CHAPTER IV

THE ENEMY WITHIN THE GATES

At the census taken in 1911, the last before the outbreak of the war, there were within the Commonwealth 32,990 persons who were born in Germany, and 2,774 born in Austria-Hungary. These figures do not afford a clue to the total number of inhabitants of German origin, or who had ties of affinity connecting them with enemy countries, nor do the census statistics afford a dependable means of estimating the probable number of such persons. As will be explained in a later section of this chapter, there were in South Australia and Queensland, and to a lesser extent in Victoria and Tasmania, towns whose population consisted mainly of people of Australian birth, and whose forbears had for several generations been Australian, but who nevertheless were sentimentally attached to Germany as the land of their family origin. Very many of these habitually spoke German, were Lutheran in religion, and probably had never seriously thought of being placed in the predicament of having to discriminate between the allegiance which they owed to the British Crown and nation by virtue of citizenship, and the feeling—which there had never been any need for them to suppress—of affection for the *Vaterland* of their ancestors, whence came to them their literature, language and religion. It was not unnatural that some of the many thousands of German descent were prepared, from recklessness, or bravado, or quite honest patriotic motives, to help the German cause if they could, and their intimate knowledge of Australia and of Australian industry increased their power of injuring her cause.

The trade of Australia with Germany was also very large. In the list of foreign countries with which the Commonwealth had commercial relations, Germany stood second—the United States being first—in respect to the value of imports; and second also—France occupying first place—in respect to exports. Germany, next to Great Britain and France, was the largest purchaser of Australian wool.

It was the business of the Intelligence Section of the General Staff—the head of which in Australia throughout the war was Major Piesse[1]—to prevent them from giving direct assistance to the enemy, and also to circumvent attempts to trade with the enemy through neutral countries. The passion evoked by the outbreak of the war was intensified when the news came over the cables of the German invasion of Belgium. All Germans and persons of German origin were looked upon with suspicion. Often there was a touch of hysteria, more often of malice, in the reports sent to military headquarters in the various states. Anonymous letters signed "Britisher" and "Loyal Australian" became as numerous in the files of the intelligence office as the epistles of "Constant Reader" or "Pro Bono Publico" were in the waste-paper baskets of busy editors. Every case reported was investigated, and it was frequently proved that what was vouched for as an unequivocal fact was no better than an unsubstantial or even absurd surmise. A few cases may be cited.

There were rumours in Melbourne in 1915 that mysterious flashlights had been seen on the Dandenong Ranges blinking across the plains to Western Port. It was positively asserted that people with a knowledge of the Morse code had read the signals, and that they were undoubtedly communications with a German raider lurking somewhere in Bass Strait. A weekly journal even charged the military authorities with unpardonable negligence for not tracking down the traitors, and it was suggested that a special battalion should be mobilised to scour the Ranges from end to end. An intelligence officer was sent to investigate. He found that "the lights referred to were due to a picture showman flashing his 30,000 candle-power electric lamp at intervals along the roads, over the hills and on to the clouds, with a view of attracting the attention of the local inhabitants to his entertainment." The showman was advised not to use this form of advertising in the future. Another case reported was similar, though the lights were not so powerful. Various persons saw flashes among the trees of the Ranges and one was positive that he read in Morse

[1] Major E L. Piesse. Director of Pacific Branch, Prime Minister's Dept, 1919/23 Solicitor; of Hobart, Tas., and Kew, Vic.; b. New Town, Tas., 26 July, 1880 (In March, 1916, his office was made a directorate The Investigation Branch of the Commonwealth Attorney-General's Department, which co-operated closely with the military intelligence, was under Major H E Jones, of Hawthorn, Vic.)

code the words "Send me . . . ," the remainder being unreadable from his position. Again an alert officer with a staff tab on his uniform went up to investigate. The flashes were traced to "a rabbit trapper doing his nightly visits to his traps with a hurricane lamp; the motion of his lamp as he moved over the rough ground being responsible for the unconscious representation of dots and dashes." A third case of suspected signalling affected a house in a rough and mountainous district. It was reported that for two or three hours every night a light was to be seen through a window—sometimes stationary, but at other times flashing at intervals, in such a way as to suggest that the Morse alphabet was being used. The officer who investigated found that "a kerosene lamp stood in the room of the settler's house, the window of which had no blind; immediately in front of the window was a small bushy tree, and on a windy night the movements of the tree to and fro in front of the window caused the effect of signalling." In another place, a supposed wireless mast for signalling proved to be a pole fitted up by a lad, with a cage and a decoy for snaring birds.

The flight of flocks of migratory birds at night induced reports to be made that aeroplanes had been seen overhead. The transit of a brilliant meteorite over part of New South Wales was certified by a chain of residents as that of an airship. Whales disporting themselves in the quiet waters of a seaside resort were supposed to be German submarines. Such reports as these were most frequent at times when the newspapers contained cablegrams about German aeroplane, airship, and submarine activity in Europe. Anonymous letters were numerous and not always valueless. Sometimes they contained genuine information about the doings of persons who were found to be dangerous; even scraps of conversation overheard in trains and trams, when communicated to the military authorities, in more than one instance revealed cases of trading with the enemy or the concealment of arms and ammunition. But more often the anonymous letter-writer was an unneighbourly mischief maker, after the fashion of the person who wrote, over the signature "All for Empire," the following:—"Mr. A—— of B—— Street does not work, but is plentifully supplied with money, which he spends freely.

His wife pretends to go out washing, but she has not been out for four weeks; this does not keep him!"

In the investigation of individual cases, the intelligence section made use of the services of the local police, which were willingly given. The cool, good sense of an experienced police sergeant with a knowledge of the people living in his district, saved many a person of German origin from interference, or even from removal to a concentration camp, when reports tinged with hysteria or malice might otherwise have brought discomfort upon him.

By far the larger number of persons of German descent living in Australia were loyal to the flag under which they lived, and where this was clearly the case, the disposition of the military authorities and their useful police allies was not to molest them. Immediately after the outbreak of war there was a rush of applications for naturalisation, which was granted generally without any searching inquiry into the bona fides and loyalty of the applicant and without the military authorities being consulted. Later in the war careful enquiries were made as to all persons likely to be disaffected, and all persons born in enemy countries were required to report themselves and be registered. It may confidently be said that no persons of this class who acted and spoke with discretion suffered annoyance by official direction, however much they may have been vexed by their neighbours or eyed askance by former friends. But some Germans were boastful and aggressive. They loudly proclaimed that victory for the Central Powers was inevitable, and made no secret of their disposition. In Sydney, for instance, it was reported that many members of German firms, wool-buyers, island traders, and shippers. showed that they could not be trusted. The military authorities were not inclined to take any risks with such persons. Again, in Melbourne, after the German Club in Alfred Place, Collins-street, was closed, some of its former members who had been in the habit of meeting there nightly to gossip over beer and tobacco, continued their convivial fraternising at a café kept by one of their compatriots. They were to be seen emerging therefrom in the early hours of the morning. Perhaps they had not been plotting treason, or even discussing politics; they were capable

of wrangling about the categorical imperative of Kant, or the construction of a Beethoven symphony. Some of them were well known to the Melbourne public; one was a musician of some distinction, whose friends warned him that he was running grave risks. But the advice was unheeded. The police became suspicious about this knot of enemy subjects who were to be seen emerging by a side door on dark nights. The result was that the entire group was suddenly consigned to a concentration camp to meditate upon its folly.

On the 10th of August, 1914, a proclamation was issued calling upon German subjects to report themselves to police stations nearest to their residences, and to notify immediately any change of address.[2] As will be described in the next section of this chapter, from the early days of the war it had been necessary to intern many enemy alien reservists, and in February, 1915, all were collected for internment. The Aliens Restriction order, promulgated on 27th May, 1915, made it an offence for an uninterned enemy alien or for a naturalised subject of enemy origin to leave the Commonwealth without a permit. Action was taken to prevent their presence on ships, or wharves, or in the vicinity of military or naval buildings. Not until October, 1916, did the Government enforce Alien Restriction regulations, which provided for the registration of all aliens, whether enemy or otherwise. In addition, with a view of keeping a record of their movements, it was made compulsory for every hotel and boarding house to keep a register showing when an alien first stayed there and the date of his leaving. At various times new passport regulations enabled more adequate control to be exercised over aliens. Strong powers were taken enabling the authorities to deal, if necessary, with sailors of any nationality, desertion from steamers being frequent. Those enemy aliens within the Commonwealth whom it was not considered necessary to intern were required to report themselves weekly, and they were not permitted to move from one district to another without notifying their movements.

[2] On Aug. 13 the measure was extended to Austrian subjects, war against Austria having been declared on Aug. 12. Having once reported his address, an enemy alien was not required to report again unless he changed it. The intention was merely to ascertain where he was.

A War Precautions regulation (No. 55) gave authority to intern any naturalised subject who was disaffected or disloyal; and this power was extended by a regulation (No. 56) permitting the internment of natural-born British subjects of enemy descent who showed themselves disloyal, and of persons of hostile origin or association.

Under *The War Precautions (Enemy Shareholders) Regulations 1916,* enemy shareholders were required to transfer their shares to the public trustee, with full authority to hold them till twelve months after the war or sell them in accordance with the regulations. Naturalised persons of enemy origin were required either to transfer their shares as above, or to apply to the Attorney-General for exemption. The enemy shareholders' shares, or their proceeds, were afterwards dealt with according to the Peace Treaty, that is, credited to the reparations account. To naturalised persons, many exemptions were granted. Where exemptions were not granted, their shares, or the proceeds, were eventually returned to them. By *The War Precautions (Land Transfer) Regulations 1916,* contracts for sale of freehold or perpetual leasehold to enemy subjects were forbidden, and also leaseholds or other tenures for more than five years. In the case of naturalised subjects of enemy origin, such dealings were forbidden except with the consent of the Attorney-General, and this provision was afterwards extended to cover mortgage to such persons. Under these two sets of regulations, a vast number of applications for exemption or consent were made by naturalised persons to the Attorney-General. They were dealt with, under delegation, by the Solicitor-General (Sir Robert Garran) according to their merits. When there was no good ground for refusal, exemption or consent was usually granted.

Under *The War Precautions (Mining) Regulations 1916,* no interest in a mining or metallurgical company or business (or of any security issued by such company or business) was allowed to be acquired by any person, other than a natural-born British subject, without consent of the Attorney-General; nor could any application for grant of a mining lease for more than five years be granted, except to a British subject

Many Germans in Australia were dismissed from their employment when the bitterness of feeling against people of

their nationality increased. At Broken Hill—the large silver-lead and zinc mining town, lying by itself far out in the semi-arid west of New South Wales—the universally growing antipathy was early precipitated by one of the strangest incidents that happened in Australia during the war. On New Year's Day, 1915, the local branch of the Manchester Unity Order of Oddfellows was to celebrate its annual picnic. At 10 o'clock the picnickers set out, packed in a train of ore-trucks, on the Silverton "Tramway." The train had gone only two miles when an ice-cream cart flying the Turkish flag was noticed on the road beside the line, and near by, on the bank of the long pipe-line from Umberumberka dam, two Asiatics with rifles. Some of the picnickers thought these men were shooting rabbits until, as the train passed close to them, it was realised that they were pouring their fire into its crowded trucks. A young woman and man in the train, and a horseman riding beside it, were killed, and a boy and girl, three women, and an old man wounded, some of them very badly. As soon as the train was beyond danger, a telephone message was sent to the police, and a number of these, together with such soldiers as could be collected and some rifle-club members, hurried out to the scene.

Meanwhile the two riflemen, after calling at a cottage and shooting its occupant, had retired to a rocky hill where one of the police, who came upon them unexpectedly, was wounded. After a fight lasting till past noon, in which some of the local Indians among others helped the police, one of the murderers was killed and the other seriously wounded. It was then discovered that they were Turks,[3] who had lately been brooding over certain grievances, and had decided to die fighting for their country. There were afterwards found beside their bodies papers in which they wrote that the project was entirely their own, but many of the infuriated citizens of Broken Hill attributed it to German agitation. The German club was burned that night by a crowd, and the police and soldiers had difficulty in preventing an attack on the camp of "Afghan" camel-drivers outside the town. One of the mines next day took steps to rid itself of employees of enemy

[3] The elder was the Mullah Abdullah, who had long been a butcher at Broken Hill; the younger Gool Mohammed, an ice-cream vendor.

nationality. Mr. Hughes, Attorney-General of the Commonwealth, remarked that the incident pointed to the danger of leaving enemy subjects at large.

Later in 1915, especially when the first long casualty lists from Gallipoli began to arrive, the feeling against local Germans became intense. The dismissals of them from employment were more often due to the unwillingness of their fellow employees to continue working with them, than to the indisposition of employers to retain their services. There were protests from workmen in nearly all avocations—miners, artisans, sailors, labourers, foundrymen, clerks, shop assistants, postal electricians, coal lumpers, all joined in the outcry against "the German menace," and refused to work with men of German nationality. The coal miners at Wonthaggi, Victoria, threatened to strike because an enemy alien continued to work in a mine. The employees of the Cockatoo Island dockyard, New South Wales, objected to a man of German parentage being retained, although he had come to Australia at the age of fourteen. The men at the Newport railway workshops, Victoria (17th May, 1915) passed a resolution requesting the Railways Commissioners to dismiss immediately all men of German or Austrian parentage. The consequence of this wave of anti-German rage which romped through the country was that many Germans were thrown out of employment, and, being without a means of livelihood, offered themselves for voluntary internment; and the Government was compelled to take charge of them, since it was clearly impossible to leave them to starve.

Liverpool concentration camp contained a number of prisoners who thus threw themselves upon the consideration of the Commonwealth, and were given quarters and sustenance; and their wives and families, when they had such dependants, were accommodated at Bourke. In all cases where Germans were interned after arrest, warrants were signed by the Minister for Defence, and instructions were given to the officers charged with the execution of the warrants that the original should be shown to the person to be interned, and a copy handed to him.

The movement for the dismissal of German employees was by no means confined to those employed in industry. In the

same spirit demands were made that all Germans in Government employment, or engaged in the service of Universities, or other public institutions, should be dismissed, and the storm was too strong to be resisted even in cases where those responsible had no doubt about the loyalty of the individuals affected. Public men of German extraction were subjected to virulent attack. The Attorney-General of South Australia, Mr. Homburg,[4] resigned office. In Victoria a member of the Legislative Council, Mr. Sachse,[5] who was born in Queensland, but whose father was born in Halle, was attacked by a fellow member, whom he had defeated in the election of a Chairman of Committees. His accuser described him as a man "of alien origin," and the Council appointed a Select Committee to enquire into the truth of the accusation and Mr. Sachse's denials. The report of the Committee left no doubt as to Mr. Sachse's being a British subject and he continued as the Council's Chairman of Committees throughout the period of the war.[6] There was clearly more of personal bitterness and disappointed ambition than of desire for the public welfare in this case, and the Council had no difficulty in discerning the motives. One of the Labour members in the Commonwealth Parliament, Mr. Dankel,[7] who was of German birth, refrained from offering himself for re-election when the 1914-17 Parliament was dissolved.

