



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref 23/20

*I, Evelyn Felicia VICKER, Coroner, having investigated the disappearance of **Winifred Mary PEACE** with an inquest held at the **Coroner's Court, Court 83, Central Law Courts, 501 Hay Street, Perth, on 4 March 2020, find the death of **Winifred Mary PEACE** has been established beyond all reasonable doubt, and the identity of the deceased person was **Winifred Mary PEACE** and that death occurred on **a date unknown following the 22 October 1959, at a place unknown** in the following circumstances:***

Counsel Appearing:

Senior Constable Craig Robertson assisting the Coroner.

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INTRODUCTION

On 22 October 1959 Winifred Mary Peace (Mrs Peace) had an extended disagreement with her husband Edward (Mr Peace) relating to their financial difficulties which Mr Peace saw as the fault of his wife. Mr and Mrs Peace had lunch together with their two young children and Mr Peace then left the family home in Bentley. When he returned home he claimed his two children were in bed, his wife was absent, and he never saw her again. Mr Peace reported his wife as missing to the police on Monday 26 October 1959 without making any enquiry of her friends or family. A Missing Person Report (MPR) was made on 29 October 1959 and thereafter extensive enquiries made by the police in an attempt to locate Mrs Peace. There were a number of alleged sightings of Mrs Peace, but no-one corresponding to the name of Winifred Peace or Winifred Cunningham (her maiden name) was ever substantiated.

The inquest into this matter was held in Perth and no witnesses were available for the inquest other than Detective Senior Constable Jamie Hughes who presented a report compiled from the available documentation from the 1959 file and ongoing investigation. The documentary evidence comprised the brief of evidence, Exhibit 1 tabs 1-57 and the Public Notice of Inquest dated 25 February 2020 as Exhibit 2. The memorandum of a personal communication dated 6 March 2020 between Mrs Peace's daughter, Shirley Gordon, and CA became Exhibit 3.

Long Term Missing Persons Project (LTMP)

In 2017 it was established there were a number of files relating to the long term disappearance of people who had been in Western Australia at the time of their reported disappearance. Some of the disappearances occurred at a time when a coroner had limited or no jurisdiction to examine the circumstances of a suspected death.

Section 23(1) of the *Coroners Act 1996 WA* (the Act) allows the State Coroner to direct an investigation into a suspected death in certain circumstances

without a body, for the purposes of allowing a coroner, under section 23(2), to establish beyond all reasonable doubt that death has occurred. The investigation must be done by way of inquest and will attempt to clarify how the death occurred and the cause of the death. This effectively brings the suspected death into the ambit of s 25 of the Act and allows registration of the death under the *Births, Deaths and Marriages Registration Act 1998*.

The reported number of LTMP made it unrealistic for the Office of the State Coroner (OSC) to absorb those matters into the already long outstanding inquest list in a timely manner. A plan was proposed for a project to clear the backlog of LTMP files once it had been determined the matters fitted the circumstances set out in s 23(1) of the Act. That is, the State Coroner or delegate had reasonable cause to suspect that a person had died and the death was a reportable death (s3 of the Act).

In 2018 funds were approved for a coroner to work exclusively on the LTMP cases on a part-time basis for twelve months, as a separate listing from the OSC general inquest list. This followed a pilot project of four inquests conducted in 2018.

In 2019 a coroner was appointed for that project with the support of an in-house Coronial Investigation Squad (CIS) police officer as Counsel Assisting (CA).

In the case of Mrs Peace it was long suspected by WA Police Force (WAPF) she had been the subject of a homicide, although there was no clear evidence as to how she met her death. While her husband was initially a suspect there was no substantial evidence involving him and the persistent report of sightings in the months following her disappearance made the situation very unclear. By 2019 Mrs Peace would have been in her early 90s and would have come to the attention of someone in authority. It was unrealistic to believe Mrs Peace was still alive and the matter was collated as part of the LTMP project.

