

LIEUTENANT GENERAL JAMES GORDON LEGGE
Sydney barrister, law reporter, and Chief of the General Staff
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Introduction

[SLIDE 2 – INTRODUCTION] The story of Lieutenant-General James Gordon Legge, CB, CMG, MA, LLB, is one of a controversial soldier, despised by some and admired by others, who was at the heart of the Australian Army in its first two decades following federation, and who made a short but singular contribution to the legal history and heritage of this Court. Into his story is woven those of others who have significance for this place, and of the Battle of Pozieres 100 years ago this year, where Legge commanded the 2nd Australian Division.

Gordon Legge was born on 15 August 1863 at Hackney in London, the eldest of eight sons and a daughter of James Henry Legge, a bank clerk, and his wife Ada. Initially educated at Cranleigh School in Surrey, after the family migrated to Australia in December 1878, he attended Sydney Grammar School and the University of Sydney, from which he graduated Bachelor of Arts in 1884, Master of Arts in 1887, and Bachelor of Laws in 1890.²

¹ Address delivered at the Supreme Court of New South Wales Remembrance Eve Ceremony, 10 November 2016, Banco Court.

² Coulthard-Clark, CD, 'Legge, James Gordon (1863–1947)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/legge-james-gordon-7160/text12367>, published first in hardcopy in *Australian Dictionary of Biography*, Volume 10, (MUP), 1986; accessed online 8 November 2016.

Barrister

His early times as a student were difficult; at first he could allow himself only a shilling a day for food.³ He taught at Sydney Boys' High School for a few years while he completed his studies, resigning to be called to the New South Wales bar on 6 March 1891, when he was admitted by Darley CJ, on the motion of A H Simpson. He read with Simpson – later Chief Judge in Equity - alongside Robert R Garran, later Solicitor-General for the Commonwealth.⁴

Another colleague, and friend, was David Ferguson, who had been admitted a year earlier. Ferguson became an acting judge of this Court in 1911, and was permanently appointed in 1912. He remained on the bench until his retirement in 1931; for much of 1929 he was acting chief justice during Sir Phillip Street's leave of absence. During World War I he did much for returned soldiers, and also for German prisoners of war. In his spare time he made a raised model of the entire Anzac area at Gallipoli, which was so accurate that Charles Bean, the official historian of whom we will hear more from Justice Lindsay, used it as an illustration in *The Story of Anzac*. Two of Ferguson's sons served in the war; one - Captain Arthur Ferguson - was killed in action in France in 1916. In 1934 he was knighted, and in 1935 became chair of the Returned Soldiers and Sailors' Employment Board. He was a Fellow of the Senate of the University of Sydney from 1913 until 1934.⁵ The proceedings of the Full Court on the occasion of his death in 1941 are recorded in the State Reports for that year; Sir Frederick Jordan CJ said of him that on the Common Law side of the Court he was regarded by the members of the profession in a light similar to that in which Sir John Harvey was regarded on the equity side, and it would be difficult to express any higher degree of esteem.⁶ Another son (Sir) Keith Ferguson, who had also served on the Western front, was a judge of this court from 1955 until 1965.

Legge's name does not appear in any reported cases during his three years at the Bar.⁷ His enduring contribution to our law was in his composition of a collection of significant legal cases in this Court, covering the period from its establishment in 1825, until 1862 when the Supreme Court Reports series commenced. Previously, the only published reports were in newspapers. Legge selected those of value to New South Wales courts, consulted the notebooks of most of the judges, and edited them for publication as *A Selection of Supreme Court Cases in New South Wales from 1825 to 1862*, which was published in 1896. Commonly known as Legge's Reports, and cited as 1 Legge and 2 Legge, they were constantly referred to – as the well-worn pages of the set in my chambers attest - and until the recent work of Bruce

³ Bazley, AW, 'Celebrities of the AIF – No 93 Lieutenant-General J. G. Legge, CB, CMG', *Reveille*, 1 June 1938, p8.

⁴ Coulthard-Clark, CD, *No Australian need apply: the troubled career of Lieutenant-General Gordon Legge*, Sydney, Allen & Unwin (1988), p5.

