SCAPEGOAT OR KILLER?

It’s been 109 years since Renmark horseman Breaker Morant was executed but there’s a new fight to clear his name.

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Morant wouldn’t recognise Renmark these days, especially the pub. The trendy Renmark Hotel of 2011 is a far cry from the rough and ready establishment into which – legend has it – the Breaker once rode his horse to order a drink at the bar. Today you can order lunch or a coffee on the balcony overlooking a trimmed lawn leading to the high Murray River, where a paddleboat waits for its daily tour of the locks. In Morant’s time, early last century, the outlook from the old stone building would have been more rugged and swampy.

Even so, riding a horse into the pub would still have been wildly uncouth behaviour. Did he really do that? “With Morant working over the river, this was the only hotel in the area so he and the boys would come over to have a drink and play up,” says historian Y.M. “Johnny” Gurr, a former ABC journalist who has spent 40 years in Renmark and wrote a history of the Renmark Hotel.

But no, Gurr says, there is no proof to back up the story that Morant rode up to the bar on his horse, and no one she interviewed about the hotel’s history could substantiate the tale. Nor did he ride up a staircase, as another story has it – there was only one floor. But Gurr’s efforts to debunk the myth have proved fruitless. Tourists visiting Renmark invariably enter the hotel bar – named “Breaker’s” in his memory – and ask about the story. No doubt it’s good for business.

And the story underlines how myth and mystery still surround the Breaker, executed in 1902 by a British military firing squad in South Africa for killing prisoners during the Boer War. “There was outrage here when he was executed,” says Gurr. “He was a scallywag, but he didn’t deserve that.” The question still being asked today is whether he deserves a pardon.

Morant was a horse trainer extraordinaire, a drover, a poet and probably a womaniser and a comman. But he was also charismatic and dashing, by all accounts, which explains why he is still remembered 109 years after the controversial court martial and execution. The 1980 film Breaker Morant helped solidify his legend, as did several books and a stage play, and last year the Australian government asked the British government to consider reopening the case to clear Morant’s name.

The Outlook from the Old Stone Building

Working as a horse breaker at a station across the River Murray, Morant would have come to the then brand-new Renmark Hotel for drinks and to socialise. He may also have got some fresh material for the poems he wrote for The Bulletin newspaper, under the penname “the Breaker” – much of it about pretty girls and life as a drover.

“We’ve drunk our wine, we’ve kissed our girls, and funds are sinking low,
The horses must be thinking it’s a fair thing now to go; Sling the swags on Condamine and strap the billies fast, And stuff a bottle in the bags and let’s be off at last. What matter if the creeks are up – the cash, alas, runs down? A very sure and certain sign we’re long enough in town.”

If he’d stayed around Renmark, its more than likely Morant would never have been heard of much again. But he became friends with some of the local young men and in 1900 a group of them signed up to help the British fight the Boers, joining 18,000 other Australians who headed to South Africa between 1899 and 1902. He would never see the town, or Australia, again. Morant joined a regiment known as the Bushveldt Carbineers, made up mostly of Australians. A close friend of his, Capt. Percy Hunt, was part of this regiment. During leave from the fighting, Morant and Hunt had gone to Devon, England, and become engaged to sisters. But back in South Africa, Hunt was soon captured, tortured and executed by Boers. Morant is said to have vowed revenge.

Accounts vary as to what happened next, but it is clear that some members of the Carbineers were responsible for killing several Boer prisoners, as well as a missionary who witnessed the shootings. Within a few weeks, Morant and two fellow Australian soldiers – Peter Handcock and George Witton – were arrested on charges of carrying out the killings. In their defence, the Australians claimed commanding officers had ordered the regiment to kill all prisoners as there was not enough food to go around. The British denied this, and Morant and Handcock were convicted after a speedy trial and executed on February 27, 1902.

Witton was sentenced to life in prison – later commuted after 80,000 Australians signed a petition demanding his release. He returned to Australia and published a memoir of the trial titled, Scapegoats for the Empire, The True Story of Breaker Morant’s Bushveldt Carbineers. He gave a firsthand account of the arrest, trial and sentencing, including how the three were denied an appeal or contact with their families.

