



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the suspected death of James Arthur Henney
Hearing dates:	13 July 2017
Date of findings:	13 July 2017
Place of findings:	State Coroners Court, Glebe
Findings of:	Magistrate Barnes NSW State Coroner
Catchwords:	CORONIAL LAW – suspected death; failure to report to coroner; open finding.,
File number:	2016/342599
Representation:	Counsel Assisting the Coroner Sgt Lisa Green

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The Coroners Act in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death. These are the findings of an inquest into the suspected death of James Arthur Henney

Introduction

On 13 March 1963 James Henney left a hotel in which he, his wife and his ten year old son were living to go to the club at which he worked. He did not return that night or the next day and his family has not seen nor heard from him since.

This inquest has been convened to determine whether he is still alive and if not what can be determined about the circumstances of his death.

Social history

James Henney was born in London, England on 6 March 1922. He had two brothers, but little is now known of his early life other than a hearsay report that at the age of 12 he began working writing music for bands.

For a little less than a year in 1943 and 1944 he was enlisted in the Royal Air Force as a radio operator. It seems he then became a professional musician and worked on cruise ships travelling from England to various international ports.

He arrived in Australia in 1948 and found work as a cabaret pianist. While so engaged he met his future wife Betty Linke who was working as a singer and dancer in cabaret clubs around Sydney.

They married on 20 August 1952 and lived initially in Milsons Point before moving to Kirribilli. Their only child, a son James, was born in 1952.

Early in the marriage they lived in England for about twelve months with Mr Henney's mother. They then returned to Sydney in 1956.

Before he was married, James regularly sent money back to his mother which enabled her to buy a house in England. Other than that, he had little contact with his family.

The marriage between Betty and James deteriorated. She has told police that by 1963 she was considering leaving him as he was very introverted and had become abusive and angry towards her and their son.

Events surrounding his going missing

In 1963, the Mandarin Club had recently opened in Goulburn Street, Sydney. James Henney played there most nights in a band. He would usually leave home between 4.30pm and 5.00pm to attend to that.

Shortly before he went missing, Mr Henney, his wife and son were living at the Strand Hotel on William Street, Darlinghurst.

On 13 March 1963 Mr Henney left for work at the usual time, shortly before 5.00 pm. Apparently, he did not sit with the band at work as he usually did, but he played a set

and then left the club during a break. He was never seen again by anyone that police have been able to locate.

The next day, when he did not come home, his wife reported this to her father, who went to the Darlinghurst Police Station and reported James missing.

On 15 March at 9.30am, his car was found parked on New South Head Road, Vaucluse. A canvas of the local area established that the car had been parked there from at least 2.30pm on 14 March.

The keys were in the ignition and a half bottle of whiskey was on the front seat.

The location of the vehicle was directly opposite a cliff that was frequently used by people intent on ending their life.

A search of the cliff base found no sign of Mr Henney.

Police came to the conclusion that he had deserted his wife and child and issued a warrant for his arrest. It has never been executed.

Betty Linke made frequent contact with members of the band in which her missing husband had been playing when he went missing to see if they had heard from him. None had. She also put up photographs in railway stations. She went to the airport and bus stations and asked people there if they had seen the person whose photo she showed them. None had.

One of those musicians told Betty that a blonde cabaret singer had had a relationship with her husband and had tried to convince him to return to the United States with her

Betty had some contact with James's mother and two brothers before they died. They told her they had received no contact from Mr Henney since his disappearance.

The wife of one of the brothers told her that James' father and grandfather had committed suicide.

Because James was presumed to be missing but not dead, Betty suffered significant financial hardship. She could not access any of his bank accounts and, for example, was unable to even sell the car for seven years. She had to wait five years to get a divorce.

After the divorce Betty gained access to those bank accounts and established that there was £4000 in them in total. No transactions had been affected since James went missing.

Circumstances giving rise to this inquest

In February 2016 James Henney's son, also called James attended the Revesby Police Station because his son Chad was seeking dual citizenship which required

proof of his grandfather's death. As the death had never been registered he was unable to obtain that and so the matter was again reported to police.

Only at that stage was the suspected death reported to a Coroner and an investigation seeking to establish whether Mr Henney had left the country or whether his death had been reported elsewhere was undertaken.

Those enquiries have provided no indication that Mr Henney is still alive.

He has not made any claims on any government service, he has not opened or transacted business with any financial institution, his name is not recorded as having passed through Australian Immigration, he has not come to police attention in either Australia or England and his name is not recorded on any marriage or death registry in any Australian state or territory or in England.

Conclusions

It is clear that at the time he went missing, Mr Henney was unhappy - he may have been clinically depressed. It is reported that his father and grandfather had intentionally taken their own lives.

His car was found abandoned near a location that is frequently used by people seeking to fatally self-harm. The cliffs at that location were well known in Sydney to be used for that purpose at the time.

Although Mr Henney's body was not found at the base of the cliff, it is entirely feasible that he could have fallen into the sea and have been washed away. The officer in charge of the coronial investigation informed the court that the water police occasionally recover from the sea the bodies of people who have jumped to their death from the cliffs near where Mr Henney's car was found.

It is likely that he intentionally took his own life. However, I am conscious of the legal requirement that a finding of suicide should not be presumed and should only be made on the basis of evidence sufficient to support such a grave finding.

Mr Henney was not known to be suffering from mental illness and he left no note or other record of his intention to take his own life.

His relationship with his wife had deteriorated and they were considering separating. He would have been required to support her and his son after separation.

He was reported to have been involved with a singer from the United States who had urged him to return to that country with her.

He was an experienced traveler and had worked on ships plying international routes. He may have known how to leave Australia without his departure coming to the attention of the authorities.

Had this matter been effectively investigated at the time Mr Henney went missing, I would not now be required to rely on speculation.

Were he still alive, Mr Henney would be 95 years old. If he did not take his own life in 1963, it is highly likely he has since died either by natural causes or some other means.

Having regard to the results of all the checks that have been made with government agencies and financial institutions indicating no contact with Mr Henney since he went missing, I conclude he is dead.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence given at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The person is James Arthur Henney

Date of death

Mr Henney died on or after 14 March 1963

Place of death

I am unable to make a finding as to the place of his death.

Cause of death

I am unable to make a finding as to the cause of Mr Henney's death.

Manner of death

I am unable to make a finding as to the manner of his death.

I close this inquest.

M A Barnes

NSW State Coroner
Glebe
Date 13 July 2017