⁵ Arthur, JL, "Ferguson, Sir David Gilbert (1861-1941)", *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/ferguson-sir-david-gilbert-6156/text10573>, published first in hardcopy 1981, accessed online 8 November 2016.

⁶ (1941) 41 SR(NSW), Memoranda.

⁷ Coulthard-Clark (1988), p5.

Kercher in on-line publication of cases from the period,⁸ and his and Tim Castle's editing of Dowling's Select Cases,⁹ they provided the only readily accessible source of the judgments of Sir Francis Forbes CJ, Sir James Dowling CJ, Sir Alfred Stephen CJ, Roger Therry PJ in Eq, and their contemporaries.

Military service

Legge's time at the bar overlapped with his initial military service, as a militia – or in today's language, reserve – officer, in the 3rd, and later the 1st New South Wales Infantry Regiment, in which he was promoted lieutenant in 1892. Then in 1894, he was appointed to the permanent staff of the New South Wales Military Forces with the rank of captain.¹⁰ Not for the last time, his appointment was controversial and was questioned in the Legislative Assembly.¹¹ Assuming the appointment on 1 October 1894, he immediately departed for a four month attachment with the British Army in India.¹² On returning to New South Wales he became adjutant of the 2nd Infantry Regiment, and on 14 October 1896 he married Annie Frances Ferguson, making their home in Kuringai Avenue, Turramurra.¹³

Boer War

On the outbreak of war in South Africa, Legge was appointed to command the infantry company of the NSW Contingent, leaving Sydney in November 1899. Although on arrival it was incorporated by the British authorities into an 'Australian Regiment', comprised of contingents from several colonies and under Victorian command, Legge's efforts to maintain a separate identity for the New South Wales contingent contributed to the disbandment of the Australian Regiment,¹⁴ with the colonial contingents being formed into a new mounted division under Lieutenant General Sir Ian Hamilton – who would later feature at Gallipoli. Legge's company, by now a horsed squadron, was incorporated in the 1st New South Wales Mounted Rifles, and until November he was adjutant of the regiment, which saw action at Diamond Hill and Eland's River. When, in December 1900, his company completed its twelve month tour and returned to Australia, Legge remained behind, serving as intelligence officer to Lieutenant Colonel H. de B. De Lisle until 1902, who is said to have described him as “the most intrepid intelligence officer that I have ever been associated with”.¹⁵ By the time he left Cape Town on 8 July 1902 he was probably

⁸ Kercher, B (ed), *Decisions of the Superior Courts of New South Wales, 1788-1899*, http://www.law.mq.edu.au/research/colonial_case_law/nsw/site/scnsw_home/.

⁹ Castle, TD and Kercher, B (eds), *Dowling's Select Cases 1828 to 1844: Decisions of the Supreme Court of New South Wales*, Francis Forbes Society for Australian legal History (2005)

¹⁰ Coulthard-Clark (1986); see also Lieutenant General James Gordon Legge, <https://www.awm.gov.au/people/P10676717/>.

¹¹ Coulthard-Clark (1986); Coulthard-Clark (1988), p6.

¹² A month with the 5th Dragoon Guards and three months with the 50th Foot (Royal West Kent Regiment): Coulthard-Clark (1986); Coulthard-Clark (1988) p6-7.

¹³ Coulthard-Clark (1986); Coulthard-Clark (1988) p7, 18.

¹⁴ On 7 April 1900: Coulthard-Clark (1986); Coulthard-Clark (1988) p32; Mallett, R, “Lieutenant General James Gordon Legge”, *General Officers of the First AIF*, Australian Defence Force Academy, <http://www.aif.adfa.edu.au:8888/Generals/legge.html> (see also Mallett, R, “Captain (later Lieutenant General) James Legge”, http://www.bwm.org.au/site/James_Legge.php).

¹⁵ Bazley, p8; Coulthard-Clark (1988), p35.

the longest-serving Australian in the Boer War.¹⁶ [SLIDE 3 – BOER WAR VETERAN] Here, he is depicted amongst other officers of the Australian contingent.