“Legal errors were made in that trial, significant errors, not minor ones,” says Unkles, a military lawyer who has spent nearly 30 years in the Australian Navy specialising in criminal law, with extensive experience in military courts martial and civil courts. Unkles says the men were commended during the court martial for their loyal service to the British crown, and several recommendations were made for mercy. In the end, though, they were given 18 hours’ notice of their execution, forbidden any contact with their families and denied the right to make a final plea to the King.
The executions were carried out in indecent haste to prevent any interference from the Australian government,” Unkles says. “In fact, the Australian government didn’t even know these men had been arrested and placed on trial until months later, as the trial was carried out in secrecy.”

Unkles’ research was recognised by Attorney-General Robert McClelland, who last year petitioned Britain for pardons for Morant, Handcock and Witton. Also, in March 2010, the Australian House of Representatives’ Petition Committee held a public inquiry into the petition, marking the first time an Australian institution had considered Morant’s case. Although it had no jurisdiction, the committee concluded that the case for pardons was “strong and compelling”.

However, last October the British government rejected the petition, saying the records from 1902 were too scant. McClelland, through a spokesman, explained in a statement why the Australian government had become involved. “It’s clear there is a strong community interest in the matter of Breaker Morant,” he said. “As those involved in the Breaker Morant case were tried by a British court martial, the Australian government has no legal jurisdiction over the case. However, the Australian government has assisted efforts to bring this matter to the attention of relevant British authorities … The British government has advised that there is insufficient evidence to justify a review. I understand this decision is disappointing for people who have been advocating for a review.”

But Unkles has not given up, saying he recently uncovered new documents that he says strengthen his case. “I have strong and compelling evidence to push for a judicial inquiry,” he says. “Late last year I discovered new evidence that confirms that orders to shoot prisoners had been given by British officers who worked for Lord Kitchener, who was the supreme commander in South Africa.” This new evidence includes the written opinion of Colonel St. Claire, the most senior British legal officer in South Africa at the time. According to Unkles, the opinion concluded that senior British officers gave orders to colonial troops not to take prisoners.

Unkles believes the British are still trying to protect Kitchener, who signed the death warrants for Morant and Handcock. “I believe that they are embarrassed by the revelation,” Unkles says of the colonel’s opinion. “Even in 1902 there were laws of war that existed and there were some provisions for the treatment of prisoners.”

Unkles has rallied descendants of the three men, who have signed a letter asking the British government to at least reopen the case. “I always grew up believing that the trial had been a sham,” Cathie Morant, a fifth cousin, says. “He was certainly talked about a lot in the family. It was always an interesting side of the family.”

Cathie Morant joined forces with Unkles not to make a mockery of the British court martial but just to find justice for her ancestor, who she believes was treated unfairly. “Three colonial officers, who had little or no military experience in the field and no understanding of military laws and customs, were held liable while their British superiors were not prosecuted,” says the letter signed by 12 descendants, most of them related to Handcock. “Despite this, we do not wish to engage in accusations of scapegoating or sentiments which could bring the British military into disrepute. That is not our agenda. We believe there are grounds for pardoning Harry Morant, Peter Handcock and George Witton, recognising the mitigating circumstances surrounding the offences.”

Cathie Morant has high hopes for restoring her ancestor’s honour and clearing his name. “I’ve had discussions with people in the last couple of years and the public opinion seems to be that where there’s smoke there’s fire, that the Breaker and Peter Handcock must have been bad people,” she says from her home in Canberra. “But I really don’t think that they were. So this appeal would hopefully change the flow of public opinion. It would really be fantastic.”

Unkles does not plan to give up. He is still trying to negotiate a pardon, working through the Australian government to rally fresh support for the case. “The other plan of attack I have if negotiations don’t work, I believe I’ve got a strong case to launch in the British courts,” he says. Until then, the Breaker’s legend will live on.