"BREAKER" MORANT—SCAPEGOAT OR SCOUNDREL?

By Mr R. K. Todd

Delivered at a Meeting of the Medico-Legal Society held on 4 August 1984 at 8.30 pm at the Royal Australasian College of Surgeons, Spring Street, Melbourne. The Chairman of the Meeting was the President The Hon. Mr Justice Fullagar.

THIS is the story of Henry (or Harry) Harbord Morant, born 9 December 1864, at Bridgewater, Somersetshire, England, died 27 February 1902 at Pretoria, South Africa.

But there are at least two stories. The first runs something like this: "Breaker" Morant was an Australian bushman, horseman, poet and soldier, who volunteered to serve his sovereign and his country to help preserve the Empire in South Africa. An embodiment of every Australian's pride in physical courage, manly independence and soldierly initiative, he helped to teach the British to wage a new kind of war. For thanks, he was shot out of hand as an expendable Colonial after a peremptory court martial so as to placate the Kaiser for the apparent murder of a German missionary, a charge of which he was acquitted.

The second story is encapsulated in the List of Namés in the Dictionary of South African Biography which includes the following entry:

> "*Morant, Henry (Harry?) Harbord.*
> Australiese soldaat, digter, oorlogs-misdadiger/
> Australian soldier, poet, war criminal."

Somewhere between these two judgments there must lie some essential truths. Their establishment however is not easy. The records are relatively scant, inconsistent and prejudiced. Almost every step of the way confronts us with doubt. His birth, his death and much in between, are contentious. All that we can do is to start at the beginning, go through to the end, and then stop.

Morant's own claim was that he was the son of Sir George Digby Morant, ultimately an Admiral, of Bideford in Devon. Cutlack asserts (see p. 24) "that Morant was his name is not to be denied". He says that he was intended for the Navy and was entered for the Royal Naval College but that some scandal involving gaming intervened. In the best traditions of wayward sons of British nobility he was packed off to the colonies. But the story appears not to be as simple as that.

There appears to be no evidence of such Navy service. He seems however to have emerged in Charters Towers in 1884 having landed in Townsville on 1 April 1883. Fairly recent writings establish conclusively enough that on 13 March 1884 one Edwin Henry Murrant was married in Charters Towers to Daisy May O'Dwyer. The Marriage Certificate gives as the groom's birthplace Bridgewater, Somersetshire, England, his age as 21, his usual place of residence Fanning Downs, a station property, and his parents as Edwin and Catherine Murrant, she having been born O'Riely. The bride's birthplace was Glenacurra, Tipperary, Ireland, also residing at Fanning Downs, where she was a governess. She was a character in her own right. The "Northern Miner" of 14 April 1902 recorded that "the young lady whose life Murrant wrecked was a pretty, clever girl, and was much sought after by the young fellows in Charters Towers; indeed one young fellow poisoned himself because of his lack of success". Recollections of Morant shortly after his death in 1902 by a local newspaper, the "Northern Miner", are quite clear that Murrant and Morant were one and the same. Certainly it was Murrant who married. His parents were assistant workhouse master and schoolteacher respectively when they married in 1860 in the Parish Church of Fleet but it was from Honiton in Devon that they applied, successfully, in 1861 for the job of Master and Matron of the Union Workhouse Bridgewater. Murrant's father however died before his birth on 9 December 1864 at Bridgewater.

The remaining vital question is whether Murrant and Morant were in truth one and the same. We are indebted to the researches set out in Carnegie and Shields "In search of Breaker Morant" for a number of proofs that they were. In particular, Murrant produced to Mrs Veal, in whose house in Plant Street Charters Towers the marriage service was conducted because being a "mixed" marriage it could not be held in church, a Bible signed by "Catherine Murrant" as being his mother's Bible. The curate who performed the civil ceremony of marriage was promised a five pound note by Murrant "as soon as his remittance came to hand" and this and other remembrances of him were produced after his death by persons who confidently regarded Murrant and Morant as one and the same. The Bulletin of 17 May 1902, responding to the item in the Northern Miner already referred to, stated that there could be "no reasonable doubt" that the signature on the marriage register and a signature held by the Editor were in the same hand. It also stated that "The Breaker purchased two horses, giving in payment a cheque signed 'Morant' which was dishonoured afterwards. This is said to be the first occasion on which he used the name Morant".

These revelations were published in 1979. Yet even in 1902 Sir Frank Fox, writing as Frank Renar in "Bushman and Buccaneer" stated: "Morant, it seems, was in Charters Towers in 1884, and he married there though not under that name. He and his wife separated after a very short married life". So the contemporary belief appears to have clearly accepted that Murrant and Morant were one and the same and that he changed his surname soon after the marriage.

These revelations were brought to light in Carnegie and Shields' book, but they inspired another chain of inquiry. As a result there is no real doubt that one Daisy May O'Dwyer married again in Nowra, on the NSW south coast, on 17 February 1885. The bridegroom was Jack Bates, a cattleman, and this Daisy was the same Daisy May O'Dwyer who had married E. H. Murrant in Charters Towers. The Australian Dictionary of National Biography (the relevant entry having been prepared before this connection had been made) states that Daisy Bates was in Townsville, near Charters Towers, in 1884. And the same Daisy was thus none other than Daisy Bates, or "Kabbarli", the eccentric friend of the aborigines. This of course condemns her as a bigamist, but in fact the first marriage appears to have been a shell. Within a few weeks of his marriage to her, "E. H. Morant" was with another man charged with the larceny of pigs and with the larceny of a saddle. The initials were original but the surname had changed. He was ultimately discharged and shortly afterwards Morant and Daisy agreed to separate. She is said to have agreed to live with him again at the end of two and a half years if he then returned to her at Charters Towers or wherever she should then be. They went their ways, he south overland with a mob of cattle. One is entitled to wonder whether the passage of a month could satisfactorily establish the "path of lying and deceit" of which he was then accused of having followed, even including the alleged larceny of pigs and a saddle, and whether there was not some much more fundamental mistake in their relationship. Daisy's second "marriage" was not a success, she later drifted away from her "husband" and son, born in 1886. Perhaps her later eccentric life betrayed emotional scars suffered in these earlier times.

There are two further sidelights on The Breaker's origins. In the family tree of the Morants of Brokenhurst, the Admiral's family, there is an Edward Harry Morant, born 1863, the year before Edwin Henry Murrant was born. The Admiral and E. H. Morant were grandsons of two brothers, and were thus second cousins. Did E. H. Murrant, the Breaker-to-be, discover that there was an E. H. Morant and thus get the idea of assimilating himself to this family? If so, why did he assert that he was the Admiral's son? The second sidelight is somewhat confusing. (See Cutlack reporting the account given in

"Half a Life" by Major C. S. Jarvis.) Major Jarvis relates that in 1943 he had a letter from a lady who in 1902 was aged 10 and whose father was a Major Bolton, of whom more later, who was one of the prosecutors at Morant's Court Martial. At her father's request her mother took some personal belongings of Morant's to a lady in Hampshire. These had been entrusted to Bolton by Morant. She remembered the weeping mother, as she understood her to be, standing at the front door as she farewelled them. Also, a clergyman named West wrote to the Sydney Bulletin in March 1960 to say that the War Office had in 1902 commanded him to take some other possessions of Morant's to his family and that he travelled to Fordingbridge in Hampshire to do so.

In the ensuing years Morant built up a formidable reputation as a horseman, bushman, poet and general liver of life to the full. At one stage he obtained work on a station as a bookkeeper and storeman but he must have been quite incongruous in this role and it did not last. He instead roamed from place to place droving, working with cattle, steeplechasing, playing polo, and horsebreaking. In this of course he was outstanding, beyond compare, his greatest achievement being his breaking in of "Dargan's Grey", said to be "the wildest horse ever corralled in Australia".

Three stories in Cutlack tell much of his horseriding and of his personality:

> "Harry Morant's deeds of daring were the outcome of someone's saying he 'wasn't game'. Across the road from the Clarendon racecourse on the Hawkesbury river there was an old picket fence with a ragged heart-scaring top. At the hostelry opposite Morant, after much drinking, wagered Cavalier, the jumping horse and the one thing he really loved, to carry him over that picket-fence at a spot reported on sober word to be seven feet high. The wager was taken; The Breaker put Cavalier at the fence 'all out'; the horse swerved, but scrambled over.
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> When the rivers of the back-country were flooded and the billabongs up Morant would make his way for miles, enduring much for the sake of an hour's yarn over a bottle of whisky. He and his mate, driving one time, came to where the backwater from a swollen river had covered the road to the higher country. Only the tops of the wayside fences showed out. But The Breaker decided to go through, and answered a doubt that they would have to turn back: 'I never turn back'. [Fox 7]
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> Another old-timer wrote, long afterwards, in 1947:
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> One night in Parkes (NSW) in 1897 Bill Lowing, Jim Small and a couple of others besides Morant and myself were in the Exchange Hotel somewhere round about midnight. An argument

arose between Lowing and Morant over the capabilities of jumpers; Morant said he had a horse in the Commercial stables that would jump the fence at the back of the stable yard of the Exchange. Morant and I went down to the Commercial stables and got out a long-legged, creamy gelding . . . The Breaker backed himself to jump the creamy over the fence barebacked—the stakes, drinks all round. The fence was a solid four-railed, about 4 feet 8 inches high; on the landing side there was the footpath, about 6 feet wide, and the gutter. I held up the clothes line in the hotel yard so that Morant would not get pulled off. He not only jumped the horse out of the yard but turned him round and jumped back again; the horse did not touch the fence on either occasion. It was a wonderful performance; the night was slightly moonlight but far from being full. Needless to say, The Breaker didn't have to shout.