In Australia—as in Canada—the position of naturalised Germans in war-time was rendered much more difficult by the efforts of the German Government during the preceding generation to retain the loyalty of Germans who had become subjects of other sovereigns, not merely fostering their affection and encouraging their retention of the German tongue, but rendering them subject in certain cases to the laws of military service which some attempted to evade. When feeling became bitter, the question naturally arose whether these people could safely be allowed to exercise their voting

[4] Hon H Homburg M H A, S. Aust., 1906/15, 1927/30, M.L.C. since 1933. Attorney-General, S Aust, 1909/10, 1912/15, 1927/30. Barrister and solicitor; of Dulwich, S Aust, b Norwood, S. Aust, 17 March 1874

[5] Hon. A. O. Sachse, M L C, Vic, 1892/1920 Civil and mechanical engineer, of South Yarra, Vic, b. Toowoomba Q'land, 22 May, 1860 Died 25 July, 1920

[6] See *Victorian Parliamentary Debates, 1917-18, Vol 148, pp 12 et. seq, 330 et seq, and 464 et seq.* The Select Committee's report is printed on *p. 458* of the *Debates*

[7] G Dankel, Esq. M.H A, S Aust, 1905/12; member of C'wealth House of Reps, 1913/17. Butcher, of Kensington, S. Aust, b. Brunswick, Germany, 6 March, 1864. Died 31 May, 1926

power. In 1915 Mr. W. A. Holman, then Premier of New South Wales, and in 1916 Mr. W. M. Hughes, indicated that steps would be taken to disfranchise them. Eventually, in April, 1917, by the Commonwealth Electoral (War Time) Act brought in by Mr. Hughes, naturalised aliens born in enemy countries were, with few exceptions, deprived of the right to vote at Federal elections during the war and for six months thereafter.

II

On 7th August, 1914, the notification came from London that enemy reservists in Australia should be detained, and steps were immediately taken to "round up" men of that class. It was not at first considered necessary to keep them all in detention. Many were liberated on parole. But in September additional instructions were received to the effect that all enemy reservists and enemy subjects of military age found on ships, should be placed under arrest. In October came the further instruction to intern all enemy subjects whose conduct was considered suspicious or unsatisfactory, whether they were reservists or otherwise, and notwithstanding that they might have given parole.

It therefore became necessary to establish internment camps, and these were formed at the following places:

1st Military District (Queensland)—Enoggera.

2nd Military District (New South Wales)—Holdsworthy and Liverpool.

3rd Military District (Victoria)—Police Dépôt, St. Kilda Road, Melbourne; afterwards at Langwarrin and Point Cook.

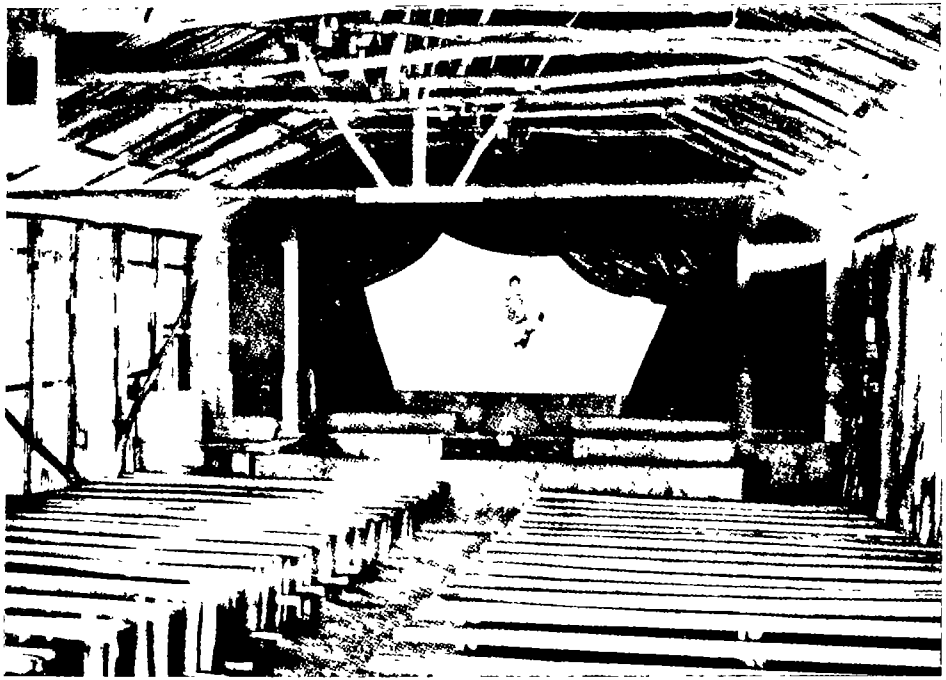
4th Military District (South Australia)—Torrens Island.

5th Military District (Western Australia)—Rottnest Island.

6th Military District (Tasmania)—Claremont; afterwards at Bruny Island.

Some prisoners-of-war were also detained at Trial Bay, Berrima,[8] and Bourke, New South Wales. Bourke, which

[8] The Berrima and Trial Bay camps were in old gaol enclosures, but with excellent recreation areas for boating and other sports available. The camp at Point Cook in Victoria was for a few destitute Germans interned at their own request.



9 THE THEATRE AT THE LIVERPOOL INTERNMENT CAMP

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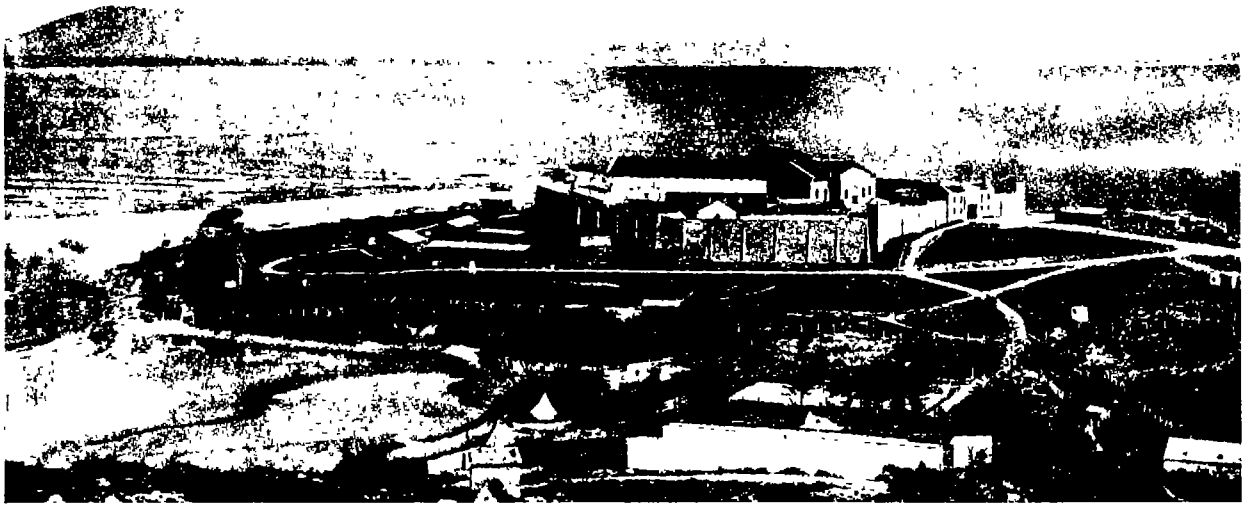

10 THE INTERNMENT CAMP AT TRIAL BAY, NEW SOUTH WALES

Lent by Sir John Harvey.
Aust War Memorial Collection No H12132/1.

To face p 115

lies far in the interior, on the Darling River, was chosen because there happened to be a number of vacant houses there It was used chiefly for women and children. These included the families of internees, for whom it was necessary to find accommodation when the breadwinners were deprived of their occupation. To Bourke also were brought the dependants of those prisoners-of-war who were sent to Australia from Singapore and Ceylon. But in May, 1918, this town was abandoned as a place of internment. Early that year the Australian Government had been asked to receive 3,300 internees from China, which had declared war on Germany in the previous August. Another 1,700 appeared likely to come from German East Africa. Accordingly, a large new camp to receive the married people and families was built near the Molonglo River in the Federal Capital Territory, it being hoped that the huts would afterwards furnish accommodation useful for the workmen building the projected capital at Canberra. In the end the Germans from China and East Africa did not come to Australia, and the Molonglo camp was used for the families previously interned at Bourke, and proved more agreeable to the women and children.

The Berrima camp was used mainly for ships' officers, who included some of those of the German cruiser *Emden*; and the Trial Bay camp was used for single men—chiefly those of some education—who were themselves able to pay for their accommodation, and whom the manual work and the rougher companionship of their countrymen at Liverpool, where they were first confined, had rendered discontented and dangerous.

In 1915 it was determined to break up the State camps and remove the greater part of the prisoners to a great concentration camp at Liverpool. This became therefore the temporary and unappreciated home of a very large number of persons of enemy nationality or sympathies, about three-quarters of whom were Germans, one-fifth Austrians, with a small sprinkling of Bulgarians and a dozen Turks. Of the Germans some 1,100 were sailors, and about 850 came from Singapore, Hong Kong, and Ceylon, and 130 from the British and German islands in the Pacific. But 3,272 were German subjects previously resident in Australia, and 393 were naturalised Germans. The total number of all nationalities

interned in Australia, including 84 women and 67 children, was 6,890. In view of the large number of people of German descent who were living in Australia when war was declared, the fact that so few were held in internment was very satisfactory. But about 4,260 enemy subjects or suspected persons were on parole under police supervision. The largest number of these (1,466) resided in Queensland, the next largest number (889) in Victoria. In South Australia, where the element of German descent was proportionately high, it might have been expected that the number on parole would be large; but in fact there were only 415 Germans or Austrians; in Western Australia 552, and in Tasmania 35.

The Liverpool Concentration Camp was under the command of Major Sands[9] from October, 1914, to September, 1916, when he was succeeded by Lieutenant-Colonel Holman.[10]

Nearly a thousand of the inhabitants of the camp came to it from abroad. In February, 1915, the Governor of Hong Kong cabled to the Governor-General asking whether the Commonwealth would consent to take charge of 38 German prisoners-of-war of military age who had been captured at sea by a British cruiser, and brought to that settlement. The Commonwealth Government (February 26th) agreed to do so.[11] Within a few months there were 280 prisoners-of-war from Hong Kong at Liverpool camp. From Singapore also came an appeal signifying that, owing to serious disturbances there, the Governor of the Straits Settlements would be much relieved if the Commonwealth Government would permit all German or Austrian civil prisoners who had been interned to be removed to Australia, as it was felt that their continued presence would considerably hamper the colonial government "in dealing with possible emergencies." Again the Commonwealth Government gave willing assent. From Singapore, therefore, came about 270 fresh additions to the Liverpool aggregate. Again, Ceylon was troubled with disorders. The Governor of that island

[9] Col. R. S. Sands, M.B.E., V.D. Commandant, Concentration Camps, Australia, 1914/16. Company director; of Mosman, N.S.W.; b. Waverley, N.S.W., 13 March, 1881

[10] Col. R. C. Holman, D S.O., D.C.M. Commandant, Concentration Camps, Australia, 1916/20. Officer of Aust. Permanent Forces; of Sydney; b. Upwey, Dorset, Eng., 26 Sept., 1861. Died 13 Dec., 1933.

[11] Governor-General's Official Papers, Canberra.

bethought him of the vast spaces of Australia, and considered that his German prisoners would be safer there. "Very well," said the Commonwealth Government, "send them along;" and hither they came, more than 300 of them, full of grievances, adept grumblers, sullen and unhappy beings caught in the whirl of war and wafted to a dusty and desolate cantonment surrounded by barbed wire, where there was little else to do than brood upon their misfortunes. To these prisoners from oversea were added others from Borneo, New Caledonia, Fiji, New Guinea, and the Solomon Islands. All were Germans or Austrians who had been living in the tropics. In the winter months they felt severely the bleakness of Liverpool, and in the summer they found its dust even more irritating. The cost of their transference from oversea and of their maintenance was born by the governments which sent them, the expense working out at about 3s. per man per day.

The arrival of these prisoners from Asia and the Pacific was always an event evoking the curiosity of the inhabitants of the camp, and the contingent from Ceylon was especially interesting. They included a number of Roman Catholic priests and Lutheran pastors of German nationality, and also, strange to say, some Buddhist priests likewise of German origin. Their coming was described by an observer in this picturesque passage:

> The Buddhist priests being dressed in yellow and brown robes, were the subjects of considerable curiosity and hilarity, and immediately they arrived they were christened by the internees as canaries, and for days afterwards, whenever one of these priests appeared, whistling in imitation of canaries was the order of the day. These people took their internment in a most philosophical manner, and it was extremely interesting to watch them at their devotions, when they went out of their way to cause themselves physical pain and discomfort in the acts of penance they resorted to. They were extremely easy to feed and clothe, as they would not accept the ordinary articles of issue, neither would they requisition for any blankets, and for pillows they asked permission to procure large stones from outside the compound, so that they might rest their heads on them at night. Later, however, the majority of this religious sect, due perhaps to the ridicule of their fellow-countrymen, forsook their religion, were clothed in the orthodox trousers, and ate three good square meals a day.

One means of relieving the tedium of camp life was possessed by Germans to an extent that no other prisoners-of-war could equal. They are, *par excellence*, a musical race.

