 101); 8 p. 143); 9 (p. 147); 10 (p. 164); 11 (p. 163); 12 (p. 175); 13 (p. 177); 14 (p. 180); 15 (p. 182); 16 (p. 242); 16a (p. 224); 17 (pp. 213-214); 18 (p. 227); 19 (pp. 227-228); 20 (p. 230); 21 (p. 231); 22 (p. 276); 23 (p. 21); 24 (p. 27); 25 (p. 146); 26 (p. 80); 27 (p. 203); 28 (p. 217); 32 (p. 392).

2. *King's Collegian*, 1909, vol. 8 (3), Dec. : 8

3. *King's Collegian*, 1912, vol.11 (1), May : 42

29. *The Times*, 12 July, 1921, p. 9e

30. *The Times*, 14 May, 1919, p. 15

31. *The Times*, 20 Jan., 1965, p. 12.

33. *The Times*, 15 Apr., 1936, p. 11

34. *The Times*, 20 Oct., 1938, p. 11d.