Creating the Australian Army

Legge returned to Sydney in October 1902, with the brevet (temporary) rank of major. He was staff officer to the 3rd and 4th Infantry Regiments, and chief instructor of district schools on infantry training and topography. Soon, the Army put to use his legal skills, and in September 1903 he became secretary to a committee charged with drafting Commonwealth Military Regulations. When the 1903 Defence Act was proclaimed in March 1904, he published a handbook on Australian military law, the Act and its regulations. But he did not confine his publications to legal matters; in the same year, he also published a booklet on operation orders in the field. He was promoted substantive major on 1 September 1904.¹⁷

Legge had developed a rigorous and intellectual interest in the defence of Australia, in today's language, "far above his paygrade". He was an inaugural member of the United Service Institution in 1889.¹⁸ In papers presented at the USI from 1899, he advocated a scheme of universal service of citizen soldiers.¹⁹ In June 1907 he was assigned for duty at Army Headquarters, then in Melbourne, where he began working - for three months with the then Colonel Bridges,²⁰ and from September directly under the minister for defence – to develop a universal service scheme for the defence of Australia.

Legge's proposals for the organization and training of a citizen force of 80,000 based on universal service, though not entirely accepted by his military superiors, were taken up in parliament by Prime Minister Deakin on 13 December 1907.²¹ In June 1908 he was appointed military secretary on the Military Board, with the temporary rank of lieutenant-colonel, and he became quartermaster general and third military member of the Board in January 1909. He was engaged in the drafting of the 1909 amendments to the Defence Act to provide the statutory framework for the universal service scheme.²²

The political significance of Legge's work ensured his prominence, and he established close ties with various politicians.²³ Bean remarked: 'Rumour had it that he was the coming man'.²⁴ Legge was promoted substantive lieutenant-colonel on 17 December 1909, his name being added to a promotion list by the new Minister of

¹⁶ Coulthard-Clark (1988), p35.

¹⁷ Coulthard-Clark (1986). He was posted as Deputy Assistant Adjutant General – and from December 1905 Assistant Adjutant General - at Second Military District Headquarters in Sydney.

¹⁸ He served on its council in 1892, 1896 and 1903.

¹⁹ 'Suggestions for an Australian Defence Force', *NSW USI J&P*, 1899; 'The Organisation of a reserve for the Land Defence of Australia', *NSW USI J&P*, 1905.

²⁰ Then the chief of intelligence.

²¹ Coulthard-Clark (1986).

²² Coulthard-Clark (1986).

²³ Coulthard-Clark (1986).

²⁴ Coulthard-Clark (1986); Coulthard-Clark (1988) p58; Bean, CEW *Two Men I Knew*, Sydney (1957), pp xii-xiii.

Defence, Joseph Cook, himself, despite the absence of the Military Board's endorsement.²⁵

Field Marshal Lord Kitchener arrived in Australia in December 1909 to advise the government on the defence of Australia, and Legge worked closely with him. Kitchener effectively adopted Legge's work for the 1909 Act as the basis for his own recommendations, and it was later said by Bean that what came popularly to be known as Kitchener's scheme could more appropriately have been called Legge's scheme.²⁶

With the legal architecture now in place, Legge was charged with its implementation. During the preliminary training, at Albury, of the 150 officers and 300 warrant officers who would be its administrators and instructors, Legge delivered a series of lectures which detailed the methods to be adopted, but embraced a national Australian theme. This was enthusiastically adopted by the new instructors who, on taking up their duties, preached it to their young trainees, with the result that the various regiments, instead of regarding themselves almost as separate units of their own states, became welded into a real Australian Army; and when three years later it became necessary to organise an expeditionary force, the recruits for the AIF came already imbued with an Australian spirit.²⁷

Legge combined Australian nationalism with a thoroughly democratic outlook. Maintaining that 'democracy honestly administered should be no more opposed to discipline than any other form of government', his view was that 'the weakest point about old established armies is ... the traditional social distinction of the officer', and that having seen Australians at war, 'it is an undoubted fact that even with those having little previous training, good results were in direct proportion to the ability of the officers in charge, irrespective of their birth, their breeding, or their money value. The new system will give us the pick of all classes, and the test for promotion will be in the practical work required'.²⁸ Symbolic of this, he introduced a simplified and less ostentatious pattern of uniform for officers.²⁹

