

# DIGGER



**Photo:** Three men of the 2<sup>nd</sup> Light Horse Regiment. The soldier on the left is believed to be Sergeant Harold Joseph Barry (KIA Gallipoli, 7<sup>th</sup> August 1915). Trooper William Harold Kenny is in the centre. The other trooper is unknown. Photo courtesy of Geoff Barr and Trevor Munro.

March 2008

No. 22

**Magazine of the Families and Friends of the First AIF Inc**

Edited by Graeme Hosken



## The fate of a deserter: Private Nicholas Permakoff, 4<sup>th</sup> Battalion

*Compiled by Graeme Hosken, Dubbo, with thanks to Simon Blake and Maurice Campbell.*

Nicholas Permakoff was born in Archangel, Russia, and was working in Australia as a miner when he applied to enlist in the AIF at Challis House, Sydney, on 25<sup>th</sup> April 1916 (the first 'Anzac Day'). He then enlisted at the Sydney Sports Ground on 1<sup>st</sup> May 1916. He gave his next of kin as "Mrs Permakoff, Archangel, Russia, c/o Imperial Russian Consul, Sydney." When Nicholas joined the AIF at the age of 27 years, he stated that he had prior military experience with the Russian Artillery between 1909 and 1911. Initially, he was allocated to D Company, Dubbo Depot Battalion.

Nicholas was recorded as 5ft 11in tall, weighing 174lbs, with a chest measurement of 38-41½in. He was of fair complexion, blue eyes with light brown hair, and was of the Orthodox faith. He had a scar across his back.

Permakoff remained at Dubbo Depot Battalion until he was transferred to the 2<sup>nd</sup> Battalion at Liverpool on 15<sup>th</sup> June 1916. Between the 25<sup>th</sup> August and 18<sup>th</sup> October, Permakoff was at Milson Island Isolation Camp as a consequence of having contracted venereal disease. He then returned to the 2<sup>nd</sup> Battalion's A Company until 1<sup>st</sup> November, when he was transferred to B Company. On the 20<sup>th</sup> November, he was moved to the 5<sup>th</sup> Division Artillery Column as a Gunner in the 10<sup>th</sup> Reinforcements. Two days later he was given two days confined to barracks as a result of disobeying an order. A week after this, on the 29<sup>th</sup> November, he was transferred as a private to the 7<sup>th</sup> Reinforcements for the 36<sup>th</sup> Battalion. That same day he was reported again for disobeying an order. These frequent transfers resulted in Permakoff having a multitude of service numbers - 6854, 7095, 7102, 15651 and 7286 - and may have been early signs that he would prove to be a 'difficult' soldier.

Nicholas was returned to Milson Island due to a recurrence of VD (reportedly the 4<sup>th</sup> time) between 19<sup>th</sup> December 1916 and 10<sup>th</sup> February 1917. A handwritten note on his transfer, dated 16.12.16, states: *"This man will probably ask to be paraded to the Russian consul. The Consul however refuses to see him. It would be advisable to keep a good watch on him."*

On the 14<sup>th</sup> February Permakoff was transferred to the 1<sup>st</sup> Depot Battalion Detention Barracks at Darlinghurst. He finally left Australia with the 24<sup>th</sup> Reinforcements for the 4<sup>th</sup> Battalion on 24<sup>th</sup> April 1917 aboard the A23 *Suffolk*, disembarking at Plymouth, UK, on 17<sup>th</sup> August. (Why this sea journey took nearly four months is a mystery).

Permakoff marched into the 1<sup>st</sup> Training Battalion at Durrington on 17<sup>th</sup> August and was there until proceeding to France on 14<sup>th</sup> November, arriving at Havre the next day. On 23<sup>rd</sup> November, at Havre, Permakoff was court martialled on the charge: "Disobeying a lawful command given by his Superior Officer, in that he (1) at Havre on 15/11/17 when ordered by Lieut. SS Gordon AIF to put on his equipment did not do so (2) using insubordinate language to his Superior Officer in that he at Havre on 15/11/17 when questioned by Lieut. SS Gordon said to Lieut. Gordon (words of an obscene nature) or words to that effect." Permakoff was found guilty on the first charge but not guilty on the second charge. Permakoff was awarded 6 months of IHL (hard labour).

