

The Pioneer



Carter's Barracks [State Library of NSW]

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The Pioneer

The recent death and State Memorial Service for Judith Durham, lead singer of the 1960s group *The Seekers*, inevitably revived, but briefly, the periodic suggestion that fellow *Seeker*, Bruce Woodley's composition *I am Australian* should become Australia's national anthem, with its chorus line "We'll sing with one voice ...". Destined for more enduring debate is the proposed Voice to Parliament and its prospects of endorsement in a referendum. We have even discussed it more than once at our weekly Tuesday lunches.

Concurrent with, or catalysed by, the Voice conversation has been a resurrection of the statues-sacking controversy which was last alive in 2018-20, when City of Sydney historian Dr Lisa Murray called for a then-recent defacement of Captain Cook's monument in Hyde Park with graffiti denouncing "genocide" to be left in place to symbolise "the changing meaning of the statue [as a] symbol [of] colonization and dispossession ... more so than [by] Arthur Phillip and the First Fleet".¹ That it was the First Fleet, not Cook, which launched European settlement of the east coast of the continent is an historical detail which Dr Murray seemingly ignores, but such manipulations of history are likely to become more mainstream as discourse about the Voice distends. Just recently the newly elected Indigenous senator Lidia Thorpe sought to customise the oath at her swearing-in to pledge allegiance to "the colonizing Queen Elizabeth." Perhaps the senator was confusing Elizabeth II with the other long-lived Queen, Victoria, whose reign was coincident with the consolidation of the Second British Empire. Elizabeth II, by contrast, reigned over decades of decolonization and the liberation of millions in many nations *from* that Empire, but that has not saved Her Majesty, in death, from accusations of being "by extension ... guilty for [Britain's] historical crimes,"² nor

Australians from being told to “dismantle the vestiges of the racist, colonial empire she so dutifully represented.”³

One commentator predicted that “the [Voice] will become increasingly perilous for [the government] as debate over it descends into a bidding-war among its most high-profile champions for ever more radical measures.”⁴ He did not have to wait long to be vindicated. Within two weeks the Australian Football League was leveraged into jettisoning a mandated pre-match minute’s silence in memory of the late Queen, instead providing a centre-stage MCG platform for a descendant of the Wotjobaluk, Dja Dja Wurrung peoples to proclaim that the match would be played “on unceded land” and for her club to purport to declaim representatively the “significant and ongoing feelings of hurt within Indigenous communities that stems (sic) from colonization and what the monarchy represents.” Her opinion, however, was not unanimously held among those she claimed to represent. One Indigenous elder thought ditching the mark of respect was “totally disrespectful to our country” and Nyunggai Warren Mundine, the Director of the Indigenous Forum at the Centre for Independent Studies, considered it “entirely proper for Australia’s national sporting code to show respect to Australia’s Head of State on her passing,” adding for good measure that “I’m a little tired of white people and woke organizations speaking for Aboriginal people and assuming to know what Aboriginal people think and feel.”⁵

So the Voice is far from being sought with “one voice.” At the threshold there is some Indigenous opposition to any constitutional recognition, on the perceived ground that it implies ceding sovereignty. After that there is division within Indigenous ranks across the political divide about priorities, with Senators Thorpe (Greens) and Jacinta Price (Coalition) pushing for postponement of the Voice to promoting treaty and “truth telling,” and this is feeding opinion pieces in the statues controversy, ranging from the restrained:

“statues embody a particular way of understanding the past (so) they should be revisited from time to time”⁶;

to the radical:

“statues are a bleak reminder of a bitter colonial past [and] if removal ... sparks difficult conversations ... they will form part of the ‘truth telling’ Australia needs to face.”⁷

Most of the statutory candidates in the cross hairs of removalists are “the pioneers, our ancestors.” Outside the Mitchell Library in Sydney, facing north, is the first

monument erected in Australia, Governor Sir Richard Bourke, while around the corner in Macquarie Street is Matthew Flinders. Charles Sturt is in Victoria Square, Adelaide, and in bas relief at Mudgee NSW is William Lawson of Blue Mountains crossing fame, with those who built the road which followed commemorated in bronze at Katoomba. The Lands Department Building in Sydney is a fertile field for iconoclasts, with 23 niches in its facades populated by sculpted likenesses of explorers who made major contributions to the opening up and settlement of the nation, including Hamilton Hume and William Hovell (whose bookcase we own), Sir Thomas Mitchell (whose ship propeller testing model is in our artefact collection), George Bass, John Macdouall Stuart, John Oxley, Allan Cunningham, and the doomed Ludwig Leichhardt, Robert O'Hara Burke and William John Wills. While we are about it scrapping statues, what of the *names* they have given to tertiary institutions: Charles Sturt University, LaTrobe University, Deakin University, Flinders University? James Cook University has already had a bob-each-way by getting rid of a statue of its namesake but keeping his name.

So there is already the basis for a unity ticket between the republicans and the “truth tellers,” in that severing constitutional ties with imperial origins would double as repudiation of the “dispossession” with which the monarchy continues to be identified. After that, as part of the “log of claims” which one former prime minister foresaw a treaty turning into, they’ll come for the statues, which “cause grief to Indigenous people [because] the perception that ... such people [are] alive as founding heroes entrenches the insult.”⁸ When that happens, the Voice should be more than just a spectator sport for Pioneers.