The anticipated outcome of the LTMP project was that by June 2020 the majority of reported LTMP cases would be resolved and that future missing persons files would be dealt with in the normal course of OSC business.

THE DECEASED

Mrs Peace was born on the 26 February 1928 and her birth certificate registers her surname as Aquilar-Cunningham, with her given names as Winifred Mary. She was born in Marmion Street, Cottesloe, Western Australia, to Teresa Josephine Aquilar-Cunningham (maiden name Aquilar) and Frederick Aquilar-Cunningham.¹ She is recorded on her birth certificate as having two older sisters Teresa, and Juanita. By the time of her disappearance Mrs Peace's parents, Mr and Mrs Cunningham, lived on Albany Highway in Maddington and her sister was married, Mrs Teresa Clifford. It is believed the other sister moved away from Perth and little is known of her.

Communication with Mrs Peace's daughter, Shirley Gordon, confirmed that to her knowledge the family had never used the surname Aquilar-Cunningham and she believed her grandparents were known by the surname Cunningham.²

Mrs Peace trained as a shorthand typist and had been employed both at the Arbitration Court, State Housing Commission and Nicholsons Limited.³

On the 7 April 1953 Winifred Aquilar Cunningham became Mrs Winifred Peace when she married Edward Peace.⁴

¹ Exhibit 1 Tab 57

² Exhibit 3 Personal communication between CA and Mrs Shirley Gordon 6.3.2020

³ Exhibit 1 Tab 8

⁴ Exhibit 1 Tab 57

Sometime in 1954 Mr and Mrs Peace had a son, Kevin John Peace, and later in 1955 a daughter, Shirley Peace. By 2019 Kevin lived in Queensland and Shirley was Shirley Gordon and resident in Maida Vale.⁵

There is an allegation that in approximately 1957 Mr Peace had been in a paternal suit before the Childrens Court in Perth. A solicitor, Mr Murray Gerloff, advised police that Mr Peace had ill-treated *“his wife on several occasions and that she has had to receive medical attention,”*⁶ with an additional comment that when Mr Gerloff had seen Mrs Peace in 1958 she was heavily in debt, appeared mentally unbalanced and was very much pregnant. There is no indication in the papers as to whether Mrs Peace was actually pregnant and certainly there is no record of a child born in 1958. Mr and Mrs Cunningham advised police that Mr Peace had *“thrashed his wife when she expressed a desire to have another child”*.⁷ There is no indication of when this was.

Mr and Mrs Peace lived at 11 Ellam Street, Bentley, and it was common knowledge Mr Peace was involved in a relationship with Daphne Olive Giles (Ms Giles) from December 1958 onwards. It is apparent Mrs Peace was aware of this relationship and distressed by the loss of attention thereafter flowing towards her and the children. There is also no doubt that by February 1959 Mrs Peace was very short of money and attempting to borrow money by way of mortgage,⁸ and in both July and September 1959 had attempted to obtain employment both as a kitchenmaid, shorthand typist or other.⁹

A handwritten (assumed to be Mrs Peace’s handwriting) letter discovered amongst Mrs Peace’s personal belongings at her home address following her

⁵ Exhibit 1 Tabs 34, 35

⁶ Exhibit 1 Tab 7 page 2

⁷ Exhibit 1 Tab 7 page 3

⁸ Exhibit 1 Tab 7 page 4

⁹ Exhibit 1 Tab 7 page 3

disappearance disclosed that by June 1959 Mrs Peace was very aware her husband had little time for her and the children, there was no dispute she was heavily in debt and had been seen gambling,¹⁰ and in a very stressed state of mind.¹¹

In her alleged (there is no verification of handwriting) letter of 1 June 1959 she referred to Mr Peace's involvement with "Olive" and indicated she would leave him. However, this did not happen, apparently because when she had attempted to leave their home she was unsuccessful in catching a bus to her parents' home and returned to Ellam Street.¹² The letter had no ending and the explanation of the inability to catch a bus was given by Mr Peace when questioned by the police as to what the piece of letter was about. I note that in 1959 a married woman without money was in a very vulnerable position, but accept it would have been a difficult marital situation.