There were before the war German bands which played in the streets of the capital cities of Australia, and whose performances are remembered with pleasure. The internment of these bandsmen—there were at least three good bands in the country in 1914—provided music for several camps, and when the concentration at Liverpool took place, that camp possessed a corps of skilled musicians who gave delight to the officers and guards as well as to the internees. It was the custom of the bandsmen to awaken the camp every morning by playing familiar German melodies, some of them folk tunes of rich beauty; and this great volume of tone, ringing through the clear morning air just after dawn, thrilled those who heard it and stirred in the hearts of many the memory of happier days. There was no camp without its Liedertafel, and in respect to vocal music, also, Liverpool was excellently served. Chorus singing was assiduously practised, and many superb performances of operatic selections and part songs were given. There were string quartettes for the rendering of classical music. If an instrument was required some clever craftsman would make one. Berrima camp boasted of a violoncello made from a piece of sheet iron, painted and stained.[12]

The theatres were a great source of amusement. The concentration camp contained a fund of histrionic talent; and though the female parts in the plays performed had to be taken by men, that, after all, was but a reversion to the practice of the Elizabethan age, and it is testified that "by the careful use of feminine garments, assisted by paints, oils, and false wigs, strangers would be totally deceived by the trueness of the character represented." There was a *Deutsches Theater* at Trial Bay as well as the larger one at Liverpool; but the latter was by far the more efficient, and it presented a range and quality of dramatic entertainment such as could not be matched during the same period by the combined theatres in Sydney and Melbourne. From the commencement of the Liverpool Camp theatre in 1916 to March, 1918, no fewer than 100 plays had been produced. They included representative

[12] This original instrument is said to have "had a wonderful tone," though precisely what is meant by "wonderful" is not specified by the recorder.

pieces by Schnitzler; Gogol; Bernstein—"Das Dieb"; Bernard Shaw—"Frau Warren's Gewerbe" ("Mrs. Warren's Profession") and "Helden" ("Arms and the Man"); Sudermann, Pinero—"Seine zweite Frau" ("The Second Mrs. Tanqueray"); Ibsen—"Nora" ("The Doll's House") and "Stützen der Gesellschaft" ("The Enemy of the People"); as well as specimens of German classical drama and a number of light comedies and farces, including "Charley's Aunt" ("Charley's Tante").[13]

Newspapers were regularly published both at Trial Bay and Liverpool. The Trial Bay journal, *Welt um Montag*, was a typewritten production reproduced by a gelatine process; 42 numbers of it were issued. The Liverpool newspaper, the *Kamp Spiegel*, was also typed and similarly reproduced for the first year (from 9th April, 1916), but from 15th April, 1917, it was printed, in a good, bold Gothic type.[14] In form it was a small quarto, on a cheap paper, but produced in an eminently workmanlike fashion. It contained articles on miscellaneous topics, criticisms of the camp concerts and theatrical performances, descriptions of sporting events, verse —some of it of good quality—jokes about camp life, humorous drawings, news of the day, and items of varied interest. Sport was taken seriously in camp, and a philosopher addressed himself solemnly to discussing in an article of more than average length the virtues of sporting diversions: "Fragen wir uns nun, Was ist Sport?" The accounts of the games of "Fussball" were sometimes probably as amusing as the games themselves. A humorist wrote a series of articles purporting to be letters from Berlin (from "deine Anna" to "geliebter Heinrich"), and a fairly regular contributor of articles of a more serious kind was Dr. F. Th. Mueller. The publication was of course examined by the censor, but that official offered no obstacles to the publication of articles on the birthday of the Kaiser and Crown Prince, or to an article, particularly well written, on the anniversary of the sinking of the *Emden*. The editor

[13] A complete list of the 100 plays produced at Liverpool is contained in the issue of the *Kamp Spiegel* for 3 March, 1918. In the issue of the same camp publication for 30 April, 1916, is a line drawing showing the first theatre possessed by the camp, "das alte Theater," which was a canvas-tent structure, and also of the new theatre, "die neue Theaterhalle," which was a well-built wooden structure

[14] *Kamp Spiegel, Wochenschrift fur die Kriegsgefangenen in Australien.* Herausgeber, Ludwig Schroder Liverpool, New South Wales.

L. Schröder, was both competent and tactful, and he managed to produce a publication which for the variety of its contents and the standard maintained was, in the restricted circumstances, remarkably successful. From 28th April, 1918, the paper was issued monthly under the editorship of F. Lacks, but after the new editor had produced seven numbers Schröder again took command, and continued to edit the *Kampspiegel-Monatshefte* until the conclusion of camp life at Liverpool.[15]

Amidst these diversions, and with quarters which were idyllic when compared with the terrible life of their compatriots and enemies in the trenches of Flanders, the Germans at Liverpool fared exceedingly well. But not unnaturally many enjoyed posing as martyrs, and wrote letters—which were, of course, censored—painting their condition in terms which would not have been inappropriate for describing the denizens of Dante's Inferno. The absurdity to which this pose led them is illustrated by the following incident. A committee of internees desired to print an illustrated booklet, which purchasers could send to friends in Germany, containing pictures of the camp with descriptive text. Permission was readily accorded by the authorities. An editor was appointed, who undertook the financial responsibility. Photographs were taken and drawings made. The work was admirably done All the pictures were the work of internees. But when the book[16] was finished, and an order for printing 10,000 copies had been executed, the result made the camp look too picturesque and pleasant for the taste of the martyrs. Their friends in Germany would never think that Fritz and Wilhelm and Heinrich were suffering if this book went home to them. A systematic attempt was therefore made to boycott the production. The unfortunate editor and his committee were in despair. All their work would be wasted and the expenditure upon it would involve heavy loss. Then a bright idea struck an officer of the camp. He applied to the Government

[15] The Mitchell Library, Sydney, possesses complete sets of the Liverpool *Kamp Spiegel* and the Trial Bay *Welt um Montag*.

[16] *G. C. C. Album.* Described on back of cover as "Bilder, Zeichnungen und Entwuerfe von Stefan Pokora, Otto Hermann und Richard Kunze. Die Original-Aufnahmen sind mit guetiger Erlaubniss des Kommandanten, Major S R Sands, hergestellt. Herausgeber. Heinrich Jacobsen, G C.C. Liverpool." The title-page bore the inscription "Zur Erinnerung an meine Kriegsgefangenschaft, G.C.C., 191—" The unfinished date was significant.

for funds to buy up the whole of the unsold copies. The money was provided, and every letter that went from Liverpool camp to Germany had a copy of the book sent with it; so that nearly 10,000 copies were distributed giving a true representation of the Australian camp.[17] The cream floated to the top of the joke when letters began to arrive from Germany, thanking Heinrich and Wilhelm and Fritz for the charming book and giving the assurance that the recipient having perused the same, had ceased to have any anxiety about conditions in distant Australia. The martyrs had been very prettily out-played.[18]

The camp canteen was well provided with goods which internees could purchase from their earnings or their personal resources at prices not higher than those ruling in Sydney. There was also a shopping centre where various tradesmen were permitted to sell their wares, which included varieties of sausage, dear to the German appetite, fruits, pastry, cheeses, tinned meats, and tobacco. There was even a camp pawnbroker, who carried on a prosperous business. All the profits made from the canteen were devoted to purchasing extra comforts and amusements, the money being expended at the discretion of the elected camp committee. But it was found difficult to obtain the services of a staff of thoroughly honest canteen salesmen. They pilfered shamelessly, thus reducing the profits which should have gone to benefit the whole camp.

As the canteen was " dry," some ingenious internees sought to gratify a craving for stimulants by making stills from old tins and scraps of piping; and with these crude implements they distilled a fiery spirit from rice, potatoes, fruit, or anything that would yield alcohol. The drinking of this strong and demoniacal beverage was productive of much violence and a tendency to run amok. The camp officers became suspicious and made a search, as the result of which several of the ringleaders of the distillery party were arrested. As there was no special regulation for internees under which they could be arraigned, the Department of Trade and Customs took

[17] One result of the posting of copies of this book to Germany was to make it extremely rare in Australia. For the present work, however, copies were obtained through the courtesy of Major E. L. Piesse and Sir John Harvey.

[18] The details concerning concentration camp life, in the preceding paragraphs, are based upon unpublished reports and documents in the Defence Department

the matter in hand, and charged them with illegally distilling spirit. They were fined £200 or in default twelve months' imprisonment. After this exemplary action there was no more trouble of the same kind.

The prisoners in the Trial Bay camp at the mouth of the Macleay River, being those who were able to pay for the comforts and amenities of life, fared better than did those at Liverpool. When the camp was visited by Mr. Mark Rutty,[19] the senior consul for Switzerland, on the 17th of June, 1917, he found the 580 men living there in the enjoyment of a holiday existence. The situation was agreeable. There was warm sea bathing for those who were disposed to avail themselves of it; there were a theatre holding 240 persons, an orchestra, and a library of 2,500 volumes; and the well equipped hospital had not a single occupant, for there was no sickness. The internees occupied substantial stone buildings; they were at liberty during the day to roam over the peninsula, with its superbly shaped and lofty cliffs, its fragrant bush, and its charming views of the sea. The white sandy beach was open to them. If they had been disposed to make the best of things, life could have been tolerably happy and they need scarcely have noticed the limitations set upon their liberty. But there were in this compound some Germans who had been heads of large business concerns, accustomed to giving orders and having them obeyed.[20] These were full of bitterness over the mere fact of their internment, and, as an officer reported, "find pleasure in annoying the authorities in every conceivable way." Actually their frequent acts of rudeness, irritability, and truculence supplied ample justification for the conclusion that enemy aliens of their temperament could not prudently be left at large in time of war.

Early in 1917 information, received from Java, that German sympathisers there were considering a cutting-out expedition to rescue the prisoners at Trial Bay, left the Australian military authorities undisturbed. When, however, early next year it was learned that the raider *Wolf* had several months before visited the coast of New South Wales, it was thought wise to

[19] M. Rutty, Esq. Senior Consul for Switzerland in Australia, 1896/1917. Indent merchant; of Wahroonga, N.S.W.; b. Geneva, 26 May, 1862.

[20] They included "tea planters from Ceylon, rubber planters, ships' officers, and military officers" (E. Samuels, *Diary of Australian Internment Camps, p. 30*).

close the camp, and the prisoners were transferred mainly to Holdsworthy, near Liverpool.

At Liverpool, though the conditions were not luxurious, they were made as comfortable as circumstances permitted. At the beginning the necessity of having to make sudden provision for hundreds of men involved a certain roughness and incompleteness in the arrangements, but these were rapidly remedied. It was the policy of the administration, as stated by the Prime Minister in a despatch, " to lessen discomfort and to encourage any activity in the camps which will interest and occupy the time of the internees." Until December, 1916, the camps were under the direction of the Headquarters General Staff, but after that date control was taken over by the Adjutant-General.

Complaints were frequent, especially in the early history of the camps. Some of these were addressed to the Governor-General; and the files of his papers show with what care and promptitude he caused them to be investigated, and courteous answers to be sent to the complainants. The administration, also carefully enquired into complaints, and directions were given that legitimate grievances should be remedied. There was one case in 1915—not at Liverpool, but at a state camp—where the officer-in-charge had ordered the flogging of two German prisoners whose conduct was insolent and insubordinate, and who had attempted to escape. There is no doubt that the patience of the officer had been taxed. The prisoners at this camp habitually insulted the guard, and the two offenders in this case were guilty of inciting to mutiny. It was necessary to take measures to preserve discipline and avoid more serious consequences. But the administration would not support an officer who had subjected prisoners-of-war to such treatment. It was insisted that " no punishment may be inflicted on a prisoner-of-war which cannot be inflicted on a soldier of the army which holds the prisoner." The commission of the officer who ordered the flogging was therefore cancelled.

The prisoners generally were well-behaved and reasonable, but there were some for whom nothing was ever right. They were perpetually sour-tempered and resentful. The peaceably-disposed were dragged into the quarrels of the rancorous. A German prisoner at Liverpool wrote: " Any Englishman or

Australian is preferable to a German as far as I am concerned. Hatred, envy, fighting, insults of every kind, and theft, are the order of the day here. I have had fully 30 M. worth of things stolen, and nobody worries about it." Another German prisoner wrote: "Low brawls are common here. A decent man is looked at askance. I never thought such a thing possible among Germans." A Czech, imprisoned because he was a subject of the Austro-Hungarian monarchy, wrote: "The only thing lacking is money, which the Germans here in Australia have stolen from me. They are very antagonistic towards us (*i.e.*, the Czechs). The Germans are the real gipsies."

These extracts from correspondence which passed through the hands of the censors are indicative of the boredom and ill-temper which afflicted men who had been accustomed to leading active lives, and who now found themselves restrained and thrust into company which was often uncongenial. The tempers of some, who were rebellious by disposition, were apt to be affected by the nature of the war news. As an officer-in-command of a camp reported—

> They become almost openly aggressive and contumacious on receipt of news of a Central Powers' triumph, and subdued and sullen when the pendulum has swung in the other direction.

There was an abundance of good food, the rations for prisoners being precisely the same as for soldiers; but sometimes the monotony of the fare evoked a cry of anguish. "In time we shall have wool growing on our bodies," wrote a prisoner, "from the everlasting mutton. At any rate I will never eat such stuff in my life again." "Thank God," wrote another, "we do not lack food, though it does not taste particularly good. But a man can eat his fill." A prisoner who was more fortunately situated than his companions in misfortune wrote: "You must know that I never eat what is put before us here, and keep a servant who was formerly a cook for messing;" and the censor who passed this letter wrote on the margin: "This man has asked for huge supplies of vegetables to be supplied to him."

The discomforts of camp life were various, insect plagues being not the least among the irritants. One German prisoner promised a correspondent to whom he wrote that he would at

the end of the war " bring home some Australian fleas, which are here in crowds;" and another poured out his lamentations because " the little mosquitos tap my blood without ceasing, and what the heat and the mosquitos have left is finally devoured by fleas, which have taken up their habitation on me in such numbers as never were."

Grievances of a romantic nature rarely emanated from the Liverpool camp, but there was one precious example which shines like Venus when her light alone penetrates the clouds on a night of gloom. In December, 1917, 26 German inhabitants of the camp who prior to their internment had been engaged in civil occupations, wrote setting forth their sad extremity. They were all, they said, " engaged to (nearly all) Australian born ladies," whom they had not seen for three weary years. " We were making every possible endeavour to be allowed meeting with our fiancées, but sorry to say our efforts did not have the slightest success, and even during the present holidays again we were not permitted to see our fiancées." When they applied for permission for the 26 ladies to come to Liverpool to meet their 26 swains, the camp authorities were not allured by the prospect of the scene, so suggestive of an operatic climax, when—to appropriate music—the maidens could have danced in R., and been met by the swains who danced in L. Instead, the unromantic officer to whom the request was referred for report, minuted the paper, " The regulations do not permit internees to be visited except by their wives and families."

But the passion that " laughs at locksmiths " was not quashed by a departmental minute. Appeal was made to the Governor-General. The Swiss consul was begged to intervene. Mr. Justice Harvey,[21] who had inspected the camps, received a beseeching cry for aid. To the Governor-General, the countryman of Burns, who might have been expected to have a responsive soul, the baffled 26 wrote: " This represents a most serious grievance on our part. We are receiving most distressing letters from our fiancées, who are suffering the greatest hardship." It was unfortunate that the 26 fiancées did not themselves approach the administration; there is

[21] Hon. Sir John Harvey. Judge of Supreme Court, N.S.Wales, 1913/34; Chief Judge in Equity, 1925/34; Acting Chief Justice, 1933. Of Darling Point, N.S.W.; b Hampstead, Eng., 22 Dec., 1865. Died 13 June, 1940.

nothing in the departmental documents to show that the "(nearly all) Australian born ladies" were as anxious to visit Liverpool camp as their lovers were to see them. The incident ended with the framing of a frigid departmental definition, which laid it down that "the word Family has been taken to include father, mother, brother, sister, son, daughter, son-in-law, and daughter-in-law; it is not considered desirable to further extend this privilege of receiving visits, and therefore the application of the internees, who are engaged to be married, to be allowed to receive visits from their fiancées has not been approved." So the one romantic episode that might have graced the Liverpool camp was not brought to fruition, and 26 heavy hearts were left to sighs and dreams.

III

The German Government was occasionally misinformed as to the condition of its subjects in the Australian camps, and made enquiries into the truth of the reports. Until the entry of America into the war these enquiries were made through the United States ambassador in Berlin. In March, 1915, a question was raised in this manner as to the camp on Rottnest Island, it having been represented that many Germans advanced in years had been placed there in tents which afforded inadequate shelter from inclement weather, and that they were insufficiently fed. These reports were shown to be without foundation; the prisoners in question occupied either well-equipped houses, or canvas huts built around a wooden framework, such as were usually occupied by visitors to the island and were at this time being occupied by the guards at the camp. The United States consul at Perth was invited to inspect the camp, and he found the arrangements good. It is not probable that the German Government believed these reports, which came to hand through Java or the United States, but it was justified in making enquiries in the interest of its nationals; and in every case, these questions, forwarded by the Secretary of State for the Colonies to the Governor-General, were investigated, and correct information supplied.