John Lanser

Endnotes

- 1 *Monuments and Memories: re-assessing colonial imperialism*, Jim Kerr Address to commemorate the International Day for Monuments and Sites, delivered at the launch of the Australian Heritage Festival, 2018.
- 2 Attiah, Karen, *Sydney Morning Herald*, 11 September 2022, reprinting *The Washington Post* [no date].
- 3 Attiah, Karen, *ibid*.
- 4 Brandis, George, *Sydney Morning Herald*, 29 August 2022.
- 5 <https://www.skynews.com.au/opinion>, 12 September 2022.
- 6 Nancy Cushing, *Sydney Morning Herald*, 22 August 22.
- 7 Margaret Johnson, *Sydney Morning Herald*, 22 August 2022.
- 8 Malcolm Knox, *Sydney Morning Herald*, 20 August 2022.

Debtors' Prison and the Rules of the Prison

John P. Bryson, KC¹

In 1834 judgment debtors who were in prison in Sydney for not paying their debts could take up lodgings in Prince Street a few streets away from the gaol. On 1 March 1834 the Judges of the Supreme Court made a rule which defined limits of the Public Gaol in Sydney. This rule was part of a large and complex array of laws now vanished which dealt with imprisonment of debtors. Parts of this complexity were law and practices which allowed debtors to live within the Rules while notionally in prison. The meaning of “Rules” as Rules of Court made by the Judges was familiar in 1834 as it is now, but “Rules” had other meanings as well. The Rules were the places where debtors who were nominally in prison would walk abroad, and live in lodgings if they could find the means to do so. The Rule said “... it is expedient to enlarge the limits of the said prison, by appointing fit and suitable places in the vicinity thereof, to be within the rules of the same.” The bounds were: “... all that part of George-street, exclusive of the houses on each side thereof, which lies in front of this prison, and leads to Essex-street; so much of Essex street, exclusive of the houses on each side thereof as leads to Prince street; all that part of Prince street which lies between Argyle street at the one end and the space leading to Charlotte Place, at the other end thereof, together with so much of the open space, called Charlotte Place as leads to St Philip’s Church and the Scots Church, and also all the houses (excepting public houses) on each side of Prince street, and the said respective Churches.” The Rules went on to exclude “...all tavern and victualling houses, and ale houses licensed to sell spirituous liquors, or of public entertainment...” Other provisions make clear that the prisoners referred to were prisoners in civil proceedings, not prisoners serving sentences or awaiting trial for crime.

The area of the Rules has been greatly changed since 1834 by building the southern approaches to Sydney Harbour Bridge, and later the Cahill Expressway. There has also been some street-straightening, and Charlotte Place has been renamed

Grosvenor Street. In 1834 the Public Gaol stood in George Street in a large tract owned by the Government bounded on the south by Charlotte Place, intersected by Essex Street and bounded on the west by Harrington Street. As well as the Gaol there were several buildings used for the Guard House and police activities. The Four Seasons Hotel, formerly the Regent Hotel, now stands in this tract more or less where the Gaol was, and some of this land was used to straighten George Street. The Gaol was built in 1800 and was then described as a “handsome and commodious stone Gaol ... with separate apartments for the debtors, and six strong and secure cells for condemned felons.” Six cells for prisoners awaiting execution seem remarkably ample at that early stage. By 1833, when the population of the Colony was many times that of 1800, the Gaol was entirely inadequate and Governor Bourke recommended the erection of a new Gaol because of its ruinous state. He said “... the Gaol in its present crowded state, without classification or labour, is a moral pestilence...” and went on to speak of the likelihood of disease. There was no precipitancy but that gaol was closed in 1841 when a new gaol was available at Darlinghurst.

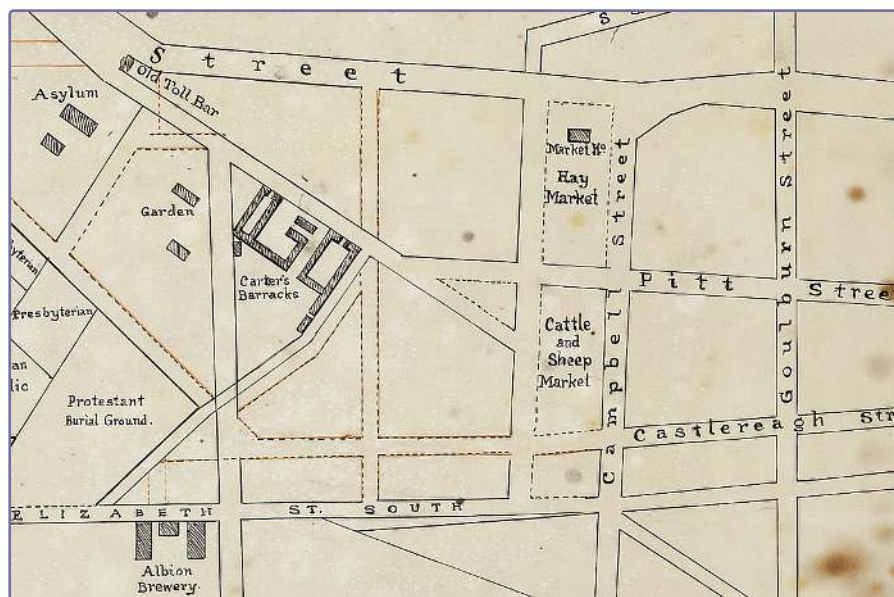


1836 map depicting area of The Rocks within the Rules
[Sydney Takes Shape, Max Kelly and Ruth Crocker, Doak Press 1978]

The debtors who did not live in the Rules were moved out to a Debtors' Prison at Carter's Barracks, Brickfields, in December 1835 [cover illustration], and their numbers were reduced when arrest on mesne process² was abolished in 1839. Carter's Barracks were located south of Campbell Street (roughly where the Capitol Theatre now stands) between the Cattle Market and the Burial Grounds and had earlier been a reformatory for convict boys; it cannot have been a pleasant place. The Rules of Court did not deal with Carter's Barracks or establish Rules around them. It seems that Prince Street was still available for debtors to live in.

