



double barrellled gun and Dan Kelly a single barrellled one.

This was 7 shots they had besides 3 loaded revolvers; to my knowledge; and I have no doubt they had more of these weapons as the revolvers used by Skillion and Williamson at the shooting of Fitzpatrick had not been found by the Police. They had at least 25, and probably 37 shots ready to discharge without reloading. Kelly asked me "Who is that over there?" nodding towards the body. I said "Lonigan" He said "It is not Lonigan, I know Lonigan well, and I will put a hole in you if you don't tell me the truth". During the time they had me a prisoner Kelly threatened not less than a dozen times to shoot me and several times pointed his rifle at me apparently for that purpose. I reasserted that it was Lonigan when he said "I am glad of that for the fellow once gave me a hiding at Benalla. Dan Kelly said in coarse language that he would lock no more poor fellows up. Kelly then joined the others in feasting upon our cooked ham and the fresh bread which I had made. I feel pleased, now, that they all expressed so much approval of my bread that I believe I could have got a testimonial from them as a first class baker. The future, however, was not troubling me at that time, I was absorbed in the present, and having a moment's respite from Kelly's conversation, I naturally devoted it to a reflection upon my position. I was perfectly cool from the moment I was stuck up. I have often been more agitated over trivial matters. The surprise alarmed me, but the shock of Lonigan's death instead of increasing that alarm, which would be the natural inference, seemed to brace my nervous system to such an extent that I became abnormally cool and observant. I did not address a single word to these men unless in reply to their questions, except my remonstrance against being handcuffed.

They were all inside the tent and I standing outside looking down the creek. Lonigan's body was visible from where I stood and I tried to keep myself from looking at it, lest it should unnerve me, but my eyes wandered back in spite of myself. The pallor of death had spread over his countenance, and the setting sun, the last I ever would see I fully believed, had cast the long shadows of the forest trees over his body. Defenceless and surrounded by armed murderers in that forest, Marcus Clarke has so aptly described "The Australian mountain forests are funereal, secret, stern. Their solitude is desolation. They seem to stifle in their black gorges a story of silent despair."

I prayed silently, and without attracting attention, to the Great Creator of the Universe for guidance in my actions and fortitude to meet my death. Brought up in the faith of the Church of England I had, starting from an objection to the Athanasian Creed, gradually reasoned myself into a state of unbelief in the doctrine of that Church. It was now to me a question of great moment whether the faith of my childhood was not, after all, the proper one to die in. "That there is a God all nature cries aloud throughout her works". And believing, as I have ever done, in the existence of God and the Immortality of the soul, I, in this my extremity simply realised what some of the strongest minds of the

/human race



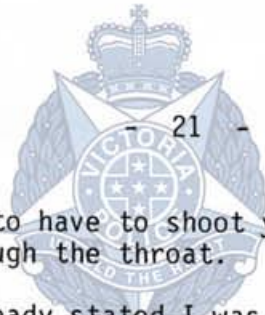
human race have found necessary at the supreme moment, the want of a connecting link between the immensity of the Creator and the frailty of mankind. I really did not know what to do. Reflection and deliberation only proved to me almost certainty of my death. I wish that some of those men who have talked so glibly about what they would have done had they been in my place, had been there and saved me many sleepless nights and years of worry. In the direction from which I expected the men the timber and the scrub were thick, and as the cleared ground did not extend far in that direction it would be necessary that they should approach within 30 or 40 yards of the tent before they could understand any sign of their danger from my actions.

I reasoned: "to warn them will be certain death to myself will it save the others." I thought not. There was also another contingency to consider. I did not look upon Kennedy and Scanlon as experts with firearms, which these young bushmen surrounding me were. The very fact of Kennedy passing the Kangaroos himself and asking me to go and shoot one is a proof that he had no predilection for that class of sport, and during the sixteen months I was stationed with him I had never known him to fire a shot. I felt that I would have accepted, with gratitude the advice of the greatest fool that ever I knew. Having no one to advise me I had to look for guidance to any antecedent case that had a similarity to my own.

I was a school teacher in New South Wales before I joined the Victorian Police, and when there I had read with much interest the fate of four special Constables who were murdered by the Clark brothers, bush-rangers, at Jingera in that Colony. The affair did not afford me much comfort so far as my own fate and that of the other men was concerned, but it provided me with an object lesson of how a brave man should die.

The Clark brothers in association with others had been bush-ranging for over a year in the Araluen Ranges. The Police being unsuccessful in their efforts to capture them the services of 4 special Constables were accepted by the Government. On the 11th January 1867 the bodies of these men were found in the ranges. It appeared from a statement made by the Clarkes after their arrest in April of the same year, that they, assisted by others, lay in wait for the 4 men, on their approach to the ambush they called upon to "bail up". The men putting their hands to their firearms were immediately shot at and 2 of their number fell. The other two took refuge in a hut which was close by and kept their assailants at bay until their ammunition was expended when they surrendered. Tom Clark told one of them, the man who was in charge of the party named Carrol to prepare for death, Carrol asked for mercy, upon which Clark became excited and said "Mercy! what mercy have my mother and sisters received?" (They had been arrested by the Police) and immediately shot him through the heart, turning to the other man whose name was Kenny or Kennagh (variously spelled) Clark said "I suppose you also are going to beg for mercy and for your life". "Not from such villians as you do I ask for, or expect mercy," was the reply

/of Kenny.



of Kenny. I am sorry to have to shoot you, but it must be done", said Clark and shot him through the throat.