A number of German prisoners were liberated on parole, and permitted to leave Australia for the United States. The form of parole signed by them was as follows: "I, A——

B—— a subject of the German Empire, being desirous of leaving Australia, hereby pledge my word of honour that during the existence of the present war between Great Britain and Germany I will not engage in any hostilities against Great Britain nor enter any service in connection with the prosecution of the war." But the German Government itself discouraged the granting of parole to German civilians of military age, by informing the American ambassador, through whom the decision was communicated to the Australian Government (19th February, 1916) that "the giving of parole by a German civilian who is liable for foreign service but is interned in a foreign country, is to be regarded as incompatible with his military duties and will have no effect upon the fulfilment of those duties."[22] One German who managed to make his escape from an internment camp and reached the United States, sent his parole voluntarily, stating that he had no complaint to make as to the way in which he had been treated.

But others were not so scrupulous. Certain ex-prisoners who had been liberated on parole and reached San Francisco in December, 1916, supplied the newspapers of that city with sensational stories about the Australian internment camps—stories which, as printed, were certainly false and malignant. *The San Francisco Examiner* of December 12th published a lurid piece of fiction under the heading "Germans here from Hell Hole." The place thus alliteratively designated was Liverpool. The article alleged that prisoners in this camp were "goaded to fight and then shot down in cold blood." When they broke into rioting "the guards shot amongst the prisoners indiscriminately." There was not a syllable of truth in these statements. Of the riot to which they were doubtless a reference, the true story, as revealed by the official papers[23] is as follows.

There was in the camp a small group of men of dangerous and criminal propensities, who were fairly described as "the sweepings of the Germans in Australia and the East." Some of them are known to have been fugitives from justice, who were "wanted" in Germany for serious crimes. Unfortunately their antecedents were not known when they were put into

[22] Governor-General's Official Papers, Canberra.

[23] Including a detailed narrative of the facts by the coroner who enquired into the death of a prisoner who was killed

the camp with the hundreds of decent Germans who, but for the misfortunes attendant upon war, were blameless men Their proper place of incarceration would have been a common gaol. This little gang was a constant source of trouble. Its members committed brutal assaults on fellow prisoners. Men went into hospital suffering from broken arms, fractured skulls, broken ribs and battered faces, the results of violent acts of "the Black Hand," as the members of the gang called themselves. By intimidation they caused their friends to be elected to the camp committee. They systematically blackmailed the other prisoners, demanding from them money, cigarettes, cigars, and any property that took their fancy. Their methods of terrorism held the camp to ransom. But at last a particularly brutal and cowardly assault provoked a rebellion against their tyranny. On 19th April, 1916, four members of the Black Hand set upon a man named Hildebrand. By this time indignation in the camp against the domination of the blackmailers had reached boiling point, and this particularly ruffianly assault brought matters to a crisis. Hundreds of internees armed themselves with pieces of wood, knives, tools, anything that would serve as a weapon, and a concerted attack was made upon the gang. They were hunted round the camp and overcome by sheer weight of numbers. When they had been mercilessly clubbed, they were seized and hurled over a 7-foot picket fence.

Then the infuriated crowd turned upon the camp committee, the creatures of the Black Hand, who were accused of conniving at malpractices, and they were thrown out of the compound. One of the men, Hans Portman, was injured mortally, and five others badly. The coroner found that Portman "died in hospital from injuries inflicted upon him by persons unknown." It is not true that the guard fired upon the rioters. The camp commandant, in fact, restrained the guard from firing to quell the disturbance, because if they had done so the result would simply have been a general massacre. The officers were well aware of the blackmailing perpetrated by the Black Hand, but regarded the offence as one for remedy by internal discipline. After the riot, those who had been the cause of it were placed for their own protection in the penal compound known as "Sing Sing," most

of them badly bruised; and it was reported that "a great weight has been taken off the mind of the internees by the removal of this gang."

Sing Sing was a compound separated from the large Liverpool camp, and was used as a place of discipline for offenders against camp rules. The occupation of a place within it entailed the loss of certain privileges, and also a loss of caste, for there were standards of conduct in Liverpool camp. From this compound seven prisoners, in July, 1916, made their escape by an audacious and laborious feat. They dug a tunnel 40 feet long with a diameter of 18 inches. The entrance to this passage was concealed by a trap door covered by boards and a mattress in a tent. They had to remove between 8 and 10 tons of earth and rock, and they had only a few ordinary garden tools with which to work. They could not, of course, use explosives upon the rock. The exit from the tunnel was near to the quarters of some officers. It seems almost incredible that they should have been able to avoid detection while they were scraping out this excavation and disposing of the débris. But they succeeded, and the seven got way. Only one made good his escape. By some means —the adventure must surely have been heroic in enterprise and exciting in its incidents—he managed to reach a port where he hid himself on a ship which conveyed him to Java. A second managed to reach Adelaide, where he was detected and rearrested. The five others were captured in New South Wales. Four of the seven were sailors.

There were two cases of prisoners being shot at Liverpool, and both fatalities were consequent upon attempts to escape. The men were Max Arndt and Paul Armbruster. Arndt was a sailor who had been a member of the crew of the *Markommania*—the supply ship of the German cruiser *Emden*. He and some of his companions seem to have come to the conclusion that the sentries on duty at the camp would not shoot, no matter what the prisoners did. On 26th July, 1915, Arndt attempted to escape, was ordered back by the sentry, and refused to obey. The sentry thereupon fired and killed him. A coroner's inquest was held, and the soldier was declared free from blame in carrying out his military duty. A fellow prisoner, commenting upon Arndt's death in

a letter, wrote: "There are always some dam fools in this camp of ours will interfere with the guards outside on duty. Consequently a man has lost his life, but it will teach them a lesson in future to behave and not to forget we are prisoners-of-war. Everything is now going on smoothly again." Armbruster on the night of the 30th of April, 1916, attempted to crawl through the barbed-wire entanglements of the compound, and was shot by a sentry. The coroner found that he died from a bullet wound inflicted by the sentry "in the legal exercise of his particular duty." At Langwarrin, in 1915, a prisoner in his hut was killed by a bullet fired lawfully by a sentry at another man (whom it wounded). The coroner held that the innocent man had been killed "by misadventure."

Another death was that of a prisoner named Hermann Alfred Fischer, who on the 1st of December, 1917, endeavoured to escape while travelling by train in custody from Orange to Liverpool. When the train was nearing Medlow, Fischer jumped from the carriage and was killed. He had previously escaped from the Liverpool camp, had been recaptured at Orange, and was in charge of a police constable when he made his fatal leap. In this case also an inquest was held, at Katoomba on December 5th.

For the protection of the prisoners, and to give them opportunities of stating their grievances, Mr. Justice Street[24] of the Supreme Court of New South Wales acted, at the request of the Federal Government, as official visitor. Any internee was at liberty to see the judge, who was empowered to investigate complaints and call for explanations. Mr. Justice Ferguson[25] succeeded his colleague as visitor, and at a later period the duty was accepted by Mr. Adrian Knox,[26] who shortly after the close of the war was to be elevated to the highest judicial office in the Commonwealth, that of Chief Justice of Australia. These appointments of men of eminent

[24] Hon. Sir Philip Street, K.C.M.G. Judge of Supreme Court, N.S.Wales, 1907/33; Chief Judge in Equity, 1918/24; Chief Justice, 1925/33; Lieutenant-Governor since 1930. Of Elizabeth Bay, N.S.W.; b. Darlinghurst, N.S.W., 9 Aug., 1863. Died 11 Sept., 1938.

[25] Hon. Sir David Ferguson. Judge of Supreme Court, N.S.Wales, 1912/32; Acting Chief Justice, 1929/30, Chairman, Returned Soldiers' Amelioration Committee, N.S.Wales, 1915/19; Member of Aust. War Memorial Board, since 1923. Of Sydney; b. Muswellbrook, N.S.W., 7 Oct., 1861.

[26] Rt. Hon. Sir Adrian Knox, K.C.M.G. M.L.A., N.S.Wales, 1894/98; Red Cross Commissioner with A.I.F., 1915; Chief Justice of High Court of Australia, 1919/30. Of Sydney; b. Sydney, 29 Nov., 1863. Died, 27 April, 1932.

impartiality and generous temperament were made with the express purpose of alleviating as far as could be done the conditions of camp life and soothing those vexations which sprang from it; for as one of the officers on duty at Liverpool reported, "It is very difficult to fulfil the wishes of each individual."

The stories which reached the German Government of the treatment to which the prisoners-of-war in Australia were subjected, were generally of a false or exaggerated nature No blame is attributable to that government for asking for explanations; it acted commendably in endeavouring to protect its subjects from any violation of the usages of warfare. But Germany was misled by mendacious reports. Thus, on the 20th of June, 1915, the German Government protested through the United States ambassador against the prisoners from Singapore being sent to work "in Queensland coal mines" (*sic*!) against their wish. Again (June 29th), the German Government stated that it had been reported that the prisoners were not provided with beds, tables, or chairs, and that "all the prisoners with the exception of officers" were "employed in forced labour such as bush-clearing, tree-felling and so forth." A third time (July 3rd) the German Government urged that prisoners-of-war should not be "sent to work in the mines against their will." There was never any question of the prisoners being sent to work in mines. But many of them were without money, and it was desired to give them an opportunity—if they desired and accepted it—of earning a few shillings with which they could buy simple luxuries for themselves.

It should be understood that some of the Germans in the camp were, by the laws of war, liable to be called on to do certain work, if the authorities chose to demand it of them. Those of the internees who were prisoners-of-war in the technical sense—that is, interned soldiers or sailors—could legitimately be set to work, if there was employment available. But there were not many internees of that class in Australia. The great majority of those in the camps were interned civilians who, strictly speaking, should not be employed in manual labour unless they volunteer for it. At Liverpool, however, where the great majority of the internees were eager for such

work—both for the sake of their health and for the pocket money which it produced—it was for a time made compulsory for all fit members of the camp.

The instructions issued by the Minister as to the treatment of internees were that the officers responsible for the management of the camps should mete out to them the consideration that would be expected from a civilised government if the conditions were reversed; and they were particularly warned not to allow themselves to be influenced by what they might read about bad treatment to British subjects in German internment camps. Nothing in the nature of reprisals was to be permitted. It was not for an officer to initiate policy; that would have to be ordered by those in supreme authority, if at all. But no such policy ever was contemplated, and it is apparent, from the abundant documentary material available, that both the Commonwealth military authorities and the officers who carried out their orders endeavoured to make the lot of the prisoners as comfortable as possible. The direction affecting work by prisoners-of-war provided that:

> Where prisoners of war are interned in a manœuvre area, and it is found practicable to utilise their services for carrying out improvements in that area, they may be paid at the rate of 1s. for each day's work actually done, as pocket-money.[27]

A separate regulation, affecting work which might be done by interned civilians, laid down that the punishment for improper work should be dismissal from the working party:[28]

> Voluntary work will be provided for a limited number of the prisoners. The period of work for any prisoner will as a rule be not more than a fortnight at a time. Work will be for four hours daily, and each prisoner employed will be required to work honestly for such time. Any prisoner found loafing, after being warned will be instantly dismissed and pay for the day will be stopped.
>
> Any prisoner who has been allotted work and who does not attend at the working parade, unless he possesses an exemption card from the medical officer will be instantly dismissed and all pay due to him will be stopped.
>
> Prisoners will not be allowed to choose their tasks, but each must work at the task set to him. The Commandant will however endeavour as far as possible to utilise the services of prisoners in their own trades or callings.
>
> Pay for voluntary work except in special cases will be at the rate of 1s. per day of 4 hours.

[27] Paragraph 12 (*a*) of "Instructions relative to the internment and treatment of aliens," first issued 1914; reprinted several times; and also issued as a *Parliamentary Paper, Session 1914-17, Vol. V, 1411.*

[28] Clauses 85-88 of "Rules for the custody of and maintenance of discipline among prisoners of war," 1916.

To enable an independent investigation to be made, and complaints to be voiced, the Minister for Defence invited the United States Consul-General in Sydney, Mr. Brittain,[29] or any member of his staff, to visit any of the camps then existing, and undertook that any report which he might make should be transmitted, through proper intermediaries, to the German Government. It was expressly stipulated that he was to be allowed to converse with prisoners on the subject of their treatment " out of the hearing of the camp staff." Mr. Brittain accepted the task, and made his first inspection of the Liverpool camp in May, 1915, when he was accompanied by the American Vice-Consul, Mr. Richardson.[30] He reported (May 6th) that he had been given the freedom of the camp by the District Commandant, Colonel Wallack,[31] and the Camp Commandant, Major Sands. The Consul-General's report gave detailed descriptions of his visits to the kitchens, sleeping quarters, and other appointments of the camp. He found that prisoners were provided with comfortable quarters and were given serviceable clothing if they required it. There had been some complaints about the cold at night, but arrangements had been made to issue four blankets to each internee, which would be sufficient.

" The principal complaints made by the men interviewed," wrote Mr. Brittain, " have to do with the arrangements whereby no distinction is made between the several social classes represented. There are sailors and shipmasters, well-to-do merchants, firemen, engineers, and men of various other trades and professions, who live on practically the same footing, with the exception of the officials of the late German New Guinea Government. The latter are receiving half the pay of their former official position. By way of employment the men are engaged in clearing land and work for about four

[29] Mr. Joseph I. Brittain. United States Consular Service, 1897/1924; Consul-General in Australia, 1915/20. Of Washington; b. Beaur, Pennsylvania, 2 Nov., 1860 Died, 22 Oct., 1930.

[30] Mr. E. Verne Richardson. Deputy Consul-General for U.S A. in Australia, 1910/16. Of Massachusetts; b Newberry Port, Mass., 4 March, 1868. Died, 27 June, 1929

[31] Major-Gen E T. Wallack, C B , C.M.G. Adjutant-General, Australia, 1908/11; Commandant, 3rd Military District, 1911/12, 2nd M.D., 1912/15; A I.F. Transport Service, 1915/17 Officer of Aust. Permanent Forces; of Melbourne and Sydney; b Great Yarmouth, Eng., 9 Aug., 1857. Died, 12 Feb , 1932.

hours a day, for which they receive one shilling. There is a feeling amongst many of them that it is beneath their dignity to do this work, and several expressed to me the opinion that they would rather forgo the shilling than do the work. Others objected to the practice of being supervised at their work by young troopers, sergeants, corporals, &c., and think that it would be more in keeping with propriety to have a commissioned officer in charge. I also interviewed one man who stated that he had been harshly dealt with in a difference of opinion with a representative of the commandant in which he had received a flesh wound. I also made a special investigation of this case, and later in the afternoon was assured by Colonel Wallack that a full enquiry was being instituted with a view of determining whether or no any undue harshness had been meted out. Major Sands informed me that this man had since his confinement been much averse to discipline and disposed to make trouble whenever possible. In the main, however, the men seemed to be in the best of health, and it is significant that since the establishment of the camp there has been no case of serious illness, and no death."