There is no doubt in my mind that by October 1959 Mrs Peace was in a desperate state of mind. While I accept the situation would also have been difficult for Mr Peace it is evident he found some relief from his marital difficulties in his relationship with Ms Giles.

Mrs Peace's family of origin, and indeed her next door neighbour, both believed Mrs Peace was devoted to her two children and would be very unlikely to leave them voluntarily. However, I also note a reported discussion with her next door neighbour, Mrs Willans, that Mrs Peace hoped she would never be in the position of having to take her own life or harm her children.¹³ She also told Mrs Willans she would never give her husband up or agree to a divorce, despite the fact she understood he was involved with another woman.

¹⁰ Exhibit 1 Tab 32

¹¹ Exhibit 1 Tab 4

¹² Exhibit 1 Tab 8

¹³ Exhibit 1 Tab 8 page 3

There is some confusion in the statements as to dates surrounding the 21 and 22 October 1959, however it is clear the household had received a letter on 21 October 1959 from land and estate agents that the family were in arrears of their rent. Without payment of the arrears within 14 days they would be required to leave their home address, and the property repossessed.¹⁴

According to Mr Peace this caused an argument between himself and Mrs Peace very late on 21 October 1959 possibly continuing until after midnight on 22 October 1959.¹⁵

The difficulty with timing arises due to some of the comments to his friends, the Beattys, and to Ms Giles, which confused the happenings of Wednesday 21 October 1959 and 22 October 1959. The date on the letter itself is the 21 October 1959. I have taken the view the argument was overnight the 21-22, a Thursday, and Mr Peace's discussion with the Beattys and Ms Giles as to his expectation Mrs Peace would be leaving home occurred on the evening of 21 October 1959 before the prolonged argument. Otherwise the chronology makes little sense. There were also comments about her leaving home on 22 October 1959.

On the evening Wednesday 21 October 1959 (although I accept there is some confusion in the statements as to whether it was Wednesday 21 or Thursday 22) it would seem Ms Giles was visiting her sister Sylvia Beatty, (Mrs Beatty) and her husband Alex Beatty (Mr Beatty). Mr Pearce arrived. Mr Beatty was a friend of Mr Peace and he and his brother had known Mr Peace since school. During the course of that evening, when the two women allege Mr Beatty was drunk and asleep, both women and Mr Beatty say Mr Peace repeatedly

¹⁴ Exhibit 1 Tab 5

¹⁵ Exhibit 1 Tab 32

referred to the fact he did not believe his wife would still be in the family home by that weekend.¹⁶

During the course of their argument in the very early hours of Thursday 22 October 1959 Mr Peace alleged his wife had stated that she would attempt to get the money they owed in arrears, which it is clear both parties accepted was probably as a result of her gambling, and that after that Mr Peace could “go to blazes.”¹⁷

Mr Peace later told police he had been concerned Mrs Peace may leave the family home and he did not want her to take the children so he stayed home from work that day. He intended to attempt to find some way of negotiating with the agents and landlord about the arrears.¹⁸ He left home in the morning to do so.