There must have been some practice or procedure by which a judgment debtor satisfied the sheriff or the Court that he should be allowed to leave the prison walls and live in the Rules; but nothing in the Rules of Court established what he had to do and there is no practice book for that period. Surely the prisoner must have been required to give some security, or to give his parole in some way that he would not abscond; but what happened in detail is not known.

In 1834 Essex Street took a crooked course up-hill past Harrington Street and Gloucester Street. It intersected Cumberland Street, which has since been greatly



Contemporary plan showing location of Carter's Barracks [State Library of NSW]

altered, and its then southern end has become the northern end of York Street, which was extended northwards from Barrack Lane after 1834 by cutting through the site of the Wynyard Barracks. Essex Street then met Prince Street, which began at Charlotte Place a little to the south and ran northwards along the ridge towards Dawes Point [figure 1]. It was a beautiful place to live, with splendid outlooks west, north and east over the Harbour. By 1834 it was probably already a pleasant place to find lodgings, a great improvement on the pestilential gaol in George Street. Later in the 19th Century Prince Street became the relatively grand and salubrious part of The Rocks, surrounded by sordor: poverty-stricken and unwholesome streets sometimes infested with Bubonic Plague. It has now vanished completely, covered by the southern approaches to the Harbour Bridge.

A debtor who could take advantage of the Rules could leave the gaol, walk south along George Street for a few steps to Essex Street, walk up the hill to Prince Street, then turn north and find himself lodgings, but only in Prince Street, avoiding taverns, victualling houses and ale houses, and also avoiding places of public entertainment if there were any. He could divert himself by walking up and down these streets or strolling in the open space at Charlotte Place, and he could seek spiritual consolation at St Philip's Church Hill which then stood on land now part of Lang Park, or in the Scots Kirk accessible from Charlotte Place. St Patrick's Church further down Charlotte Place was not constructed until 1840.

Development of debt enforcement law

Arrest on mesne process had been part of the procedure of Common Law Courts for as long as the Common Law had existed, and reflected a perceived need to compel the defendant actually to appear before the court if the court were to determine the claim against him. If the defendant did not appear after being served with a writ the court did not proceed to hear the case in his absence, but required the plaintiff to go to great lengths, sometimes extraordinarily elaborate, to compel the defendant to come to court, arresting him if he could be found and following detailed process to outlaw him if he could not. Simple measures of hearing and determining the claim *ex parte*³ if the defendant had not entered an appearance, and of giving judgment by default in claims for money debts, were not adopted by legislation until the 19th Century, although they had been suggested hundreds of years earlier.

By the beginning of the 19th Century, and probably much earlier, it was widely recognised that arrest on mesne process was oppressive and open to abuses, in conflict with basic liberties and much more trouble than it was worth. After recurring attempts to get Parliament to reform or abolish it the Debt Imprisonment Act of 1839 (which followed an English reform of 1838) abolished arrest on mesne process except on a judge's order based on proved intention to leave New South Wales or abscond to remote parts. After this, arrests on mesne process were rare.

For centuries the usual and most effective method of enforcing judgment debts was to arrest the debtor and leave him in prison until he satisfied the debt. If he had resources he could arrange his affairs, sell assets and raise money to pay his debt and be released, but until he did or unless he could his creditor could keep him in prison for the rest of his days. He sat in prison until he remembered where he had left his money. If he had no resources he lived on charity or starved to death.

In late Stuart times legislation began to require the judgment creditor to pay maintenance at a very low rate for impecunious debtors whom they kept in prison for more than a few months. This was spoken of as the debtor's "groats." In 1729



"View from Sydney Hotel" by Augustus Earle, 1826, showing the Sydney Gaol in the middle background. (State Library of NSW.)

this was fixed at two shillings and three pence per week, a little less than four pence or one groat per day. There was room for conflicts of wills in which a debtor might sit for days, months or years in prison waiting for his creditor to tire of paying his groats, while the creditor was convinced that the debtor could organise his affairs and pay the debt if he wanted to.

A judgment creditor who had arrested his debtor had no other remedies, and if he relented and allowed the debtor to be released all means and all hopes of enforcement were gone. The Common Law had no remedies which gave the judgment creditor access to debts due to the debtor, bank notes or money in bank accounts, income from trusts, government bonds or interest on government bonds; a judgment debtor who had assets like these could stay in prison and support himself there, perhaps at a high standard, for as long as he cared. A prisoner who had means and an obstinate disposition could live with his family in lodgings outside the prison wall but within the Rules, attended by servants and with free access by his stewards and agents, and continue to do so indefinitely. It was a strange world where people chose to pay to live in lodgings in a confined area rather than pay their debts, but many did. On the other hand a debtor with no resources could be kept in prison for as long as his creditor chose to pay his groats; and this often happened, contributing some of the more maudlin passages in Charles Dickens' more maudlin novels. The process was, on the whole, futile in that it deprived most judgment debtors of the means of earning money, although not always, as portraitists and authors could sometimes pursue profitable activities while living within the Rules, and cobblers could make shoes.