Meanwhile, as Quartermaster-General, he oversaw the creation of an Australian defence industry – the opening of a clothing factory in South Melbourne, a cordite factory at Maribyrnong, a harness factory at Clifton Hill, and a small arms factory at Lithgow. He also presided over a War Railway Council that planned the mobilization and concentration of forces.³⁰

In June 1912, Legge took up appointment as Australia's representative on the Imperial General Staff in London.³¹

²⁵ Coulthard-Clark (1988) p55-6.

²⁶ Coulthard-Clark (1986).

²⁷ Bazley, p9.

²⁸ Legge, JG, "Discipline and Democracy", *CMJ*, April 1911, pp 21-30; Legge, JG, *Universal training in the Naval or Military Forces: Notes of Lectures by the Quartermaster-General, 1911*; *Argus*, 30 Jan 1911; Bazley, p9; Coulthard-Clark (1988), p64.

²⁹ Bazley, p9; Coulthard-Clark (1988), p69.

³⁰ Coulthard-Clark (1988), pp69-70.

³¹ He sailed from Melbourne on 12 June, and two days later was appointed CMG. He published an account of Australia's universal training system in the (British) *Army Review* in January 1913.

AN&MEF

On 1 May 1914, while still in England, Legge was promoted colonel, and appointed chief of the general staff – the position we know now as Chief of Army - with effect from August. He sailed for Australia on 3 July 1914, and by the time he reached Adelaide on 8 August, war had broken out, and preparations had commenced under Bridges for the raising of the Australian Imperial Force for service in Europe. Legge was immediately engaged in responding to the request from London, received on 6 August, to raise an expeditionary force to deal with German possessions in the South West Pacific. After meeting with Legge on 9 August – he had travelled by train overnight from Adelaide – the Minister announced that a mixed naval and military force would be raised for that purpose. Legge made the organisation of this force one of his first objects, and prosecuted it with swift efficiency.³² The plan was developed by 10 August. Remarkably, the Australian Naval & Military Expeditionary Force was raised and trained within a week, embarked on 18 August and sailed from Sydney the following day, to capture Rabaul on 12 September.

Once Bridges and the AIF departed for overseas, Legge assumed responsibility for the raising and training of AIF reinforcements, and later the brigades which would eventually become part of his 2nd Division.

Gallipoli

When Bridges was fatally wounded by a Turkish sniper, Legge was appointed on 20 May to succeed him, as commander of the 1st Division and the AIF. **[SLIDE 4 – EN ROUTE TO GALLIPOLI]** He sailed from Melbourne that day; here he is seen on board on RMS Mooltan. Meanwhile, the Australian brigade commanders at the front³³ were disappointed at being passed over for the command, and protested to Generals Birdwood and Hamilton, who in turn conveyed their views, as one apparently then did, to the Governor General. Hamilton wrote that although Legge was 'a man of brilliant mentality' and 'probably the *cleverest* soldier in Australia', he was regarded as a 'political and self-seeker ... with a knack of quarrelling and writing'. But Prime Minister Fisher stood firm, attributing Legge's unpopularity to his rise over the heads of other officers through ability.³⁴

Legge arrived in Cairo in mid-June and immediately upset the British commander in Egypt by reporting to Melbourne that the place was 'a totally unsuitable centre for the training of Australian troops'.³⁵ Promoted Major General on 22 June 1915, he reached Mudros on 24 June 1915, and assumed command of the 1st Division.

Legge clashed with his corps commander Lieutenant-General Birdwood over the plan for the August Offensive at Anzac. Legge felt that the proposed assault on Lone Pine would be costly and probably futile, unless the high ground above it was

'Australia and the Universal training Law', *Army Review*, Vol. IV, no. 1, Jan 1913 (reprinted in *Commonwealth Military Journal*, Jul 1913).

³² Coulthard-Clark (1988), p84.

³³ Colonels Chauvel, McCay and Monash.

