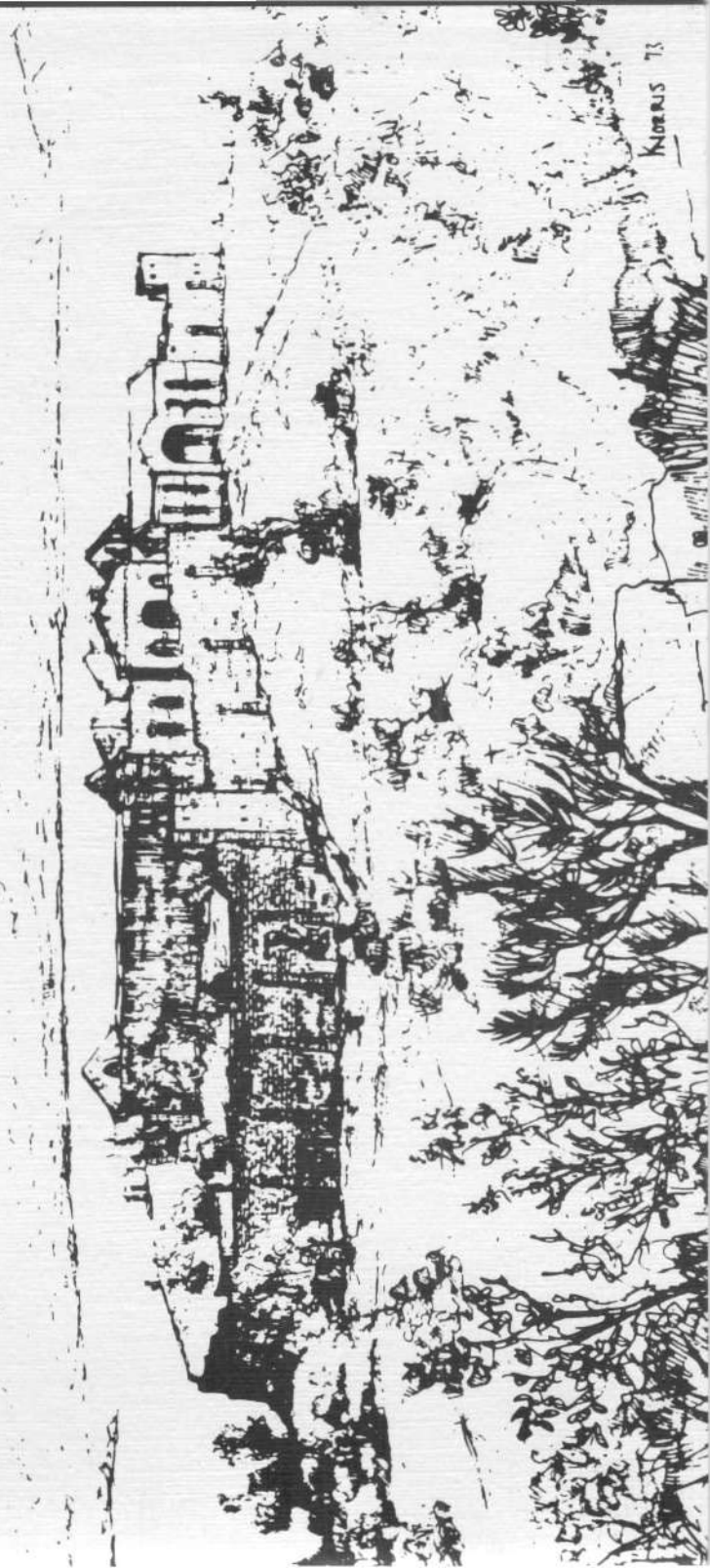


# TRIAL BAY GAOL



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## Public Works Prison and Wartime Detention Camp

MARIE H. NEIL

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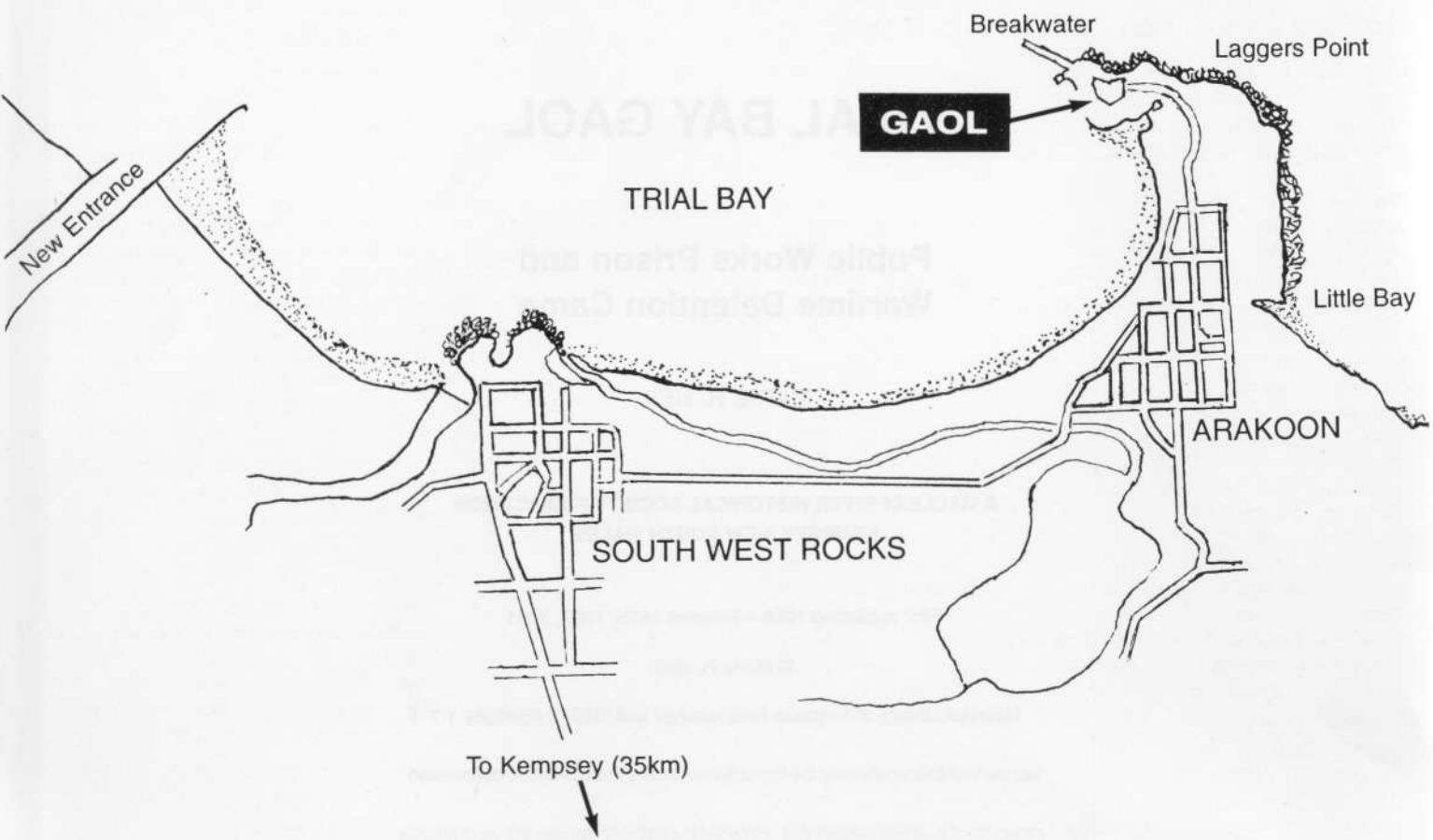
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## Prison Reform in New South Wales