Imprisonment for debt gave people countervailing compounding perverse motivations. The absence of any detailed recourse against assets impelled the judgment creditor towards holding the debtor to ransom, a harsh thing to do and not a path to popularity. A creditor who could not pay his own debts was at risk of finding himself in prison. Imprisonment deprived the debtor of employment and earnings, the primary means of raising money. If the debtor needed maintenance the creditor had to pay his groats. The debtor who lacked common honesty and really had resources could mitigate his loss of liberty by living largely in the Rules, which watered the force of the remedy and enhanced the creditor's rage. The debtor who really had no resources was left in vile imprisonment which he had no way of ending. Some creditors gave up in despair and some gave up through mere humanity, but many became more determined or vengeful as time passed. The

remedy created agony, bad feeling and hardship, and the countervailing advantages did not adequately correspond with these disadvantages.

A changing approach

In the first forty years of the 19th Century the UK Parliament approached reform with a new mentality and put justice and efficiency before custom and practice; the gale blew the old practices away and replaced them in ways which had long been obvious. In 1824 the new NSW Supreme Court inherited all this law when the reforms were beginning and Chief Justice Forbes made some enlightened simplifications. Under his Rules of Court all Common Law cases were commenced by a simple form of summons, served by the sheriff or his bailiff, and in claims for debts the plaintiff had a legal right to an order that the defendant be arrested. There were many such summonses; over a period of a few months (when someone took out the figures) they were issued at the rate of about one a day. What probably happened, in most cases, was that the sheriff's bailiff arrived to serve the summons and the defendant immediately paid the debt, so that he was not arrested and the litigation ended there. Commercial morality in Sydney was so low that some people just waited for the sheriff before paying debts.

Legislation precursory to modern Bankruptcy Acts began in Tudor times, but for the benefit only of creditors of traders. Under early bankruptcy laws bankrupts could be handled quite severely, could be stood in the pillory or have their ears sawn off if they were truly recalcitrant, and could be hanged for concealing assets. In the wars of the 18th Century temporary Acts enabled debtors to be discharged from prison if they enlisted in the Army. By the early 19th Century pressures for reform in the interests of creditors and debtors produced more readily available Bankruptcy and Insolvency and made it possible for co-operative debtors to be released from prison after a few months and to be discharged from their debts (with exceptions for debts which were discreditable to them). There were great improvements in the enforcement of judgment debts: a surprising early improvement came in 1812 when the British Parliament enacted a law reform for New South Wales so that land here could be sold in execution in the same way as movable property.

By the New South Wales Act 1823 the British Parliament authorised the creation of the Supreme Court and made some changes and reforms in the law for New South Wales. This Act widened the means available for enforcing debts, including

attachment of debts due to the debtor and a regime for administration of assets of insolvent persons which could lead to the insolvent being discharged from prison. The Insolvency Act of 1830 (which provided a regime for insolvency possibly ending in the release of the debtor) was replaced by the Debtors Relief Act of 1832 which allowed release of a debtor who had been imprisoned for three months or more. A larger reform was the Creditors Remedies Act of 1839, which enabled the sheriff to realize assets such as bank notes, cheques, promissory notes and negotiable instruments, and enabled court orders charging stocks and shares in companies. Imprisonment for debt was still an available remedy.

Provisions closer to modern Bankruptcy Acts began with the Insolvent Act 1841, which protected from arrest or continued detention debtors who were not guilty of fraud or dishonesty. The Insolvent Act of 1843, which abolished imprisonment for debt, was only given Royal Assent after considerable study by the Colonial Office and contained exceptions which were extremely wide, indeed so wide that the Act can have done little good. It was soon amended, and then repealed by the Imprisonment for Debt Abolition Act of 1846 which limited arrest to writs



Dormitory block, Carter's Barracks [State Library of NSW]

ordered by a judge on evidence of fraudulent concealment or intention to leave the Colony. Abolition of imprisonment did not extend to actions for breach of promise of marriage, libel, slander, seduction, criminal conversation with the plaintiff's wife or any malicious injury, and the Judgment Creditors Remedies Act of 1901 continued most of these exemptions, until finally repealed by the Supreme Court Act of 1970.

THE SYDNEY GAOL.

The once eminent and affluent merchant—the man, whose mind teemed with universal good will and benevolence,—whose heart overflowed with the milk of human kindness, perished in his old age on the bare floor of a noisome prison, a victim to its insalubrity, and to his own deeply-wounded feelings! Ejected, for reasons never to me satisfactorily explained, from his humble appointment of muster clerk, with it he was deprived of his sole dependence for the support of a sickly wife, and five young children, and consigned at the age of sixty-four to hopeless poverty! No sooner were the unfortunate gentleman's services dispensed with, than his creditors naturally became alarmed at his total privation of income; and the less capable they found him to satisfy their claims, the more urgent they became in demanding payment; and at length, for *non-performance of an impossibility*, he was cast into prison, and detained there—till death terminated his sufferings!

The prison itself, crowded to an excess, is a nuisance to the town, and a disgrace to the Colony! Repeated representations have been ineffectually made, the risk of human life appears to be little estimated; the reduced gentleman, who is guilty of the crime of poverty, is incarcerated among felons, lodged in a crowded room, and literally *under the gallows*!

Why not permit debtors, labouring under indisposition, to be released from the mephitic atmosphere of the present dungeons, and on giving satisfactory security to the Sheriff, to be indulged with partial, and limited liberty, as is the case within the Rules of the Fleet, and King's Bench?

