

The Boer War and its influence on modern Australia



A paper based on an address delivered at a service commemorating the 2nd Anglo-Boer War 1899-1902 at the Anzac Memorial, Hyde Park, Sydney, on Sunday 26 May 2019 by

Rear Admiral, the Honourable Justice M. J. Slattery, AM, QC, RAN
Judge Advocate General of the Australian Defence Force

This paper outlines Australia's contribution to the 2nd Anglo-Boer War of 1899-92 and shows how the war helped form part of the modern Australian heritage, character (fairness, tolerance, courage, care for others, value of freedom) and institutions.

Key words: 2nd Anglo-Boer War, 1899-1902; Boer War; Treaty of Vereeniging; Australian contribution; Australian heritage; Australian character; Australian institutions.

We each carry inside ourselves an image of what it is to be an Australian. Our images are all subtly different. But they have many common features that we see across our continent. To be Australian is to be fair, to be tolerant, to be courageous, to care for others and to value freedom; among many other qualities.

The Boer War helped form parts of our modern Australian character and institutions in startling ways. When I take you to some of them shortly, you will instantly recognise them. But our journey of national self-insight about the influence of the Boer War upon us is actually only quite recent.

Perhaps, the most important step in that journey began in 1952. It was the year that Federal Parliament extended the Charter of the Australian War Memorial in Canberra for the first time to recognise the sacrifice and service of Australians in all wars. Partly driven by the effects of the Korean War, the War Memorial's mission was expanded. Its new role is "to provide a complete history of the wars in which Australians have participated".

Until then, official Australia had itself operated under a kind of blind spot: a belief that the Great War (World War I) was the first moment which Australians should commemorate as proving themselves, identifiably as Australians, on an international stage, by their sacrifice in battle and by their service in war.

The Boer War did not generate an Anzac legend. But it remains, even today, the most-costly conflict outside either World War in which Australia has ever been involved. Its casualties represent a cost about twice that of the Vietnam War. The Boer War deployed Imperial armies of just under 300,000 troops in the field across modern-day South Africa and neighbouring countries; a theatre of war well exceeding in scale and numbers our modern conflicts in Afghanistan and Iraq.

Since 1952, the significance of the Boer War for us has grown. In 1963, when the War Memorial dedicated

its Honour Roll of Australia's Victoria Cross recipients, it began of course with Neville Howse, the first Victoria Cross winner of the Boer War. More recently, on Boer War Day two years ago, 31 May 2017, through the extraordinary dedication, fundraising and personal sacrifice of many of you here today, the Boer War Memorial was dedicated on Anzac Parade in Canberra.

In this paper, I shall dwell on a few features of the Boer War, in which we can see parts of our modern Australian heritage, our character and our institutions.

Understanding the Boer War

First, we need to understand this war. The Boer War was short when compared with the wars from World War I onwards. It began on 11 October 1899. After almost two-and-a-half years, it concluded with the Treaty of Vereeniging that we commemorate today.

The war was conducted in three phases. In the first phase, between October and December 1899, the British Army, mainly infantry, were defeated or besieged by highly mobile Boer mounted troops, who were seeking to protect the independence of two Boer Republics, the Transvaal and Orange Free State, from absorption into the British Empire. In the second phase, from December 1899 until September 1900, the British counteroffensive resulted in the capture of most of the major towns and cities of South Africa. But in the longest phase, from September 1900 to May 1902, the war descended into a relentless guerrilla conflict between British mounted troops and Boer irregulars.

During this this last phase, on 1 January 1901, the six self-governing British colonies in Australia were proclaimed as states of a single federation of the Commonwealth of Australia. So, they went to war as British colonial troops and returned as Australians. Like troops from all other Australian colonies, the New

South Wales Mounted Rifles kept wearing their New South Wales Military Forces uniforms after 1 January 1901, but were issued with Australian rising sun slouch hat badges. All of them remained under British command as part of the Empire. As their new Australian Constitution said, they were all subjects of her Majesty the Queen. It still does.

The Australian Contribution to the Boer War

A total of about 23,000 Australian men and women served in the Boer War. Nearly 1000 Australians paid the ultimate price for their service. Over 16,000 Australians served in official contingents, the rest as irregulars. Of the latter, some were volunteers, like the Imperial Bushmen, raised in private militias, who submitted themselves rather loosely to British command.

