

## Richard Laughton

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**From:** Commemorations <commemorations@cwgc.org>  
**Sent:** Friday, November 22, 2019 11:27 AM  
**To:** Richard Laughton  
**Subject:** CWGC review: ID Case 353

Dear Richard,

I would like to thank you for your patience whilst the Commission completed our review of your submission for the identification of the graves IV.E.38-39 within Messines Ridge British Cemetery as those of Captain Wyndham Waterhouse Fitzherbert and Lieutenant Philip Worsley Battersby. I'm afraid that, based on the evidence presented in the case submission, we are not able to progress this case to the relevant Service Authorities. I understand that you will be disappointed by our decision on this occasion, but I hope that you will understand our reasoning:

There are a number of discrepancies with the original evidence in this case:

1. The origin of the information on the grave marker erected by the POW escort party in 1919 is unknown. The wording is unusual and it is possible there was some previous marker or piece of aircraft wreckage at the site, but we have no other evidence to confirm the details – in particular the date of death, which may be a date of burial or incorrect.
2. There appears to have been some form of enquiry or investigation into the case in the early 1920s, as evidenced by a file reference on the CWGC records for the grave and the note of an IWGC enquiry on the RAF Casualty Cards of the proposed candidates. If it was not possible for the authorities to resolve the case when eyewitnesses and full documentation were available to them, then it is unlikely that we will be able to do so today. CWGC does not usually overturn the decisions taken at the time unless new evidence is presented.
3. The reason why the case couldn't be resolved post war may have been due to the discrepancies in the contemporary German references, which consistently record a single seat Sopwith aircraft being shot down near Warneton, with the pilot being listed as Lt Fitzherbert. However British accounts place Captain Fitzherbert flying a two seater DH4 with Lt Battersby when they were seen to be going down under control near Lille, some 8.5 miles away.

If the German accounts recorded the aircraft type and number of casualties incorrectly, but did refer to the location and name of the pilot accurately, then it is possible that the two casualties were buried by them close to where they were brought down, which would be near Pont Rouge. However, if they had identified Fitzherbert and reported his death through the ICRC, why was his name not recorded on the initial grave marker?

It is also possible that the DH4 crashed near Lille, but the Germans were unable to recover and/or identify the crew. Their published list (detailed below) of aircraft captured in July includes six Sopwith two seaters where neither the names or numbers of the occupants were identifiable. The original German report published in the *Norddeutsche Allgemeine Zeitung* was re-published in *Flight Magazine* dated 6 September 1917, (*The Flight Global Archive* (<https://www.flightglobal.com/pdfarchive/index.html>)).

Another scenario is that a single seat Sopwith was shot down near Warneton and the pilot was carrying something which the Germans used to identify him as 'Fitzherbert'. We have come across a number of examples where a body was initially identified based on pocket contents, only for that to be overturned later when that individual was known to have survived or it could be shown that the contents related to a friend, comrade or family member.

4. The case submission has drawn information from *"The Sky Their Battlefield II"* by Trevor Henshaw but whilst this is a valuable source, it was intended by the author to be a foundation for further research, and not taken by itself as an authoritative source. Therefore, the suggested connection between the crash location of A7493 and the location 'Pont Rouge', does need to be investigated using primary sources before it could be accepted as accurate.
5. There are other potential candidates who died within the same time frame who would also need to be excluded as being buried near Pont Rouge.

We do appreciate that you cannot visit The National Archives at Kew in person, but the following file references might be useful if any of your fellow researchers are able to do so on your behalf:

1. Officers Service records held at The National Archives;
  - Captain Fitzherbert: WO 339/27364 & AIR 76/162/199
  - Lieutenant Battersby: WO 374/4757
2. Air Combat Reports held at The National Archives;
  - AIR 1/1223/204/5/2634/49 (Air combat reports: 55 Squadron Royal Flying Corps, July 1917)
3. 55 Squadron history:
  - AIR 1/153/15/121/3 (A.H.B. Reference 15/121/3)

We have closed the case file, and think it is unlikely that the discrepancies in the contemporary accounts can be successfully addressed. However, we will of course re-open the case if you are able to find new evidence regarding Captain Wyndham Waterhouse Fitzherbert and Lieutenant Philip Worsley Battersby and are able to exclude other candidates.

As always, thank you for your continued efforts on behalf of those who we are all committed to remembering.

With kind regards,

Commemorations Section

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## Commemorations

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