The American Consul-General and the Vice-Consul, Mr Eli Taylor,[32] made periodical visits to the camps in New South Wales. After an inspection in 1916, Mr. Brittain furnished a report on May 20th of that year. On this occasion he noted that, since the establishment of the Liverpool camp, there had been but 6 deaths, including the two Germans who were killed while attempting to escape.[33] The four others died from diseases which they had contracted before admission to the camp. The prisoners received good medical and dental attention. He found that 21 prisoners were living in a special compound known as Sing Sing, which was reserved for those who attempted to escape or who had violated camp rules. No complaints were made as to the quantity or quality of food supplied, except that some prisoners complained they would like a diet containing more green vegetables. The most general complaint was on account of the dust. The grass had worn away till nothing but hard earth remained in the compound, and when there was a wind the prisoners complained that the

[32] Mr. E. Taylor Vice-Consul for U.S.A. in Sydney, 1916/19. B. New York City, 2 May, 1873.
[33] Apparently this number does not include Portman.

dust was very annoying. The paths were sprinkled at intervals, but owing to the nature of the soil the water soon dried. About a thousand men were given employment, by which they could earn a minimum of a shilling per day; handicraftsmen could earn 4s. per day, and cooks and canteen hands were paid at special rates. There were three theatres in the camp, a picture show, two tennis courts, a football ground, an orchestra and three pianos. Since his last visit the organisation of the camp had been improved, and more had been done to provide for the comfort and amusement of the prisoners. The dust, it should also be said, was no worse at Liverpool than at the camps for the training of Australian troops for active service.

A frequent complaint made by those prisoners who had been brought from abroad to Australia was that their luggage had been lost. There may have been losses of this kind *en route* from Singapore, Ceylon, or Hong Kong, but investigation by officers of the department showed that in many instances attempts were made to impose upon the Commonwealth Government by claims for articles which were never in the luggage of prisoners. There were even claims for valuable diamonds, which it was most unlikely that the claimants ever possessed. But every case was investigated, and endeavours were made to trace articles alleged to have been lost.

Commenting generally on the condition of the camps, the American Consul-General wrote: "The evident desire of the officers commanding the concentration camps in New South Wales is to make the prisoners' lot as pleasant as is reasonably possible in the circumstances. It is to be noted that the guards at the camp are housed and generally provided for on a scale corresponding exactly with that which governs the prisoners themselves." Of Berrima the same visitor reported that "the men appeared to be generally satisfied with the conditions, and spoke very highly of Lieutenant Dibbs[34] and his management of the camp, but were disposed to criticise the management of a previous commander."[35]

[34] Capt. O. B. Dibbs, 45th Bn., A.I.F. Stock broker; of North Sydney; b. North Sydney, 22 Dec., 1888. Killed in action, in France, 1 April, 1918

[35] The United States Consul-General's report was made to his Government at Washington, with the intention that it should be forwarded to the Ambassador at Berlin; but a copy of it was forwarded to the Governor-General, and is amongst his official papers at Canberra.

After the United States became a participant in the war on the side of the Allies, visits to the camps were made by the consuls of other neutral nations. Orders had already been given (June, 1916) that all prisoners-of-war were to be at liberty to write to the consuls of neutral states "with reference to matters regarding the administration of internment or the affairs of immediate interest to the writers," and all such letters were exempt from censorship. The Swedish Consul-General in Sydney, who now took charge of Austrian interests, visited the Liverpool camp in 1918, at the instance of the Swedish minister in London. It had been reported to the Austrian Government that internees were "subjected to great suffering from want of food and clothing, even to the extent that cases of insanity and suicide" were occurring. The consul-general's enquiries showed that these reports were pure inventions. The food conditions were according to specification. The main trouble was that long internment caused irritation and quarrelling, which, as between the Austrians and Germans, became so acute that they had had to be separated by being placed in different compounds. The Swiss consul also (May, 1917) expressed the conviction, as the result of an inspection, that "the camp is a very healthy one" and the treatment in the hospital was satisfactory. He found the sanitary arrangements good. Such complaints as were made were, the consul reported, "generally of only a minor nature," with the exception of those from internees who desired to be repatriated and those who, after living in the tropics, desired warmer clothing than they possessed.[36]

An unfortunate result of the untruthful statements made concerning the internment camps by some ex-prisoners who had been permitted to leave Australia, was that the Commonwealth Government became more reluctant to grant permission to leave the country. It is true that the authorities never refused any application for enquiry as to whether there were good reasons to allow an internee to leave Australia, and that up till 1917 permission for release in such cases was freely accorded. But, either through bitterness of feeling or a proneness to mendacity, some of those who had been thus

[36] These reports also were furnished by the consuls to their respective governments, and copies were by courtesy forwarded to the Governor-General.

favoured used their liberty, when they reached neutral countries or arrived in Germany, to circulate false statements, and these reacted to the disadvantage of those remaining in the camps; the authorities became more particular in demanding good cause to be shown as to why applicants should be liberated. It was also found that the latitude allowed to voluntary internees in the matter of leaving camp and returning was abused, and consequently it had to be restricted. But the Commonwealth Government expressed a special willingness to facilitate the repatriation of the officers and crew of the *Emden*.

Of the 6,739 men, 67 women, and 84 children interned in Australia during the war, 58 escaped; 201 men and one woman died during internment, 104 of these deaths being due to pneumonic influenza; 46 Austrian Slavs or Czechs were transferred to the Jugo-Slavian forces in Serbia; and either during or at the end of the war 1124 were liberated.[37] But in the state of public feeling that existed at the end of the war and for some time afterwards, the peaceful reabsorption of a large number of hostile Germans and Austrians into the general population was obviously impossible, and any attempt to carry it out would have led to trouble for both sides. Accordingly 5,276, the large majority of them previously residents in Australia, were sent back, chiefly to Germany, in nine special ships which sailed at various dates between May, 1919, and June, 1920.

The cost of internment to the Commonwealth was £1,335,084. By an amendment of the Immigration Act in 1920 Germans, Austro-Germans, Bulgarians, Hungarians, and Turks were prohibited for five years—and thereafter until the Government determined—from entering Australia. The prohibition was lifted from these nationals, except Turks, by proclamation in December, 1925, and from Turks in January, 1930.

IV

The Trading with the Enemy Act, passed by the Commonwealth Parliament, came into force on the 23rd of October, 1914. It was the first of three acts passed for the purpose of making effective the prohibition of trading with the enemy,

[37] Fifty also became insane, of whom, by 1919, 13 had been discharged, 18 sent home, and 5 died.

which had been forbidden by proclamations published in *The Commonwealth Gazette* on August 7th, September 12th, and October 12th. Enemy trading was an offence under the common law, irrespective of any express prohibition, but it was considered necessary to pass this legislation in order to strengthen the hands of the Government by giving power to punish by fine or imprisonment, to confiscate goods, to search premises and to inspect books or documents.

A second act (November 26th) defined an "enemy subject" as "any person, firm or company, the business whereof is managed or controlled directly or indirectly by or under the influence of enemy subjects or is carried on wholly or mainly for the benefit or on behalf of enemy subjects, notwithstanding that the firm or company may be registered or incorporated within the King's dominions." The amendment was required, in the opinion of the Prime Minister, because there were in Australia "companies which masquerade under the guise of Australian companies, but are controlled very largely by enemy subjects, existing and carrying on their operations for the benefit of enemy subjects." The third Trading with the Enemy Act (30th May, 1916), provided for the control of enemy property and for the appointment of a trustee to act as custodian of it. The kind of property particularly contemplated consisted of dividends, bonuses, interest due in respect of loans, and shares of profits. The offence of trading with the enemy was also enlarged in scope by being made to include attempts or offers or proposals to trade with the enemy. Power was given to the Minister for Trade and Customs to wind up any business if he was satisfied that it was carried on wholly or mainly for the benefit of enemy subjects. These three acts were passed without any opposition in either House of the Commonwealth Parliament, and with only a few technical criticisms of details.

Co-operation between the Censorship, the Attorney-General's Department, and the Department of Trade and Customs was requisite for the prevention of enemy trading. The vigilant examination of mails and telegrams, and the compilation of lists of traders who had commercial connections with German and Austrian business houses, enabled this function to be performed with much success. But the

ramifications of German commerce were far flung and well rooted. It was easy enough to close up firms which were ostensibly German, but much more difficult to trace clandestine communications. Many firms in neutral countries were ready to lend their assistance to enable trade to be continued through their conduit pipes. Goods which professed to be the production of neutrals were often in reality of German manufacture. Scandinavian, Dutch, and even American merchants acted as agents for German houses with which they had close business relations, and through them it was sought to sell enemy products in Australia. An Australian importer might honestly believe that he was dealing in neutral goods, or he might have a suspicion of their origin and decide to run the risk. There probably was much illicit trading of this character in the early months of the war, but as the authorities gathered additional information, and added to the "Black Lists," the narrowing of the mesh made it difficult and dangerous to pursue profit by such means.

Nevertheless some firms did persist in their attempt to defeat the Government, as shown by the fact that by the middle of June, 1917, there had been 44 prosecutions for trading with the enemy and that 38 convictions had been obtained. In a number of other instances letters which indicated attempts at enemy trading were returned to senders with the intimation that the business sought was not permissible; and if such a warning was not always sufficient to deter a person who may have offended in ignorance, the fact that his correspondence was being watched made it reasonably certain that he would not succeed. There was a list containing over 500 names of "intermediaries" in neutral countries who had business connections on behalf of enemy firms with persons in Australia, and an Australian list of more than 1,500 persons who had been concerned in this illegal trade. Prosecutions continued to be launched down to the last weeks of the war. Very heavy fines were in some instances imposed; indeed, the punishments upon conviction were so exemplary, that the risk would have been too great to be undertaken, had it not been that the profits from the illegal business were large enough in many instances to enable the fines to be paid and still leave a margin of financial advantage. The largest fine, £10,000 was paid by

an individual at the termination of litigation which extended over more than a year, involved several trials and appeals on points of law, and engaged the services of some of the most richly-feed counsel in the Commonwealth.

V

At the time of the outbreak of the war, the German Government was represented in Australia by a consul-general, Herr Kiliani,[88] and the Austro-Hungarian Government also by a consul-general, Dr. Freyesleben.[89] Herr Kiliani was very well-known in Sydney as a genial, sociable, and well-informed man, of good presence and graceful manners, a fluent public speaker and capable man of business. He had made many friends in official, commercial, and social circles, and was generally popular. Dr. Freyesleben was not so widely known. Both the consul-generals informed the Commonwealth Government (10th August, 1914) that they had placed the interests of their respective countries under the protection of the United States of America and had handed over the archives of their consulates to the American Consul-General, who had consented to act on their behalf. Mr. W. de Haas, commercial expert of the German Consulate-General, was at the same time placed at the service of the American Consul-General in an advisory capacity. The consular emblems were taken down from the offices, and Kiliani and Freyesleben intimated that they desired to leave Australia with their families by the next vessel for the United States. They were not prevented.

The United States Government, however, raised an objection to foreign consular officers being placed in the American Consulate; and the Governor-General was informed (December 17th) that no former officers of the German or Austro-Hungarian consulates were at that date attached to the American consulate. They had been discharged "in accordance with instructions received from Washington on October 11th."

In 1915 the Prime Minister enquired from the British Foreign Office whether neutral consuls who had custody of

[88] Herr R. Kiliani. Consul-General for Germany in Australia, 1911/14; b. 1861.
[89] Dr. F. Freyesleben. Consul-General for Austria-Hungary in Australia, 1913/14; of Prague; b. Prague, 29 March, 1864.

the records of enemy consulates might be required to allow them to be inspected. He was informed that the archives of an enemy consulate placed in the custody of a neutral consul were to be regarded as inviolable. But if there was good reason for believing that an enemy consul had, under cover of his exequatur, been acting as a spy, and had left compromising documents for safe keeping among his archives, that would be an exceptional case, to be treated exceptionally, because the consul would in that case have been using his privilege to conceal papers which were not public archives. After the United States entered the war, the Swiss consul in Sydney took charge of the German archives, and the consul for Sweden of the Austro-Hungarian. They were transferred intact to these representatives of neutral states.

The German honorary vice-consul at Newcastle was Herr Otto Johannsen, and he was interned for enemy trading. Some time before the commencement of the war, he had made some large purchases of coal for shipping to Valparaiso, in which transactions he was financed by a Hamburg firm. On August 5th one of Johannsen's cargoes had been loaded on the Norwegian barque *Ferm*. But his cheque for the coal was dishonoured, and the port authorities prevented the ship from putting to sea. The master was ordered to unship his cargo, which he accordingly did; and the *Ferm* was not granted clearance from Newcastle till August 22nd, when she sailed for Valparaiso. Immediately prior to the declaration of war, several German ships had been hastily cleared by Johannsen. This fact, together with the known presence of a German squadron in the Pacific, prompted the belief that the purchases of coal were intended for purposes of naval warfare.

VI

Were there instances of German spying in Australia? A spy, in the military acceptation of the word, is defined in the Oxford Dictionary as "a person employed in time of war to obtain secret information regarding the enemy." In this strict sense, it is not known that there were any German or Austrian spies in Australia, notwithstanding the prevalence of rumours to the contrary effect. No information is available

to show that enemy governments "employed" any persons to obtain secret information. But there were Germans who endeavoured to obtain secret information, which would have been transmitted to the German Government had the attempt not been detected and stopped. One of the German scientists who was in Australia in connection with the meeting of the British Association in 1914, was found, after his internment, to have neatly placed a paper containing information about the surrender of German New Guinea, inside his socks; and his dignified assurance that he did not know how it got there was not received with credence. A letter written by a German was brought to the notice of the censor, wherein the writer acknowledged that "we Germans would help all we could and had plenty of guns and ammunition planted if the German Government could send out warships"; but the character of the individual was not such as to carry weight, and the comment of a responsible intelligence officer upon his letter was that "it was mainly interesting as showing the views of a man born here of German blood who desired German rule as against British rule." The boast that "plenty of guns and ammunition were planted" was, too, mendacious.

In June, 1916, it was reported by missionaries and by the magistrate at Wyndham that the wild blacks of the north-west coast spoke of having seen in April "funny fellow dingy" which "had a house on it and went down beneath the water and came up a long way off." As the description strongly suggested a submarine, and on this wild and lonely coast there were two foreign mission stations—Spanish at Drysdale River and German at Beagle Bay—the cruiser *Encounter,* with two schooners and a lugger, locally hired, was at once sent to investigate. At the end of June Commander Burrows[40] was detached to examine the German mission and found it in a flourishing condition, tending 250 aboriginals, mostly children. Burrows could find no reason to suspect anyone. In Napier Broome Bay the *Encounter* discovered four Spanish missionaries.[41]

[40] Commr. W. Burrows, R.N. Commanded H.M.A.S. *Yarra*, Sept. 1918-Jan. 1919; *Swan*, and destroyer flotilla, March 1919-Jan. 1920. B. Crediton, Devon, Eng., 24 July, 1883.

[41] From the larger station at New Norcia.