It was probably the cavalier in him that women admired more than men. There were women who met him on fleeting acquaintance, yet their memory of him lasted all their lives. One of these at the age of seventy related how, while riding home one evening in 1896 from a township in the Hunter Valley (she was then in her twenties), she was aware of a horseman, with pack-horse on a leading rein, drawing up alongside her. He said: 'Good evening, lady; we seem to be riding in the same direction; may we ride together?' She replied: 'I'm afraid I don't know you', and put spurs to her horse. But he cantered along with her and after a few minutes said: 'Your horse is just as tired as mine; we might as well take them more slowly'. So they continued till they reached the next township, she replying little to his remarks, and there she turned down a side street and galloped off home.

Some evenings later she was attending a friend's house for an evening concert and, having arrived early, went into the drawing-room and played idly to herself on the piano. Some people began arriving, but she continued strumming in the dusk till suddenly she looked up to find a man leaning over the back of the piano. He was the horseman. He said to her: 'Well, lady, we meet again; must I wait till our hostess introduces us, or may I sing to you some verses I once made to fit that tune you are playing?'

And forty-five years afterwards, as she told the story, she sang those lines again. Yet those were the only occasions on which she ever saw Morant.

There was another family in the more select region of Sydney's eastern suburbs whom Morant visited on one of his longer city visits. They had a small daughter whose mother thought it would be an honour if she might have some riding lessons from this renowned horseman, and there were friends of hers nearby who had a pony they would lend for the purpose. Morant spent some pleasant mornings at this gentle exercise, and eventually departed with the warmest regards of the family; and after he had left it was

discovered that the borrowed pony had left too. It may have been for this offence that the Windsor police arrested him late one afternoon when, says another old friend of his (writing fifty years afterwards), 'the police jugged him *and* his horse Cavalier in a compound with great high walls and a high gate with a lantern over it, and then went home to tea. The Breaker took a good look at the gate, then mounted, and, giving himself the longest possible run, cleared it—and did not hit the lantern either. It puzzled the johns to work out how Morant and his horse got out'."

There were at least two other sides to his life. The first was his skill as a balladist, for poet may be too strong a word. Some of it is little more than doggerel, some has a truly dramatic ring redolent of the bush.

Fox says:

. . . (He) "had flashes of poetic thought: but he was, in no true sense of the word, a 'poet', nor are any of his writings 'poetry'. He had a gift of breezy, graceful expression, a happy ear for rhyming music, and a varied fund of experience to draw upon. So his verses are always readable; they never reach to the depths of absolute doggerel: they sometimes come close to being poetry."

The Breaker's own assessment was consistent with this, and modest enough:

"Jingles!—neither good nor clever—
Just a rover's random rhymes,
But they'll serve their turn if ever
They recall the old bush times,
When a bushman, in his leisure,
Reads them 'neath the shady pine;
Or they give one moment's pleasure
To some old bush mate o' mine!"

Judge for yourselves:

"1. We've drunk our wine, we've kissed our girls, the funds are sinking low,
The horses must be thinking it's a fair thing now to go;
So sling the swags on Condamine and strap the billies fast,
We'll stuff a bottle in the bags and let's be off at last.
2. What matter if the creeks are up—the cash, alas, run down!
A very sure and certain sign we're long enough in town.
Old Bobby rides the boko, and you'd better take the bay,
Quart Pot will do to carry me the stage we go today.
3. . . .
4. . . .

5. The Paroo may be quickly crossed—the Eulo Common's bare;
   And, anyhow, it isn't wise, old man, to dally there!
   Alack-a-day! far wiser men than you or I succumb
   To woman's wiles, and potency of Queensland wayside rum.
6. . . .
7. We'll light our camp-fires where we may, and yarn beside the blaze;
   The jingling hobble-chains shall make a music through the days.
   And while the tucker-bags are right, and we've a stick of weed,
   A swagman shall be welcome to a pipe-full and a feed.
8. So fill your pipe, and, ere we mount, we'll drink another nip—
   Here's how that North by West again may prove a lucky trip;
   Then back again—I trust you'll find your best girl's merry face
   Or, if she jilts you, may you find a better in her place!
9. We've drunk our wine, we've kissed our girls, the funds are sinking low!
   The horses must be thinking it's a fair thing now to go;
   So sling the swags on Condamine and strap the billies fast,
   We'll stuff a bottle in the bags and let's be off at last."

From 1891, encouraged by the Scots poet Will Ogilvie, Morant was a regular contributor to the Bulletin under the pseudonym "The Breaker". He built up a wide circle of acquaintances and corresponded with Banjo Paterson, who did not however respond warmly to him. But the experience of the curate at Charters Towers in 1884 was constantly repeated. Amusement at his roistering lifestyle was not shared by the many to whom he owed money but left lamenting. It was said that if he had money in his pocket it was his and yours, but if you were the only one with money it was yours and his. In 1897 he tried unsuccessfully for work as a deckhand on the SS "Oronsay" so that he could "go home to the land of my forefathers and feed on fatted calf".

He was not however confined to the life of the rough bushman. He was an educated man and had, when it suited him, social airs and graces and indeed manners, and he repaired to city life from time to time and apparently moved easily enough there. City life however took some surprising turns. In the Dress Circle one night at the Princess Theatre, Melbourne, two men became involved in an argument. The Breaker broke it up by a simple expedient. He made a personal decision as to who was in the right and knocked the other man down, amidst a considerable stir.

It is difficult, pausing at this point, not to make a personal judgment about this man of many parts. In many ways he presents as an archetype of that character most of us have met somewhere, the

Englishman of intelligence, education and social attainments whose talents have somehow gone wrong and who has been seen by his family as best fitted for a life in a distant colony. Remember the cautionary tale of Lord Lundy who was given the stern command: "Go out and govern New South Wales", plainly a task for miscreants of ability in any age.

By 1899 he had arrived at Renmark in the Riverland district of South Australia. Was this by accident or by design? For at Renmark was one Colonel C. M. A. Morant, formerly of the Madras Cavalry. He had settled on a property there in 1891 and accepted The Breaker as some sort of relation when he arrived there at the end of the century. You may see statements that Colonel Morant was a relation of the Admiral, but he was not. It may be that somewhere in the past the two families were connected. They were possibly of Norman or Huguenot stock. You may also see suggestions that The Breaker was the son of Colonel Morant, but for this, of which The Breaker himself made no claim, there is absolutely no evidence, and it should be rejected. The rumour was fanned by the extraordinary likeness of Morant to the Colonel's son Arthur. The most likely conclusion is that the Colonel accepted him as simply part of a broader clan of Morants.

On 11 October 1899 the Boer War broke out. Almost immediately the Empire reeled in the face of Boer victories. In a catastrophic week, "Black Week" in December 1899, British defeats at the Modder, at Magersfontein and at Colenso were seen as stupefying losses. Louis Botha telegraphed the Volksraad: "Today, the God of our fathers has given us a great victory". At the battlefield of Colenso was a unit of volunteer Indian stretcher bearers including one person of particular interest: "With his comrades—'body snatchers' in troop parlance—he helped carry the wounded to field hospitals, record their injuries and their names from tags sewn into their uniforms, feed them with Bovril, and then from operating tent or dressing-station carry them on to hospital trains . . ." (Kruger). The "he" in this story was a young Indian lawyer named Mohandas Karamchand Gandhi, and the senseless violence he saw that day must have had a profound effect upon him.

It seems barely credible now how fast an army could in those days be raised in Australia and transported overseas. By early 1900 contingents from the Australian colonies were in South Africa. In World War I which, as we should record in a mixture of sorrow and of gratitude for the service and sacrifice of so many Australians, commenced for us 70 years ago tomorrow, Australia raised a force of 20,000 men, the First Australian Imperial Force, and had it leaving

King George Sound, Albany by 1 November and in Egypt by Christmas. Even given the simpler training methods of those days, we can only wonder at what was achieved. And in each War went not only men but horses. In fact of course the nation was in each case well prepared. In the case of the Boer War, the Government of Queensland had offered a small contingent as early as July 1899, and other colonies made similar offers shortly afterwards: "As soon as the news that war had broken out was received in Australia", we are told, "the nation erupted into patriotic fervour".

For The Breaker the War seemed some sort of miracle. At a time when his fortunes and even his irrepressible spirits were at a low ebb, here was a chance for a grab at glory. Fox says: "He dreamed of a reputation regenerated in battle, a dead career revivified in glory". From Renmark, he travelled to Adelaide to enlist. We have his signature on his enlistment papers when he enlisted in the Second Contingent of the South Australian Mounted Rifles. The Contingent left on 26 January 1900 in the transport "Surrey", by which time Morant had been promoted to Lance-Corporal.

One of the immediate problems on arrival in South Africa was the quality of the horses. The British forces set about a kind of caricature of cavalry methods. In "Half a Life" Major Jarvis describes in detail the "absurd overloads" to which the horses were subjected. While the Australians refused to treat their horses in this way, remounts were a great problem. Jarvis said that the horses from Hungary were "weeds with neither bone nor stamina", some from the Argentine "mule-like looking runts with great ill-bred heads", the walers from Australia were "wild and unbroken". The small Cape ponies were much in demand and official methods of indenting remounts were by-passed. Jarvis said that "If a trooper of the Tasmanians or Strathcona's horse was dissatisfied with his mount, he took immediate steps to remedy the state of affairs . . . he went usually to the horse lines of the Staff and went by night". Lord Strathcona's Horse were a highly regarded Canadian unit.