Trial Bay Gaol is to-day a solitary, picturesque ruin on Laggars Point, a rocky headland in the Arakoon State Recreation Area on the mid-north coast of New South Wales. An atmosphere of timelessness prevails in this quiet place. Magnificent seascapes can be seen from the headland, while the native bushland adds to the beauty and serenity of the environment. The pinkish-grey, locally-quarried granite used in the construction of the gaol and its walls fits in well with these natural surroundings. In such a setting the building provides a fitting memorial to efforts made during the second half of the nineteenth century to improve the prison system in New South Wales.

Transportation of convicts from England had long ceased when the prison was built, so the Trial Bay Gaol is in no sense a relic of the days when Australia was a penal colony. Nor was it a setting for such harsh treatment as was meted out to prisoners in some of the infamous gaols which existed in Australia's early days. It had its origin in 1861 when a Select Committee of the Parliament of New South Wales investigated prison conditions and recommended various reforms. These included changes in prison administration and the selection of prison staff, and proposed ideas which it was hoped would lead to the rehabilitation of prisoners on discharge. Discussions and planning during the years which followed resulted in a Government decision to implement these ideas by using prisoners to build a breakwater extending from Laggars Point to provide a harbour of refuge in Trial Bay for storm-driven ships.

The use of prisoners on a Public Works scheme such as this was a progressive step in prison reform in Australia. The reformers anticipated that the men, by spending a transition period towards the end of their sentences and becoming skilled in certain trades under less restrictive conditions than usual, would, on the

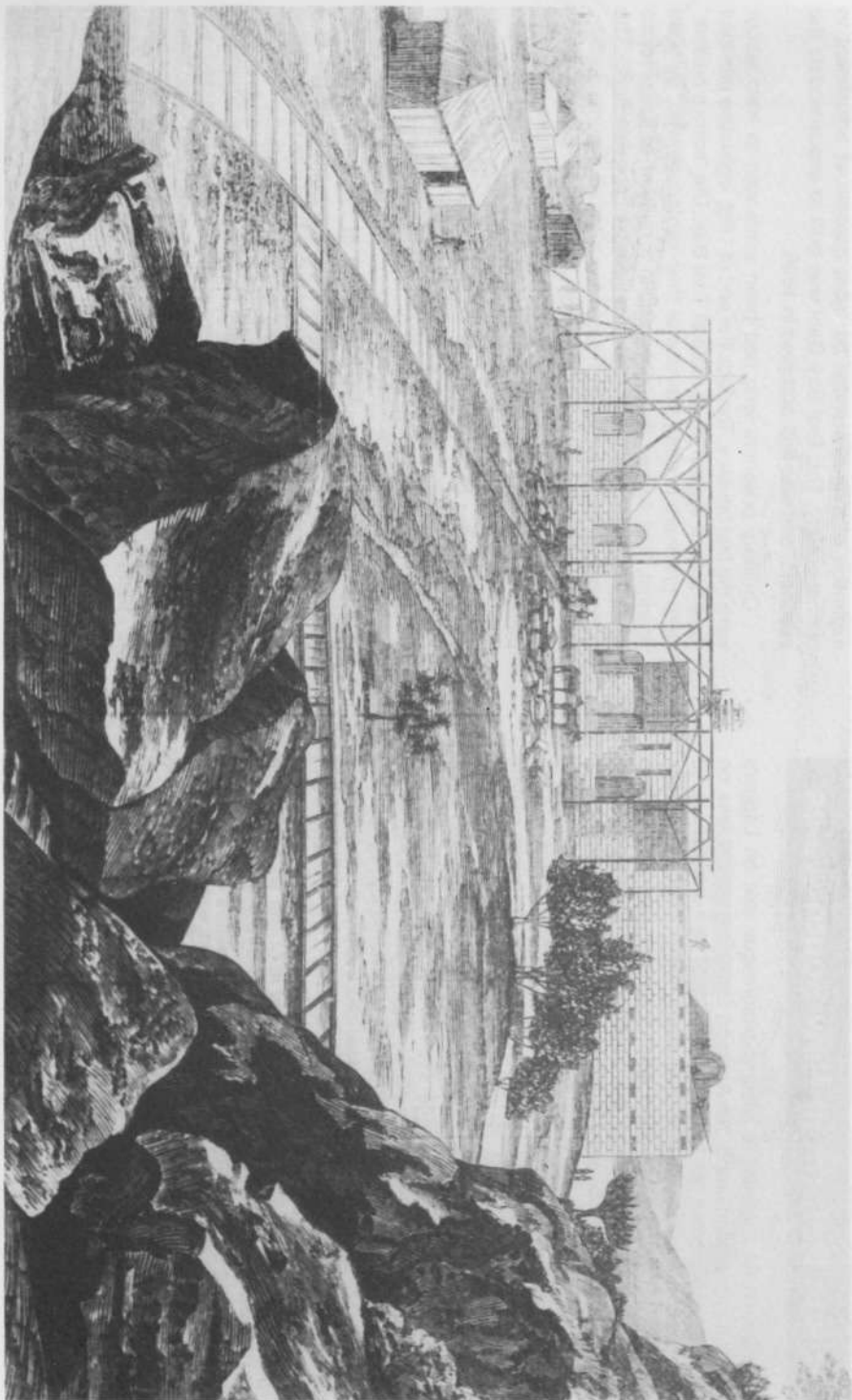
expiration of their sentences be more capable of adjustment to normal society. The Trial Bay Gaol was built to accommodate the prisoners, and was first occupied in 1886.