³⁴ Mallett; Coulthard-Clark (1986); Coulthard-Clark (1988), pp98-101.

³⁵ Coulthard-Clark (1986); Coulthard-Clark (1988), pp106-7; Mallett.

secured first – in which case an attack on Lone Pine attack would be unnecessary; whereas Birdwood held that only an attack on a key position like Lone Pine would cause the Turks to divert troops from opposing the main effort.³⁶ Not for the first or last time, Legge was opposed to the reckless sacrifice of Australian troops. But Legge would not remain on Gallipoli to see his tactically correct position tragically vindicated in early August; Birdwood sent him to Egypt to raise the 2nd Australian Division, which was forming there.

The Second Division

As such Legge would become the first, but not the last, lawyer to command the 2nd Division: his distinguished successors have included Major General Sir Victor Windeyer, Justice of the High Court; Major General John Broadbent, President of the Law Society; and Major General Cliff Hoeben, our current Chief Judge at Common Law.

Legge's command of the 2nd Division, from its formation in Egypt in 1915 until the winter in France in 1916, was described by Charles Bean's batman and typist Arthur William Bazley - who would become librarian, chief clerk and acting director of the Australian War Memorial - as "the most difficult command in the AIF". As Bazley put it, "Without any period of grace for training before taking it to the trenches at Gallipoli, Legge with a recently assembled staff laid the foundations of the work which made the Division second to none".³⁷ The Defence Department said that it could not supply officers from Australia to staff the divisional headquarters, and suggested they be obtained from units already in Egypt or Gallipoli. Legge was driven to secure three British officers, but while he was prepared to accept British officers where suitable Australians were not available, he confided³⁸ that, he felt that they did not share the same concern for the personal welfare of the troops as Australian officers.

Preparations and training were not complete when Hamilton called the division forward to Gallipoli in August. Legge was en route to Gallipoli on the transport Southland, when she was torpedoed by a German submarine on 2 September 1915, some 60 km south of Lemnos, killing 32 Australians. He won the admiration of many for the quiet and good humoured way in which he handled the situation, remaining on board with the last 400 men, who were eventually transferred to a hospital ship.³⁹

Four days later, Legge arrived at Anzac. The 2nd Division relieved the 1st Division in the front line.⁴⁰ Legge embarked on schemes to improve the defences – including tunnelling under the Turkish lines, as would later be implemented on the Western Front - which some thought impractical, but others thought showed signs of sheer genius.⁴¹ **[SLIDE 5 – HQ 2 DIV AT GALLIPOLI]** He occasionally acted as corps

³⁶ Mallett; Coulthard-Clark (1988), p109.

³⁷ Bazley, p8.

³⁸ In a letter to Thomas Trumble, Secretary of the Department of Defence, 23 Jan 1917, reproduced in Coulthard-Clark (1988), p222-3.

³⁹ Bazley, p9.

⁴⁰ From Russell's Top to Lone Pine.

⁴¹ Mallett; Coulthard-Clark (1988), p120-22.

commander, and became the first Australian to have temporary command of a corps.⁴² Here, he is shown outside his Divisional headquarters.

On 23 November 1915, Legge was evacuated to Egypt sick. His time in command of the 1st and 2nd Divisions at Gallipoli had been relatively uneventful. He pressed for improved conditions for the Australian troops, and his concern to minimise casualties was manifest.⁴³ Birdwood and Hamilton, if somewhat begrudgingly, reported that despite his reputed unpopularity and self-seeking proclivities, he was performing well, and full of energy and ideas, though somewhat cocksure and inconsiderate of others (meaning superiors, particularly British superiors).⁴⁴ The British senior officers were much more comfortable with Australians who identified as imperialists, than with Australian nationalists like Legge.