Consequently, Permakoff was admitted to No. 3 Military Prison, Havre, on 29<sup>th</sup> November 1917. After completing his sentence, Nicholas was released from prison on 22<sup>nd</sup> May 1918 and rejoined his unit on 4<sup>th</sup> June. Only ten days later, Permakoff would be involved in an incident that he had possibly considered whilst in military prison. On 14<sup>th</sup> June 1918, Permakoff was admitted to the 3<sup>rd</sup> CCS suffering from a bullet wound. How that wound was received, leading to his death the same day, was revealed by an enquiry.

A Court of Inquiry was assembled at Rouge Croix on 20<sup>th</sup> June 1918 to enquire into the shooting of Private N Permakoff. President of the Inquiry was Lieutenant AL Malone assisted by members Lieutenant PC Marr and 2/Lieut. AT Frith, all of the 4<sup>th</sup> Battalion. The Court proceeded to hear evidence:

**1<sup>st</sup> Witness: No. 1609 Sgt. AA Osmond, B Coy, 4<sup>th</sup> Bn.**

*"On the night of the 8<sup>th</sup> June 1918, I was giving out ammunition to my platoon. Pte Permakoff had none at all. I asked him where his ammunition was and he said, 'I do not want any, I will not shoot.' I gave him ammunition and made him put it in his pouches. On the night of 12<sup>th</sup> June 1918 I warned him to prepare to move forward to the front line. He said, 'I won't shoot, I won't do anything.' I then told the Platoon commander, Lt. Grant."*

**2<sup>nd</sup> Witness: Lieut. ND Grant, B Coy, 4<sup>th</sup> Bn.**

*"On the night of 12<sup>th</sup>/13<sup>th</sup> June 1918, acting on information received, I spoke to Pte. Permakoff. I questioned him as to remarks he had been making to the Platoon Sgt. He replied, 'I do not shoot on any Germans.' He also said, "My father or mother was German" - I don't know which. I then ordered the NCO of my Platoon to keep an eye on him. On completion of relief I reported the matter to Capt. Estall OC B Coy, and he*



instructed me to shoot Pte. Permakoff if he showed any signs of treachery. The next day, the 13<sup>th</sup> June 1918 at about 3.00pm Pte Permakoff was on L/C Norman's post. The sentry on the post to the right called out, 'Is that Permakoff?' I looked over the parapet and saw Pte. Permakoff about 70 yards away walking towards the enemy lines without rifle or equipment. The sentry called out to him to halt, but he went on. I then ordered the sentry to fire on him, which he did, but missed him. He then increased his pace. L/C Norman then fired and wounded him in the thigh. Pte. Permakoff then crawled towards the enemy. I took a man out and brought Pte. Permakoff back. At the time he was shot he was about 100 yards from my post."

**3<sup>rd</sup> Witness: No. 5047 Pte. TJ Bruce, B Coy, 4<sup>th</sup> Bn.**

"About 3.00pm on the 13<sup>th</sup> June 1918 I was on duty on No. 5 Post. I saw a man walking from the post on my left towards the enemy lines. I said to Pte. Dunlop, 'Is that Permakoff?' Dunlop looked over the top and recognised him and called on him to halt. He did not take any notice and was then getting over our wire about 50 yards away. He was without rifle or equipment. Lieut. Grant then ordered me to fire, which I did, but I missed him. I think I saw L/C Norman fire and Pte. Permakoff fall."

**4<sup>th</sup> Witness: No. 7343 Pte. J Dunlop, B Coy, 4<sup>th</sup> Bn.**

"About 3.00pm 13<sup>th</sup> June 1918 I was on the same post as Pte. Bruce. Pte. Bruce called out to me, 'Jack, is that Permakoff?' I looked over the top and saw Permakoff about 50 yards away crossing our wire. He had neither rifle or equipment. I called on him to halt but he did not take any notice. I then heard Lt. Grant order Pte. Bruce to fire."

**5<sup>th</sup> Witness: No. 7303 Pte. WP Thompson, B Coy, 4<sup>th</sup> Bn.**

"On the B Coy, 4<sup>th</sup> Bn, moving forward to the front line, Permakoff asked me what troops were on the right, left, and behind us, also where the German line was, and remarked, 'Nobody behind, Germans walk through when they want to.' On two or three occasions prior to this I heard him say he would not shoot if he went up to the front line."