Ordinary prisoners who had been sentenced to hard labour were the first inmates. Towards the end of 1886 legislation provided for a "licence system" to operate at Trial Bay. The "licence holders" were prisoners nearing the end of their sentences who, by good conduct, had earned the right to quite a number of concessions while they worked on the breakwater construction. The concessions included being housed in unlocked accommodation, wearing clothes which differed from the prison pattern, being granted occasional passes to leave the prison confines, receiving better rations and being paid wages, of which one third could be spent. The balance of the wages they earned was to be held until their discharge to provide funds to help them in their new way of life. The two classifications of prisoners at Trial Bay ended in 1889 when the last of the ordinary prisoners were withdrawn and the gaol became a full Public Works Prison.

With the establishment of a prison of this type New South Wales had joined England and other European countries in a specific attempt to improve conditions for prisoners, rewarding them for good conduct and aiming to assist their reform.

Problems and delays had been faced in getting the breakwater scheme into action. Problems continued as the years passed, and eventually caused the abandonment of the ambitious Public Works project which had been designed to help not only those who sailed in dangerous waters, but selected prisoners in the State penitentiaries. When the breakwater project was abandoned in 1903 the prison inmates were transferred to other centres.

Trial Bay Gaol was then left empty and desolate on Laggars Point until the years of the first World War, when, for a brief period, it served as a detention barracks for enemy aliens in Australia.



*The Prison Works at Trial Bay - 1878. From Town and Country Journal by courtesy of the Mitchell Library, Sydney.*

## A Harbour of Refuge

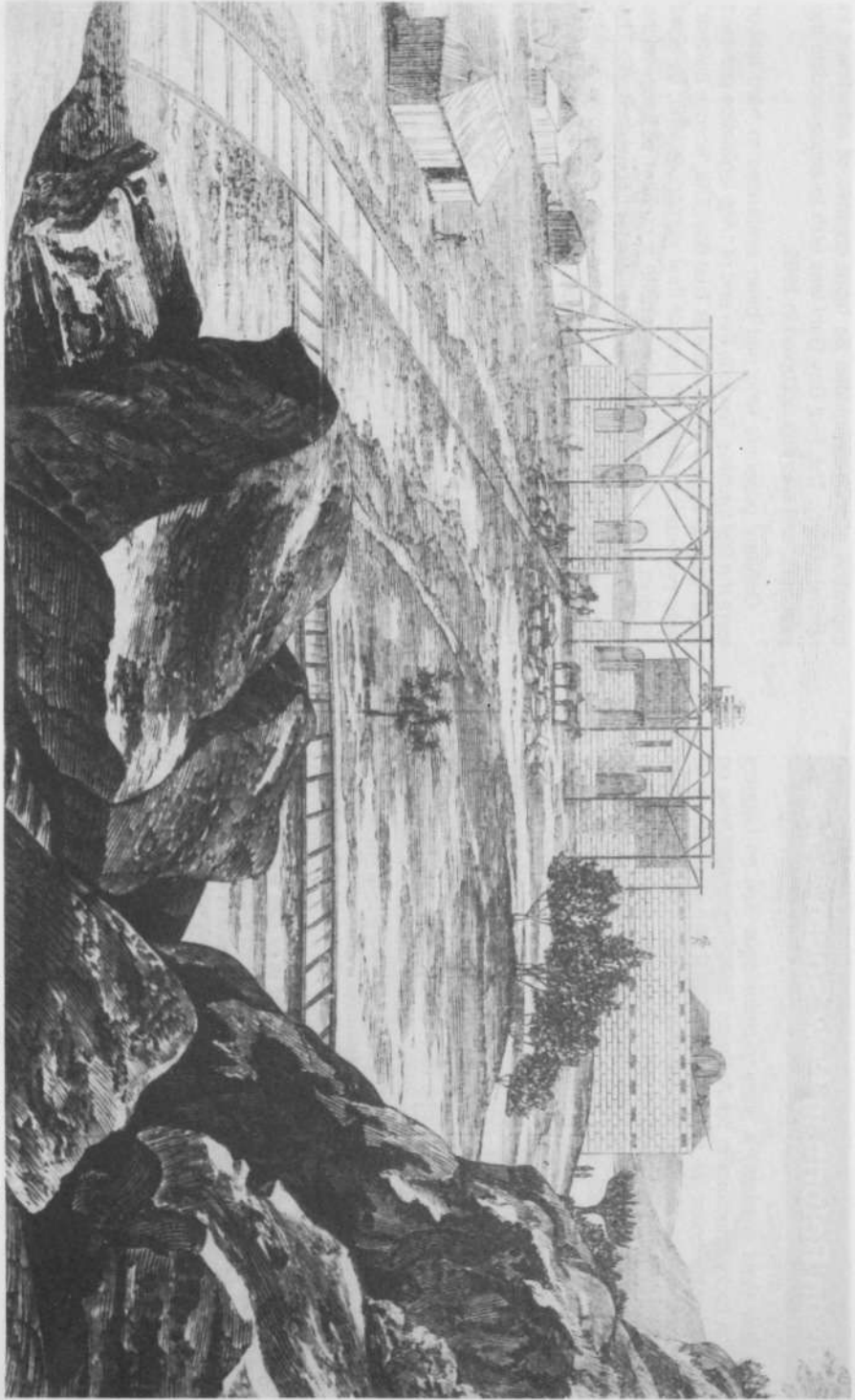
The history of the gaol is closely linked with the story of sea transport along the north coast of New South Wales during the second half of the nineteenth century. Sailing ships and small steamships were then the main form of communication between the coastal towns and Sydney. Travellers by sea, however, faced many hazards, particularly during sudden gales. Most of the ports of call were inside river entrances and almost all of these entrances had unreliable, dangerous bars. Many of the rivers, moreover, were navigable only by vessels of shallow draught. Trial Bay, midway between Port Stephens and Moreton Bay, was reasonably safe as a refuge for storm-driven ships during southerly gales, but practically useless when a strong gale blew from the south-east.