The Australian,
17 March 1830

It seems that there were still some imprisoned debtors later in the 19th Century or even in the 20th, as prisons made provision for them, but there cannot have been more than a few. Damages for defamation could be enforced by imprisonment, at least in theory, until 1972, but there was little room for this to have practical effect after the Bankruptcy Act of 1924 (Cth) gave a Court in Bankruptcy power to discharge a debtor from imprisonment.

Dowling's Select Cases, drawn from the years 1828 to 1844, are scattered with reports of cases about writs enforcing judgment debts, insolvency and actions against the sheriff and some of these cases turn on very small points and fine details indeed. Debtors who complied with insolvency legislation seem to have been discharged from prison fairly readily. There is no reference in these Reports to the Rules or to judgment debtors living in the Rules, although in one case a debtor who was ill and dying was released to his own house, to return to prison when recovered.⁴ Perhaps there were no Rules for judgment debtors to live within before the Order of 1 March 1834; or perhaps there was a rule or order dealing only with each debtor who was able to leave the prison and specifying where he was to live.

As you drive over the Harbour Bridge or visit the Four Seasons Hotel or the Capitol Theatre, give a thought to the judgment debtors of the distant past. Your thought need not be sympathetic. Some were overtaken by misfortune, but some were rascals.

Endnotes

- 1 The Hon John P Bryson, KC, is a retired Judge of Appeal of the Supreme Court of NSW. A longer form of this article with citations was published in the Journal of the New South Wales Bar Association [2019] (Summer) Bar News 58.
- 2 A writ issued in the course of a lawsuit between the beginning and end of the process.
- 3 In the absence of.
- 4 *In re Wilson v Still (1830) NSW Sel. Cas. (Dowling) 463.*

ANZAC Day Luncheon

Remembering Australia's war in Vietnam, 1962–72

The joint commemorative ANZAC Lunch was held on Tuesday, 19th April 2022 with attendance from members of the APC, the Royal Automobile Club, the Woman's Pioneers Society and the Naval Officers Club. It was convened by Captain (rtd) James Dummett and addressed by Brad Manera, Senior Historian and Curator at the Anzac Memorial in Hyde Park, whose career began at the Western Australian Museum and in 1991 was among the first curators recruited to develop the National Museum of Australia. From there he moved to the Australian War Memorial to build the post-1945 conflicts gallery. The opportunity to add the Hyde Park Barracks Museum to the World Heritage List brought him to Sydney and, since 2011, he has provided historical content to the Anzac Memorial for the centenary of the Great War. This is a précis of his address.

The War in Vietnam

French colonial rule in Vietnam collapsed after defeat at the hands of the Viet Minh in 1954. The division of the country into a Communist north and an increasingly unstable south was a portend of future conflict.

In 1962 the first Australian Army advisers joined the US Military Assistance Command in providing instruction to the Army of the Republic of (South) Vietnam (ARVN). Australia's commitment increased over the next decade until all three Australian services were heavily involved. From 1966 the Army, with RAAF support, operated principally in Phuoc Tuy and surrounding provinces. The RAAF also deployed a bomber squadron that attacked targets for allied forces. RAN warships joined the US 7th Fleet in shelling coastal targets and the aircraft carrier HMAS Sydney was converted to a transport ship nicknamed the Vung Tau Ferry.

In the face of the deteriorating military and political situation, the last Australian combat forces were withdrawn in March 1972. The Australian Army Assistance Group left less than a year later and ultimate Communist victory came in April 1975.

A defining event for a generation

This prolonged conflict polarised the Australian population. Some saw the fighting as necessary to oppose the expansion of Communism in Asia. Others questioned the need for the war, the way it was fought and the reintroduction of conscription. Partisan media coverage fuelled the conflict, and protests often became violent.

Between 1962 and 1972, over 55,000 Australians served in Vietnam, either in the war or in direct support of warlike operations. Of these, 519 died on active service, and around 3,000 were wounded. Social divisions and animosities created by the Vietnam War lasted for decades, and its legacy continues to inspire controversy to this day.

The ANZAC Memorial Tribute

On 31 March fifty years ago Lieutenant-Colonel John Hutcheson MC (father of current APC member Colonel John Hutcheson) began the journey home from Nui Dat to Vung Tau to Tan Son Nhut. Three weeks earlier he had seen the last element of Australian Forces, Vietnam, dissolved and his role transferred to the Australian Army Assistance Group. It was the end of the combat capability in Australia's



Chu Hoi Leaflet c. 1970. The Chu Hoi ("Open Arms") program encouraged Vietnamese Communist troops to defect. The face of the leaflet features the flag of the Republic of Vietnam surrounded by those of the allied "Free World Forces", including the United States, Australia, Thailand, South Korea, New Zealand and the Philippines.

longest war of the 20th century. To mark that 50th anniversary, the Anzac Memorial is mounting an exhibition using the personal stories of John Hutcheson Snr, the last engineer officer to leave Vietnam; Ian Thompson, one of the first RAAF gunship pilots to deploy; Mary Peck, an Australian entertainer; and Mary Gillespie, a nurse working in a military hospital in Sydney to illustrate the lived experiences of veterans of Australia's war in Vietnam.

Major (rtd) Christopher Forde, (APC member and Platoon Commander, 1st Battalion, Royal Australian Regiment 1968-69), responded on behalf of members and visitors present.