> These people (reported Captain Cumberlege[42]) are simply engaged in keeping body and soul together by the cultivation of a small but well kept vegetable garden. They are visited once a year by a lugger with provisions, and their sole efforts in mission work seem to be the welfare of five little half-caste boys . . . . sent there . . . . by the Government The good monks are utterly unable to approach the local natives. . . . They are unable to leave the immediate neighbourhood of the station unless armed with firearms, even to go a few hundred yards.

Cumberlege found no ground whatever for suspecting any visits by a German submarine, however favourable the region, and merely advised, as a precaution, the internment of one German missionary with Dutch naturalisation papers, who appeared to be free to come and go as he liked at Beagle Bay.

When the steamer *Cumberland* was sunk in July, 1917, off the Victorian coast, and the *Port Kembla* two months later in New Zealand waters, the belief became general that spies were supplying the information which led to these occurrences. The Sydney *Sun* offered a reward of £1,000 to the person or persons who gave information leading to the detection of the conspiracy which it was assumed had been hatched, and "the conviction and punishment of the chief criminals." It was soon afterwards proved that the *Cumberland* ran against a mine laid by the German raider *Wolf*, and the loss of the *Port Kembla* was traced to the same cause, but the general suspicions were not to any marked extent dispelled. Several persons were carefully watched. One, a woman who arrived in Australia from the United States without satisfactory papers, "smiled herself past" the authorities in Sydney—the phrase is official—and obtained a passport which enabled her to go to India. After she had left, doubts arose, and the Indian Government was notified of them, with the result that the potent smiler was placed where she could do no harm.

But these and other suspicions were not resolved, upon investigation, into positive evidence of spying. The striking fact that no ships, wharves, or buildings were blown up, burnt, or destroyed within the Commonwealth during the war in circumstances indicating enemy activity—as distinguished from the revolutionary activity of the I.W.W., to be discussed in another relation—is sufficient to prove that any enemy subjects

[42] Rear-Admiral C L Cumberlege, R N. Commanded H.M.A.S. *Warrego*, and destroyer flotilla, 1913/15, *Encounter*, 1916; *Brisbane*, 1916/19. B. London, 9 June, 1877.

in Australia who may have wished to further the war aims of their fatherland were too carefully shepherded to enable them to wreak serious harm. In the United States and Canada there were many instances of the blowing up of factories, the bombing and burning of ships, and the attempted destruction of public buildings—notably the burning of the Parliament House at Ottawa. From outrages of this kind Australia was free. The efficiency of the intelligence section of the Defence Department, aided by the vigilance of the censorship, saved the country from such activities by the enemy within the gates. If there had been real spying, it is hardly likely that the officers whose business it was to detect it would have failed to find instances. They certainly made an exhaustive study of the methods of spies in other countries, as there are files in the department to show. We may therefore with some confidence accept the verdict of an official intelligence report, that "in the main it may be taken that spies in the ordinary accepted sense of the term were not identified here."

VII

The regulations made under the War Precautions Act covered an extensive range of offences, and were productive of no fewer than 3,442 prosecutions. These were in nearly all cases launched either by the Commonwealth Attorney-General or by the commandants of the military districts in which the offences were committed. The penalties ranged from cautionary fines of a few shillings to very substantial punitive fines of £50 or £100, or terms of imprisonment of three or six months. An analysis of the cases[43] discloses the following charges in respect of which most of the convictions were secured; indeed, the instances in which the courts did not think the evidence sufficient to justify conviction were singularly few, though the High Court quashed three convictions on appeal, and penalties were in some cases remitted in accordance with an undertaking given at the Governor-General's conference, considered elsewhere in this book:

1. Failure to close premises for sale of intoxicating liquor when ordered to do so by a competent military authority (225 cases).
2. Selling or offering for sale commodities at a price in excess of the maximum fixed by Regulation (216 cases).

[43] Papers in Attorney-General's Department, Canberra.

3 Obstructing an officer in the course of inspecting books of firms.

4. Entering upon an enclosed wharf without permission.

5. Failure to maintain a sufficient guard on the gangway of ships.

6. Interfering with sentries.

7. Failure to obey orders with regard to the navigation of ships.

8. Coming in a drunken state on board vessels under the control of the Navy.

9. Being absent without leave from vessels under the control of the Navy.

10. Falsely representing to be returned soldiers.

11. Wearing returned soldiers' badges without title to them.

12. Misleading a military officer.

13. Being in possession of a forged military discharge certificate.

14. Wearing a soldier's uniform without right to do so.

15. Being in possession of official documents.

16 Failing to register as an alien (about 650 cases).

17. Selling badges without authority.

18. Selling uniforms without authority.

19. Making unauthorized use of military and naval uniforms.

20. Offences in regard to passes, certificates, &c.

21. Exhibiting the red flag (37 cases).

22. Evasion of censorship of letters for enemy countries.

23. Attempting to transmit letters from the Commonwealth otherwise than through the post.

24. Accepting assignment of allotment certificates from female dependants of soldiers.

25. Breaches of active service moratorium regulations.

26. Using, for purposes of trade, names other than those by which the accused were known at the date of the commencement of the war.

27. Being in unauthorized possession of wireless apparatus.

28. Using a code for secretly communicating naval information

29. Disclosing information with regard to the movements of ships.

30. Using the word "Anzac" without permission for purposes of trade.

31. Selling goods issued by the Red Cross Society.

32. Collecting for patriotic purposes without authority.

33 Failure to furnish information required by a competent authority.

34. Short delivery of coke to Navy Department.

35. Advocating action calculated to prevent the production of warlike material for purposes connected with the war.

36. Making statements prejudicial to recruiting (about 150 of such cases).

37 Remitting money from the Commonwealth to an enemy subject without permission.

38. Tearing down recruiting posters.

39. Breaches of regulations imposing restrictions on the use of coal, gas, and electricity.

40. Exhibiting disloyalty or hostility to the British Empire

41 Making statements likely to cause disaffection to His Majesty.

42. Inciting to mutiny.

43. Publishing information which might be of use to the enemy.

44. Spreading reports likely to cause alarm.

45. Spreading a false rumour that a transport with Australian troops on board had been torpedoed.

46. Publishing and printing matter which had not been previously submitted to the Censor.

47. Printing matter in such a way as to suggest that the omissions indicated had been due to the action of the Censor.

48. Attempting to cause sedition or disaffection among the civil population.

49 Having in possession prohibited publications.

50. Making false statements likely to prejudice the judgment of voters in connection with military service referendum (these prosecutions were launched by the district military commandants).

51 Making statements likely to prejudice relations with foreign powers.

52. Disturbing referendum meetings.

53. Taking part in a meeting of a number of persons exceeding 20 in the open air in a proclaimed place on the pretext of making known their grievances (the convictions in these cases were quashed by the High Court).

54. Interfering with the military police.

55 Landing in the Commonwealth without a passport.

56. Deserting from ships.

57. Attempting to leave the Commonwealth without permission.

58. Concealing a deserter.

59. Harbouring an escaped prisoner-of-war.

60. Failure to move from the vicinity of certain forts, camps, &c, when ordered to do so.

61. Entering a prohibited area.

62. Failure to keep a register of aliens staying at hotels, boarding houses, &c.

63. Giving false information concerning nationality.

64. Failing to comply with regulations as to the registration of children over 16 years of age who were not natural British subjects.

65. Failing to notify change of address (about 750 cases).

66. Failing to report at new place of abode (about 250 cases)

67 Failing to produce documents or answer questions when ordered.

68. Travelling without passport or permit.

69. Making false statements in order to obtain an official pass.

70 Altering an official document.

71. Being in unauthorised possession of firearms.

72. Being in possession of "certain articles without permission."

73. Publishing advertisements relating to referendum and intended to affect the result thereof, without having the name and address of the person authorising them printed at the end thereof.

74. Showing, in printed matter, alterations made by the Censor.
75. Trespassing on railways.
76. Distraining on property and raising rent on female dependants of soldiers.
77. Obstructing an officer.
78. Refusing to supply a foodstuff in the quantity demanded on tender of payment at fixed price.
79. Addressing a public meeting after being ordered to refrain from doing so.
80. Harbouring an unnaturalised German.
81. Wrongfully dyeing military overcoats.

An examination of the names of the defendants in these 3,474 cases shows that those of foreign origin predominated, and there were also many names of unmistakably Irish origin. The cases of disloyalty and of the use of language prejudicial to voluntary recruiting showed that persons hostile to the cause to which the Commonwealth was pledged existed within the Commonwealth, although their vociferation gave them more prominence than their numbers deserved. A man who said in a public speech, "I would sooner live under the German flag than under the British," and another who proclaimed that he "would be just as well off under German rule as under British rule," were fined respectively £20 and £10. The difference in the offence is not apparent; both were examples of the spirit of resistance which no government could afford to tolerate in time of war. Direct incitements to abstain from joining the military forces were exhibited in such public utterances as the following:

1. "Any man who puts on a uniform is a fool A German has as much right to live in this country as an Australian."
2. "Do not enlist to fight for a man like 'Billy' Hughes. He owes me a quid. I am a German and proud of it."
3. "Poor fools are going to the war because they have no sense."
4. "England is decaying. She wants Australia to go. Australians are fools to go."
5. "These men in khaki are hired assassins and murderers. They are only a pack of mugs who put on khaki."
6. "Our men are nothing but murderers and baby killers."

There were, on the other hand, some public utterances, which, though their tendency was undoubtedly in the direction of discouraging recruiting, were nevertheless the expression of a definite philosophy of politics, which in normal times

might be challenged by good arguments, but would not under the laws of a free country be regarded as seditious. Addressed to public assemblies in war time, they were near the borderline, and their inimical tendency could not be ignored. But magistrates were loath to convict where there was apparently an honest intent, and the Government was not eager to secure convictions in such instances, though a prosecution might serve as a warning. An example may be cited—an Adelaide case—where the person prosecuted had said: "War has always been waged for the economic domination of a certain clique, and all they are fighting for is the right to share in the profits, appropriated away from the workers." A charge founded upon this utterance was not proceeded with; and there were several similar instances.

The eruption of cases of persons who insisted upon waving or displaying a red flag in defiance of an official prohibition was a curious phenomenon towards the close of the war The red flag had for several years been flown by the Socialist party, and as an emblem of a phase of political thought, had been legally unobjectionable. But during the later months of the war it was adopted by some whose object was professedly anti-British or revolutionary propaganda. There was no specific war precautions regulation which forbad the red flag, but there was a general regulation (27B) aimed at disloyal flags, banners, badges, symbols, and emblems. The red flag came under the ban because it was used to cover propaganda prejudicial to recruiting, and 37 prosecutions were launched for this reason. The most persistent offender was a Victorian poet. Five convictions with consequent fines did not damp his ardour, nor did imprisonment mitigate his zeal. After each prosecution he again defiantly waved the red flag. The matter became a little ridiculous. The poet was finally liberated on the Governor-General's warrant; and, when he was able to wave as many flags as he pleased, he ceased to wave any.

There were also 89 prosecutions under the Unlawful Associations Act and conviction followed in each of these cases.

VIII

During some months in the middle period of the war, anything suggestive of German origin was positively toxic to large numbers of worthy citizens, who became slightly unbalanced by the strain of the struggle, and especially, perhaps, by the reading of exaggerated or unauthenticated war news. Some were provoked to anger because music by German composers was performed at concerts; and a leading firm of entertainment entrepreneurs was even moved to make the public announcement that items of music of German origin should not be sung or played at concerts under their direction. But they expressed the hope that public feeling would cool down, so that there would soon "be no objection or feeling against Beethoven or Wagnerian works in concert programmes."[44] Feeling on this point did, in fact, soon subside, for if there was one product of the human spirit which the world of culture could not endure to do without, it was German music; and within a few months a Brahms symphony was no longer considered dangerous nor the singing of Schubert *lieder* possible evidence of a treasonable disposition.

Another manifestation of the passionate anti-German feeling was a movement, which became a political issue, for wiping German names off the map. This naturally affected chiefly those regions into which German immigration had flowed in earlier times, and it is desirable to sketch in some detail the circumstances in which these German settlements had come into existence.

German immigration was encouraged in the years when the foundations of South Australia, and also of Queensland, were being laid. This encouragement, however, was given by influential persons interested in colonisation, rather than officially. The Colonial Office objected to bounties being paid on account of foreign immigrants in the same way as they were given to induce British immigration, because the application of public funds to foreign immigration would "defeat one great object which immigration was calculated to promote," namely the peopling of Australia with a British

[44] *The Argus*, 27 May, 1915.

stock.[45] But James Macarthur brought out German vignerons for his wine-growing experiments at Camden[46] and both George Fife Angas, the vigorous promoter of South Australian interests, and the Rev. Dr. John Dunmore Lang, the apostle of Queensland settlement, were sturdy believers in the virtues of the German peasantry. These two were the more inclined to favour immigration from Germany because at the time when they were interesting themselves in Australian colonisation it happened that a section of the German population was suffering under disabilities of a religious and political character, which evoked their sympathies.

The religious question arose from the attempts made by some German states, especially Prussia, to terminate the disputes which had long been acute within the ranks of the Protestants, by forcing dissenters to accept the discipline of an orthodox and State-sanctioned Lutheran church. Prussia endeavoured to compel the acceptance of a revised liturgy. The consequence was similar to what happened in England when the Stuart sovereigns essayed to force uniformity upon Anglicans, Puritans and Catholics alike. There was conscientious resistance and a grouping of the dissenters into separate sects. And, just as in the reigns of James I. and Charles I. of England the Puritans sought refuge in colonies where they could pursue their religious rites without hindrance from the State, so in Germany the dissenting Protestants turned their attention to the possibility of finding freedom under a foreign sky—with this difference, however: that whereas the English Puritans founded fresh colonies upon the unoccupied seaboard of North America, the Germans turned towards an English colony, where they were led to hope that they would find freedom for their own mode of worship.