In 1863 Edward Moriarty, Engineer-in-Chief for the Harbours

and Rivers Department of the Department of Public Works, was asked to report on the possibility of making a harbour in Trial Bay where ships could shelter in adverse weather. His report suggested that such a harbour could be constructed by building a stone breakwater projecting 5,000 feet (1524m) from Laggars Point. With the publication of annual shipwreck reports showing very heavy losses of life and property, demands were made for action. Between 1863 and 1866 ten steamships and seventy-nine sailing ships were lost with two hundred and forty-three people drowned. Hoping to lessen the number of such disasters, the Government, in 1870, voted the sum of £10,000 (\$20,000) towards the proposed Trial Bay Harbour. Not all members of the Parliament of New South Wales were in agreement with the decision. Several believed that the scheme could not succeed and that it would be excessively costly. The people of the Macleay River Valley were anxious for the harbour, however, and were strongly supported by their local Member of Parliament, Robert Burdett Smith.

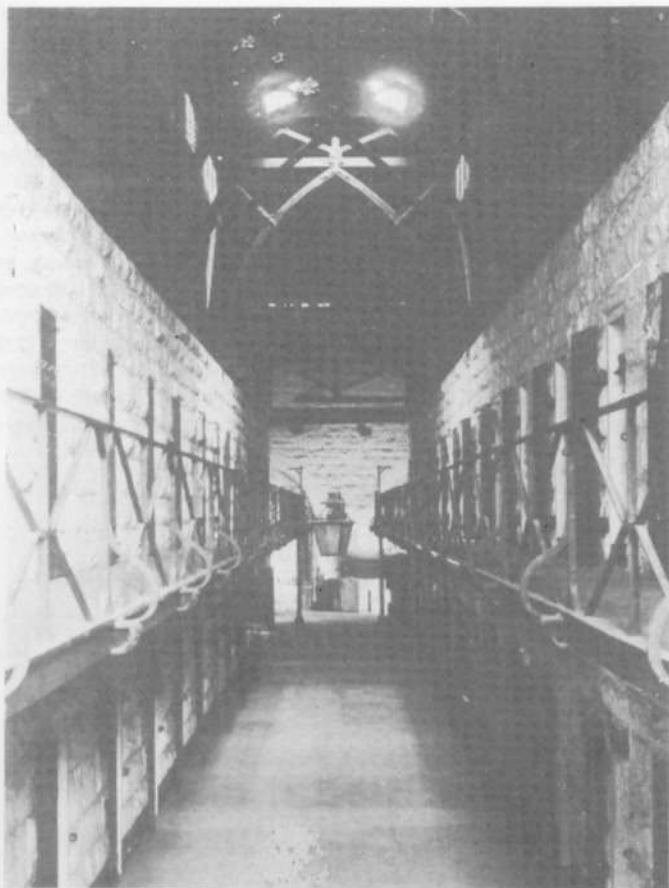


*Buildings ready for occupation – 1886. Photograph by courtesy of the Mitchell Library, Sydney.*



*The Prison Works at Trial Bay - 1878. From Town and Country Journal by courtesy of the Mitchell Library, Sydney.*





*Cell corridor in the first wing.*

Meanwhile various ideas for penal reform, among other social reforms, were under discussion. In 1867 new gaol regulations had been introduced which dealt with the remission of sentences and the division of prisoners into classes according to their crimes and sentences, with appropriate treatment and accommodation. Harold Maclean visited England in 1869 to inspect British prisons. On his return in 1870 he included in his report a recommendation that a Public Works Prison, using the labour of prisoners under long sentence, should be established. He had been impressed by prisons he had seen at Portland, Portsmouth and Chatham in England, and, particularly, by one at Lusk in Ireland.

When Maclean became Comptroller-General of Prisons in 1874 he began to press for his Public Works Prison. Trial Bay appealed to him as an appropriate location. The following year he and Edward Moriarty proposed the use of prison labour to quarry stone and work on the breakwater construction which had not yet begun. Additional funds for the harbour project and for a gaol to accommodate the prisoners were then allocated.

It was not intended that the harbour should be other than a place of refuge for ships in stormy weather, but the people of the district envisaged a new way of life coming for them with a port at the entrance to their navigable river. In an article in the *Town and Country Journal* in 1878 a writer who had visited the area echoed the local opinion when he enthusiastically predicted:

'There is not the slightest doubt that when it is finished, or even half so, the little town of Arakoon will be a flourishing city. Nearly all the produce from the Macleay, the Bellinger and Nambucca will be brought there by small vessels to be transhipped into the large ones. Vessels from the south carrying produce to the north will call there and take it in; vessels from the north will do the same.'

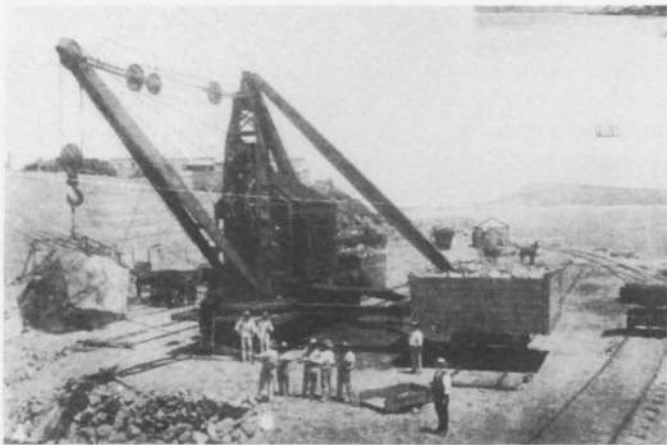
Kempsey, the commercial centre of the valley with its rich



agricultural and pastoral produce, was forty-five kilometres upstream from the mouth of the Macleay River at Grassy Head, and only ships of shallow draught could reach the town and the intermediate wharves.