Over 6,500 men and women went to the war from New South Wales. One indication of the remote and inhospitable nature of this testing theatre of war is that as many soldiers died from disease and accident, as died from their wounds.

This simple statistic also shows the importance of nursing care for Boer War soldiers. This was the first war in which Australian women would serve in Australian uniform. And the first Australian woman died on active service in this war.

Also, the first Aboriginal men to serve on active service would do so in this war, many of them with the uniquely useful skills of trackers. One of these was Robert Charles Searle who volunteered to join a West Australian contingent.

Australia's six colonies separately prepared for this war raising their own individual contingents. It is difficult to believe today, but, in 1899, both Sydney and Melbourne had their own separate defence ministers, each lobbying London for money, ships and support. And it will not entirely surprise you, I am sure, that in raising troops for the war there was healthy competition between these two cities about how many and what kind each could raise: a contest they approached as differently as the two dominant codes of football they each played.

In one unusual way, the Boer War was Australian in character like no other overseas war we have ever fought. This is because men and women were volunteering to fight to help out many fellow Australians. What tends now to be completely overlooked is that, because of similarities of climate and way of life, many Australians had settled as farmers and horsemen in the Boer States long before the war. Known as *uitlanders* (broadly translated as 'outsiders'), the Boers had denied them the vote, because they were not citizens of either Boer Republic. Some of them, men like Karri Davies from Western Australia, formed local Bushmen militias, and they fought side-by-side with the Bushmen militias that had been raised in Australia.

Courage, Daring and Independent Thinking

If you see courage, daring and independent thinking as central to our Australian character, you need see no finer example than Australian Brigadier-General 'Pompey' Elliott. You will know him best as a brigade commander of the in the Battle of Fromelles on 19-20 July 1916. But Elliott represents one of so many Boer War veterans who, like Lieutenant-General Harry Chauvel and Commander Leighton Bracegirdle, formed a core of experience in the First Australian Imperial Force and the Royal Australian Navy in World War I. He, like so many other Australian Boer War veterans and World War I leaders, were university educated and came from outside the regular military: two factors that allowed them later to think outside the box to escape the stalemate of World War I trench warfare.

But, in 1900, Elliott had enlisted in the 4th Victorian Imperial Bushmen as a corporal and there his courage was evident already. On the night of 28 February/1 March 1901, Captain Dallimore, Officer Commanding D Squadron of the Imperial Bushmen, with only 15 troopers, including Corporal Elliott, tracked a party of Boers to the junction of the Orange and Sea Cow Rivers. Although outnumbered, Dallimore chose to attack with Elliott's support. Elliott and several other troopers crept into the Boer lines at night, and, with just a little bit of horse whispering, quietly removed all the Boers' horses. At dawn, Dallimore's force attacked. The Boers found themselves unable to mount and ride away. Heavy aggressive rifle fire from the Australians, coupled with bluff by Dallimore, convinced the Boers to surrender. His little party of 15 captured 27 Boers, 6 African servants and 54 horses. Elliott was awarded the Distinguished Conduct Medal for this encounter.

Following the Boer War, he returned to university and completed a LLB, an LLM and BA. He was then called to the Victorian Bar and set up his own legal firm. In 1914, at the outbreak of war, Elliott was appointed to command the 7th Battalion in the 2nd Brigade, Australian Imperial Force.

Nursing Sister Nellie Gould

If you see an assertive sense of equality as part of our Australian identity, then let me tell you about Boer War nurse Nellie Gould. She was the first Lady Superintendent, as they were then known, of the New South Wales Army Nursing Service Reserve sent to the Boer War. As matron of the 13 other nurses in this group, she led the first nursing group that went to South Africa, a journey she took with the second Contingent of the New South Wales Army Medical Corps on 17 January 1900. In total, 60 Australian nurses went to South Africa.

Nellie was born in 1860 in Wales, and was a teacher and governess in England. At age 24, she moved to New South Wales and trained as a nurse at Sydney's Royal Prince Alfred Hospital. In 1898, with 14 years'

nursing experience behind her, and only 45 years after Florence Nightingale founded modern nursing, Gould was invited to oversee the formation of the New South Wales Army Nursing Service Reserve, the first military nursing service in Australia, and only the second in the Empire.