In all of this of course The Breaker was in his element. His fame spread to General French, who used him as a kind of despatch rider as Lord Roberts's army advanced north after the early reverses. He was recognized as a man who mixed physical talents as a dashing and highly effective horseman with qualities of education and manners that could permit his safe acceptance at high levels. Later, he worked with Bennet Burleigh, a war correspondent for the London "Daily Telegraph". His service with the South Australians was put down as a success. When he left the 2nd South Australians, Major Reade, the Officer Commanding, wrote to him as follows:

"My Dear Morant, – There seems to be an immediate probability of the SA Regiment returning either to Australia or going to England, so I hasten to send you a line wishing you 'Au Revoir'. I desire to wish you most heartily every success in your future career, and to express my entire satisfaction with your conduct while with the South Australians.

Your soldierly behaviour and your continual alertness as an irregular carried high commendation – and deservedly – from the whole of the officers of the regiment. I trust that in future we may have an opportunity of renewing our pleasant acquaintanceship. [Witton, 107]

The initial enlistments for the Boer War had been for twelve months only, and as his first year of service drew to a close The Breaker had the future to think about. He was offered, and accepted, a commission in Baden Powell's South African Constabulary as a Lieutenant. He wished however to go to England and applied successfully for six months leave. He never took up this commission.

When he got to England, he is supposed to have lived the life of the landed gentry, to have hunted the fox and the stag, and to have become engaged. According to one story the fiancée was the sister of a Captain Percy Hunt, who had served in South Africa with the 13th Hussars. According to another, The Breaker and Hunt became engaged to two sisters. Whatever the truth, Morant and Hunt became firm friends, and the first of the links that bound Morant to his fate was forged. Morant, preceded by Hunt, returned to South Africa in March 1901.

By this time the situation in South Africa had changed greatly. The popular Lord Roberts of Kandahar, affectionately known as "Bobs", who had lost a son at the Battle of Colenso, had with his deputy, General the Lord Kitchener of Khartoum, retrieved the situation and by a brilliant march northward to Johannesburg and Pretoria was in October 1900 able, he thought, to declare that the war was over. Shortly afterwards he went home leaving the final obsequies to Kitchener. But in winning the battles they had nearly lost the war. The march north had been largely an irrelevance. In "Goodbye Dolly Gray", by Rayne Kruger, the following appears:

"To many South Africans, to Britain, the Empire, and the world at large it seemed over. The only people who did not think it was over were the Boers.

This was the core of Roberts's failure. He had no idea what he was fighting. He thought he was fighting first an army and then some rebels. But his opponents were neither: they were a nation. The past year, especially the past few months, had refined among the Boers a consciousness of their national identity which hitherto

had lacked coherence or passion. Now it had both, generating a force like that behind the holy wars of old. This force of nationalism, embodied in a small group of leaders, has again and again proved able to wage resistance against an external Power out of all proportion to their strength, by drawing on the hidden support of their countrymen on the one hand and the overt energies of idealist or adventurer on the other.

The instrument of resistance was to be guerilla tactics—threats of which, said The Times a few months earlier, 'need not be taken seriously'. That this meant not mere police action but a whole new war, took Britain a little time to realize, Roberts's insistence that the Boers were beaten being supported by the Government's tendency to make light of the situation. The start of the new war has therefore come to be associated with the start of Kitchener's command. But Roberts only left the scene at the beginning of December when the guerilla campaign had started months before."

Thus began the tactic of what the Boers called "vechten en vluchten", or "fight and flee". The scene is too big for me to attempt to deal with it all here. The area in which Morant was involved was simply one small section of the guerilla war that followed. But before describing it there are two vignettes of Roberts and Kitchener that may be mentioned.

The first is that the British commanders commenced in the Boer War their favourite pastime, seemingly not abandoned till General Montgomery arrived in Egypt in 1942, of attempting to break up Australian formations. Initially this was because of doubts about the worth of the "Colonials", doubts which did not last, so that formation breaking became a means of boosting British units. Lord Roberts thought very highly of the Australians and New Zealanders:

"All the colonials did extremely well, they were very intelligent and they had what I want our men to have: more individuality. They could find their way about the country far better than the British cavalryman could do."

Kitchener had much the same view: "I should recommend as many Colonials as possible. They only cost the same as Yeomanry and are better for our work". This to the Secretary of State for War. To Lord Roberts he wired: "The War, I think is prolonged by employing inefficient troops such as Yeomanry and Militia against the Boers. These men lose their arms, ammunition, and clothes and give the enemy heart". The other concerns Kitchener, and it should be remembered later when we note what might seem precipitate determination in the matter of the end of the Morant story. Boer

Commandant Ben Viljoen had pounced on 350 men of a Victorian contingent at Wilmansrust, routed them and looted their camp.

The story is described thus in "Goodbye Dolly Gray":

> "The affair had a sequel. These Victorians, like most colonial irregulars at this stage of the war, were not up to the standard of the earlier contingents. Besides, they were apt to have an I'm-as-good-as-you-are attitude in reaction to what they regarded as stiff-necked superiority on the part of the home-born Englishman. The result had been friction with the commander of the column to which they had been attached, a General Beatson, who tried to turn their easy-going scorn of drill and smartness into the rigid discipline of 'a crack cavalry regiment'. They detested and mistrusted him. As soon as he heard of the disaster to the men attacked by Muller he made for the scene with his whole column. Then he mustered the Australians and told them they were 'a lot of wasters, and white-livered curs' and—seeing an Australian officer jotting the speech down—'You can add "dogs" too', throwing in the further observation that all Australians were alike. An oration of this kind would have rolled off the backs of old regulars; the Australians mutinied and refused to march under him. He had three of the leaders arrested. They were court-martialled and sentenced to death. When Lord Kitchener heard, he commuted the sentence to three years' imprisonment and when the Australian Government made representations to the British Government a complete pardon was granted."

This account of the end of the story is not however completely correct. It may be correct as far as Kitchener is concerned, but initially one man had his sentence commuted to ten years' imprisonment, the other two had theirs commuted to one year. Carnegie (pp. 113-114) says that there was a storm of protest in Australia. The sentences were "overruled by the Judge-Advocate General on the grounds of 'illegal flaws' in the convictions". In fact, when the Australian Government sought details of any Australian soldiers serving sentences, Kitchener's reply was disingenuous. As you will see, when he answered on 7 February 1902 the Courts-Martial with which we are concerned were under way, but were not mentioned. No doubt he would have sought to justify the omission on the ground that the Bushveldt Carbineers, about to be mentioned, was not an Australian formation.

Some 180 miles north of Pretoria, in the Northern Transvaal, lies Pietersburg, then at the end of the railway. North again of Pietersburg is a wild and rugged area known as the Spelonken, characterized by the presence of malaria, horse sickness, and lack of communications. To the north was the long curve of "the great grey-

green, greasy Limpopo River, all set about with fever trees", and beyond it Rhodesia, now Zimbabwe, to the North. Not far to the east was the border with Portuguese territory, now Mozambique. The area had become very much the preserve of Boer Commandos. Their attacks against the railway had been largely diverted by the stratagem of putting trucks with Boer prisoners in front of the engine. But the area beyond Pietersburg was insecure, and a local businessman, one Levy, formed the idea of raising a local irregular force. Not more than about 30 locals did in fact, however, actually volunteer, and offers were made to time-served colonials and others to join the unit, to be known as the Bushveldt Carbineers ("BVC"). The terms of engagement were attractive. At seven shillings a day, they were to be paid two shillings more than the Diggers who joined up in 1939. Its Commander was an Australian, a Major Lenehan, and the great majority of its members were Australian, but by no means all of its officers. Lieutenant Morant, having been given a commission by Lenehan, went north to Pietersburg and for several months appears to have served with some distinction in the Strydpoort area to the south and southeast of the town. The Boer commandos remained active to the north of Pietersburg. A British officer, a Captain Robertson, was sent with a small force into the area to a kind of redoubt, a steel structure, which was renamed Fort Edward in honour of the new but as yet uncrowned King. Queen Victoria had died on 22 January 1901, just three weeks after the new Commonwealth of Australia had officially come into being. Also in the area was a Captain Taylor, nominally as intelligence officer. He came from Rhodesia, had a native wife, and was nicknamed "Bulala", a native word meaning "Killer". His reputation there was that of a sadist. He was known to stir up trouble in the native kraals, in order to give him the opportunity to go in and exercise his violent tendencies in supposed self defence.

There was trouble at Fort Edward. Captain Robertson was a rather weak if not dandified officer and dealings with illicit liquor stills, and in cattle and looting, went unchecked. Information was received, apparently by Taylor, that a party of six Boers was coming in to surrender. Boer surrenders were undoubtedly regarded as controversial. The Boers and their families were leading a desperately hard life. Many of their women and children had been taken into what were, ominously, called "concentration camps". In fact they were better fed in these camps than on the Veldt and a genuine effort was made to look after them properly. But the fact is that something like twenty-five thousand people, and one-fifth of the Europeans who entered them, died in the camps. A great proportion of them were

children who died of measles. In this context, surrenders by small parties of Boers were seen as attempts by them to go into custody for a time, be reasonably well fed, and then to escape to carry on their fight for their lands and their heritage. At all events, the six Boers approaching Fort Edward were, after it had been made sure that there were no women or children among them, shot. There is a tendency in accounts of this and of the incidents which follow to refer simply to the "six Boers", "the eight Boers", and so on, the inference being that they were groups of fighting Boers. They are also often regarded as nameless. But the names of these six are all recorded in documents held by the Australian War Memorial which I have inspected. They had with them seventy-five cattle, horses and other animals and, reputedly, £800 in gold. This was never found, although the troopers awarded themselves paper money that was taken. The men in question were all unwell with fever. One, John Gyser, was very ill and was wrapped in a blanket in the waggon. He was not made to stand by the road to be shot, like the others, but was simply shot in the waggon, in his blanket. All this appears in records of compensation claims that were made after the war.