So eager were the local people for what they believed was to become a commercial port in Trial Bay that they agitated for railway lines to connect Trial bay with Kempsey and with Armidale on the New England tableland, which was already linked by rail with Sydney. Surveys were made to consider these proposals, but in both cases they found to be impracticable.

Meanwhile, before the breakwater construction could begin, prison accommodation had to be established for the men who were to work on the scheme.



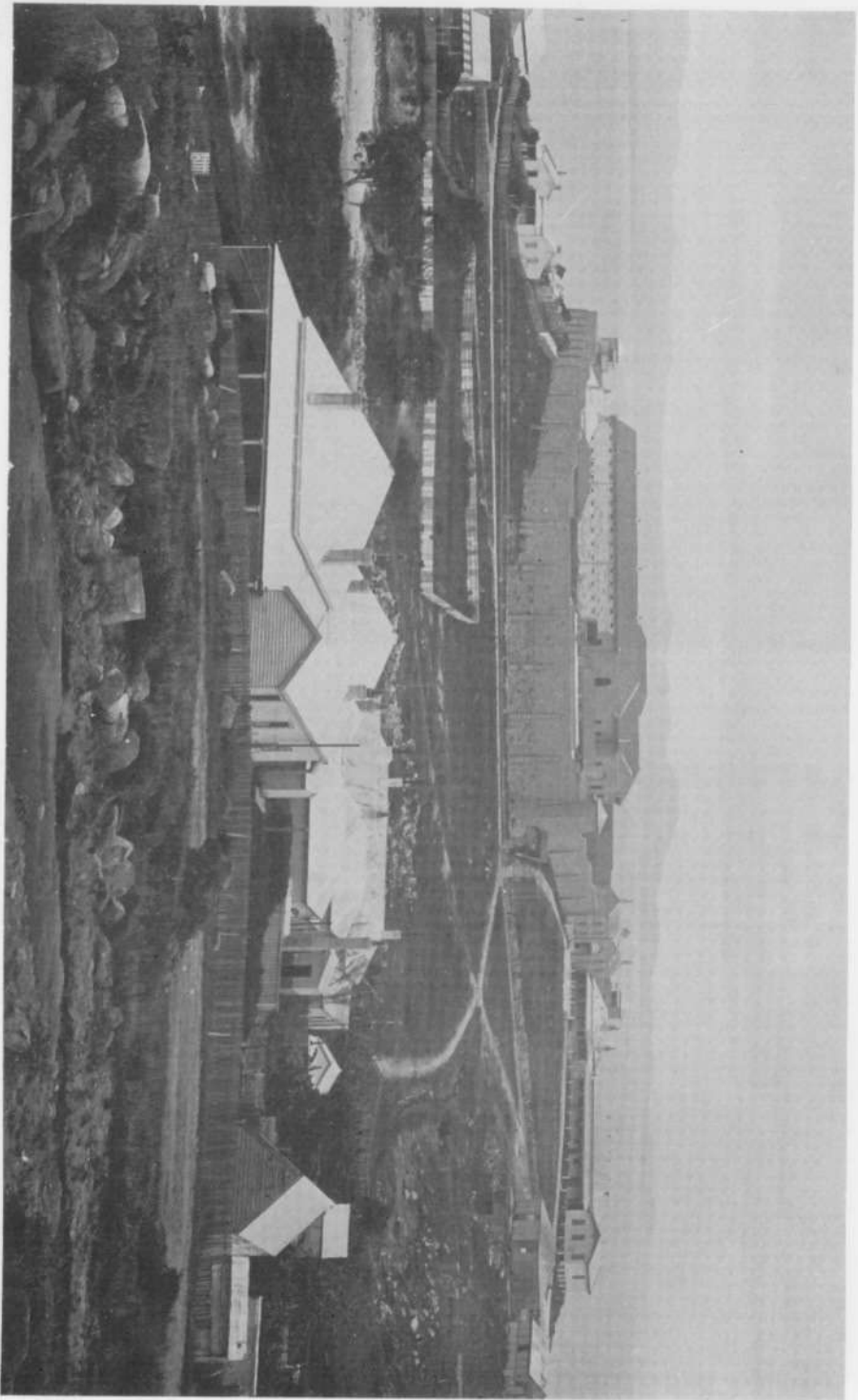
*Steam crane lifting a block of granite. From Town and Country Journal by courtesy of the Mitchell Library, Sydney.*

## The Public Works Prison

Several proposals for gaol accommodation were considered. An early suggestion, made by Moriarty, was to house the prisoners in hulks in the bay. Maclean suggested building a wall across Lagers Point and erecting timber buildings inside the boundary. He and Moriarty believed that the sum of £28,000 (\$56,000) would cover the cost of such a stockade and buildings. Another plan was for a gaol built of timber with two wings, each having sixty-four cells, enclosed within an eighteen foot-high wall. None of these plans met with approval.

Finally a plan prepared in 1876 was accepted. The prison was to be built from local granite. It was to consist of a central hall and a two-storey cell block and be enclosed in a high stone wall with four watchtowers. Provision was made for two additional wings which could be built later. The contract for its construction was given to D. Macquarie of Sydney at a cost of £25,550 (\$51,100). Work on the gaol began in 1877 but troubles soon arose. Costs soared and delays occurred while awaiting additional funds to continue building. When the contractor died construction was further delayed until his son took over the contract.

