

Major James Whiteside Fraser McManamey

Banco, 12 November 2018¹

Chief Justice, Judges, members of the legal profession and all who are here today to honour those of our profession who served in war.

I am privileged to speak of Major James Whiteside Fraser McManamey who holds a unique place in the history of this State and Australia. He was a member of the first NSW rugby team in 1882. He served in Australia's first military action in the Sudan in 1885. He served as an officer at Gallipoli. He did not return.

Major McManamey was born in Glebe, Sydney on 9 February 1862; the eldest of 6 children born to William and Jessie (nee Fraser) McManamey who had married in 1861. His father, William, was born in Ireland. William served in the police force and was sent to the Western District where for most of his working life he was stationed in the Bathurst/Forbes area rising to the rank of Senior Sergeant in 1891.

Major McManamey grew up in Wellington. There, he and his younger brother John had the benefit of initial education at Wellington Public School under Mr J.W Turner, later a famous Headmaster at Fort Street. The boys learnt not only Latin and classical Greek, but also Modern Greek from a local doctor. When James' father was sent to Parkes the brothers moved to All Saints College, the Anglican boarding school at Bathurst. Just before James left in 1878, All Saints Bathurst introduced a cadet corps, based on the one at Sydney Grammar, so he probably gained his first military experience there.

¹ Speech delivered by the Hon Justice Julie Ward, Chief Judge in Equity, with appreciation for the research carried out in preparation for this speech by Mr Bruce Monteith.

In June 1878, when James was 16, he commenced studying Arts at the University of Sydney, living on campus at St Andrews College supported by a bursary which exempted him from University fees. The only subjects taught at that time were classical Greek, Latin, maths and science. He graduated with a Bachelor of Arts in 1881, aged 19. In his final year in 1880 he shared the prize for First Class Honours in mathematics with his cousin, Jim Elphinstone. The year he graduated, 1881 was the first year women were first permitted to attend the University (so he would not have been distracted by their presence on campus).

James taught at the Collegiate School on Glebe Point Road, Glebe during 1881-1882. With Albert Bathurst Piddington (subsequently appointed as a Judge of the High Court in 1913 but whose appointment was controversial and who has the dubious distinction of being the shortest serving Justice of the High Court – a period of one month), Jim was one of the first Masters at Sydney High School when it opened in Castlereagh Street with 46 students in 1883 on the site of the former St James Church of England Grammar School and on the site of the present Elizabeth Street Store of David Jones. Whilst subsequently studying law, James became a part time teacher at Fort Street Model School where he taught Latin and coached the cricket and rugby teams.

McManamey was a towering figure in the history of NSW and Australian rugby. Standing at over 180cm tall with a well proportioned frame, he was literally a big man for the time. In University rugby, he excelled. He was a talented forward and captained the team. At age 20, in 1882, he was a member of in the first New South Wales side that played against Queensland at the Sydney Cricket Ground. NSW won the game by four goals and four tries to one goal. Playing days over, he began

practice as a solicitor and took up refereeing. He founded the NSW Rugby Referees Association in 1892, became a Test Referee from 1892 and continued to coach rugby at Fort Street. He became the most influential member of the NSW Executive and Vice President of the Rugby Union from 1896 to 1914, prior to becoming President in 1914.

The Illustrated Sydney News of 6 August 1892, describing an Inter-Colony match between NSW and QLD played that day in front of a crowd of around 12,000, praised the impartiality and judgment of the umpire, *Mr James McManamey*.

McManamey oversaw the selection of referees for test matches, beginning with the 1899 British Lions series, until 1913 when the last International was played before the War. He refereed the first NSW Test against the Lions in 1899 and was presented with a rugby cap in honour of that match – this very rugby cap (which has kindly been lent to us for the purposes of tonight's occasion by Rugby Australia). In 1896 NSW Rugby Referees presented him with a golden whistle for his "*services both as a President and champion of referees throughout Australia*". In the first test match between the Wallabies and the All Blacks, at the Sydney Cricket Ground following WWII in 1947, the golden whistle was used by the referee. Alas, attempts to locate the golden whistle for today's event were not so successful as the attempts to procure the rugby cap.

After his death, the schools in the GPS School Rugby competition played for the McManamey Shield named in his honour.

McManamey considered becoming a sports educator and became the sports master at The Scots College in 1893 when the College was founded and where his younger

brother was the founding headmaster. It is his enthusiasm that is credited with making Scots a Greater Public School in sport. However his stint at Scots was only brief and he returned to the law. In 1903 he returned briefly to the school as Maths Master and no doubt was the rugby coach for that year too.

Although McManamey was not a professional soldier, he had long experience in military affairs.

His military service commenced in 1885, when he volunteered at age 23, for service with the NSW Contingent during the Mahdist War in Sudan. The Contingent, an infantry battalion of 522 men and 24 officers and an artillery battery of 212 men sailed on 3 March, 1885. The force was gathered and despatched in 15 days.

