

Seaforth Simpson MacKenzie

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I expect that few people in Papua New Guinea's past have reached the heights, and subsequently suffered the public disgrace, to rival Seaforth Simpson MacKenzie. His occupations are listed in the *Australian Dictionary of Biography* as poet, solicitor, army officer, judge, colonial/territorial administrator, military historian, public servant, forger, and prisoner.

Born in 1883 in New Zealand, the son of Scottish parents, Seaforth Simpson MacKenzie graduated in law from Victoria University College, Wellington in 1905. He was admitted as a solicitor and then as a barrister, only to retire from practice (his description) two years later at the age of 26.

MacKenzie was a talented poet. He shifted to Melbourne where he edited an illustrated monthly, *Southern Sphere*. Still in Melbourne he joined the Commonwealth Attorney-General's Department where he was employed as a legal officer at the outbreak of the First World War.

On 11 September 1914, shortly after the commencement of hostilities, an Australian Naval and Military Expeditionary Force invaded New Britain. After an unopposed landing, the Australians were met with resistance from a mixed force of German reservists and New Guinea police, and both sides suffered casualties. In the major skirmish, on the road to Bitapaka, six Australians, one German and thirty New Guineans died.

The Australian forces prevailed and Germany's administration of German New Guinea ended on 17 September 1914 when the Acting German Governor signed terms of capitulation. In January 1915 Australia appointed Colonel Samuel Pethebridge as Administrator in Rabaul.

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German New Guinea thereby became subject to Australian military rule but the existing laws continued in force. All of this would have had little relevance to Seaforth Simpson Mackenzie except that he happened to be fluent in German. Because of this, and despite his relative inexperience as a lawyer, MacKenzie was commissioned on 16 March 1915 with the rank of major in the Australian Naval and Military Expeditionary Force to relieve the assistant judge advocate general in German New Guinea.

Three weeks later he took up duty in Rabaul as Deputy Judge-Advocate-General, Judge of the Central Court, and legal adviser to the Administrator. As the civil judge he was also the Registrar-General, Registrar of Land Titles, and Registrar of Births, Deaths and Marriages. One of his first tasks was to set about translating the German ordinances into English.

On all accounts MacKenzie made a success of his appointment. German businessmen apparently had no hesitation in taking their litigation to the Central Court. Personally he was described as suave with an engaging manner – some said flamboyant. Clearly he had a good deal of charm and set the standard for later New Zealand lawyers in Rabaul.

When the Administrator, Colonel Pethebridge, left Rabaul in 1917 because of ill health, he thought highly enough of MacKenzie to name him as his successor. However MacKenzie's appointment was limited to Acting-Administrator for six months until the new Administrator, Brigadier General G. J. Johnston, arrived at Rabaul on 21 April 1918. MacKenzie then resumed his duties as legal adviser and was appointed judge of appeal.

MacKenzie remained in Rabaul for a further two or three years, leaving with the rank of colonel and a reputation as a competent judicial officer and administrator. He returned to the Attorney-General's department in Melbourne in January 1921, and in the following year he was appointed Principal Registrar of the High Court of Australia.

While still in Rabaul in 1919 MacKenzie accepted an appointment as historian of Australian activities in German New Guinea. Eventually he produced what was to be Volume X of the *Official History of Australia in the War of 1914-18* entitled *The Australians at Rabaul*. However production of this work was not without its dramas.

Six months after his appointment MacKenzie wrote to the editor, C.E.W. Bean, that he would be finished by September 1920. When September arrived he said that he would be finished in December. It was the start of many deadlines that MacKenzie would set and fail to meet.

The correspondence between the two men became more and more acrimonious and at one stage in response to Bean's demands MacKenzie threatened to obtain an injunction in the High Court. Bean finally received the last of MacKenzie's instalments in 1927 – it had taken over seven years. The final work was then heavily edited without further input from MacKenzie.

Meantime expropriated properties in the then Mandated Territory of New Guinea were put up for sale. In 1926 MacKenzie successfully tendered £28,000 for three coconut plantations. To purchase the properties MacKenzie borrowed heavily.

Unfortunately, soon after the purchases, copra prices collapsed and the New Guinea plantations were unprofitable. By 1932, with eight court judgments against him, MacKenzie owed over £26,000 including £19,000 to the Commonwealth. Unable to meet his commitments, MacKenzie resorted to crime.

In 1934 an undischarged bankrupt named John Bailey had entered into negotiations with a man named Giles for the sale of a patented shirt cuff. However, when Giles learned that Bailey was bankrupt, the potentially lucrative transaction was in jeopardy. In exchange for considerable sums of money MacKenzie produced a document bearing the signature and the seal of the Principal Registrar of the High Court of

Australia which stated that Bailey had been granted full and free permission to transfer all his rights to the invention. MacKenzie also produced a document which purported to be a bankruptcy discharge for Bailey which was also a forgery - the High Court did not even deal with such applications. Eventually his deceit was exposed.

In September 1936 Colonel Seaforth Simpson MacKenzie, Principal Registrar of the High Court of Australia, appeared in court in Melbourne facing two charges under the Commonwealth *Crimes Act* of having uttered the Great Seal of the High Court and the High Court Registry Seal. In the course of the trial it was revealed that MacKenzie resorted to all sorts of schemes to get money out of Bailey and Giles. He asked for money for costs and court fees, and to secure certain rights in New Zealand - all of which were fictitious.

At his trial it was said on his behalf that his interests tended towards literature and that he had never been a businessman. MacKenzie was convicted and sentenced to four and a half years imprisonment. An appeal against conviction and sentence was dismissed. The Chief Justice, Sir Frederick Mann, said that having regard to the gravity and audacity of the offences, the prisoner had not received one day too much punishment. He was released in February 1940. Divorced by his wife in 1937, he remarried on 27 October 1944.

MacKenzie at the height of his career had been the Acting-Administrator based in Rabaul. His attempt again to benefit from New Guinea indirectly led to his public downfall and disgrace. He died in Melbourne on 20 October 1955.

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