On 5th August 1968, in the jungles of Vietnam, I had just given orders for what I considered to be a suicide mission. Although I hadn't said it, I believed that our survival that day would be tenuous at best. Shortly after orders one of my forward scouts, Grahame Moss, just 19 years of age, approached me saying that he didn't think it was his turn to be point man for my platoon that day. I asked him if he could sort the issue out and I would back the outcome.

Five minutes later "Mossy" returned and said that he was the best person to lead us into the impending battle. Essentially Mossy was telling me that he was willing to make the ultimate sacrifice if it meant that it gave his mates a better chance of staying alive. Later that day, along with over one-third of my platoon, Mossy was medevaced. He became only the second Australian soldier to make it alive to the Australian Field Hospital and then die on the operating table. Not surprising, as his body had suffered over fifty puncture wounds.

Stories like this rarely make history books. I only tell it to highlight the absolute necessity for having people like Brad Manera engaged in the development of our history. Brad has shown an extraordinary talent for being able to bring our history to life by injecting the human aspect into it. Without that we would be left with little more than a dissertation of facts: number of troops, tactics, casualties suffered and real estate gained or ceded.

Military history especially is so much more than that. Unless it contains the human element, including societal consequences, it is virtually worthless and apt to be repeated or soon forgotten. Take Gallipoli: ask any school child to describe what happened and there is a good chance that you will get the story of Simpson and his donkey ... to heck with tactics!

The human element is important because it long outlasts the physicality of war.

Brad, thank you for recounting such wonderful personal insights into the War in Vietnam. It was especially poignant for me as I was privileged to meet John Hutcheson on a number of occasions. As well as being a most capable officer, he was also one of the most dapper. Seeing him in his bush hat today brings back memories. On John the bush hat looked like a natural part of his uniform; on the rest of us, it looked more like a cowpat!

The Six Lost Islands of Sydney Harbour

By Charles Fairlie

Since 1788 there have been several changes to the foreshore of Sydney Harbour, including the shape and function of its many islands. Once numbering fourteen, today there are only eight harbour islands in all. The stories behind their transformations are worthy of interest. This article discusses all fourteen original islands, in particular the six islands that are no more.

Shark Island (“Boambilly”)

Working from East to West, Shark Island is the first island encountered when entering Sydney Harbour, ignoring the usually submerged “Sow and Pigs” reef off Nielsen Park, (also known as Shark Beach). The name “Shark Island” is said to be



Figure 1 Portion of John Septimus Roe’s 1822 survey of the harbour showing Garden, Glebe, Darling Islands, as well as Ball’s Head and Bennelong Pt, all previously separate land masses. Note Goat Island was named Cockatoo, while today’s Cockatoo was shown as Banks Island.

due to its shark-like shape. It's about 250 metres long and 100 metres wide, and its highest point is nearly 10 metres above sea level. It is an attractive and picturesque island of shady trees, sandstone grottoes, grassy slopes and small sandy beaches.

During the 1830s the island served as a cholera quarantine station following an outbreak in Europe. Between 1871 and 1900 imported cattle and dogs were quarantined there. Shark Island was the site of great public excitement on Boxing Day 1945 when the first Sydney to Hobart race was launched from its shore.

Clark Island ("Billong-olola")

Sailing West from Shark, the next island is Clark Island, named after First-Fleeter Lieutenant Ralph Clark who attempted to grow potatoes, onions and corn there, due to a shortage of food in the fledgling colony at the time. He soon gave up his enterprise when it became clear that poachers were helping themselves. Smaller than one hectare in area, in the second half of the 19th Century the island became a popular picnic spot.

Garden Island ("Meeandip" and "Ba-inghoe")

Until World War II, the next island heading west would have been Garden Island, however it was joined to the Potts Point mainland in 1942 as a clever means of creating the Captain Cook Graving Dock facilities now employed by the Australian Navy, and expanding the 4.6 hectare site to 27 hectares.

Today Garden Island forms a major part of the RAN's Fleet Base East. It includes active dockyards, naval wharves and a naval heritage and museum precinct. Approximately half of the major fleet units of the RAN use the wharves as their home port.

The northern tip of Garden Island is often open to the public and contains the Royal Australian Navy Heritage Centre museum and an outdoor heritage precinct, only accessible by public ferry.

Garden Island was first called "Meeandip" by the Aborigines, and "Ile de Buache" by the French following the visit of Nicholas Baudin in 1801. It was renamed Garden Island in 1829.

Pinchgut or Fort Denison ("Mat-te-wan-ye")

The next island heading west is possibly the smallest but most infamous, being

“Pinchgut” known more latterly as “Fort Denison” after NSW Governor Sir William Denison (1855-1861).

Fort Denison is home to the last Martello tower built in the British Empire, and the largest in the Southern Hemisphere, constructed in response to the threat of invasion by Russia in the 1840-50s. While the site currently is closed to the public, it still contains a time gun, navigational aids and tide gauge facilities.

Once 15 metres (49 feet) high, the rock was levelled by convicts under the command of Captain George Barney, the civil engineer for the colony, who quarried it for sandstone to construct nearby Circular Quay.

In 1793, the British transported convicted murderer Francis Morgan to New South Wales for life. The authorities in NSW executed Morgan for bashing Simon Raven to death in Sydney on 18 October 1796. On 30 November 1796, Morgan was hanged and his body was hung in chains (gibbeting) on Pinchgut, with his skeleton remaining there for four years. He said to the hangman that the only thing worth mentioning was the superb view of the harbour from his high elevation, and that he was sure there were no waters the world over to compare with it for beauty.¹

Bennelong Point

Nearby is the Sydney Opera House sitting atop another of Sydney Harbour’s six “lost” islands. A small tidal outcrop once existed at Bennelong Point, prior to it being joined onto the mainland. Subsequently the platform for Fort Macquarie and later a tram depot, right up to the 1950s when plans for the Opera House were proposed.