The departure of the force was seen as a historic occasion, marking the first time that soldiers in the pay of a self-governing Australian colony (and for that matter of any British colony) were to fight an imperial war, albeit that the Contingent would be under British command.

However, the contingent did not participate in any great battles, and apart from a couple of skirmishes, performed mostly guard duties. Three men were wounded in action; nine died due to disease and illness. Their names are the first names displayed on the War Memorial's Roll of Honour in Canberra.

That campaign was described by Colonel Bennett, an original member of the Contingent, in very dismal terms.

“ Intense heat, dust, insects, thirst and stench from dead bodies and animals provided sufficient horrors of war, with dysentery and sunstroke

claiming tremendous toll. A few skirmishes and many weary marches produced much sweat, but little glory”.

By May 1885, the British had abandoned the campaign and the following month the contingent arrived back in Sydney where they were first disembarked at the quarantine station at North Head rather than at Circular Quay.

The Contingent's efforts were recognised with an official battle honour – “Suakin 1885” – which was the first battle honour awarded to an Australian Unit.

Back in Sydney, McManamey was a member of the University Regiment and served for 20 years in the 1st Volunteer Australian Infantry Regiment, initially as a Lieutenant. He was promoted to Captain and joined the 38th Kogarah Infantry which he commanded as Major. He was awarded the Volunteer Officers Decoration the qualifying period being 20 years of military service.

On 21 March 1892, McManamey was admitted to the Sydney Bar, aged 30. His first chambers were at 93 Elizabeth Street, Sydney. At this time there were seven Supreme Court judges and 144 practising barristers in NSW. The Chief Justice was Sir Frederick Darley.

McManamey built up a large practice, specialising in industrial arbitration which was a new area of law following Federation and the promulgation of the Industrial Arbitration Act 1901. James subsequently chaired several industrial arbitration boards. He remained a barrister for 23 years. In that time, his chambers moved to Wentworth Court, a large terrace situated where Martin Place now stands, between Elizabeth and Phillip Streets, Sydney.

By the time of the outbreak of war in August 1914, McManamey was 52, and married with three children aged 19, 16 and 13. His best years, physically, were long behind him. He was three years older than the soon to be famous soldier (Sir) John Monash who was appointed to lead the 4th Brigade comprising the 13th-16th Battalions.

In February 1915, Australia offered to provide two more infantry brigades and NSW was to supply the Fifth Brigade comprising four battalions, the 17th –20th Battalions.

McManamey enlisted on 12 April, 1915 and applied for a commission. He was appointed second in command of the 19th Battalion.

Perhaps following his lead, about 90% of Sydney's rugby footballers are said to have enlisted between August 1914 and April 1915.

At a farewell function held by the NSW Rugby Union prior to the 19th's departure for Egypt, McManamey said *"if it was right for sons to go to the front it was also right for those fathers who had had military training to go also, to be of what service they could in protecting those sons"*.

The commanding officer of the 19th Battalion was 43 year old Lieutenant Colonel William McKenzie, another Sydney barrister.

There was a strong focus on seeking out sportsmen as potential recruits.

McManamey certainly fitted that bill. Not surprisingly, the 19th Battalion became known as the Rugby Battalion due to the number of rugby players within it. By 1917 it was known as The Sportsmen's Battalion and/or The Sportsmen's 1000 in promotional recruitment material. There were also a number of lawyers in the battalion.

On 25 June 1915, the main body of the 19th Battalion comprising 32 officers and 980 other ranks left Sydney on the "Ceramic", the largest liner serving Australia, with Suez as their destination. After training in Egypt, on 16 August 1915 the 5th Brigade began its move to Gallipoli. It embarked Alexandria for Lemnos, an island close by the Dardanelles.

On 21 August 1915, the Battalion went ashore with the 5th Brigade at Gallipoli.

War correspondent Charles Bean wrote, of the new formations, that:

"these troops came to the tired and somewhat haggard garrison of ANZAC like a breeze from the Australian bush".

By the time the men of the Fifth Brigade landed, the First Division had been ashore at Gallipoli for four months. On the ANZAC front, little ground had been won beyond that which had been captured and held on 25 April. Trench warfare had become the norm in the campaign.

The men of the 5th Brigade were fresh, but inexperienced. It would be the last gasp effort of the August battles on the ANZAC - Suvla front that were designed to make ground against the Turks. The arrival of the 5th Brigade coincided with the first attack on Hill 60 in the North West foothills of the Sari Bair range. For the next 10 days, British, Australian, New Zealand and Gurkha troops attempted to capture this small but significant mound in a difficult landscape.

Hill 60 was in Turkish hands and half a mile inland from the seaside junction where the Anzac forces linked up with the English and other Allies who had landed at Suvla Bay, 4 miles to the north.

At 5am on 22 August 1915, the 18th Battalion suffered huge losses in an attempt to capture Hill 60 with bayonets only and without artillery support.