Not long after this another incident occurred in which a Trooper Van Buuren, who was one of many Boers who had crossed sides, was taken out on a patrol led by a Lt. P. J. Handcock and on the patrol's return was stated by Handcock to have been killed in action. But Handcock's orders for the disposition of the patrol had ensured that Van Buuren was alone with Handcock for a space, and the inference is inescapable that Van Buuren was shot by Handcock because he was regarded as a dangerous rapporteur of what had been going on. He had been seen talking to the widows of some of the Boers who had been shot.

Captain Robertson's detachment was recalled from the Spelonken after an enquiry. Lenehan sent Capt. Hunt to Fort Edward, to be joined by some new officers. One of these was Lt. H. Picton, an Englishman who was a relation of one of the Duke of Wellington's Generals. Another was Lt. George Ramsdale Witton, formerly of the Victorian Imperial Bushmen. Another was Lt. H. H. Morant. The actors were now all in place and the scene set for the mounting tragedy, with that sense of inevitability and interlocking forces that pervades the drama of classic tragedy.

Southeast of Fort Edward and east of Pietersburg was a place called Duivelskloof, a farmhouse belonging to Veldt-Cornet W. H. Viljoen. Intelligence was received that Viljoen was spending the night at his home and Capt Hunt took a party of twenty men with him to apprehend Viljoen. The farm was attacked late at night, but there had

been a grave miscalculation. Although there were probably only about fifteen Boers at the house, there were forty more in the house of one Botha on a neighbouring farm, and these joined Viljoen later. The fight was quite prolonged and was a disaster. Hunt charged the house and fell mortally wounded in the chest. A local man, Sergeant Eland, also died, as did a Boer named J. J. Viljoen, a relation of the owner, and one G. Hartsenberg. The rest of Hunt's party managed to extricate themselves with difficulty. There is clear evidence that Hunt's body was disfigured and stripped of clothing. Marks of hob-nailed boots were on his face. His legs, on one account of it, had been slashed. Some of this may have been done by the Boers. But it is not often emphasised that J. J. Viljoen's body was also stripped and possibly mutilated and it may well have been that natives were responsible for this. Quite large numbers of these were present, some associated with the Bush Veldt Carbineers, and their presence appears to be ignored in many versions of the story, though Witton, mentioned below, confirms that this was so. In fact, natives are said to have appeared at the Viljoen home on the morning before the fight and threatened to get Viljoen and to remove body parts, regarded as valuable for some sort of black magic ritual.

Up to this point Morant's service with the BVC had been not only blameless but had on all accounts been very effective. I am satisfied that he was not involved in any unbecoming conduct prior to 31 July 1901, a date at which certain yet to be published documentation ends. At all events Morant up to this time had, as previously stated, been serving to the south and southeast of Pietersburg and had nothing to do with the events relating to the six Boers or to the death of Van Buuren. Morant however was now in command at Fort Edward and from here on we have Witton's detailed account of what happened. In the first instance, I shall, at the risk of confusing you by breaking the chronology, give you what is, in the main, Witton's story. I do this because I wish first to analyse the story as it appears in its original form, and then to discuss whether further facts, ignored until recent times, should affect that analysis one way or the other. Witton had arrived at Fort Edward on 4 August, and the attack in which Hunt was killed was on the 5th. Witton's book "Scapegoats of the Empire" is his personal statement of what happened thereafter. He says that Hunt had personally directed the "clean-up" of affairs at Fort Edward, with Morant and Picton his effective Lieutenants. In so doing the latter two had apparently built up some animosity in the Troopers whose exploits they had foiled. One retired Carbineer said that they were "detested".

When Witton arrived at the Fort on 4 August he met Morant and

Picton there. He was with Morant when the news came of Hunt's death. At this point it seems to be necessary to emphasize that the first news was simply of Hunt's death, but: ". . . it's effect on Morant was terrible; instead of being the usual gay, light headed comrade whom I had known for three days, he became like a man demented. He ordered out every available man to patrol before Capt. Taylor at his office at Sweetwaters Farm, about one mile from the fort". But when Morant tried to address the troops, he broke down, and Capt. Taylor urged them to avenge the death of their captain, and to "give no quarter". At this point it is vital to record that Capt. Hunt is supposed to have heard, while at Headquarters in Pretoria, an order that no prisoners should be taken and that on one earlier occasion he had reproved Morant for bringing in prisoners. But Witton does not suggest that Taylor mentioned this order. It was revenge that was required. Viljoen should not have shot Hunt: "Cette animal est très méchant; quand on l'attaque il se défend".

Morant and his company set off after the Boers. When they arrived at Reuter's Mission, they met Hunt's patrol. He had been buried an hour before. Morant thus never saw his body, but Mr Reuter, the missionary, attested to the wrong done to his remains. Witton says that Morant then vowed that he would give no quarter and take no prisoners. Next day, following a report of the Boers' movement, Morant, "gloomy and sullen", led his men after them. They were sighted at sunset having just laagered for the night. Before Picton and Witton were ready, Morant opened fire with his detachment and the Boers got away on horseback leaving everything behind. Beneath a waggon, however, lay one Boer named Visser. He was wounded in the heel and was supposed to have on, or near him, a pair of Capt. Hunt's trousers and a "British Warm", a kind of topcoat. Another version says that he had on a khaki jacket and his head was pillowed on Hunt's trousers, another that he was simply wrapped in a blanket. The articles of clothing were not noticed till next morning, but Morant had with difficulty been dissuaded from having Visser shot on the spot, mainly because the party did not want to attract the attention of the main Boer party, which outnumbered them.

Next morning, 11 August, a native runner arrived from Fort Edward with a message that the Fort was in danger. Morant gave up the pursuit of the Boers. He questioned Visser, found the clothing mentioned, and said that "the first time we outspanned he would have Visser shot. After burning the waggons and collecting the oxen, we started on our homeward journey . . .". The onward progress must, with oxen in tow, not have been fast, and thus not impeded by Visser's presence. At 11 o'clock the party halted for food. Morant and

Handcock had decided that Visser should be shot. At the behest of some of the men, the Sergeant Major asked Witton to get Morant to desist, but he was adamant. Eventually, some volunteers came forward and a firing party led by Picton obliged. Visser could not stand because of his wound, and he was simply set down on the ground by the side of a stream and then shot. After the fatal volley, Picton gave him the coup de grace with his pistol, shooting him in the head.

Lieutenant Picton reported all this to Pietersburg, but no action was taken.

On 22 August a report reached Fort Edward that eight Boers were coming in to surrender. Morant asked Witton to accompany him on patrol. After a discussion with Capt. Taylor, Morant led out the patrol, which also included Lt. Handcock. Handcock was a countryman from the Bathurst area, basically a farrier. He was described as a veterinary lieutenant. He was a simple, strong man of whom it was said that he would obey any given order implicitly. How he ever obtained a commission and command, of a sort, in the field, is hard to understand. At all events the eight Boers were met and were trekked in a wagon which they were ordered to inspan about three miles towards Fort Edward. Witton did not see them speak to anybody, but as will appear other accounts make clear that at some point on 23 August a German Missionary, the Reverend Carl August Daniel Heese spoke to the Boers and that they gave vent to fears as to their fate. Heese was a British subject, the son of a clergyman living at Riversdale, Cape Colony, but he was German by descent and in the service of a German mission society. Morant called the men off the road and asked each in turn "Have you any more information to give?" They were then shot but one, "a big powerful Dutchman", rushed Witton and tried to seize his rifle. Said Witton: "I simplified matters by pulling the trigger and shooting him".

Witton then went on to the fort. An hour later, the bodies buried, Morant came in and a few minutes later noticed, Witton says, "a hooded buggy drawn by a pair of mules coming along the road at the foot of the fort, and going in the direction of Pietersburg. He immediately jumped on a horse and rode down to see who it was, as no one was allowed to travel about the country without first getting permission to do so. When he returned he informed me that it was a missionary from Potgeitersrust returning home and that he held a pass signed by Capt. Taylor. Morant said that he had advised the missionary to wait until a convoy returned to Pietersburg but he decided that he would go on alone. Morant then went away to see Capt. Taylor. In the meantime Lt. Handcock returned, had his breakfast, and also went away again. I have no idea of their subsequent

movements, for being tired out I went to my bungalow, and slept until lunch time. I lunched alone, which was not unusual, but Morant and Handcock returned in the evening for dinner".

A fortnight later reports came in of a rumour that a missionary had been killed on the road to Pietersburg, at a place called Bandolier kop. Witton was sent to investigate but found nothing. Two days later Handcock was sent out and reported that he had found the missionary, the Reverend Heese, shot in the breast, apparently while in his buggy, but thrown out. The mules, still harnessed, were feeding nearby. Handcock buried the body and brought the mules in. This then is Witton's account of this sorry incident. We shall return to it later.