Goat Island (“Me-mel”)

Travelling further west and under the Harbour Bridge, immediately in front of us is Goat Island or “Me-Mel”, meaning “eye”, perhaps because of its exquisite, far-reaching views and its commanding position in the centre of the harbour, at the entrance to Darling Harbour. Goat Island is a sandstone outcrop some 40 metres in height, covering an area of 5.4 hectares. I visited Me-Mel in May 2022, by kayak, as part of a guided group tour, the only way the public is allowed access at present. The many buildings are run-down, and clearly in need of maintenance. The highlight was stepping inside the 1836 gunpowder magazine, with its six-foot thick sandstone walls.

Now part of Sydney Harbour National Park and once the setting for the Nine Network TV series “Water Rats”, the island is about to be gifted back to the

original owners, or at least the Metropolitan Local Land Council, (after extensive remediation) who have plans to open it to the public as a commercially operated cultural and heritage centre. The State Heritage-listed site includes more than 30 buildings, some dating back to the 1830s. It was once used as a home for convict work gangs and still has a working slipway for boat repairs.

Berry Island

Connected to the mainland but once cut off by a tidal isthmus, Berry Island is now a well-hidden jewel in the harbour crown. Known to be a fishing, hunting and camping site for Aboriginal communities, evidence of their way of life including shell middens and axe grindings are still visible today.

In the early 19th century, Edward Wollstonecraft constructed a stone causeway over the mud-flats, joining the island to the mainland. The area later passed onto his sister and her husband Alexander Berry. The island was dedicated as a nature reserve for public recreation in 1926, along with Balls Head. In the 1960s the mudflats were filled in to create the attractive grassed area that exists today. There are now public toilets, picnic areas, a playground, and the award-winning Gadyan Track, a 20-minute walk around the island, with signage detailing its Aboriginal and European history.

Glebe and Darling Islands

Directly south of Goat Island, as we know, is the once-industrial Darling Harbour. Adjacent is Johnston's Bay, within which we would have previously found two now reclaimed islands, being Glebe Island and the lesser known Darling Island.

The rocky outcrop known as Glebe Island was originally accessible from the Balmain shoreline only at low tide, until a causeway was laid in the 1840s. In 1841, surveyor William Wells proposed a subdivision for the Balmain end of the island with four intended streets and six sections containing a total of 86 lots. (See Figure 2)² The subdivision did not eventuate.

Darling Island has been long subsumed into the wharf developments on the Pyrmont foreshore, once home to mercantile shipping wharves, and currently the head office of Google and previously Fairfax media.

In 1850–54 Colonial Architect Edmund Blacket designed stone buildings for a public abattoir on Glebe Island.

The abattoirs featured prominently in the 1882 Royal Commission into noxious and offensive trades, instigated by complaints from Balmain and Glebe Point residents. The commission found that in 1882, over 524,000 sheep, 70,000 cattle, 31,000 pigs and 8,000 calves were slaughtered there.

In 1903 the new bridge to Pyrmont, was opened. Designed by Percy Allan, Assistant Engineer for Bridges in the NSW Department of Public Works, and like the ground-breaking Pyrmont Bridge being built at the same time, the second Glebe Island Bridge was a swing bridge swivelling on a massive central stone pivot-pier with timber-trussed side spans. The two bridges are still standing as monuments to Percy Allan's skills. Under the Local Government Act of 1906, the 34-acre (13.7-hectare) Glebe Island was added to the municipality of Balmain.³

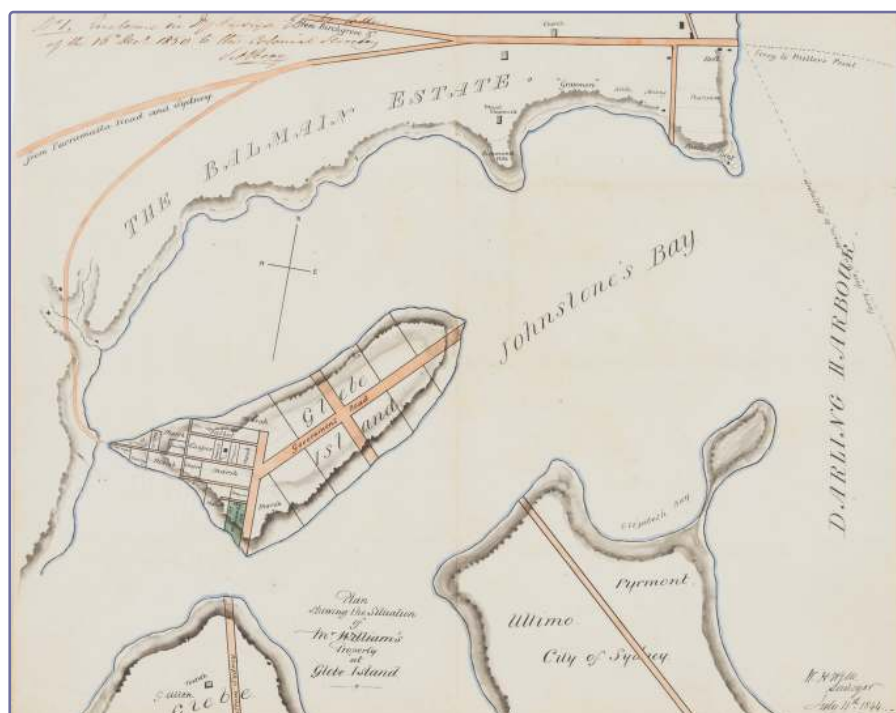


Figure 2 William Wells' proposed subdivision of Glebe Island in 1844, showing Darling Island on the far right attached to Pyrmont.