**6<sup>th</sup> Witness: Capt. WJ Estall, B Coy, 4<sup>th</sup> Bn.**

"I am the OC B Coy. On the night of the 13<sup>th</sup> June 1918 after the front line relief had taken place, Lt. Grant reported to me that Pte. Permakoff had stated that he would not shoot. I instructed Lt. Grant to detail a man to keep a close watch on him and to shoot him if he showed any sign of treachery."

**Lance Corporal 6588 W Norman, B Coy, 4<sup>th</sup> Bn** testified that: "At 1500 ... during my tour of duty and temporary absence from that part of the post, Pte Permakoff attempted to desert to the enemy. On returning to post I saw the accused about 20 to 30 yards in front of our line and on being called upon to halt by the sentry on duty at post on the right, refused to do so, simply turning his head and increasing his pace. Seeing his intention was to reach the enemy lines I shot him and he dropped, Lieut. Grant having previously given me instructions to do should he act in any way suspicious."

**Major H Woollard of the 3<sup>rd</sup> Australian Casualty Clearing Station** told the Enquiry that Pte. Permakoff 'died in this Hospital on 14<sup>th</sup> June 1918' and his escort was returned to the unit the next day.

#### Declaration

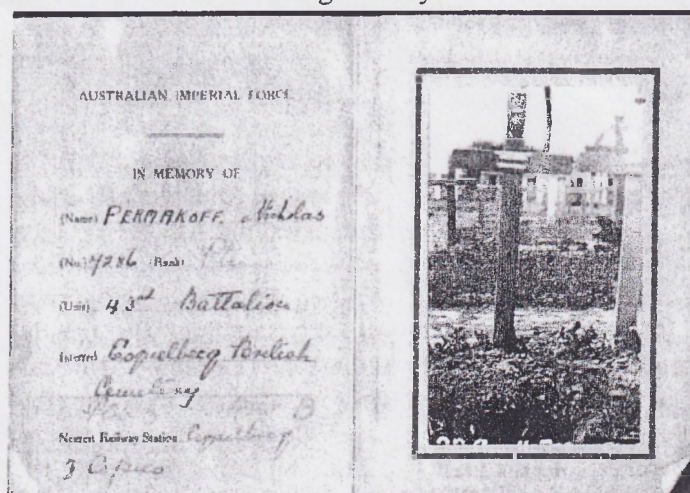
Having considered the evidence the Court declares:

"That No. 7256 [sic] Pte. Permakoff N 4<sup>th</sup> Battalion, having cast aside his arms, and in the act of deserting to the enemy, was deliberately shot by No. 6588 L/C Norman W, 4<sup>th</sup> Battalion AIF, being in the execution of his duty."

Permakoff died as a result of a gunshot wound to the right hip, the bullet penetrating his abdomen. It was decided that the 'casualty should be reported as "Killed."' Brigadier-General IG Mackay was of the opinion that the man who shot Pte. Permakoff should be commended for doing his duty.

Any pay due to Permakoff was forfeited and his relative was not entitled to a pension (detailed in a letter 24/7/18). Also, as a consequence of his desertion, the Medal Board was advised that he automatically forfeited his entitlement to any service medals.

Despite the efforts of the Base Records Office, Nicholas' mother could not be traced. A letter containing a photo of Permakoff's grave [right], sent to 'Mrs Permakoff, Archangel, Russia', was (not surprisingly) returned to sender in 1921. In 1926, the Public Trust Office was still endeavouring to trace Nicholas' relatives to finalise his estate.





One wonders if the fate of Nicholas Permakoff, and the location of his final resting place, ever became known to his family. Permakoff appears to have been a troubled soul and a person who did not enjoy the constraints of discipline within the AIF. The six month's hard-labour sentence for disobeying an officer does appear to have been a bit harsh, and perhaps Permakoff decided whilst in prison that he had joined the war 'on the wrong side'.

The book, *Russian Anzacs in Australian History*, quotes Permakoff as allegedly saying: "*When I joined the Australian Army I was told I would be transferred to the Russian Army on reaching England. I do not speak English very well.*" This transfer request was refused. The author, Elena Gover, believes that the withdrawal of Russia from the war, and the reported fraternising between troops on the Eastern Front, gave Permakoff the idea of putting down his weapon.