A fortnight after this a report was received of three Boers coming in to surrender. On 7 September Morant took Handcock and two other men out to meet them, and shot them. One of them has been described as a boy in his late teenage years who had been fighting manfully with his folk and was ill with fever. An Afrikaner source claims that this was a family of three, a father and his sons aged 17 and 11.

On 16 September Morant and Witton set out on a patrol to capture Veldt Cornet Tom Kelly, a powerful man of mixed Boer and Irish blood, who was operating towards the Portuguese border. After hard riding and scouting, Kelly and his party, including a number of women, were taken in a surprise attack without bloodshed or even firing. By the time Morant, his men and the prisoners had got back to Pietersburg a fortnight had elapsed. In difficult circumstances for all concerned, Morant had on the mission to capture Kelly done very well indeed, his spirits apparently relieved by its success. He received a message from Colonel Hall, the Commandant at Pietersburg: "Very glad to hear of your success, and should like to have an account of what must have been a good bit of work".

Morant went on a week's leave to Pretoria. His detachment "was relieved at Fort Edward and returned to Pietersburg. On 21st October Major Lenehan, myself, Lieutenant Handcock, and all non-commissioned officers and men who had been on service in the district left Spelonken, and arrived at Fort Kilpdan, fifteen miles out of Pietersburg on the evening of the 22nd". On riding into Pietersburg, Witton, to his consternation, was taken into custody and told that if he attempted to escape he would be shot. Lenehan, Taylor, Morant, Handcock, Picton, another Lieutenant and the Sergeant Major were also taken into custody. Witton was dumbfounded. He was charged with complicity in the death of Visser, with complicity in the death of eight, names unknown, and with complici-

ty in the death of the missionary. He made a statement that in the respect of the shooting of Boers he was under orders. As to the death of the missionary, it was a mystery to him. He was astounded to hear that the missionary's death was imputed to Handcock. The charge against Witton in relation to the missionary was withdrawn. But the fat was now in the fire.

A Court of Inquiry was held and dragged on for weeks. Morant, according to Witton, became gloomy and irritable. When at last informed by the President that they would be tried by court martial at an early date, and the statements had been read over "Look here, Colonel", said Morant "You have got us all here now; take us out and crucify us at once, for as sure as God made pippins, if you let one man off he'll yap".

Charge sheets were served on the accused on 15 January. The first Court Martial was to commence the following day. Major J. F. Thomas, a solicitor from Tenterfield in northern New South Wales was told off to act for all the accused. He spent the remainder of the 15th with Major Lenehan. At 0830 on the 16th he paid a hurried visit to Witton. The Court Martial then assembled at Pietersburg. All members of the Court, and the Prosecutor, were officers of English or Scottish Regiments. The Court adjourned for a day to obtain authority from Headquarters for Major Thomas to undertake the defence.

In shortened form, the charges were:

(i) *As to Visser*
Morant, Handcock, Picton and Witton.
Each charged that they did incite instigate and command Trooper Silke and others to kill and murder Visser, an unarmed prisoner of war.

(ii) *As to the Eight Boers*
Morant, Handcock and Witton.
Each charged that they did incite instigate and command Sergeant Major Hammett and others to kill and murder eight men, names unknown, unarmed prisoners of war.

(iii) *As to the Three Boers*
Morant and Handcock.
Each charged that they did incite instigate and command Trooper Thomson and others to kill and murder two men and one boy, names unknown.

(iv) *As to the Reverend Heese*
Handcock: Charged that he did kill and murder one C.A.D. Hesse (sic), a missionary.

Morant: Charged that he did incite instigate and command Handcock, then and there serving under his command, to kill and murder the said C. A. D. Hesse (sic).

On the morning of 17 January 1902, the charges in relation to Visser were proceeded with. The evidence for the prosecution gave an account as far as I can tell as I have set it out above. Several of the witnesses under cross-examination stated that Capt. Hunt "had previously given them orders not to take prisoners, and they had been reprimanded for bringing them in".

Morant gave evidence in his own defence. He explained the nature of guerilla warfare, he told of Hunt's orders as to the taking of prisoners, and said that after he had found out about the maltreatment of Capt. Hunt he had told the others that while he had previously disregarded Hunt's orders, they would in future be carried out, "as he considered they were lawful". "He had shot no prisoner before Visser, and the facts in Visser's Case had been reported to Capt. Taylor, also to Major Lenehan and Colonel Hall". It was suggested that Visser had in effect been given a field Court Martial. Then the President asked Morant the fateful question: "Was your court at the trial of Visser constituted like this, and did you observe paragraph — of section — of the King's Regulations?" "Was it like this!" said Morant. "No, it was not quite so handsome. As to rules and sections, we had no Red Book and knew nothing about them. We were out fighting the Boers, not sitting comfortably behind barbed-wire entanglements; we got them and we shot them under Rule 303". All in all he made a hot-headed and brave defence. He tried to draw all the blame onto himself. He vowed he would have Kitchener in the box and cross-examined. Picton and Handcock gave evidence. The Reverend Reuter deposed to the mutilation of the bodies of Hunt and Sergeant Eland. A Dr Johnson testified "that he was of the opinion from the evidence that the injuries to Captain Hunt's body had been caused before death". Major Lenehan gave evidence that Picton had reported the shooting of Visser to him, and he had reported it to Colonel Hall.

In the middle of all this an amazing incident occurred, on the morning of 23 January. The withdrawal of the BVC had led to an increase in Boer activity. Commandant Beyers's commando unit attacked the blockhouses at Pietersburg, having gained the benefit of surprise by having some Boer women make advances to the sentries. The prisoners were called to duty. Morant and Handcock fought with conspicuous coolness and daring from the roof. Handcock accounted for

one Pretorius, Beyers's fighting leader. After these events, the prisoners were taken back to their cells and the Court later resumed as if nothing had happened.

The next day the Court, prisoners and all, removed to Pretoria, to take evidence from Kitchener's Military Secretary, a Lt. Colonel H. I. W. Hamilton. Witton says that Hamilton "was stern and hard featured, and looked just then very gaunt and hollow-eyed, as though a whole world of care rested on his shoulders. He was apparently far more anxious than those whose fate depended on the evidence he was to give". The following is his evidence:

> "Examined by the Court:— Lieutenant Morant, in his evidence, states that the late Capt Hunt told him that he had received orders from you that no prisoners were to be taken alive. Is this true?
>
> Answer: Absolutely untrue.
>
> Examined by Counsel for Prisoners:— Do you remember Capt Hunt taking two polo ponies early in July last up to Lord Kitchener's quarters, at which time you came in, and had a conversation with Capt Hunt?
>
> Answer: No. I have no recollection whatever. I have never spoken to Capt Hunt with reference to his duties in the Northern Transvaal."

Major Thomas in his address made a rather muddled objection to Colonel Hamilton's evidence but he emphasised the question of what orders Capt. Hunt had given his subordinates. His main submission however was that those charged were charged as accessories to the crime and could not be convicted unless the guilt of the principals be first established. The principals, those who fired the shots, were not, he argued, guilty because they had acted under orders. The four charged should have been charged with conspiracy. Individually, Morant had had definite orders from Hunt and had been influenced by the treatment of Hunt's body. He referred to the alleged "wearing" of Hunt's clothing by Visser and said that Morant would have been justified in shooting Visser straight away. Picton had simply obeyed orders.

In his address the Prosecutor accepted that the four were charged as accessories before the fact, but said that it was nonsense that the actual actors had to be held guilty before the four prisoners could be found guilty of murder as accessories. He went on to refer to the Manual of Military Law as it then stood and to "the statute law of England which enables an accessory to be tried before, after, or with a principal felon, irrespective of the guilt or innocence of the latter". Reference to Stephen's Digest of the Criminal Law (1894) entirely supports this submission. He rejected the defence of superior orders

and condemned the supposed field court martial of Visser. He distinguished between private revenge and lawful measures of reprisal as answer to some action on the part of the enemy contrary to the customs of war. He said that "it certainly does not mean that subordinate officers are entitled to shoot prisoners who fall into their hands because an officer of their regiment has been killed. There is not a grain of evidence to connect Visser with Hunt's death, nor to show that Hunt was not killed in fair fight".

The Judge Advocate summed up. He concentrated on the substance of the charges, concluding:

> "The right of killing an armed man exists only so long as he resists; as soon as he submits he is entitled to be treated as a prisoner of war.
>
> As regards the treatment of an enemy caught in the uniform of his opponent, it would have to be shown that he was wearing such uniform at the time with the deliberate intention of deceiving.
>
> Enemies rendered harmless by wounds must not only be spared; but humanity commands that if they fall into the hands of their opponents the care taken of them should be second only to the care taken of the wounded belonging to the captors."

The hearing then concluded. No findings were pronounced. The Prosecutor, Captain Burns-Begg, was ordered to England and was replaced by Major Bolton, the Provost Marshal. Two members of the Court were replaced, and the Court resumed in Pietersburg. The prisoners were returned in a wretched railway carriage in much reduced circumstances.

The case of the Eight Boers commenced on 1 February. Major Thomas repeated his submission as to the impropriety of the accused being charged as accessories, but the Court directed that the case proceed. No doubt Major Thomas was chastened by the experience of calling The Breaker as a witness in the Visser Case, but he decided not to call any of the accused to give evidence, the main facts not being disputed. Statements were handed in made by Morant, Handcock and Witton. Evidence was given by Picton and Taylor and numerous other witnesses were called to give evidence as to Hunt's orders and as to orders relating to Boers caught wearing British uniform. Major Bolton himself gave evidence that he had "no knowledge" of a proclamation that Boers taken in khaki were to be shot.