Mrs Willans, Mrs Peace’s next door neighbour, advised police Mrs Peace had visited her at approximately 10 am on Thursday 22 October 1959 to discuss their entry for “Timesword” which Mrs Peace regularly collected from Mrs Willans to take to the “depot at Stones Drug Store”.¹⁹ Mrs Willans stated Mrs Peace did not say anything about leaving her husband, but did advise Mrs Willans her husband had stayed home from work that day to negotiate with the agents about the rent. Mrs Willans did not consider Mrs Peace to be unduly worried or upset. The only thing which was unusual in hindsight was that Mrs Peace had not returned in the afternoon, as she had arranged, to collect Mrs Willans’ Timesword competition.²⁰

¹⁶ Exhibit 1 Tabs 30, 32, 33

¹⁷ Exhibit 1 Tab 52

¹⁸ Exhibit 1 Tab 51

¹⁹ Exhibit 1 Tab 6

²⁰ Exhibit 1 Tab 7, 8

Mr Peace and Mrs Beatty stated that prior to lunch Mr Peace had called at Mrs Beatty's home to advise her he believed his wife would be leaving home and that he would need her to look after the children, although Mrs Beatty seemed to believe this occurred on 23 October 1959.²¹ Both Mr Peace and Mrs Beatty are agreed that conversation occurred before lunch.

According to Mr Peace following Mrs Peace returning home, after visiting with Mrs Willans, she had lunch with Mr Peace who had also returned home and the two children.

Mrs Peace, Mr Peace and the two children had lunch together on Thursday 22 October 1959 before Mr Peace went out and visited the garage and the Boomerang Hotel.²²

DISAPPEARANCE

Mr Peace returned home sometime after 1:20 pm on Thursday 22 October 1959 and found his wife not present, but both children asleep, although in another interview he said they were both awake, alone in the home. In one interview he told police Shirley said her mother had "*gone to get pennies.*"²³

Thereafter Mr Peace took the children to Mrs Beatty's and she looked after them until Mr Peace returned with Ms Giles and they took the children home. Ms Giles claimed Mr Peace told her on the morning of 22 October 1959 that his wife would be leaving that day.²⁴

²¹ Exhibit 1 Tab 33

²² Exhibit 1 Tab 52

²³ Exhibit 1 Tab 51

²⁴ Exhibit 1 Tab 30

According to Mr Peace he went to his parents'-in-law address on the afternoon of 22 October 1959 to see if his wife was there, but did not go inside before returning to collect Ms Giles from work and take the children home.²⁵

Ms Giles went to work on Friday 23 October 1959 and gave her notice on the grounds she would need to take care of the children. Shirley, when asked by Ms Giles if the children would like her to look after them responded "*No, my Mum's at home*".

Ms Giles then moved in with the family on Saturday 24 October 1959 and went to the Caversham Races with Mr Peace and the children as had been previously discussed on Wednesday evening (21). She, thereafter, remained at the address in a defacto relationship with Mr Peace, and the two children were brought up with Ms Giles as their stepmother and generally discouraged from asking questions about their biological mother.²⁶

INVESTIGATION

On Monday 26 October 1959 Mr Peace reported Mrs Peace's disappearance to the Victoria Park Police Station at approximately 6:00 pm. He stated his wife had left home on Thursday 22 October 1959 after a domestic argument. Mr Peace was asked as to the enquiries he had made amongst family and friends and when he indicated he had made none he was advised by the police to go and make those enquiries to see if he could locate her.

Mr Peace returned to Victoria Park Police Station on 29 October 1959 and explained he had made those enquiries without finding his wife.

²⁵ Exhibit 1 Tab 51

²⁶ Exhibit 1 Tabs 34 and 35

A Missing Person Report (MPR) stamped 30 October 1959 was completed by Victoria Park Police wherein Mrs Peace was described as having *“Wine coloured birthmark extending from inside to back of right forearm about 3 inches below the elbow, thick legs and broad feet and leans forward noticeably when walking, she has a unsophisticated manner with a worried expression, and generally her appearance is untidy”*. There is also a MPR of 29 October 1959 stating *“Slight cast in one eye, hair naturally straight, usually curled with pins before she went out.”* And that when she was last seen she had been dressed in a grey skirt, grey sweater with black leather flat shoes.²⁷

The Women Police made extensive enquiries with Mrs Peace’s relatives, friends, employment agencies, railways, airways, lodging houses, hospitals, restaurants, Social Services and were unable to locate any verified trace of Mrs Peace.²⁸

Following the failure to find any trace of Mrs Peace there was extensive media coverage and the papers disclosed extensive follow-up of enquiries as to possible sightings of Mrs Peace following the media publicity. The Drug Store were unable to confirm whether Mrs Peace had lodged her own copy of Timesword.²⁹

During the course of those enquiries Mr Peace made it quite clear he did not wish his wife to return to the family home and that if she did he would be proceeding to file for divorce – he was quite open about his association with Ms Giles.