As the cells were completed the workmen moved from their tents and occupied them, sleeping in hammocks which were fastened to bolts in the walls. In 1878 some eighty hands were employed, thirty-three of them being masons who received from twelve shillings (one dollar and twenty cents) to fourteen shillings (one dollar and forty cents) a day. The use of the local granite was a big factor in both the delay and the high cost connected with the building of the gaol. A visitor to the works in that year was shown a stone which had just been placed in position. It measured four feet six inches by two feet by one foot two inches (1,370mm by 610mm by 356mm) and had taken four and half days to get ready. This



*The gaol and environs in 1900.*

stone was rough-hewn except in one place where, being a corner stone, it was smoothed off. It was said to be so hard that it would not chip under the tools, 'each blow of the hammer only sending off a little powder and leaving a white line'. One man's labour was sometimes required for nine days on the preparation of an individual block.

It took over two years to build the first section of the gaol with its one wing of cells. Further funds were voted to complete the wall and four watchtowers, and the ancillary buildings which included the hospital, the punishment cells and the staff quarters. It was also necessary to build a dam on the nearby hill to provide a water supply. The contract for the dam construction was given to J. Lawson, who quoted an amount of £773 (\$1,546) as his building cost.

On March 18, 1886 the gaol was at last ready to receive prisoners. On behalf of the Minister for Justice, Chief Warder Rowley accepted the prison key. The Superintendent of the gaol was William Small, who had formerly been in charge of Berrima Gaol. He was given the title of "Superintendent" in preference to the title of "Commandant" or "Gaoler" which was then used for officers in charge of State prisons.

Men convicted of serious crimes could be sentenced to hard labour on the roads and other public works. The first group of prisoners to occupy the gaol were men who had received sentences of this nature. They were subject to full security precautions and locked up at night. It was intended that they would be set to work to build the second wing of the prison in stone. This plan was changed, however, and three timber huts were erected instead. These contained, in all, eighteen rooms and were designed to accommodate the "licence-holders" – the privileged men whose good conduct had entitled them to complete their sentences with a form of modified servitude. Each room contained six beds. The huts were originally to have been located outside the



*The gaol after its closure in 1903.*

gaol walls, but, as it was feared that abscondings would take place, they were erected within the walls.

Descriptions of the gaol and its administration in those early days have fortunately been preserved. The main gate opened to an entrance porch with the Superintendent's office and the gaol library on the left. The warders' room was on the right. Another gate shut this porch off from the prison courtyard. Across the courtyard was the stone prison with its gate opening to another entrance porch which had waiting rooms on each side and which led to a spacious assembly hall. The wing of cells extended from the hall. Gas, supplied from a gasoline house outside the gaol walls, was used to illuminate the prison. In the gaol grounds, in addition to the three huts, were the hospital, the punishment cell block, the kitchen and bakehouse, a tinsmith's and blacksmith's shop, a shoemaker's shop and various outhouses.

A house for the Deputy Superintendent and a building which accommodated a store room and the single warders' quarters were located immediately outside the main gaol gate. To the left of the main entrance, below the southern gaol wall, were the married warders' quarters. Houses for the Superintendent, the Resident Engineer for the Harbours and Rivers Department and the Resident Surgeon stood together beside the road to Arakoon. The Resident Surgeon was Dr. R. T. Paton. His Resident Engineer neighbour was D. S. Kirkwood, successor to C. Brownrigg. Behind the gaol, closer to the breakwater site, were quarters for visiting officers and the foreman of the works.

At the end of 1888 there were still twenty-three prisoners in the gaol who were serving the usual hard labour sentences. By the end of 1889 all the prisoners were "licence-holders". Some slept in the cells. The best-behaved slept in the huts. So long as the huts were occupied the doors of the cells and huts were left unlocked at night. The gaol had now become a full Public Works Prison, holding men of proven good conduct who had been sentenced to hard labour for periods of three years or more, and who were serving the last periods of their sentences constructing a breakwater under conditions which amounted almost to semi-freedom.

Harold Maclean died in November, 1889, having lived to see his plan for prison reform under way. He believed that the system operating at Trial Bay was the most important departure from prison procedure made by any country, and hoped that the men, with partial freedom from restraint, would accustom themselves to the self-discipline necessary for rehabilitation on discharge. George Miller followed him as Comptroller-General of Prisons. He, too, was a man with humane ideas in prison administration.

By now Edward Moriarty was no longer associated with the project, his position of Engineer-in-Chief, Harbours and Rivers Department, being occupied by C. W. Darley. Darley had a survey

taken of the bay and recommended an alteration in the direction of the breakwater, hoping to save over £90,000 (\$180,000) in costs. This alteration in direction became the subject of much criticism in later years. Many believed it added to the shoaling in the bay which contributed eventually to the abandonment of the harbour plan. On the other hand many critics believed firmly that Moriarty's plan could never have succeeded.

By 1890, with £85,000 (\$170,000) already spent on the combined harbour and prison project, the construction of the breakwater had scarcely begun.



*The Deputy Superintendent's house.*

## The Breakwater

When work on the breakwater did begin at the end of 1889 it was carried out under the supervision of officers of the Department of Public Works. As the responsibility for the control and discipline of the prisoners rested with the prison officials, friction inevitably occurred with the dual control. It was not until 1898 that complete control of the men passed to the Prisons Department. Stone for the breakwater was quarried from the side of the adjacent hill, using steam drills and explosives. A steam crane lifted the stone onto trucks, which were drawn by horses along rails to the breakwater site. The pieces of stone averaged eight tons (8.1 tonnes) in weight, although many were much heavier. One huge piece cut in 1899 weighed over thirty-six tons (36.6 tonnes).

Reports indicate that the prisoners labouring on the project generally worked well, enjoying good health. Little friction occurred between them and their warders. There is no record that the flogging triangle which stood in the hall of the gaol was ever used. After Maclean's death the more relaxed discipline which had prevailed during the first years under the "licence-holding" system was tightened. Leave passes to the town were discontinued, the scale of wages were reduced and the term "licence-holder" was dropped.

For several years the prisoners manned a twenty-eight foot (eight and a half metre) whale-boat, under the supervision of a warder, to put passengers on and take them off passing steamships which could not navigate the Macleay River. This was a service much appreciated by the local people.

In the first year of construction the breakwater advanced 206 feet (63 metres) into the bay. This was a good year, however.