Major Thomas made a spirited submission in which he emphasised the difficulties under which the BVC had laboured, their success in clearing the area of the Boers, Hunt's orders, the inappropriateness of rules for the "civilised" customs of war, the difficulties of combating an

enemy who did not show themselves to be conspicuously part of a military body, and so on.

As in the Visser Case, this hearing concluded with the prisoners stating their military service. No indication of verdict or sentence was given.

The trial followed of Major Lenehan for not reporting the shooting of the three Boers or of Trooper Van Buuren.

Then Morant and Handcock were tried in relation to the shooting of the three Boers. The high dramatic point of this was when Major Bolton was asked if he wished to cross-examine Morant, who this time had elected to give evidence. When Bolton said that he did, Morant cried "Look here Major, you are just the 'Johnnie' I have been wanting to be cross-examined by; cross-examine me as much as you like, but let us have a straight gallop". The Major discontinued his cross-examination after he had asked only a few questions, so bitter and sharp were Morant's replies.

Next came charges against Capt. Taylor in relation to the six Boers. Taylor was tried by a Military court under Martial Law, not by a Court Martial under the Army Act. It was said that at the date of trial he had ceased to be subject to Military Law for more than three months. The verdict was "Not guilty".

The final trial was for the murder of the Missionary. Witton's account of this is scrappy and presumably he was not present. Evidence was given by a Corporal Sharp that he had seen Morant addressing Heese and that an hour later he had seen Handcock riding in the same direction as the missionary. He agreed that he had sought out a witness, Van Rooyen, whom he had believed would be an eyewitness of the killing, and that he had told one of the Troopers that he would walk barefooted from Spelonken to Pietersburg to be of the firing party to shoot Morant. He had fallen foul of Handcock who had ordered soldiers not to sell their uniforms as a result of Sharp's doing so. "Two witnesses said that Handcock had left the fort that day with a rifle. He was on a chestnut horse. It was not unusual for an officer to carry a rifle. A native deposed to having seen an armed man on horseback following the missionary. The witness afterwards heard shots and then saw the dead body of a coloured boy. He took fright and fled." Other witnesses spoke of Heese having spoken to the Boers and of Heese having spoken to Taylor. The giving of evidence by the native boy is not mentioned in all accounts of the proceedings. Van Rooyen gave evidence, according to Witton, "that he had spoken to the Reverend Hesse on the road about 2 p.m. The witness trekked on with his waggon till sundown, when he saw a man on horseback coming from the direction of Pietersburg. The man turned off the road.

Afterwards the man came on foot to the witness. He could not say if it was the same man that he had seen on horseback. The man on foot was Handcock, who advised the witness to push on, as Boers were about". The man the native boy had seen was on a brown horse. Handcock produced an alibi. He said that he had had lunch with Mrs Schiel at a nearby farm. Colonel Schiel was a Boer POW then on St Helena. Oddly enough, Colonel Schiel's sons were on the other side and one of them was given credit for bravery in the attack when Hunt and Eland were killed. Handcock said that he had then taken tea with a Mrs Bristow at another farm. These ladies gave evidence to support his evidence. A verdict was pronounced: "Not guilty" and champagne was served to the prisoners. Later, there was some hopeful rumour passed on to them that indicated that the omens for acquittal generally were favourable.

At 0600 on 21 February the Carbineers were ordered to be prepared to entrain for Pretoria at 0700. The Provost Sergeant apologised, but handcuffs were required for all but Lenehan. When Morant held out his hands he said "This comes of empire building". Witton says "His position then seemed to strike him very forcibly for he broke down completely and wept". They arrived at the Pretoria Gaol on 21 February. On the morning of 26 February they were called in one by one to the Governor. Morant returned deathly pale: "Shot tomorrow morning" he replied to Witton. Handcock was next: "Oh, same as Morant" was his reply. Witton went in: "George Ramsdale Witton, you have been found guilty of murder and sentenced to death". Pause. "Lord Kitchener has been pleased to commute your sentence to penal servitude for life". Picton was found guilty and cashiered.

You perhaps know the rest of the story. Major Thomas was in despair. He demanded to see Kitchener. But Kitchener had gone away on trek for a few days and could not be reached. The inference has been drawn that his absence was deliberate, but according to a biographer, Sir George Arthur, he was in the field from the first week of February until the 19th, co-ordinating columns in drives that were intended to corner General de Wet. The sentences had been confirmed in England.

Morant declined to see a clergyman. "No", he said, "I'm a pagan". Said Handcock: "What's a pagan?" Witton says that on being enlightened Handcock said, "I'm a pagan too".

Early next morning Witton was at the Pretoria railway station on his way to life imprisonment in England when he heard the volley of shots from the Cameron Highlanders. Simple Handcock and The Breaker had died bravely and a large party of Australian officers were

at the funeral, when they were buried in a simple grave, curiously enough one coffin above the other. On his last night The Breaker penned his last verse:

"1. In prison cell I sadly sit—
A damned crestfallen chappy!
And own to you I feel a bit—
A little bit—unhappy!
It really ain't the place nor time
To reel off rhyming diction—
But yet we'll write a final rhyme
While waiting cru-ci-fixion!

2. But we bequeath a parting tip
For sound advice as such men
Who come across in transport ship
To polish off the Dutchmen!
If you encounter any Boers
You really must not loot 'em,
And if you wish to leave these shores
For pity's sake don't shoot 'em!

3. No matter what 'end' they decide—
Quicklime? or 'b'iling ile?' sir!
We'll do our best when crucified
To finish off in style, sir!
Let's toss a bumper down our throat
Before we pass to Heaven,
And toast; 'the trim-set petticoat
We leave behind in Devon'."

The findings, and the sentences which were in fact imposed were:

(a) *In the Visser Case*:
(i) Morant, Guilty; Sentenced to death by being shot.

Recommendation to mercy on the following grounds:

1. Extreme provocation by the mutilation of the body of Capt Hunt, who was his intimate personal friend.
2. His good service during the war, including his capture of Field Cornet T. Kelly in the Spelonken.
3. The difficult position in which he was suddenly placed, with no previous military experience and no one of experience to consult.

(ii) Picton, Handcock and Witton: Not guilty of murder, guilty of manslaughter. Picton and Witton sentenced to be cashiered. Handcock "Six (6) c.n. I.H.L."

(b) *The Eight Boers' Case*: Morant, Handcock and Witton were each found guilty and sentenced to be shot.

> The Court recommended Morant to mercy on the grounds of provocation received by the maltreatment of the body of his intimate friend Capt Hunt, want of previous military experience, and his good service throughout the war.
>
> Handcock and Witton were recommended to mercy on the basis of Morant's orders, their complete ignorance of military law and custom, and their good services throughout the war.

The findings and sentences in respect of Morant and Handcock were confirmed but, as has been seen, Witton's sentence was commuted to one of penal servitude for life.

(c) *The Three Boers' Case*:
Morant and Handcock were both found guilty and sentenced to death by being shot, with a recommendation to mercy.

Let us pause here and consider the matter on the supposition that Witton's original story of the deaths of Visser and of the other Boers is essentially correct. The matter of the death of the Reverend Heese is a separate question.

The matter of the wearing of British uniform by Boers may be dealt with first. This seems to apply only to the case of Visser, for I have seen no suggestion that the eight Boers were accused of so acting. We do not know what the order was. Certainly Boers were shot when using British uniform for purposes of deception. The nearest to a written order is a despatch by Kitchener to the Secretary of State for War dated 3 November 1901:

> "In certain cases of Boers captured disguised in British uniform I have had them shot, but as the habit of so disguising themselves before an attack is becoming prevalent, I think I should give general instructions to Commanders that Boers wearing British uniform should be shot dead on capture."

When General Smuts "taxed Kitchener as peace was being discussed in April 1901 'with having unfairly executed our men' . . . the latter justified his action 'on the plea that we had used khaki uniforms to decoy his soldiers' " (Carnegie 83). But on the facts the shooting of Visser on the footing that he had on, or with him, some not very clearly described elements of Capt. Hunt's uniform bears all the marks of rationalization. The Judge Advocate was surely right: In the absence of some proof that uniform was being worn with the intention of deceiving, the action taken was unjustified.

The defence of obedience to an order to take no prisoners is a critical issue, and it arises in relation to the case of Visser, and in the

cases of the eight and three Boers respectively. All the evidence that I can find points to there having been no such order from Headquarters. This is hardly surprising. That Capt. Hunt gave such an order however appears undoubted. The best guess is that Hunt, having been down to Headquarters, had been involved in talk there and obtained a clear impression that there was at least a policy in favour of not taking prisoners. If this were the position, the lawfulness of his order is in question. As an order to other ranks, it may be that they would have been under a duty to obey Capt. Hunt if he had given the order directly to them. We should concentrate on the understanding of military law as it then stood, pre-Nuremberg. The British Manual of Military Law was amended in this respect in 1944. In the remarkable petition drawn by Mr Isaac Isaacs QC for the release of Lieutenant Witton from life imprisonment in England, reference was made to Lt. Colonel Pratt's "Handbook of Military Law", where he says: "A soldier, again, is bound to obey the lawful command of his superior officer, and before a court-martial it would be held that a soldier was bound to obey the command of his superior officer, if the illegality of it was not on the face of it apparent". Clode's "Military and Martial Law" was also cited, stating that "The power and responsibility of the superior officer, i.e. the senior officer of the highest rank present, is always supreme". The petition goes on to argue convincingly that in the case of Visser, Lt. Witton would have much exceeded his right were he to have demanded from Morant, his senior officer, proof that the order in question had been given. In relation to the eight Boers case, the petition again relied upon the orders given to Witton by Morant, who had taken "command of the situation and exerted his authority". But I suggest that in the case of Morant himself the position was much weaker. He was acting in deference not to an order given in the field by a superior officer, but to a general instruction given verbally by Capt. Hunt, who was no longer alive. The proposition has to be that Morant was bound to obey an order so wide-ranging in its operation and so contrary to the laws of war that unless I am much mistaken it would for its efficacy surely have had to be given in formal manner from Headquarters.