The Western Front

Legge resumed command of the 2nd Division in Egypt in January 1916, where it deployed in defence of the Suez Canal. Then, on 13 March 1916, the 2nd Division commenced to travel to the Western Front. On the night of 7 April 1916, Legge became the first Australian divisional commander responsible for a sector on the Western Front, when the 2nd Division entered the line near Armentieres.⁴⁵

On 23 July, the 1st Australian Division captured the village of Pozieres. Legge's 2nd Division relieved the 1st at Pozieres on 27 July. The British 5th (or Reserve) Army commander, General Sir Hubert Gough, wanted to press on and capture Pozieres Heights, including the Windmill Feature, and ordered Legge to take the Heights at once. The 2nd Division was expected to attack on the night of 28–29 July, when a remorseless German bombardment made effective preparations virtually impossible. This was the first occasion on which the Division, Legge and his staff included, would be engaged in an offensive operation on anything like this scale, and they and he were undoubtedly inexperienced. In the words of some critics, Legge succumbed to the pressure of Gough; others might fairly say that he did as he was ordered. The attack, delivered as ordered on 28-29 July 1916, was a complete failure, and cost the division 3,500 casualties. Although responsibility lay with everyone from Gough to the platoon commanders, Legge took most of the blame.⁴⁶ The British commander-in-chief, General Haig, attributed the defeat to inadequate preparation and omissions caused by Legge's over-confidence. He said to Birdwood, "You're not fighting Bashi-Bazouks now."⁴⁷

While Haig and Gough contemplated the relief of the badly mauled 2nd Division, in Bean's words, "Legge's pride, and that of his division, rightly prompted him to urge that his division, though its losses were already over 3500, should undertake the renewed attempt".⁴⁸ Over the next few days, Legge strove to prepare another

⁴² Coulthard-Clark (1988), p118.

⁴³ Coulthard-Clark (1988), p118-19, 121.

⁴⁴ Coulthard-Clark (1988), p124-26.

⁴⁵ A quiet section of the line, called "The Nursery", which was used by both sides to acclimatise new units to conditions on the Western Front.

⁴⁶ Mallett.

⁴⁷ Bean, *Two Men I Knew*, p137; Coulthard-Clark (1988), p147.

⁴⁸ Bean, CEW, *The Official History of Australia in the War of 1914-1918: Volume III: The AIF In France 1916*, p642; Coulthard-Clark (1988), p148

attack, under tremendous pressure - both from the Germans, who shelled the position mercilessly,⁴⁹ and from Gough, who pressed for speed. To avoid the confusion of a night advance, the plan was to attack just before dark, when the crest of the ridge and the mound of the windmill would still be discernible. But to attack at dusk meant assembling by day, which could only be done in the protection of a system of approach and assembly trenches, which had to be dug by night, and whenever the Germans detected digging parties, they called down a barrage. Originally the attack was to be made at dusk on 2 August, but the trenches were incomplete, with the digging disrupted, and completed trenches being demolished, by shellfire. So the attack was postponed, first to 3 August and then to 4 August.⁵⁰

Gough and Haig were displeased with these postponements, which they also blamed on Legge.⁵¹ Haig wrote in his diary for Thursday 3 August, "I met General Gough near Toutencourt ... He said that the Australian Corps had again put off their attack. I thought cause was due to the ignorance of the 2nd Australian Division staff and that the GOC Legge was not much good. Gough had called for his reasons in writing as to why the delay had occurred". One can imagine how welcome a requirement to explain in writing those reasons would be to a divisional commander in the midst of preparations for a divisional attack. Legge pointed out the serious enemy interference to which the preparations had been subjected, which Bean noted included 'such bombardments as never before or afterwards were faced by the AIF except in the height of action'.⁵²

The careful planning and preparation was justified: when the attack was finally launched on 4-5 August, it was, after heavy fighting, overwhelmingly successful, and the Pozieres Heights were under Australian control.⁵³ Haig wrote in his diary for Saturday 5 August 1916: "The Australians gained all their objectives north of Pozieres and beat off 3 counter-attacks. A fine piece of work". Criticism of Legge over Pozieres tends to overlook that, unlike the many British generals who took multiple repeated failures to learn the lessons of warfare on the Western Front, he did so in the space of one battle.