Section 98 of the Commonwealth Defence Act 1903 states that "*no member of the Defence Force shall be sentenced to death by any court martial except for four offences: mutiny; desertion to the enemy; or traitorously delivering up to the enemy any garrison, fortress, post, guard, or ship, vessel, or boat, or aircraft; or traitorous correspondence with the enemy*" [AWM website]. No Australians were tried and executed for desertion in WWI – but unofficially, there was one – Nicholas Permakoff of the 4<sup>th</sup> Battalion, who, to paraphrase the movie 'Breaker Morant', was 'tried and executed' under 'Rule 303'.

Nicholas Permakoff is buried in the Esquelbecq Military Cemetery, 24 kilometres north of Hazebrouck in France. His name does not appear on the AWM's Roll of Honour.

## **Digger profile: Lance Corporal 6588 William Norman, 4<sup>th</sup> Battalion**

*Compiled by Graeme Hosken, Dubbo*

Nicholas Permakoff was not the only AIF soldier killed by 'friendly fire'. An artillery shell dropping short or fired on the wrong coordinates, or infantrymen getting too close to a creeping barrage, would have accounted for a significant number of deaths. Past stories in DIGGER have described how an Australian was accidentally killed by a shot fired by an MP [D13, p14], and how a soldier on night patrol in No-man's-land was too slow with a password and was shot by a sentry [D14, p24]. Permakoff, though, may have been the only Australian soldier to have been *deliberately* shot by another Australian, *acting on orders*. This realisation, one imagines, must have remained with William Norman of the 4<sup>th</sup> Battalion, the man who fired the bullet that killed Permakoff, for the rest of his life.

William Norman enlisted in the AIF at the age of 35 years. He had spent 12 years in the Royal Navy and was engaged as a mechanic when he enlisted on 21<sup>st</sup> September 1914 at Kensington, NSW. His next-of-kin was his mother, Mrs Fry, who was living at Dannevirke in New Zealand.

Norman was allocated as Private 278 to B Company of the 4<sup>th</sup> Battalion. While in transit and in camp in Egypt, he was promoted to corporal from 19<sup>th</sup> October to 5<sup>th</sup> January, then reverted to private before being appointed a lance corporal on 9<sup>th</sup> February 1916. Norman served on Gallipoli from the landing until 14<sup>th</sup> May 1915, when he was wounded in the head. The wound must not have been too serious, as he returned to duty on the 16<sup>th</sup>. Four days later William was promoted to corporal. On the 29<sup>th</sup> May he was admitted to the Stationary Hospital on Lemnos. He soon returned to duty (on 10.6.15) and was specially mentioned on 14<sup>th</sup> August for acts of conspicuous gallantry. This mention was for the following actions around 26<sup>th</sup> July 1915: "*... on three successive nights [he and some others] crept out and occupied a detached crater, actually connected with the enemy's position by a communication trench, denying the crater to the enemy, and inflicting loss on him, without casualties to themselves.*"

On 25<sup>th</sup> August 1915 Norman arrived in Alexandria, Egypt, suffering from enteric fever. He must have been quite ill, as on 14<sup>th</sup> October he was diagnosed as having 'para typhoid' when he was transferred to No. 3 Auxiliary Hospital in Cairo.

The decision was made to return Norman to Australia and he left Egypt on 4<sup>th</sup> November 1915 aboard HS *Karoola* for three months 'change' (rest). He was placed on the supernumerary list on 22<sup>nd</sup> November 1915, and then discharged from the AIF on the 6<sup>th</sup> April 1916.

William Norman enlisted in the AIF for the second time on 23<sup>rd</sup> August 1916, this time at Seymour in Victoria. For three weeks, William was part of the Reserve Company of the 37<sup>th</sup> Reinforcements Battalion. On 30<sup>th</sup> September 1916 William returned to active service, leaving Australia on board the *Aeneas* with the 21<sup>st</sup> Reinforcements for the 4<sup>th</sup> Battalion. He arrived in Plymouth, UK, on 19<sup>th</sup> November, and then proceeded to Etaples, France, on 22<sup>nd</sup> December. Norman rejoined the 4<sup>th</sup> Battalion on 9<sup>th</sup> January 1917.

On 5<sup>th</sup> May Norman was wounded in action. Eight days later he reached hospital in England, with a shrapnel wound to the right thigh and right arm (severe). Following treatment and some furlough, William marched into the Overseas Training Depot on 1<sup>st</sup> July 1917.