And in this war, like almost no other later war, our nurses did not just serve in hospitals behind the lines. In a guerrilla war, they were often left alone, in unguarded farmhouses being used as makeshift infirmaries, exposed at times to Boer attack. It took a special kind of resilience to make this work. Gould and her sisters, among 120 Imperial nurses, did just that. They and their New Zealand sisters not only were given the honorary rank of Lieutenant, but back home they had something even more powerful: they had the vote, unlike British women of the time. And they gained a reputation for standing up for themselves. On hearing of their imminent arrival, one British doctor recorded in his diary: "My God, New South Wales nurses – now what are we going to do?"

She returned from South Africa to Sydney in late 1902. She too served in Egypt, caring for Gallipoli wounded in 1915 and early 1916. There, she famously stood her ground against the British doctors commanding her who insisted, in Egypt's 45-degree heat, that her sisters wear woollen serge uniforms. She refused. Her sisters were finally allowed to wear cotton instead. She was awarded the Royal Red Cross in April 1916 for her distinguished nursing service.

Australia's Institutions and Legal Practice

Australia's institutions and legal practice in war were also shaped by the Boer War

It is not well appreciated now that Australia owes an important part of our present Constitution, section 74, to the bravery of our soldiers in the Boer War. The Constitutional Conventions that led to the final settling of the Constitution were wrapping up just as the war started. In May 1900, Australian politicians for the six Australian colonies were gathering in London to negotiate the final form of the Constitution and push it through. A sticking point was whether the final court of appeal for Australia would be the High Court or the Privy Council.

The British government wanted the highest Australian appellate court for all matters, including the interpretation of our Constitution, to be the Privy Council in London. Australian delegates, and much of popular opinion in England and Australia, wanted it here in Australia.

But in the middle of the negotiations, Australian troops were closely involved in the relief of the Boers' siege of Mafeking. This victory was of immense strategic significance, freeing up the railway line between then-Rhodesia and the Cape. The role of Australian troops in Mafeking's relief made British government opposition to Australia's judicial

independence impossible to defend. Joseph Chamberlain, the Secretary of State for the Colonies, dropped his opposition. When a federated Australia was proclaimed on 1 January 1901, Britain agreed that final appeals about important aspects of our Constitution (but not other matters) would be heard in the High Court in Australia, not the Privy Council (unless the High Court certified otherwise).

Australians' Sense of Fairness

One aspect of our national sense of fairness was forged in the Boer War. All Australian troops were placed under British command during the War. One consequence of this was that they faced court-martial and executions under the British Army Act of 1881. The well-known executions of Breaker Morant and Peter Handcock after a British court martial are two examples of this. Contemporary Australian outrage at these actions caused a strong Commonwealth Government reaction, that has shaped Australian policy ever since.

In World War I, once again, Australian troops were subject to the British Army Act 1881, which permitted the execution of soldiers court-martialled for serious offences, such as desertion. But, after the experience of the Boer War, the *Australian Defence Act 1903* was passed that prohibited the execution of any Australian soldier without the approval of our governor-general. Despite Field Marshal Haig's requests, the governor-general's consent was never given in World War I. In contrast, the British executed 361 of their own soldiers and the French 660 of their own soldiers. We have never done so.

Horsemanship

By late 1901, the Australian Bushmen's horsemanship and endurance were growing in fame, but being tested to the limit. But what Australian soldiers did achieve would have done the man from Snowy River proud.

The New South Wales Mounted Rifles reported in the last five months of that year an extraordinary rate of effort. They recorded trekking across the veldt almost 3000km, and were involved in 13 skirmishes with the loss of five dead and 19 wounded. They reported killing 27 Boers, wounding 15 and capturing 196.

But, at the same time, they cemented a reputation for mental toughness at every level. Apart from their military achievements, these men spent long periods in the saddle with few opportunities to bathe or change their clothes; as a result, lice and disease were their constant companions.

The Treaty of Vereeniging

The Treaty of Vereeniging that we commemorate as "Boer War Day" ended the war. But it was not the cause of rejoicing on the streets of this city. The news reached Australia on Monday, 2 June 1902. In contrast in

Melbourne, the governor addressed a large crowd at the Town Hall. Once again, these two great cities showed their differences, as they do today. Indeed, the New South Wales Government of the day decided not to lead any local celebrations, leaving our citizens to their private reflection. There was no dancing in the streets. Rather, Sydneysiders focused on the returning troop ships, bringing home soldiers, nurses and civilians.