²⁷ Exhibit 1 Tab 9

²⁸ Exhibit 1 Tab 8

²⁹ Exhibit 1 Tab 8

Following the media publicity there were a number of alleged sightings of Mrs Peace between 22 October 1959 through to 1 January 1960. Those which could be verified were generally found not to have been Mrs Peace. However there was an alleged sighting of Mrs Peace on Tuesday 27 October 1959 at Charlie Carters in Victoria Park by two cashiers. Both knew Mrs Peace and noted she did not speak to them, appeared to be in a hurry and did not have her children with her which was unusual. They were both convinced it was Mrs Peace and I am satisfied they were credible witnesses.³⁰ Many other alleged sightings proved not to be Mrs Peace, although usually not by people who had known her.

The other sighting which is of concern was by two sisters well-known to Mrs Peace on 2 December 1959, on Canning Highway at a bus stop with two men near the Hurlingham Hotel. The sisters were convinced it was Mrs Peace however had not approached and spoken to her due to the presence of the two men who were drunk. They did not believe Mrs Peace was with the two men. Again this sighting does cause some concern and is consistent with a number of other sightings which allege seeing Mrs Peace in the company of men, however, a number of those were disproved as being Mrs Peace.³¹

An allegation by Mr Peace that his wife had run off with a Mr Carnaby proved to be entirely fictitious. Mr Carnaby was only a casual acquaintance of Mrs Peace, as verified by Mrs Gaunt, Mrs Willans and Mr Carnaby himself.³²

There was an alleged sighting of Mrs Peace by people unknown to her on 1 January 1960 which so resembled her pictures in the media that people actually questioned whether she was Mrs Peace. The woman concerned stated she was from Sydney, but hurried away. Initially it was believed this person had been proven not to be Mrs Peace, but rather a Miss Bentley. However,

³⁰ Exhibit 1 Tabs 38, 39, 40

³¹ Exhibit 1 Tab 46

³² Exhibit 1 Tab 8

further investigation indicated that at the time it was alleged Mrs Peace had been seen, at 8:45 pm at the Wentworth Hotel in Perth, Miss Bentley was actually on a train travelling towards Kalgoorlie. It therefore cannot have been Miss Bentley. As to whether it was Mrs Peace remains unclear.³³

Certainly later alleged sightings of a woman fitting Mrs Peace's description in June 1961 could not be substantiated.

Effectively, other than the sighting by the two cashiers on Tuesday 27 October, and the two sisters on Wednesday 2 December 1959 it would seem the other reported sightings were definitely unreliable.

The one thing which is clear is that Mrs Peace had little or no money at the time she disappeared and there is no evidence she had any of the clothing in which she was seen in later sightings. While initially the sightings were quite adamant it was Mrs Peace, later sightings by people unknown to Mrs Peace indicated the woman reported, whilst fitting Mrs Peace's description appeared vacant and distressed.

Mrs Peace did not contact her parents or sisters although on her alleged attempt to leave home in June 1959 that had been her purported plan. While I can understand Mrs Peace not contacting her children out of concern for their mental state once she had left home, if she did, I am unable to explain her not contacting her family if she was in a position to do so, before she became "vacant and distressed", if that was her.

The investigation into Mrs Peace's disappearance was very thorough. Each lead was investigated and followed through without there ever being positive

³³ Exhibit 1 Tab 49

verification of her location or identity. However, one or two of the sightings were of enough concern for there to be no ability to determine by December 1959, that Mrs Peace was indeed deceased without some further information or evidence.