But let it be assumed that I am entirely wrong about all this. Let us assume that there was such an order, lawfully given. What was the alleged order? It was that "No prisoners were to be taken". Let us assume, and it is a big step to take, that Morant's actions were in truth in response to such an order, and not to a desire for revenge and retribution. Do the facts then justify reliance by Morant upon such an order by way of defence?

In the case of Visser, we see that a wounded man was taken as he

lay under a waggon, his companions having fled. He was held overnight, taken with the patrol a distance of at least thirty miles back towards Fort Edward and then shot in the manner previously described. I submit that even on these facts the defence does not stand up. It is one thing to continue a fight and not to accept a prisoner. This man was taken prisoner, held for a considerable time, then executed in pretty sickening circumstances. Even back in 1902 Frank Fox, an admirer of The Breaker, writing as Frank Renar said in "Bushman and Buccaneer" that the Boer farmers were "killed not in fair chance of war and heat of sturdy battle, but most ignobly in cold afterthought".

But the story as a whole is worse when facts now known, and not related by Witton, are taken into account. Trooper Theunis Johannes Botha's deposition shows that on the evening Visser was captured he acted as interpreter for Morant, as he generally did. He asked Visser at Morant's request how Capt. Hunt was killed: "He replied that he was killed in fair fight through the chest. Lt Morant said that his neck was broken. Visser vehemently denied it. Before commencing to ask these questions Lt Morant said, 'If you tell the truth your life will be spared; if you tell lies you will be shot'. He then asked as to the plans of the Boers . . . Visser answered every question Lt Morant asked him and answered them truthfully. In the morning similar questions were again asked him by Lt Morant who again promised to spare his life if he answered truthfully. Visser answered every question truthfully as subsequent events proved. When Ledeboer" (the intelligence agent who accompanied them) "told Visser he was about to be shot I heard Visser remind Lt Morant through the interpreter that he had his promise to spare his life as he had truthfully answered all his questions. Lt Morant said, 'It is idle to talk, we are going to shoot you', or words to that effect. Visser when captured was wearing a very old and dilapidated British Warm. I am Lt Morant's orderly and I can testify that he himself wears Capt Hunt's British Warm and has had it ever since Capt Hunt's death. It was of a different cut from all others and could easily be identified. He also has most of his other clothes. Visser was not dressed in a single article of Capt Hunt's clothes when he was captured. Lt Morant's statement that he was dressed in Capt Hunt's clothes is utterly false."

Passing to the shooting of the eight Boers and of the three Boers, I repeat what has been said already as to the distinction between taking no prisoners and the execution of prisoners who have been accepted as such. In fact, in the case of the eight Boers it now appears that Ledeboer, the intelligence agent already mentioned, had taken them into custody two or three days before. A former soldier and war correspondent in South Africa during the Boer War, himself captured

but who subsequently escaped, named W. S. Churchill, wrote: "What is a prisoner of war? A prisoner of war is someone who has tried to kill you and having failed, asks you not to kill him".

There is much to be said for the view that Morant could under military law have successfully pleaded the defence of condonation having regard to his having been called to the performance of military duty when the blockhouses at Pietersburg were attacked during the Visser court martial. The defence, which is discussed in *Re Johnston's Appeal* (1960) 9 FLR 31, seems not to have been put, but is supported, though not in an unqualified way, in the Witton petition referred to above: "At one period of the history of the British Army such circumstances would have been considered as almost equivalent to condonation. Clode, at page 103, states the general principle thus:— 'The discharge of duty involves condonation', and quotes the Duke of Wellington as writing: 'the performance of a duty of honour and of trust after the knowledge of a military offence committed ought to convey a pardon', and the author adds that according to the practice of the Duke of Wellington in the Peninsula it did so." It would seem to me to be open to contend that the defence of condonation would also have been open in relation to the murder of the Reverend Heese, which was still a military offence since the trial was by court martial.

There is not much that I can add. As one who has not served in war, it is with diffidence that I speak in front of those who have. I believe that I do understand, though I will equally respect your disbelief that I do so, that the experiences and horror of war put soldiers into situations of extreme difficulty and pressure in relation to the taking and management of prisoners. All I wish to do is to put before you the thought that the circumstances in which Morant ordered the shooting of these men were circumstances in which he was placed under comparatively small pressure of this kind. What activated him was revenge and initially, I suggest, the desire for such was based simply on the death of Capt. Hunt, an officer who had sought the death of Viljoen. Some yet to be published material suggests that Morant had already begun to be depressed by the death of some other officers. It is true that in the case of Visser there was pressure on the patrol to get back to help protect Fort Edward, but there is no suggestion that Visser was seen as retarding their progress. I do not suggest that Morant was the first or last Australian to do harm to a prisoner-of-war, but does he deserve to be regarded as a folk hero? For me, there are too many Australians who have served their country with honour and courage, especially those who have themselves endured as prisoners of war, some of the most distinguish-

ed of whom have been members of this Society, to enable any kind of accolade to be awarded to Harry Harbord Morant.

But, you may well say, that may be all true, but did they have to be executed? Was this not just vindictive spite on the part of Kitchener? The heart of the story still in fact concerns not the Boer prisoners, but the missionary. It has been accepted that the acquittal of Morant and Handcock on this charge was correct on the evidence, and so no doubt it may have been. From sources now available the prosecution must be said to have foundered on two points in particular. First, there may have been reluctance in those days to convict on non-European evidence. Second, there was clearly a failure of identification. In addition the defence of condonation, already mentioned, was probably open. But there was more native evidence that might have been called if the witness had been found. Had the prosecution not been so restricted, the story might have been different. To introduce it, we have to go back to George Witton, and the bombshell which he later produced. Major Thomas, who had done everything he possibly could, remained bitter and obsessed. Any lawyer not offering himself out as skilled in the practice of the criminal law who has had the experience of being suddenly thrust into conducting somebody's defence against a serious charge will feel a peculiar thrill of sympathy for Thomas, whose life was ultimately wrecked by it all. In 1929 Thomas wrote to Witton, advising that he intended to write a book. Witton's imprisonment in England and his release therefrom, is a story in itself. He too had remained an embittered man. In the letter to which I am about to refer, he also said: "I took no part in the later War when asked to volunteer. I said Yes, I'm Fisher's last man. He pledged Australia to the last man and the last shilling".

Witton's answer to Thomas was deposited in the Mitchell Library in Sydney on condition that it be not published until 1970. It was a stunner, and must have desolated Thomas:

> "Personally I think the attitude you take with regard to Morant and Handcock and the Hesse case is not the right one. I am inclined to think that neither of them took you into their confidence over that case. Up to the time of the Court of Inquiry when I was charged with complicity in his death I had no more knowledge of how Hesse came by his death than the babe unborn nor did I have at any time the slightest suspicion that Morant or Handcock was connected with it.
>
> It staggered me at the time but my statement in reply I think cleared me of that count at that inquiry. Subsequently when we were allowed to see each other Morant told me that Handcock had

broken down and confessed to everything including shooting Hesse. I saw Handcock shortly afterwards and asked him about the Hesse business. He said 'Why, wasn't you standing beside Morant when he asked me if I was game to follow the missionary and wipe him out?'

I had been with them up to the time Morant returned from interviewing Hesse when he drove past the fort. I left them there and went to my tent and did not see them again until they came in to dinner about 7 o'clock. I believe Morant got Handcock to deny his previous statement in which he had made 'a clean breast of everything' and they got to work to frame up an alibi which you know was successful and the means of their acquittal.

But you must not forget, Kitchener held Handcock's 'confession', in which he implicated me as an accessory, no doubt unwittingly done while in a high strung nervous state, but that accounts for the reason why only Morant, Handcock and myself were punished and the War Office so adamant in my case. Had there been no Hesse case the shooting of prisoners would not have worried them much. But the shooting of Hesse was a premeditated and most cold blooded affair. Handcock with his own lips described it all to me. I consider I am the one and only one that suffered unjustly (apart from yourself). Morant and Handcock being acquitted, my lips were sealed."

It is true that this seems inconsistent with what Witton wrote in his book, or if not inconsistent at least left him open to the charge of being disingenuous or of covering up for Morant and Handcock. But was he now telling the whole truth?

While I cannot guarantee the story of the Missionary that I shall now give, as far as I can piece it together there is now a good deal of evidence that it is as follows: Daniel Heese was a much respected missionary, an offspring of the family of Heinrich Grutzner, a member of the Berlin Missionary Society who arrived in South Africa on 29 November 1859. The reverend Heese's mission was at Piet Potgeitersrust.