On 22 August, the 19th Battalion moved to fill a dangerous space created when the barricade built across the Asmak Dere creek bed was blown down by the enemy.

For the remainder of August and into early September, the battalion occupied the trenches encircling Hill 60. The early August offensives captured some small tactical gains, the most notable being the Turkish position at Lone Pine but other than this little was achieved.

In the trenches below the summit of Hill 60, the men of the 19th endured constant rifle and artillery fire from the Turks.

Hill 60 was partially captured during the fighting on 27-29 August 1915 and the ground was held until the evacuation in December. It was the last big battle of the campaign.

On 1 September 1915, McManamey wrote to his wife describing his conditions in relatively positive terms of his health, the troops' diet, comparing the Mediterranean with the beach at Collaroy and, sadly prophetically, the poor quality of the Turks' shrapnel.

"My Dear Rose,

We are in the trenches but not in the firing line. Our casualties have been not severe but numerous for the work being done. So far I have escaped altogether and my health was never better. Our diet, principally bully beef and hard biscuits, and tea with milk and sugar, and occasionally an egg, nil bacon,

is quite liberal in quantity but there is such an amount of dust and such innumerable plagues of flies that we live in anything but comfort. The weather is gloriously fine but we expect a change into rain almost any day. We are not far from the sea and a walk of about a mile gives us a good swim in the Mediterranean. The beach is very fine though not quite equal to the Collaroy one. The sand is too pebbly and looks the whiteness of the ones about Sydney, but all is forgotten in the enjoyments of the quite shallow water and the great sea. To some extent we are interfered with by shrapnel but very little damage indeed has been caused by it partly through the Turks bad shooting and partly through the shrapnel itself being of such poor quality that not more than half of it bursts. With remembrances to all friends and love to all at home.

From your affectionate husband,

Jim'

Only four days later (and no doubt his last letter would have reached his then only recently widowed Rose), on 5 September 1915, McManamey was killed by a shrapnel burst. The Battalion had been drawing water from a well about 800 yards to the rear of their trenches. The well was in an exposed position and had been targeted by Turkish artillery. Men had been lost regularly (about 3 killed a day) to the shelling.

That morning, Colonel McKenzie and Major McManamey went to view the position to determine where to site a safe communication trench to reach it and to build a parapet around it to reduce the loss of life through shell fire. During this inspection a shrapnel shell burst and McManamey was hit, while others standing nearby were untouched.

He died within 15 minutes. He was 53.

McManamey's death hit the Battalion very hard. The men had referred to him as "father". All those good qualities of character and temperament, which had won for him such a high place in the hearts of all with whom he came in contact in civil life, were magnified in his life as a soldier. His manner, his sense of justice, and his indifference to his own feelings kept many a situation under control.

His abilities, including the rare ability to get the best out of men on the battlefield, had indeed been recognized by the senior officers of the Brigade and he was to have been given command of a battalion the next day. News of such promotion was not known to him, nor to anyone at the 19th until after his death.

His grave today is within the Hill 60 cemetery, which lies among the old trenches. The cemetery contains the Hill 60 New Zealand Memorial which is one of four memorials erected to commemorate New Zealand soldiers who died on the peninsula whose names are not known. There are 788 burials and commemorations in the cemetery, 712 of which being unidentified. Major McManamey's headstone, which is one of very few in the cemetery, has a fitting epitaph for a Latin scholar:

DULCE ET DECORUM EST PRO PATRIA MORI

(Trans. From the Roman Poet Horace – "It is sweet and proper to die for the fatherland.")

His death was marked by Mr Justice Ferguson, a judge of this Court from 1911-1931, in No 2 Jury Court on 21 September 1915, and the subject of report in the Sydney Morning Herald the following day, as a lawyer, scholar of distinction, notable teacher and sportsman, who won the affection of all with whom he came in contact :

“On taking his seat in No. 2 Jury Court yesterday morning for the purpose of delivering a judgment, Mr Justice Ferguson (who I note was a Judge of this Court from 1911-1931) paid a tribute to the memory of the late Major J F McManamey. His Honour said it was not necessary that he should say anything about the qualities that made them all love Major McManamey. ∴ They all knew him, not only as a lawyer, as a scholar of distinction, as a notable teacher, as a man who had held quite a unique position in the world of sport, but above all, as a man who could not help winning the affection of all with whom he came in contact”. Dr Brissenden, Senior member of the Bar present said: “We have not been told how Major McManamey died, but we do not need to be told that he faced death as he had faced life – with a smile”.

The Senior member of the Bar present before Mr Justice Ferguson on that occasion, Dr Brissenden (who is to be the subject of the next speech today), said: *“We have not been told how Major McManamey died, but we do not need to be told that he faced death as he had faced life – with a smile”.*

Major McManamey would no doubt have been very proud that his great grandson, Bruce McManamey, who is here today, has followed in his footsteps as a barrister and that his great great granddaughter, Genevieve, is a solicitor of this Court.

We honour his sacrifice. May he rest in peace.

Lest we forget.