The 2nd Division lost 6,848 men - almost a third of its strength – at Pozieres. The Windmill site was established as an Australian memorial in the 1930s at the suggestion of Bean, who wrote that it marked "a ridge more densely sown with Australian sacrifice than any other place on earth".⁵⁴

Legge commanded the division at Mouquet Farm later that month, then in Ypres in September; and in two minor but difficult attacks at Flers in November. He was appointed CB at New Year 1917, and mentioned in dispatches in January. But at the end of January, he was evacuated to England, ostensibly for health reasons, although he protested to Birdwood that he had never 'been sick for one day in

⁴⁹ Mallett.

⁵⁰ Mallett; Bean *OH* v3, p651ff.

⁵¹ Mallett.

⁵² Coulthard-Clark (1986).

⁵³ Coulthard-Clark (1986); Mallett.

⁵⁴ Bean, CEW, *Anzac to Amiens*, Australian War Memorial, 1961, p 264.

France from arrival'. He told Birdwood that if he was not to be again given an operational command, he would prefer to return to duty in Australia.⁵⁵

Chief of the General Staff

And so Legge returned to Melbourne in mid-April 1917.⁵⁶ After a few months as Inspector General, in which capacity he superintended conditions at training camps and schools of instruction, on 1 August 1917, he resumed the appointment of Chief of the General Staff, reverting to the permanent rank of colonel, but retaining major general as an honorary rank. From Australia, he vigorously pursued the Australianisation of the AIF command and staff, leading first to the grouping of the Australian divisions into an Australian Corps, and ultimately to the appointment of Monash to command it.⁵⁷ In March 1918 he was placed at the disposal of Sir Samuel Griffith CJ who, in an early example of judicial assistance to the Defence Force, was conducting an inquiry, as a royal commissioner, into reinforcing the AIF.⁵⁸ In 1918, Legge began to give consideration to the defence of Australia against an emergent Japan, and became a strong advocate for air power; during 1919 he served on committee which gave birth to the RAAF as a separate service.⁵⁹ He was involved in the development of schemes for the education and repatriation of returning soldiers. Legge was substantively promoted major general on 2 January 1920. In January 1920, he was appointed - with Monash, McCay, Hobbs and White - to a committee chaired by Chauvel, to advise on the post-war structure of Australia's citizen forces. **[SLIDE 6 – MILITARY BOARD 1919]**. Here he is shown with the Military Board in 1919, of which as CGS he was first military member. He is wearing a black armband for his first son George, who had been killed in action on the Western Front on 4 October 1918, in the 22nd Battalion of the 2nd Division.

Commandant of the Royal Military College

After a decade at the centre of Australia's defence administration, he relinquished the post of CGS on 1 June 1920, to become commandant of the Royal Military College, Duntroon, at a time when the college was in a crisis because of the scarcity of applicants and severe reductions in funds.⁶⁰ At the first graduation of his command, one of the graduates was his second son, Stanley Ferguson Legge, who would retire from the Army after a lengthy career in 1957, as a major-general. The following year, the graduate who won the King's medal and graduated top of the class would have a much shorter military career: Corporal C. R. Evatt resigned a year later to embark on an eminent career as barrister, labor politician, Queens Counsel, and father of Elizabeth (inaugural chief justice of the Family Court) and Clive Junior of the NSW Bar.

[SLIDE 7 – THE THIRD COMMANDANT] Legge's official portrait, which seems to capture a softer and warmer side, hangs in Duntroon House.

⁵⁵ Coulthard-Clark (1986).

⁵⁶ His AIF appointment terminated on 29 April 1917.

⁵⁷ Coulthard-Clark (1988), p173-4.

⁵⁸ Coulthard-Clark (1988), p169.

⁵⁹ Coulthard-Clark (1988), p176, 178-85.

⁶⁰ Aspects of his tenure are described in Perry, W, 'A Glimpse at the Third Commandant of Duntroon: Lieutenant-General James Gordon Legge, CB, CMG, MA, LLB', *DFJ*, no 62, Jan-Feb 1987.