A man named Craig, an intelligence agent, had a problem with a growth in his neck, and wished to go for further treatment to the Swiss Mission Hospital at Elim, in the Spelonken, just northeast of Fort Edward. Heese was asked to accompany him and felt that despite the difficult conditions he could not refuse him. Because Craig was an intelligence officer he was offered a comfortable "spider" in which to travel, together with a pair of mules and a driver. Here there may be introduced the major discovery made by Carnegie and Shields, possibly the greatest breakthrough in the searching out of the Morant story. The cart was provided by Captain de Bertodano, an intelligence officer of unusual lineage. Frederick Ramon de Ber-

todano de Lopez, ultimately eighth Marquis del Moral, was born in Australia in 1871. As Frederick Ramon de Bertodano Lopez he rowed in the Sydney University VIII, though he did not complete his Arts Law degree. He went to England in 1895, dropping the name Lopez. He then went to Rhodesia and fought in the Matabele War. In 1900 he was in South Africa as a Captain in the 6th Battalion of the Manchester Regiment, and during the Boer War served as an Intelligence Officer on Kitchener's staff. In 1928 he wrote an account of the events with which we are here dealing and which were traced in the National Archives of Rhodesia. We return to him in a moment.

Heese was about to leave home when he said "One never knows what will happen, I will nevertheless make my will". As he leaves home I may interpose that on 10 April 1901 he wrote a circular letter, apparently to his friends, associates and family as follows: "I must remain absolutely neutral, which cannot be difficult for me because all the Boers are already gone. And since August or October 1900 one could hardly still defend their cause. The falsehood, hypocrisy, and deception had become too bad." So much for his being a Boer spy.

Heese delivered Craig to the hospital on 20 August 1901. On the 21st he went to a friend's mission, and on the 22nd was back at Elim. He wanted to be back home by the 26th for his daughter's birthday. On the 23rd he got up early and went for a walk. He turned a corner around a building and came across a waggon on which eight Boers were sitting. He recognized some people from Potgeitersrust, among them one Vahrmeyer, a teacher in the town. Without thinking he greeted them and spoke to them. They told him that they were prisoners of war but were worried by a rumour that they would be shot, in which case he was to say goodbye to their families. He reassured them that they were protected as prisoners of war by international law. The officer commanding, presumably Morant, approached him and rudely asked him if he knew that it was forbidden to speak to prisoners of war. He wanted to arrest him on the spot but after Heese had given him an explanation and showed his permit, he let him go, but not before he obtained his word of honour to report at Fort Edward.

Before Heese left Elim, the prisoners were summarily shot. He was deeply upset and indignant. Heese told Captain Taylor at Fort Edward that in Pietersburg he would immediately report the matter to Headquarters upon which Taylor snarled "Mind your own damned business". Heese was allowed to leave, with a warning to look out for Boers. About 3 p.m. he left with his native boy.

On the way they later passed Silas, a Christian, the native who on Witton's account gave evidence at the court martial. Only when the

cart was some distance away did Silas realize that he should have asked the Minister for a lift. He thereupon ran after him. At this, a British officer suddenly raced past him on horseback. To his greeting he got a reply but the man was in a hurry and chased his horse on.

When Silas came to a rise he looked to see if he could spot the cart. He saw in the distance that the "spider" was outspanned and that the mules were drinking water, but he also saw an ox wagon approaching along the road. The Boer with the wagon was Van Rooyen, who also gave evidence. He was still standing and talking to Heese. Some distance further on the road he noticed that the horse spoors led into the bush from the road. At that moment he could not see the "spider" but four shots suddenly sounded in quick succession. He was startled and carefully walked on further. When he came around a bend looking for the vehicle, he saw it standing to one side away from the road amongst the trees. He approached, surprised, but when he could not see the mules at all and noticed the saddled horse of the horseman behind the "spider" he took off but almost stumbled over the body of the native boy. Frightened, he ran away. In fact, the body of the missionary lay seventy yards away in the bush.

Capt. de Bertodano heard of the death of Heese at the end of August. He was supposed to have been shot by Boers, which de Bertodano regarded as impossible: "A Predikant murdered by Boers?" He engaged two native scouts to investigate with the utmost discretion. They went to Fort Edward where the native servants talked to them very freely. A white man intercepted the discussion and asked who the two strange boys were. Hans, the first boy, left the camp, because of his own suspicions and because de Bertodano had ordered him in no circumstances to stay the night. The other boy, Kaffirland, was tired, stayed, and was never heard of again. The story Hans obtained is essentially what I have set out until the point when the crime occurred. The story obtained by Hans from Morant's terrified native boy, then becomes worse. This was that Morant and Handcock came out of the bush and left their horses with Morant's boy. There was some conversation with Heese, saying they were sorry he was leaving them and to come back again. Handcock then shot the driver and when Heese turned around Morant then shot him through the head. There is more detail of this on pp. 96-99 of Carnegie and Shields. De Bertodano, with all this reported to him, conferred with Colonel Hall, the garrison commander at Pietersburg and returned to Pretoria where he reported the matter fully. Lord Kitchener instructed him to investigate it "at any cost: it had occurred in your territory". More investigations were made, and much information obtained, but when all was said and done only Morant's boy was an eye witness. When

Morant went on leave to Pretoria the boy was not to accompany him on the trip as such, but he left with him. He was not with Morant when he arrived at Pietersburg. No trace of the boy was ever found. De Bertodano came to the conclusion that he had been shot. This is the only account which implicates Morant directly. But if there were two riders there, everything would fall into place, there having been some criticism of the alternative story on the footing that more than one colour of horse had been given for the mystery rider. But when Witton's letter to Thomas is taken into account, I fear that the conclusion is irresistable that the Reverend Heese was killed by Handcock at Morant's instigation, or even, though perhaps less likely, with his assistance then and there.

There is a curious sequel. In 1937 a bearded stranger with a young man, his son, came to inquire after the grave of Reverend Heese from Reverend Zimmerman at Makapanspoort. He said: "I have come to revisit the old sites of the Boer War and have brought my son with me. I looked for Reverend Heese's grave at Elim, but was told that he had been reinterred on his old mission station. You see, I was a fellow officer of the man who shot Reverend Heese."

The mythology of this whole story always emphasises the cheerful outgoing character of Morant, his poetry, his horse riding and so on, and his brave death. But we are dealing with real people on the other side of the fence too, like Daniel Heese. A report was made to the Reverend H. Grutzner at Bethanie:

> "Media vita in morte sumus
> Quem quaerimus adjutorum nisi te Domine"
> (In the midst of life we are in death
> Of whom may we seek succour but of thee O Lord)
>
> The quoting of the above hymn, now about 1,000 years old, will tell you that I have something sorrowful to report. You will in no way, however, have an inkling what measure of heartache is included in my letter.
>
> Our missionary Daniel Heese jnr was shot dead in the afternoon of August 23rd by an unknown, probably ruthless, hand. With him, and at the same time, and at the same spot his companion, a Letebe youth, likewise was shot dead.
>
> . . .
>
> In him we lose a very well-gifted and indefatigable missionary, a brother ever ready to help and of a fraternal mind, whose endeavour it was through faith and prayer to prepare himself, his house, and his congregation for the day of revelation.
>
> . . .

May the Lord our God comfort the sorrowing widow and her little children and teach us all to pray: Lord so teach us to number our days that we may get a heart of wisdom (Ps 90:12).

'The day that smiled in early morning
May frown on me ere night draws nigh
Thus every morn at eve gives warning
The hour will come when I must die.
My God for Jesus' sake I pray
Thy peace may bless my dying day.' "

It is not for those who have not been to war personally to condemn the behaviour of individuals in the field, and it is the last thing that I wish to do here. There were terrible casualties on both sides in what South Africans call the Anglo-Boer War. But as in any war perhaps some of the saddest casualties were suffered by those in whom the insensate horrors of war brought out darker sides of the human spirit that might have remained undiscovered in civilian life. For these, we who have been spared the test must perhaps even more than other seek reserves of compassion. In many ways Breaker Morant got what he deserved and I can find little excuse for what he did. As folk hero he just does not stand up and it is time for such a tradition to be quietly put to rest. But we can be genuinely very sorry for him. If he had never gone to War his fatal flaw, his streak of real brutality, might never have been revealed. If, with his lack of training, he had never been given command, all may have been well. If he had not been surrounded by officers who were ineffectual and never went out in the field (like Lenehan), or were ignorant clods (like Handcock) or, worst of all, were sadists (like Taylor), all may have been well. But all the necessary ingredients came together to make the tragedy complete. In the end he was found out, in ways that that other English poet understood, as usual so completely and so compassionately:

"So, oft it chances in particular men,
That for some vicious mole of nature in them,
As, in their birth—wherein they are not guilty,
Since nature cannot choose his origin,—
By the o'ergrowth of some complexion,
Oft breaking down the pales and forts of reason,
Or by some habit that too much o'erleavens
The form of plausive manners; that these men,
Carrying, I say, the stamp of one defect,
Being nature's livery, or fortune's star,
Their virtues else, be they as pure as grace,
As infinite as man may undergo,
Shall in the general censure take corruption
From that particular fault . . ."

Hamlet, Act I, Scene IV, 1.23

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Acknowledgements

I gratefully acknowledge assistance received from: Dr Frank Bradlow, Van Riebeeck Historical Society, Cape Town, Republic of South Africa; Professor A. P. Davey, Onrus River, Republic of South Africa; Group Captain M. H. Bannister, RAAF (retired); Group Captain R. A. L. Morant, RAF (retired). The assistance is also gratefully acknowledged of Sir Murray McInerney, formerly a Judge of the Supreme Court of Victoria and Deputy President of the Courts-Martial Appeal Tribunal for his assistance in relation to the defence of condonation, and for his contribution in relation thereto to the discussion which followed the delivery of this paper to the Society.