*Breakwater construction.*

Washbacks soon became a major problem, particularly during 1892 and 1893, when 100 feet (30 metres) and 119 feet (36 metres) respectively were washed away. It was in 1893 that a great gale caused the Macleay River to flood and break out to sea near South West Rocks, about nine and a half kilometres south of its former exit at Grassy Head. This new mouth of the river eventually became an improved, safe entry for those ships which could navigate the stream and the old entrance at Grassy Head gradually silted over.

Another big washback of 100 feet (30 metres) of the breakwater occurred in 1897. Two years later the breakwater measured only 721 feet (220 metres) in length. A total of 684 feet (208 metres) of stonework had been destroyed by the seas over the years.



*The Macleay River. S.S. Yulgilbar arriving with internees.*

## Trial Bay Internment Camp

Work on the breakwater was not resumed. The houses and buildings outside the gaol walls were sold and moved away. The lonely headland was rarely visited and Arakoon remained an isolated and sparsely-settled little village. Rusting and disintegrating equipment was still lying about near the unfinished breakwater when a new use was found for the gaol in 1915.

The first World War had broken out in August, 1914. Within a week all German subjects in Australia were required to report to the nearest Post Office and to notify immediately any change of address. In February, 1915 all enemy alien reservists were interned.

Three months later Australian troops were among those who were fighting in the Gallipoli campaign in an attempt to destroy Turkish fortifications on the Peninsula, win control of the Dardanelles and establish a sea link with Russia. The Australian casualties in the battles there were incredibly heavy, including 8,587 deaths and 19,367 wounded men within four months. As the casualty lists grew so did the feelings of hostility towards citizens of German origin in Australia. Many were unable to get employment and were forced to offer themselves for voluntary internment. Holdsworthy Military Camp, near Liverpool in New South Wales, became the internment centre for the men, while the wives and children were accommodated first in vacant houses in Bourke and later in huts at Molonglo, near Canberra.

It was decided to detain the single men at the Trial Bay Gaol. Most of these men were well-educated and had private means, or were still being paid salaries by the firms which had employed them. They were of necessity a discontented group who found it difficult to adapt themselves to life in the crowded conditions at



Holdsworthy. Because of their abilities they were even considered dangerous by the military authorities.

The first internees for the Trial Bay Detention Barracks left Sydney in August, 1915 on the steamship *Yulgilbar*, disembarking at the Jerseyville wharf on the Macleay River. Their number grew to over five hundred and included men who had come from Ceylon, Singapore, Hong Kong and the British and German Islands in the Pacific – Borneo, New Caledonia, Fiji, New Guinea and the Solomon Islands. The gaol accommodated rubber planters, ships' officers, military officers and even some Buddhist priests from Ceylon who wore yellow and brown robes and took little part in the activities shared by the other internees.

As the majority of the Trial Bay internees could afford additional comforts and amenities they were certainly better off than most of those at Holdsworthy. Nevertheless the bitterness of these men

living an idle, seemingly useless life under military guard, where formerly they had held positions of importance, is clearly revealed in the newspaper they produced both at Trial Bay and later at Holdsworthy.

Each prison cell accommodated two internees. Barracks built between the gaol walls and the main prison building housed the remainder. Other timber structures were erected in the gaol grounds. Men of rank occupied quarters outside the gaol walls. A line across the peninsula formed a boundary beyond which the internees were not permitted to move unless accompanied by armed guards. Within the boundary, however, they were free by day to fish, swim, sunbathe on the beach, play tennis on the fine courts they constructed on the site of the old tramlines near the quarry, or otherwise occupy themselves. To avoid the crowded conditions within the gaol walls many built huts outside where they could study or follow their hobbies and interests. The gaol gates were opened



*The army guard on parade at Trial Bay.*

at 9 a.m., after roll-call, and closed at 6.30 p.m., when the roll was again called and a check was made.

Early in 1917 Dr. Max Herz, who was interned at the gaol, recommended an extension of the boundary line to enable those who did not swim or play tennis to walk into the bushland and thus get some exercise and relieve the tedium which was affecting the mental and physical health of many of the men.

The tedium of their lives was also relieved by lectures and lessons in languages, wireless telegraphy and mercantile shipping, which were given by inmates, as well as with music, dramatic presentations, the production of their newspaper and the use of a library. There was a well-stocked canteen outside the gaol entrance where the men could buy additional needs and clothing. The profits of this canteen helped to subsidise their theatre and orchestra and improve their camp rations. There was a second cafe in the spacious gaol hall where meals were taken. A visitor to the camp described the hall at night as resembling a German beer-garden, with the camp orchestra playing selections while the internees sat at tables smoking, playing cards or drinking non-intoxicating beer.

Some who needed to supplement their incomes found ways to profit from hobbies or work carried out for fellow inmates. Others joined the working party which went into the bush each day with guards to cut and transport wood for the kitchen, and to bring back water for the gaol tanks from the well on the hill. For this they received one shilling (ten cents) a day. Many, however, joined these working parties for the exercise rather than the payment they received.

In later years many of the internees looked back on those days of captivity with mixed feelings. As one said:

'Being an internee is nowhere a pleasant affair, but I recall some good points of Trial Bay – apart from good food, lots of sun and pure air, those splendid waves rolling in from the

Pacific against our small peninsula, a stretch of bathing beach of pure sand comparable to, or even better than, those of some world renowned European watering-places.'

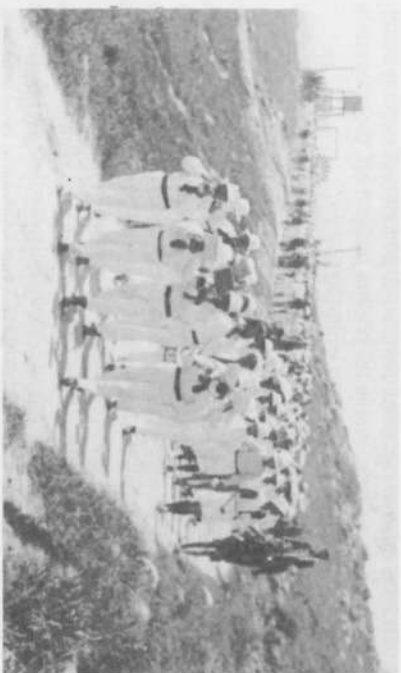
The prevailing spirit while confined there, however, is described by another internee who wrote:

'So we sat, tight in traps . . . and told in an 'hospitable' manner that from now on we should make ourselves comfortable with brick walls, iron bars, prison cells, mutton, jam and the Australian friendliness . . . Nothing more but that horrible inherited castle, the sea, and the sea again, and the big unfulfilled longing for freedom and home.'