Cockatoo Island ("Wareambah")

Further west is the harbour's largest and well-known island, Cockatoo. Few locations in Sydney Harbour have changed as dramatically.

As Sydney grew from a colonial settlement into a city, Cockatoo Island also changed inexorably. Its wooded slopes were cleared, its upper parts were levelled for the construction of prison barracks, and its sandstone foreshores were blasted with gunpowder to construct a dry dock.

The island's size increased when cutting and filling formed extensive aprons to accommodate shipbuilding. Once almost 13 hectares, and the largest island in Sydney Harbour, today Cockatoo Island is 17.9 hectares, a treasured relic of nineteenth-and twentieth-century penal and industrial development.

In 1839, Governor Gipps chose Cockatoo Island to build a new prison for secondary offenders, transported convicts who had re-offended in the colony.

Gipps considered it less expensive to build a new prison close to home than to expand the overcrowded penal settlement on faraway Norfolk Island where secondary offenders had been customarily sent. Cockatoo Island appealed to him, 'surrounded as it is by deep water, and yet under the very eye of Authority'.⁴ The island had other advantages. Gipps soon put the convicts to work quarrying the island's high quality sandstone for the construction of the circular wharf at Sydney Cove.

Only one prisoner is recorded as having escaped from the island. During his second stint on the island for horse stealing, Frederick Ward swam to Balmain one night in 1863 and, aided by his Aboriginal common law wife Mary Ann Bugg, absconded to the bush.

Later known as the bushranger Thunderbolt, Ward menaced northern New South Wales until he was shot by police at Uralla in 1870. Ward probably knew Frank Gardiner, another convicted horse stealer imprisoned on Cockatoo Island.

Finally, in 1869, after thirty years, Cockatoo Island was closed as a penal establishment.

In the early 1870s, shipbuilding began on Cockatoo Island, and many dredges, barges and tugs were built there. The Fitzroy Dock was busy servicing Royal Navy and colonial vessels, and in 1882 work began on the construction of a second dock. Sutherland Dock was completed in 1890 to accommodate the increasing size of ships visiting Sydney Harbour.

After the closure of the penal establishment, the island underwent a name change to Biloele, to soften its reputation as a hell-hole for recalcitrant men and to signal a new start.

In 1871, an Industrial School for Girls and a separate Reformatory took up residence. The Industrial School housed orphans and neglected girls while the Reformatory incarcerated girls convicted of crimes.

Spectacle ("Gong-ul") and Snapper ("Ar-ra-re-agon") Islands

Directly between Cockatoo Island and Drummoyne on the mainland is Spectacle Island and its smaller neighbour Snapper Island, the trio once being known as "Hen and Chickens". In 1788, a survey by Captain Hunter named the small island south of Cockatoo Island as Dawes Island, and the first reference to spectacles occurred in 1843 when it was reported that "two small scrubby Islands joined by a sand spit", resembled a pair of spectacles.

Snapper Island (also Schnapper Island) was originally a rocky outcrop, but in 1931-32 it was increased in size over seven times by land reclamation, and reshaped into the general plan form of a ship. Since then it has been used as a training depot by the Sea Cadets, and as a museum. It is the smallest island in the harbour and more than the other islands has been reshaped significantly by human intervention.

Rodd Island

From Snapper Island, head south west, under Iron Cove Bridge, where Rodd Island sits peacefully in the middle of Iron Cove, west of Rozelle Hospital. It is two-thirds of a hectare, and is the farthest west of the islands within Sydney Harbour. Over time it has been known as Rabbit, Snake, Jack and Rhode Island. The Wangal clan of the Eora people had long used the island as a food-gathering area. In 1842 Brent Clement Rodd, a solicitor and merchant who owned a great deal of land in the Five Dock–Drummoyne area tried to buy the island, but despite his incessant attempts, he never managed to convince the government to sell it. He lost a substantial deposit, and its ownership remained public. In 1879, Rodd Island became a public reserve, until 1888 when it became the centre of a number of remarkable scientific experiments. During the 1880s, rabbits were breeding rapidly and destroying crops. In 1887, NSW Premier Henry Parkes offered the generous sum of £25,000 for a solution to this plague 'and the disastrous depredations of the rabbits'.⁵

In the following year a Royal Intercolonial Rabbit Commission was set up to organise experiments designed to exterminate rabbits and Rodd Island was chosen to be the site for these experiments. Dr Adrien Loir, nephew and colleague of the famous French microbiologist, Louis Pasteur, came from France with a team to perform experiments on Rodd Island. They found chicken cholera did indeed kill rabbits; however it had a detrimental effect on other wildlife and in particular, native birds, which perished after feeding on infected rabbits. Chicken cholera was not to be the solution to the rabbit plague.⁶

So from fourteen islands in 1788, to now only eight, for as long as humans have any impact, the boundaries of the beautiful Sydney Harbour will be forever changing.

(Multiple credits: Dictionary of Sydney)

Endnotes:

- 1 Wikipedia Australia Today—Fort Denison (Pinchgut): A Relic of Early Sydney at (Education Notes) Australian Screen website. Accessed 27 March 2013.
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