Along with most of his staff, Legge was retrenched in the defence cuts of 1922. He was placed on the unattached list on 1 August 1922, and on the retired list on 14 January 1924, with the honorary rank of lieutenant general. France awarded him the Légion d'honneur in February, but unlike other Australian generals, he was awarded no Imperial honours; it has been suggested that he may have refused them.⁶¹ His forced early retirement denied him a military pension. Under the 'soldier settlement scheme' he acquired 400 acres near Canberra, which he called "Cranleigh", where he raised pigs and horses, and grew potatoes. He died at Oakleigh, Melbourne, on 18 September 1947, predeceased by his lifelong wife Annie Ferguson sixteen days earlier. In accordance with his wishes, his personal papers were destroyed following his death, and no monument or headstone marks his grave in Cheltenham cemetery. **[SLIDE 8 – LEGGE MEMORIAL]** However, on bricks and remnants of foundations of Cranleigh – in what has become the Canberra suburb of Latham - this plaque now records his considerable military achievements.

Legacy

Bazley wrote that while Legge was in many ways a hard task-master, no commander was ever more willing to assist his subordinates, more patient in dealing with their shortcomings, or more considerate and careful of their welfare:

“There was no doubt that his path was beset with difficulties, and these were not lessened by the fact that his strongly held and strongly expressed views failed to make him a *persona grata* with higher authorities. Neither can there be any doubt that he was firmly resolved to omit no steps that could reasonably be taken to avoid or reduce casualties. Both at Anzac Cove and in France his precautions, involving considerable labour, were criticised unfairly until their value became apparent. A keen mind like his could only tolerate casualties that were inevitable and were incurred for good and sufficient reason. Subordinates, who by the nature of things are at one and the same time the severest and the most partial critics of their commander, respected General Legge's abilities and character, and those who knew him best regarded him with genuine affection”.⁶²

Major General Sir Brudenell White – one of the imperialists, who succeeded Legge as CGS - wrote:

“It is difficult to describe fairly Legge's personality and character, for they were complex. For every quality given to man a defect seems to be its attendant and not all men are given power over the defect. There was an originality and an irresponsibility about Legge at times which were embarrassing. In the midst of a sound piece of work there would be inserted some flimsy material; which destroyed the beauty of the whole. But, to do him justice, these vagaries were not the outcome of a desire for self-advancement; indeed they had rather the reverse effect, and Legge was apt to glory in the fact. But beyond doubt he was an outstanding character of both the Commonwealth

⁶¹ Mallett.

⁶² Bazley, p10.

Military Forces and the AIF. Perhaps he has never been given his full due. A very human and good trainer of troops, he made an able divisional commander and successfully handled the 2nd Division through some difficult periods. But organisation and administration were his forte and in each of these spheres he has left his mark. More than one Minister of Defence has been beholden to him for his skill in these regards and for his canny political sense”.⁶³

It is tempting in this forum to conclude with the words of a judge of the court. Almost a century ago, on 1 June 1917, Ferguson J remarked:

“Even if the Great War should be forgotten, and General Legge’s part in it should be overlooked by the historian, Legge’s Reports would never be forgotten”.⁶⁴

But it is more appropriate, on this occasion of remembrance, that the last words be those of Bean – no acolyte of Legge - who wrote:

“Legge was a commander about whom opinions widely differed. The administrative branches of his staff were strongly impressed by his ability, and made no secret of their admiration; on the other hand his general staff, originally composed entirely of British officers, had criticised him somewhat freely as tending to impracticable theories and changing enthusiasm ... Legge was not conspicuously a fighting leader of the type of Holmes or Leane; he never had the full confidence of his superiors and remained little known to his men; but he had no lack of determination, and an intensely active brain. Above all, he was a thorough Australian in heart and principle. The country owed to him, more perhaps than to any man, its fine system of compulsory citizen training; and those Australians who are aware of the fact will never forget that his own son – whom he might easily have had raised to the rank of officer or employed in moderate safety on the staff – was killed in 1918, fighting as a private of the 2nd Division”.⁶⁵

⁶³ Bazley, p8; according to Coulthard-Clark (1986), and (1988), p236, attributed to White by Perry, W, ‘Lieutenant-General James Gordon Legge’, *Victorian Historical Journal*, 48 (Aug 1977), no 3, p209.

⁶⁴ *SMH*, 1 Jun 1917; Coulthard-Clark (1988), p8.

⁶⁵ Bean, *OH* v3l, pp 603-4.