A Prussian pastor, August Kavel, of the village of Kelmzig, read about the establishment of the new South Australian colony in 1836, and concluded that it might be advantageous for him to enquire whether the promoters would be willing to provide opportunities for people of his own heterodox persuasion to go as colonists. He went to England and sought

[45] See Lord Glenelg's despatch of 1837, *Historical Records of Australia, XVIII, 716,* and the despatch of Sir George Grey, *Ibid, 720*

[46] *Ibid, XXV, 498 et seq*

an interview with Angas. He could not have found a more sympathetic listener. Angas had become interested in colonising schemes through reading a biography of William Penn, the Quaker founder of Pennsylvania, and the case of these harassed Prussian Protestants presented itself to him as a parallel to that of the sect to which Penn belonged in the reign of Charles II. Not only did he, as a director of the South Australian Company, extend the hand of friendship to Pastor Kavel, but he advanced £4,000 on loan to him, for the purpose of promoting a German emigration scheme. The Prussian Government placed obstacles in the way of the intending immigrants, but did not go to the length of prohibiting them. The first batch of German colonists arrived at Adelaide in 1838. They were followed by several other contingents to all of whom land was granted. Almost immediately they "made good." They were industrious, enterprising and thrifty. At first they found a ready market for their industry by growing vegetables for the Adelaide consumers, and a contemporary describes how the women brought their commodities into the city on their backs and took back to the farms in the same laborious manner the purchases they made in Adelaide. "In those days a string of matrons and girls could be seen wending their way to the capital in their German costumes." They paid off the money which had been advanced to bring them out to Australia, and bought additional areas of land. Their success induced other Germans to follow their example; and by 1849 the directors of the South Australian Company congratulated themselves on the fact that more than 1,500 Germans had settled in the colony.[47]

These pioneers attracted a steady flow of German immigration to South Australia in later years, till about the year 1881. The important wine trade of the state, though not actually founded by them, was very largely developed by the Rhinelanders. The German colonists made a distinct contribution to the life of their adopted country. There were German villages which to the Australian eye, accustomed to the typical townships of Victoria or New South Wales, had

[47] Lyng, *Non-Britishers in Australia*, (1927) *pp. 27-32*, and Hodder, *George Fife Angas, Father and Founder of South Australia, pp. 156 et seq.* For a good account of August Kavel, *see* Grenfell Price, *Founders and Pioneers of South Australia.*

a peculiarly foreign appearance—neat, trim, clean, with pretty cottages surrounded by gardens bright with flowers, often with vines growing over them glowing with masses of purple grapes in the late summer, and a pervading air of prosperity and well-kept charm. Before the war, these Germans formed an element of the population of whom their fellow colonists of British descent were proud. To the German missions which worked with the utmost unselfishness among the blacks and half-castes in the far interior there was indeed every reason to be grateful. If some patriotic pastor and his wife taught these poor creatures to appreciate German cookery, celebrate German festivals, and—it was even said—speak a few words of German, no anxiety was engendered in the mind of any reasonable British-Australian. There was never any hostility between the two races. Germans were frequently elected to the South Australian Parliament. Their newspaper, the *Sud-Australische Zeitung,* was issued from 1850 without a break till a regulation under the War Precautions Act prohibited all publications in the German language.

In Queensland the first German settlers were members of a mission to the aboriginals, which the Rev. Dr. J. D. Lang was the means of founding at Moreton Bay in 1838.[48] A Brisbane merchant of German origin, Heussler, went as a voluntary emigration agent to persuade his fellow countrymen to seek better fortune in this new colony of the southern hemisphere, and he secured assistance from Godefroy and Son of Hamburg, the great commercial house which was to become important in connection with German activities in the Pacific. For about 40 years there was a steady flow of German immigration to Queensland with the result that by 1881 this element of the population was computed at more than 12,000 They are said to have been chiefly Prussians, Pomeranians, Silesians, and Wiirttembergers. It is also memorable that the famous explorer of western and northern Queensland, Dr. Ludwig Leichhardt, was a Prussian, and that to some extent he was financed by Queensland Germans. The contributions made to the advancement of the State were not, perhaps, so distinctive as was the case in South Australia, but were quite

[48] See Lang's account of the "German mission to the aborigines," in *chapter XI* of his *Cooksland* (1847).

considerable. Sir Thomas McIlwraith, the Queensland Premier, in a parliamentary speech once paid a tribute to their value, describing how the German immigrants on landing in Brisbane disappeared into the bush for a few years, " when some fine day they return from the bush in their own attractive turn out, wife and children seated high, and all well dressed and happy looking."[49]

There was not the same degree of organised German immigration in the other States of Australia as in the two instances which have been mentioned, but there were nevertheless separate German settlements in Victoria, New South Wales, Tasmania, and Western Australia, and a considerable German infusion of the general population. In the orchard districts within a few miles of Melbourne, for instance, there were many prosperous families of Germans, and the same might be said of the Clarence and Richmond River areas and the Murray Valley of New South Wales.

The storm of public opprobrium burst upon these people when the news came over the cables of the German invasion of Belgium with its attendant horrors—real enough, but doubtless exaggerated in reports—and of the submarine attacks upon merchant ships. The feeling was most bitter in South Australia, where the proportion of Germans in the population was comparatively high. In 1916 the House of Assembly resolved that the time had arrived when the names of towns and districts which indicated a foreign enemy origin should be altered. A member declared, " we want to remove all traces of the German element in South Australia." The controversy continued for months, until in 1917 Parliament passed an act (No. 1284, 8th November, 1917) giving power to change place names, and the Government appointed a " Nomenclature Committee " to advise as to what names should be substituted for the German names already in use. As many as forty-two were accordingly altered. Thus Bismarck became Weeroopa; Blumberg—Birdwood; Blumenthal—Lakkari; Ehrenbreitstein —Mount Yerila; Friedrichswalde—Tarnma; Germantown Hill—Vimy Ridge; Grunthal—Verdun; Heidelberg—Kobandilla; Hildesheim—Punthari; Homburg—Haig; Krichauff—Beatty; Lobethal—Tweedvale; Von Doussa—Allenby. In

[49] Lyng, *Non-Britishers in Australia*, p. 58.

New South Wales, Germanton became Holbrook; German's Hill—Lidster; German Creek—Empire Vale. In Victoria, Germantown became Grovedale; Hochkirch—Tarrington; Mount Bismarck—Mount Kitchener. In Queensland, Bergen became Murra Murra; Bismarck—Maclagan; Engelsburg—Kalbar; Gramzow—Carbrook; Hapsburg—Kowbi; Hessenburg—Ingoldsby. In Western Australia, Mueller Park became Kitchener Park; and, in Tasmania, Bismarck became Collins Vale.[50]

The Germans in Australia were nearly all Protestants, but they were far from being unanimous as to the type of Protestantism which they accepted. Their differences dated back to the time of the Reformation, when the doctrines of Martin Luther were officially adopted by the Lutheran princes in the form of the Confession of Augsburg (1530), formulated by Melancthon. But just as at that time there were German Protestants who preferred the more radical statements of the Protestant position promulgated by Calvin and Zwingli, so also amongst these later Protestants there were not only "old Lutherans," but "evangelical Lutherans," and adherents of some finer shades of difference. Broadly speaking, the congregations were organised in two groups, the United Lutheran Church and the Evangelical Lutheran Synod.[51] But politically, the Lutheran churches were important because they had maintained not merely a particular religion, but also a foreign language and traditions. There were prior to the war 52 schools in South Australia in which German was the medium of instruction, though of course English was taught as a subject. There were also Lutheran schools in other States, though they did not flourish to the same extent as did those in South Australia. The policy pursued in these schools was to preserve the German language and inculcate a love of German literature among the descendants of those who had left the fatherland but desired that their children should cherish an affection for it.

This purpose, sentimentally admirable in times of peace, was shattered by the shock of war. The heavy hand of the

[50] See a complete list of "German Place Names in Australia," so changed, in the *Commonwealth Year Book, 1926, pp. 50-51.* The South Australian instances are set out in a schedule appended to the Nomenclature Act of that State, 1917.

[51] Lyng, in an appendix to his book, *pp 232-4*, gives a list of the places in Australia where there were Lutheran congregations in both groups, in 1927.

War Precautions Act was not necessary for coping with the education of children; they could be dealt with by means of the Education Departments of the states. South Australia first required that English should be the medium of instruction for at least four hours per day, but as this did not satisfy public opinion a later act (1917) took the Lutheran schools under the control of the State and provided that English only was to be spoken within school hours. In Victoria likewise the Government prohibited the teaching of German in the ten Lutheran schools, and brought their curriculum into conformity with that in the state schools. In Queensland and New South Wales the German schools ceased to exist.

It was not unnatural that suspicion should have arisen as to the loyalty of this large number of Germans in Australia who had been educated in the German language, and had made such efforts to preserve their relationships with the people of the land from which they sprang—even to the extent of taking educational and other precautions to prevent their children from being completely absorbed in the Australian population. The German communities were aware of this suspicion from the beginning of the war. On the 8th of August, the President of the Evangelical Lutheran Synod in Australia, comprising the congregations resident in South Australia, Victoria, Western Australia, Queensland, and New South Wales, signed an address to the Governor-General, expressive of the true loyalty of all the members of the church. "Although we deeply deplore that Great Britain has been involved in a European conflict, and has been compelled to declare war against Germany, the land of our fathers," the address stated, "we are well aware of our duty as British subjects, and shall always be willing to defend the honour of our beloved King and our dear country, with goods and chattels, with body and life." The Governor-General replied to this address in a letter the draft of which is in his own handwriting. He expressed himself as "deeply gratified and touched by your message of loyal devotion in the hour of trial, which finds you standing, in His Majesty's words, united, calm, resolute, trusting in God."[52] The Lutheran Synod of New South Wales

[52] Governor-General's Official Papers, Canberra.

also sent to the Governor-General assurances of "loyalty and sympathy with the British Empire."

Careful enquiries were made as to the loyalty of persons of known German origin. Many of them received letters from friends and relatives in Germany or Austria, which contained strong sentiments favourable to the Germanic Powers. But this was never considered to be a sufficient reason for interning a person to whom such a letter might be addressed. A responsible officer reported that he had no doubt that a strong pro-German sentiment did exist amongst the German population. But many cases of supposed expressions of disloyalty were found on investigation "to have existed only in the heated imaginations" of the people who reported them. Another officer, with excellent opportunities for forming an opinion, expressed the conviction that many people of German origin who were before the war complacent or indifferent to their civic surroundings were now, if not actively plotting against their British neighbours, yet cultivating a pro-German sentiment which might be regarded as dangerous; and he had "no doubt that, were the German arms to be successful in the great world conflict, the German community would be difficult to deal with."

A prominent German in Queensland who gave much trouble to the military authorities was Dr. Eugen Hirschfeld. He was born at Mitisch in Silesia. In 1890, when he was 24 years of age, he came to Australia. He practised medicine in Brisbane, and was for a time a member of the staff of the public hospital there. He made at least one effort to become a member of Parliament, but was unsuccessful in this ambition. He became a naturalised subject of the British Crown in 1893, but in 1900 he registered as a German citizen. For a few years before the war he had been acting as German consul in Brisbane. In his eagerness to impress the German Government with the value of his services, he was probably the most zealous promoter of what was called "Germanism" in Australia. He repeatedly wrote to the Lutheran clergy in Queensland impressing upon them the duty of keeping alive in the minds of their congregations a feeling of reverence for the Fatherland. He encouraged efforts to teach the children German and to prevent them from speaking to their parents

in English; but although he had some success in keeping the German community apart from the Australian his efforts were not always appreciated by his countrymen. In one of Hirschfeld's letters which came into the possession of the intelligence department, he commented on the fact that "there are Germans in Queensland who say frankly to your face that they ask nothing from Germany." Such lukewarmness did not meet with his approval. He encouraged pastors to write to the German Government—especially to Prince von Bülow, while he was German Chancellor—requesting presents of literature for the Lutheran schools; and one pastor considered himself doubly blessed in receiving "a book of verses selected from German genius," from His Imperial Majesty Wilhelm II, "for maintaining the good will of Germans in English speaking countries and nourishing Germanism there."

Suspicion was directed towards Dr. Hirschfeld shortly after the commencement of the war. He was not a man of discreet speech, and made for himself a larger number of enemies than probably did any other individual German in Australia. He was interned at the Liverpool camp in 1915; but he succeeded in persuading the authorities that he was suffering from a weak heart, and was allowed out on parole in August, 1917. The intelligence department, however, found reasons for rearresting him in October. He was released after the termination of the war, in November, 1919, but was rearrested later in the same month. A stipendiary magistrate was asked to enquire into his case, as the military authorities considered that he should be deported from Australia. The magistrate reported that Hirschfeld was "unsurpassed in cunning, and would be unscrupulous in his dealings." He was deported in 1920, after a further examination of his case by a legal adviser of the intelligence department, who was of opinion that "his conduct seems to justify his being treated as an alien enemy."

Another man, who presented many of the characteristics of the typical "spy" of the movie-picture world, or the realm of mystery-fiction, was also familiar in Brisbane. He alleged that his name was Ronald Grahame Gordon, and that he was born in Inverness. He afterwards described himself to the authorities as "a secret service agent, investigator, and

courier," and said that he had performed secret service work for several European countries, including France, Portugal, and the Balkan States. He arrived in Queensland in or about 1912, worked on stations for some time, and afterwards taught the pianoforte and violin in Brisbane.

In September, 1913, this interesting character wrote to Colonel G L. Lee,[53] commanding the Queensland military district, stating that he had secret information " of the plans of a Power 'A' making possible a successful invasion of Australia," and offering—for £500 down and all expenses paid —to make the information available.

> It is known only to the War Council and certain of the London and Berlin Embassy Staffs of that Power, and to one European besides myself. It is so cunningly conceived, so far removed from accepted ideas of warfare, and will, if kept a secret, be carried out so relentlessly and with such audacity that it is bound to succeed. Australia *can* be seized and held!
>
> It is to be put into operation immediately upon a certain contingency arising, with the connivance of a European Power " B." It may happen at any moment.

Colonel Lee, after careful inquiry, was not impressed by his personality, and when, in September, 1914, Gordon offered himself as a secret service agent for the Defence Department, the offer was refused. Nevertheless his statement, recorded on the official files, must have had some currency inasmuch as, together with reports of Hirschfeld's activities, it appears to have afforded the basis of a pronouncement[54] by the Minister for Defence, often afterwards quoted, that the Government possessed evidence that the German Government had made plans to seize Australia. At the time of this statement Gordon himself had almost been forgotten; but it happened that, nearly a year later, he attracted the attention of the intelligence staff and of the police, partly in connection with his association with a Russian, the secretary of the Russian Association. Gordon at once removed himself to Graceville, where he barricaded himself, but was again visited. As he disclaimed knowledge of the Russian, and would give no proof whatever of his own British descent or connection, and as the police reported that he spoke " with a slight foreign

[53] Lieut.-Gen G L. Lee, C.M G., D.S.O. Commandant, 6th Military District, 1911/12, 1st M D., 1912/17, 2nd M.D., 1917/20. Officer of Aust. Permanent Forces: of Sydney; b. West Maitland, N.S.W., 25 June, 1860. Died 14 April, 1939.

[54] In a speech at Castlemaine, Vic., on 13 March, 1917.

accent, well educated, and that his appearance and manners were decidedly German," he was interned as an alien. The police report clearly and curtly intimated the opinion that Gordon's statement was entireless valueless. After the war he was shipped to Rotterdam.

Some people wildly clamoured for the whole of the Germans and persons of German origin in Australia to be interned, without calculating what this would have meant. It would have required six camps as large as the Liverpool concentration camp to hold them all, not to speak of the injustice of interning many thousands about whose loyalty and good disposition there was no doubt in the minds of those officers who were responsible for informing the Government. The neatest stroke disposing of this demand, which was somewhat recklessly urged by many newspaper correspondents in several States, was administered by Mr. Hall,[55] the New South Wales Attorney-General. "There are over 30,000 Germans in Australia," said Mr. Hall. "At the present time they are engaged in growing wheat, building houses, bootmaking, and a variety of other occupations. The proposal of a number of people is that these 30,000 Germans should be put into concentration camps. That means that in future Australians will grow wheat for them, build houses for them, make boots for them, and that I, as head of the State bakery, will employ Australian bakers to bake bread for German citizens. I am not sure, under these circumstances, who would be the most punished, the men who remain in camp or the men who remain outside and do the work for them."[56]

Suspicion and prejudice were necessarily generated by the fury of war, and it was proper that no risks should be taken in doubtful instances; but when the facts are calmly reviewed in a period of cooler temperatures, a clear distinction is observable between the patriotic reactions of people of German nationality and those of German origin born in Australia. There were in the Australian army a large number of men, including some of its distinguished—and indeed its most distinguished—members who were, on both sides of their

[55] Hon D. R Hall. M L A, N S W, 1901/4 and 1913/20; Member of C'wealth House of Reps., 1906/12, M L.C., N S W., 1912/13 Attorney-General and Minister for Justice, N.S.W., 1912/13 and 1916/19; Minister for Housing, 1919/20. Barrister-at-law, of Sydney; b Bright, Vic, 5 March, 1874.