HAS DEATH BEEN ESTABLISHED?

Taking into account the ambiguities for a married woman in 1959 in obtaining employment and funding without the knowledge of her husband, I am satisfied that whatever happened to Mrs Peace was not a comfortable outcome or desirable.

I accept that had Mrs Peace fallen into a situation of difficulty and needed to support herself it would have been a matter of great humiliation for herself and her family, however, do not believe she would have fallen into a situation involving soliciting knowingly or self harm , before contacting her family. I am sure her family of origin would have eventually had some information about her circumstances.

It may be Mrs Peace found herself in an untenable situation, but the continued absence of any contact with her family or trace of her in any of the names she was known to use, including refuges and help facilities for women, satisfies me something untoward happened to Mrs Peace in relative proximity to the 22 October 1959. While there is no significant evidence involving Mr Peace's involvement with his wife's disappearance on 22 October 1959, his repeated insistence she would be leaving home before the coming weekend, as reported by Ms Giles and the Beattys, is of concern.

I am of the view later sightings of Mrs Peace, purportedly extending into January 1960 were extremely unlikely to be Mrs Peace. It would seem there was someone who fitted Mrs Peace's description, for example, Miss Bentley,

and also a Mrs Fry. A number of the reported sightings traced by police revealed a person fitting Mrs Peace's description, but not being Mrs Peace.

Due to the situation for bereft women in the 1950s I am of the view some untoward occurrence happened to Mrs Peace either on or following 22 October 1959. I am entirely unable on the information available to suggest what that may be.

I am, however, satisfied beyond all reasonable doubt Mrs Peace is now deceased, and was deceased in the timeframe following midday 22 October 1959 into 1960.

MANNER AND CAUSE

I note Mr Peace's delay in attempting to locate his wife, his clear antipathy towards her, his failure to make enquiries, and not reporting her disappearance until after the weekend in which he had established Ms Giles in the household. I understand this does not of itself indicate Mr Peace was involved in whatever happened to Mrs Peace but does indicate, in conjunction with the events of the previous two years, Mrs Peace was likely to have been in an extremely vulnerable position. She would have effectively found herself homeless, a situation I do not believe would have occurred while she had parents and two sisters.

I therefore believe that having left the household, if indeed she did so voluntarily, whether to seek money for the rent or otherwise, she would have been in an exposed and vulnerable condition for a single female. She would have been extremely vulnerable to predation and the fact she did not seek help of her family of origin convinces me that one way or another something untoward happened to Mrs Peace.

Mrs Peace was 31 years of age at the time she disappeared and would, in 2020, be 92 years of age. She would by now be known to authorities. I am satisfied Mrs Peace is no longer alive and was not alive beyond the end of 1959.

I doubt her demise was as a result of natural causes. Other than that I am unable to determine the cause or manner of Mrs Peace's death.

Accordingly, I make an Open Finding as to the death of Mrs Peace.

CONCLUSION

While I can understand Mrs Peace leaving her children, the evidence does not support that she would never have contacted her family of origin, no matter her circumstances. Her parents made concerted efforts for the police to continue with enquiries despite there being no further information to investigate.

In view of the relationship both her children described with their stepmother, I cannot imagine that once older they would have rejected an approach from their mother, by which time any stigma attached to her situation would largely have dissipated.

I am very unclear as to whether Mr Peace was directly involved in whatever happened to his wife; the children do not talk of a loving and supportive household, even following Mrs Peace's absence.³⁴

³⁴ Exhibit 1 Tab 34, 35, Personal communication with CA 6.3.2020 Exhibit 3

If Mrs Peace had survived for any time after her disappearance I am quite sure she would have at some stage approached her children, or her family of origin.

E F VICKER
Coroner

27 May 2020