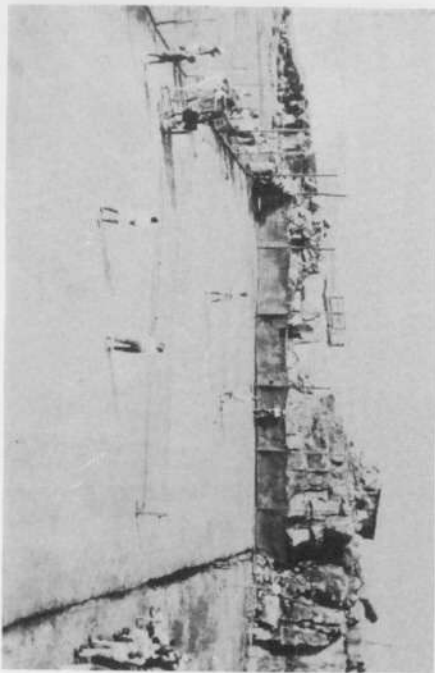
Those who died in the internment centre were buried on the hill above the gaol. Their fellow-countrymen erected an elaborate granite memorial above their graves.



*Internees disembarking at Jerseyville – 1915.*



*Internees and their band.*



*Tennis court constructed by internees.*



*A lonely guard at  
the internment camp.*

## The Internment Camp Closes

In 1917 information was received from Java that the Germans were planning a cutting-out expedition to rescue some of the inmates of the Trial Bay camp. The Australian military authorities were not unduly worried until confirmation was received of the reported presence of the German raider *Wolf* off the coast of New South Wales and the flight of its little reconnaissance plane over the Trial Bay area. In May, 1918 it was considered advisable to move the men back to Holdsworthy.

It was a hurried move. The internees were taken to the Jerseyville wharf to embark for their return to the much-disliked detention barracks near Sydney, where between 4,000 and 5,000 men were interned.

For the Australian guards it was no doubt a popular move. The one hundred guards and their three officers had led a monotonous life at Trial Bay.

The war ended in November, 1918, but for some time the feelings of hostility towards the Germans in Australia continued. Australia, with its small population, had sent nearly 330,000 soldiers overseas. Of these almost 60,000 had been killed and over 166,000 wounded or "gassed". In July, 1919 some this prevailing hostility was expressed by the destruction by explosives of the monument the Germans had erected in memory of their dead comrades on the hill above Trial Bay Gaol.

It seemed certain that those Germans who had been interned, most of them civilians, could not be peacefully re-absorbed into life in Australia. Nine special ships carried them back to Germany during 1919 and 1920.



*German graves on the hill.*

## Aftermath

In 1878 a travelling reporter for a Sydney journal wrote of the prison:

'When, years ahead, it is finished, it will be an object of interest to the whole colony.'

His words have proved to be prophetic.

Abandoned for a second time, the gaol was not used again. In 1922 the roof, gates and all moveable parts were sold by auction for £800 (\$1,600). The sale brought equally low prices for the ancillary buildings inside and outside the gaol walls.

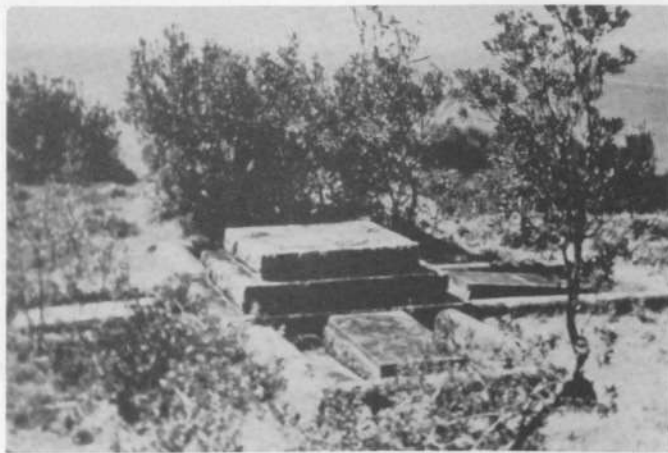
The area once again resumed its former peaceful atmosphere with few visitors to disturb the quietude. Blocks of granite from demolished buildings lay about the prison grounds, where grass and banksia trees grew again in their native state. Vegetation was also growing up around the lonely graves on the hillside. Deterioration of the breakwater continued and there was little visible evidence of the efforts of the many men formerly confined within the area.

In 1959 the Consul-General of the Federal Republic of Germany visited the graves and sought the help of the Macleay Shire Council in having the monument restored. The consulate paid for the cost of the restoration, which was carried out by a private contractor in 1960. The Council and Rotary Club of Kempsey assisted in clearing the site and helping to restore the areas from a wilderness to an orderly condition. A track now winds up the hill to the monument in its beautiful location overlooking the Pacific Ocean.

During the 1960's the gaol began to attract increasing numbers of visitors who found interest in the prison structure and its history.

In 1965 the Trial Bay Reserve Trust, comprised of local citizens, accepted responsibility for the care and management of the building and environs. Since then the gaol has become an outstanding tourist attraction.

Overtones of suffering and tragedy do not linger about this picturesque ruin. The feelings of unhappiness and resentment felt by those who lose their freedom for years were certainly mitigated to a very great extent for those who were detained at Trial Bay. On both occasions of its use the building housed its unwilling inmates under conditions of relaxed confinement such as rarely occur in prison administration.



*The German graves before the restoration of the memorial column.*



*Trial Bay Gaol and the unfinished breakwater - 1949. Photograph by courtesy of Mrs Earl McNeil*



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