But like the great armistice of 11 November 1918, the Treaty of Vereeniging hardly honoured the sacrifice of the Australians who died during the war. As we know, the Treaty of Versailles laid the foundations for World War II. The politicians who negotiated the Treaty of Vereeniging made different mistakes. They controversially agreed to pay off some of the Boers' war debts; probably not bad thing for future reconciliation. But, against the wishes of Joseph Chamberlain, the Treaty permitted the Boer republics to continue to defer giving civil rights to their black citizens, a decision with long-term disastrous human consequences. And of course, the new government of the Australians who had risked their lives in the war, had no say in the terms of that Treaty, which was negotiated only by Imperial representatives.

It was only in 1994 that the new President of the Republic of South Africa, Nelson Mandela, was elected for the first time by black voters. He had negotiated for the restoration of the civil rights of all his fellow citizens, so that the injustice created by the Treaty could begin to be redressed.

Charities

In the last year of the war, something else quite remarkable, but recognisably Australian, began to happen. Today, many of our fellow citizens volunteer to work for charities as doctors, nurses and teachers in war zones, in refugee camps, and after natural disasters. This part of the Australian character was as prominent then, as it is now. The day of the Boer surrender represented the high point of a brutal Imperial war policy, which many Australians helped alleviate.

Soon after the Boer War started, Imperial forces established concentration camps to control the Boer civilian population. The policy placed whole Boer families behind barbed wire. By 31 May 1902, the date of the Boer surrender, more than 17,000 Boer children were being educated in Transvaal concentration camps and another 12,000 in Orange Free State camps – more children indeed than those States had educated before the War. Some 39 teachers volunteered from the Empire to work in this informal camp education system, a large number of them from Australia. Most of these came from New South Wales and Victoria, with four from Queensland and six from South Australia.

Miss Ida M. Robertson was a teacher typical of these. She grew up in the Australian bush and began

teaching at seventeen, later working in a large school in Sydney. Her brother had been killed in November 1901, while serving in South Africa with the New South Wales Mounted Infantry. According to her referee for this work, it was his death that had “turned her mind to this work ... she is ambitious to do her small part in helping the Motherland”.

Conclusion

In closing, may I look to the words of another remarkable, courageous and creative Australian, a young solicitor and journalist covering the Boer War. He reminds us of the losses of so many Australian men and women in a war so wrongly called ‘the forgotten war’. But he was more famous as a poet than as a solicitor. He learned his lyrical craft at home and at Sydney Grammar School. In his verse, which was to prefigure the heartbreaking poetry of World War I, Banjo Paterson speaks gently to a soldier of the burden of that war, in these words that are inscribed on the Boer War Memorial in Canberra:

“When the dash and the excitement and the novelty
are dead,
And you've seen a load of wounded once or twice,
Or you've watched your old mate dying, with the
vultures overhead,
Well you wonder if the war is worth the price.
And down along the Monaro now they're starting
out to shear,
I can picture the excitement and the row;
But they'll miss you on the Lachlan when they call
the roll this year,
For we're going on a long job now”.

We remember all those men and women of the Boer War for whom Banjo Paterson wrote these magical words.

The Author: Rear Admiral, the Honourable Justice Michael J. Slattery, AM, QC, RAN, a justice of the Supreme Court of New South Wales, is the Judge Advocate General of the Australian Defence Force. He was admitted as a barrister in 1978, made a Queen's Counsel in 1992, and appointed a justice of the Supreme Court of New South Wales in 2009. He joined the Royal Australian Naval Reserve as a lieutenant (legal) in 1990. Promotion followed to lieutenant commander in 1996, commander in 2000, and captain in 2006. He served in the Northern Persian Gulf in 2003; and, in 2005-06, was the principal counsel assisting a Navy Board of Inquiry into a fatal helicopter crash. He was promoted to commodore and appointed Deputy Judge Advocate General – Navy in 2010; and to rear admiral and Judge Advocate General – ADF in 2014. He received an Admiral's commendation for his service to Navy in 1994 and 2007; and was made a member in the Military Division of the Order of Australia in 2019.