[56] *The Sydney Morning Herald*. 24 May, 1915.

parentage, German. But they were born into British citizenship, they fully appreciated the position of Australia as a member of the British Commonwealth of Nations, and they never had a moment's doubt in deciding where their duty lay when the war summons came. There were certainly many hundreds of men fighting in the Australian army whose parents were German born. One of the earliest of recruits of this class presented himself for enrolment in Sydney in August, 1914. He made no secret of the nationality of his parents. The enrolment officer, Lieutenant-Colonel Antill,[57] was very reluctant to accept him, but the man insisted. He said that though his father and mother were Germans, he himself was born in Australia, all his interests were in this country, Australia had treated him well, and he wanted to fight for the nation to which by birth and feeling he belonged. In every State there were instances of the same kind, and the records of the A.I.F. prove that Australian soldiers of German parentage or descent were second to no others in exhibiting by their deeds their loyalty to their British nationality.

The test was more severe in the case of persons who, though Australians by long residence, were born in Germany. There were among them truculent individuals who had imbibed too copiously the boastful liquor of German invincibility, and diffused the froth of it too freely for their own good. There were others, good Australian citizens all their lives, who wished for no other result from the war than the triumph of the nation with which they had thrown in their lot. It was the task of the intelligence staff of the army to differentiate between these classes, and they performed their task with good judgment, never allowing themselves to be "rattled" by popular clamour or "bluffed" by the machinations of treachery or by the ingenious devices of enemy traders.

IX

Two of the law suits arising out of the internment of aliens were of peculiar interest.

In 1915 Mr. Hughes, whose energies were at the moment bent on eradicating German control of the Australian base

[57] Major-Gen. J. M. Antill, C.B., C.M.G. Commanded 3rd L.H. Bde., A.I.F., 1915/16; 2nd Inf. Bde., 1916; Commandant, 4th Mil. District, 1918/21. Officer of Aust. Permanent Forces; of Jarvisfield, Picton, N.S.W.; b. Picton, 26 Jan., 1866. Died 1 March, 1937.

metal industry, interned the manager of the Australian Metal Company, Mr. Franz Wallach. Wallach was born in Germany, but came to Australia about 1893 and, after being formally denaturalised by his own country, secured Australian naturalisation in 1898. Under the War Precautions Act his company (which was part of the German combine) had been declared an enemy company, and, except for the export of some small consignments by leave of the Government, its business had ceased. He was arrested at the office under a warrant issued by the Minister for Defence under the War Precautions regulation giving him power to intern any naturalised person whom he had reason to believe to be disaffected or disloyal. The warrant merely stated that the Minister had reason for such belief.

From Langwarrin camp, to which he was sent, Wallach wrote to Senator Pearce pleading that neither by word nor deed had he given any ground for this belief. He had married an Australian wife, whose brothers were then fighting in Gallipoli; and for the eighteen years he had practically never been associated with Germans except those of his own company, and had not been a member of a German club. As the Minister did not reply, an application was made on Wallach's behalf to the Chief Justice of Victoria for a writ of habeas corpus with a view to having the Minister called as a witness and examined as to his reasons.

Sir John Madden ordered the issue of the writ to the Minister and the commandant of the camp (Major Lloyd[58]), making it returnable at the first sitting of the full court. In spite of an affidavit from the Minister stating his opinion that the disclosure of his reasons and of their source would be injurious to the public interests and safety, the Full Court (Sir John Madden, Sir Thomas a'Beckett,[59] and Mr. Justice Cussen[60]) decided to call Senator Pearce. On August 10th he attended, but declined to make any statement except that his action had been taken "after having informed my mind in what I believed to be in the interests and safety of the

[58] Lieut.-Col. A. Lloyd, V.D. Sea Transport Service, A.I.F., 1916/17. Ironmonger; of Bairnsdale, Vic; b. Stratford, Vic., 20 Sept., 1870.

[59] Hon. Sir Thomas a'Beckett. Judge of the Supreme Court, Victoria, 1886/1917; of Armadale, Vic.; b. London, 31 Aug., 1836. Died 21 June, 1919

[60] Hon Sir Leo Cussen. Judge of Supreme Court, Victoria, 1906/33; of Melbourne; b. Portland, Vic., 29 Nov., 1859. Died 17 May, 1933.

Commonwealth," and claimed privilege on the ground that it would be prejudicial to those interests that he should be called upon to disclose his reasons. This plea was upheld (the Chief Justice dissenting), but the court decided that the regulation was *ultra vires*. The Chief Justice said that it unmistakably repealed the Habeas Corpus Act and definitely conflicted with Magna Charta and the Declaration of Rights, to both of which the Habeas Corpus Act gave effect. Although that Act had frequently been repealed by Parliament, which had the power to do so, such repeal had always been a matter of great anxiety to the legislators and had been done explicitly; they had not left the repeal to be inferred by innuendo from the wording of some provision. But the authority from the Commonwealth Parliament under which the regulation had been made conferred no such explicit power. Mr. Justice a'Beckett concurring, and Mr. Justice Cussen dissenting, Wallach was released.

He was immediately rearrested under another regulation approved the week before, enabling the internment of any person if, in view of his hostile associations, this was thought to be in the interests of public safety. Next day the Supreme Court of Victoria granted the issue of a second writ of habeas corpus. Upon the Commonwealth Government appealing to the High Court against the first decision, the hearing in the lower court was postponed; and on September 13th the full bench of the High Court (Chief Justice Griffith, and Justices Isaacs, Higgins, Duffy, Powers, and Rich) delivered a unanimous judgment, declaring that the authority given by Parliament for the making of the regulation was sufficiently plain, and affirming the right of the Minister on the return of the writ to withhold his reasons.

A case which evoked much interest in the later period of the war was that of the Reverend Father Charles Jerger, a priest of the Passionist Order. Jerger was born in Baden, of German parents, in 1869. His father's name was Morlock; but his mother married as her second husband John Jerger, by whose name Charles was known from his youthful years. He came to Australia with his mother and his step-father in 1888. He believed himself to be a naturalised British subject, but in this he was mistaken. He became a member of the

Passionist Order as a young man. In 1916 complaints began to be made against him by persons who attended the services at St. Brigid's Roman Catholic Church, Marrickville, a suburb of Sydney. It was reported that he had addressed the congregation in terms which left no doubt that his sympathies were with the land of his birth. A woman who had a son and a brother at the war walked out of the church while he was preaching, as a protest against his utterances. It was averred that he had said to his congregation: "What has Great Britain ever done for you? Germany would do the same. It would be better for you to live under Germany than under Great Britain." A man reported that Father Jerger had referred to King George as "George Windsor," and expressed his wonder whether a priest belonging to one of the Allied nations, if in Germany, would be allowed to preach in a church and refer to the Kaiser as "William Hohenzollern." The same person wrote that "a man goes to church to hear mass and hear the word of God, not to listen to German propaganda," and stated that he would feel compelled to attend another church instead of that of the parish in which he lived, in order to avoid being offended by Jerger's disloyal remarks. Still more emphatically, a brother priest (November, 1917) expressed his firm conviction, from intimate knowledge of Jerger, that he was "absolutely disloyal to this country and the Empire, and will take every means he thinks he can safely do, to encompass Germany's triumph."

The charges were investigated by a detective of senior rank, and, upon the reports and evidence received, the military authorities interned Father Jerger at Holdsworthy. He protested that he had not made use of any disloyal language and some persons, who averred that they regularly attended mass at the Marrickville church, testified that they had never heard him say anything which would tend to discourage recruiting. But the testimony of Jerger and his supporters was contradictory in several important particulars, and it did not dispose of the positive evidence upon which the authorities had acted.

Efforts to secure the liberation of Father Jerger were made from influential and eminent ecclesiastical quarters. There

was also some popular agitation in his favour. Consequently three separate enquiries were made into his case. The first of these was conducted in 1919 by a stipendiary magistrate in New South Wales, Mr. Butler,[61] who recommended that the internment should be continued. Secondly, the Royal Commission on the Release of Internees, 1919, devoted special attention to Father Jerger and reported concerning him:

> With reference to Father Jerger's case we desire to state that we have given it most serious consideration. He is 50 years of age, having left Germany at the age of two years. He is German born, and has never been naturalised, although it is possible that he considers himself a British subject. Under ordinary circumstances, having regard to his 48 years of residence under the British flag, he should be allowed to remain here. But he still says he is a German, and describes his attitude in the late war as neutral He is a man of strong personality and has been one of the leaders of internees in the camp. His internment has made him vindictive and resentful. Considering his conduct as alleged before internment, we think the magistrate's decision should not be interfered with.

The third enquiry was conducted by the Solicitor-General, Sir Robert Garran, who examined Father Jerger himself and a number of witnesses, including some who testified that while a resident in the internment camp Jerger had addressed other internees, assuring them that Germany would "come out all right," that "the damned Britishers were no good," and so forth. This settled the matter. Not only did the Government refuse to yield to pressure by releasing Father Jerger, but after peace was signed they determined to deport him from Australia. This they had power to do under the Aliens Restrictions Order, 1915, which provided that: "The Minister may order the deportation of any alien, and any alien with respect to whom such an order is made shall forthwith leave and thereafter remain out of the Commonwealth."[62]

As soon as it became known (July, 1920) that the Government intended to apply this regulation to Father Jerger, an excited agitation commenced. The boast was openly made that he would be rescued and set at liberty, and that all the forces at the disposal of the Government would not be sufficient to get him out of the country. He was proclaimed as a martyr to the sacred cause of liberty, and his deportation without trial

[61] C. F. Butler, Esq. Stipendiary magistrate; of Young district, N.S.W.; b. London, 8 Jan., 1856.

[62] *Manual of War Precautions, p. 199.*

was declared (in the Senate and elsewhere) to be a breach of the principles of Magna Charta. In all parts of Australia demands for his release were made, and his cause was championed at large demonstrations, in every case organised by the Catholic population; and equally insistent meetings of a different way of thinking urged that the Government should on no account depart from its intention to expel the turbulent priest from Australia. Many Catholics wrote letters dissociating themselves from their co-religionists, and the Orange lodges irrupted with resolutions. The Government was determined; "Jerger," declared the Prime Minister, "must go."

Father Jerger was released from the internment camp on parole on April 30th. He was rearrested on July 7th and confined, first at Darlinghurst gaol and afterwards at Queenscliff fort, Victoria. Application was made to a judge of the High Court, Mr. Justice Starke,[63] for an interim injunction to restrain the Minister for Defence from deporting him pending the hearing of an application for a writ of habeas corpus. The judge refused to grant the injunction, but made an order calling upon the officers who had Jerger in their custody to show cause why a writ should not issue. Before this order could be executed, Jerger had been removed to Adelaide and put on board the ship *Nestor*. Here difficulties commenced. He had been brought from the barracks to Port Adelaide in a motor-car, and was to have been removed in a launch from the wharf to the ship, which lay at anchor in the outer harbour. But the crew of the launch refused to work. He was thereupon removed to a police launch, and duly deposited in the *Nestor*. Then the crew of that vessel refused to man her unless the priest were given a trial before deportation. Moreover, the Commonwealth officers were in possession of information that an attempt had been organised to rescue Jerger from the *Nestor*; and it was afterwards boasted that, if the contemplated coup had been carried out, "Mr. Hughes, even with all the wonderful machinery at his disposal, would never have got him back."[64]

[63] Hon. Sir Hayden Starke. Judge of High Court of Australia, since 1920; b. Creswick, Vic., 22 Feb., 1871.

[64] Report in *The Argus*, 2 Aug., 1920.

Probably well-devised plans had been made, but the Commonwealth officers frustrated them by removing Jerger from the *Nestor* to the P. & O. steamer *Khyber,* and ordering the captain, under a War Precautions regulation, to receive him in custody and remove him from the Commonwealth. The *Khyber* arrived at Fremantle with Jerger on board on July 26th. His supporters, though baffled, were still hopeful. The members of a committee in Perth which had been participating in the agitation for his release procured a launch, in which they steamed circling the vessel as she lay at anchor, trusting that at least they might catch a glimpse of their hero, and that at best they might be favoured with an opportunity of effecting his rescue. But fortune did not favour them; and the next news received about Father Jerger was that he had arrived at Colombo (August 5th) in good health and with nothing but praise for his treatment in the *Khyber.*

The wharf labourers then determined to execute vengeance upon the P. & O. Company by refusing to handle cargo on any of its ships, whereby, the agent of the company protested, it was subjected to a loss amounting to several thousands of pounds. Certainly the company was in no sense responsible for what had occurred. It had not desired to take Jerger on board the *Khyber* as a passenger, but was compelled to submit when the captain was ordered so to do, because his refusal would have involved a defiance of authority which, under the Aliens Restriction Order, would have entailed penalties. The company's agent asked why the Government had not exerted its authority to compel the crew of the *Nestor* to work; why, indeed, it had chosen to take no action in that case, but had compelled other shipowners to come into the quarrel, thus involving them in loss and annoyance. But to that protest there was no answer. Nor did the Government take any action against those—their names were well known—who had made preparations to rescue Jerger, apparently concluding that the defeat of these machinations was a sufficient triumph. But the Minister for Defence, in a Senate debate, revealed the fact that all of those who had given information against Jerger, with one exception, were Catholics; and he also alluded to the circumstance that the priest who had reported Jerger's disloyal

utterances and attitude had since been deported, not by the Government, but by the religious order to which he belonged. Another by-product of the case was the issue, in the name of Father Jerger, of a writ against the Assistant Minister for Defence, Sir Granville Ryrie,[65] claiming £5,000 damages for slander, on account of denunciation of him as "a rebel and a traitor"; but, the deportation having by this time been effected, the court made an order for security for costs against the plaintiff, and nothing more was heard of the action.[66]

[65] Major-Gen. Hon. Sir Granville Ryrie, K.C.M.G., C.B., V.D. Commanded 2nd L.H. Bde., A.I.F., 1914/18; M.L.A., N.S.Wales, 1906/10; Member of C'wealth House of Representatives, 1911/27, Asst. Minister for Defence, 1919/22; High Commissioner for Australia in London, 1927/32. Grazier; of Micalago, Michelago, N.S.W.; b. Michelago, 1 July, 1865. Died 2 Oct., 1937.

[66] The narrative printed above is founded upon papers in the Attorney-General's Department, Canberra; *N.S.Wales Parliamentary Papers, 1918, Commonwealth Parliamentary Debates, LXXXIV, 4155* (containing a written statement of the case for Father Jerger); *Commonwealth Law Reports, XXVII, 526*, and *XXVIII. 388*, and contemporary newspapers.