As I have already stated I was conversant with the fate of these men, and looking up to Kenny as being a man whose bravery was worthy of emulation, I never begged for any mercy to myself, from the Kelly Gang. "Where is a Divinity that hath shaped our ends rough hew them as we will." Ned Kelly did not eat much, but the other three attacked our provisions with a degree of silent, steady application which would indicate that they had made several days preparation to become our guests. Probably their preparation was involuntary considering the nature of their invitation. Having satisfied their appetites, Byrne seemed to view my position in a more rosy light than I did myself, for he addressed me as mate and asked if I smoked. I replied in the affirmative and at his request for a pipeful of tobacco I supplied him with a cake which I fully expected to be appropriated but after passing into the hands of Ned Kelly it was returned to me with an invitation from Byrne to fill my pipe and have a smoke.

Byrne was the only one of the party who spoke to me in anything like a kindly manner during the time I was a prisoner yet he shot at me as I escaped and followed up on my trail for over an hour to murder me. After filling my pipe (I have preserved the remainder of the tobacco as a relic) I smoked and I never felt the soothing influence of tobacco so much as I did upon that occasion. I have read of Communists in Paris in 1871, requesting to be supplied with a cigar when they were led out to be shot, under similar circumstances it is what I would do myself.

Kelly then said to his mates "that will do lads, take your places". Byrne and Dan Kelly returned to the rushes. Hart remained in the tent, and Kelly concealed himself at the angle of the logs near our fire. He called me over and directed me to stand in almost the same place I had occupied when first stuck up. Kelly was in one angle formed by the logs, on the creek side, and I was in the angle other, on the tent side. In reply to questions which he put in a passionate manner I said that no person had shown us the place of our encampment. He didn't believe this statement and becoming very angry he threatened to put a hole clean through me if I didn't tell the truth. It was the truth so far as I was concerned I could have told him what Kennedy said that he was shown the place by Jack Martin but I thought it would be cowardly to do so. When he pressed me further with this question I told him the place was well known to all the people of Mansfield. In which I referred to the old diggings and the burnt hut. Proceeding to answer his questions I told him that he knew who we were without my telling him. He had been told a few minutes before that the body lying quite close to him was that of Lonigan and he had taken possession of our revolvers and handcuffs and then he asked me who we were. That "we all slept in the tent the previous night, no guard being kept". This he thought very strange. That I did not know we came after him, but that we came after Ned Kelly. If ignorance is safety it is a folly to be wise, and I considered it would be safer to wait until he introduced himself before

/I recognized



I recognized him. That we brought the fowling-piece with us to shoot kangaroos not to shoot him. That I was shooting down the creek that day. That we thought he was over there pointing towards the head of the King river and 15 miles from our camp.

He didn't seem to believe any of my answers and threatened to shoot me repeatedly. He then inquired about the men on patrol. I told him that I did not expect them home that night, but, I said "What are you going to do with them, because if you are going to shoot them down in cold blood I would rather be shot myself a thousand times than tell you anything about them". He replied "Well of course I like to see a brave man and you can depend upon me not shooting them but you must get them to surrender, I don't want their lives I only want their horses and firearms." He asked me their names and stations I told him. He said "I have never heard of Kennedy but I believe Scanlon is a flash fellow". He inquired if they had any long firearms, on my hesitating to reply to this question I was threatened in the usual manner, and had to admit that they had a rifle with them. Upon hearing this he became very enraged and said "Well that looks as if you had come out to shoot me, you have no right to carry anything but revolvers". He asked me my name and station, I told him and having in view the fate of the 4 men in N.S.W., I also told him my life was insured, I was unmarried at the time and had not a single relative in Australia, and my being insured was unknown to my people at home. I told him this under the impression that he would mention the matter at some future time, when he was brought to Justice and thus assist my relatives in getting the insurance money. It was the only means I had of making a last will and testament. When he said "What became of the Sydney man", I knew he referred to the murder of Sergt Wallings of the N.S.W. Police. The particulars are briefly:- Wallings, accompanied by two Constables, had gone to search an hotel near Dubbo for a man "wanted" when another man came out of the hotel, shot the Sergt through the heart with a revolving rifle and succeeded in getting away.

This occurred on the 20th September '78, on the 17th October a party of Police consisting of Sub Inspector Duffy, Troopers Hatton and Grey came up with this offender, and the Constables shot him, after an exchange of shots. I saw Constable Hatton in Melbourne several months after this; he gave me a graphic description of this affair but it is outside the scope of my narrative. The offender was a man named Gibson alias Wilson who in '72 escaped from Parramatta gaol where he was serving a sentence for cattle stealing. In reply to Kelly's question, I said, "The Police had shot him". He said "Well if the Police shot him they shot the wrong man and I suppose some of you fellows will shoot me some day, but I will make some of you suffer first, for you know I am no coward. That fellow Fitzpatrick is the cause of all this, for those people lagged at Beechworth the other day no more had revolvers in their hands than you have now, in fact they were not there at all these are the men who were there", nodding towards his mates.

/That he



That he had been reconnoitring our position was evident from his next question which was:- "Who owns that brown mare over there". The mare had all this time been at a distance from us and nearly hid by the scrub. I replied "she is mine". Well he said, "She is mine now that it the one I am going to take". "Is she any good". I replied laconically "pretty fair". I knew she was no good for his purpose for besides being a stumbler she couldn't be made to jump the lowest fence, but I left him to find out these defects for himself; which I believe he very quickly did for he soon abandoned her. During the above conversation Kelly was kneeling on one knee behind the log and in looking down the creek he looked over the body of Lonigan which was about 8 yards from him and a couple more from myself. He had the two rifles laid up against the log on his right hand, and I stood upon his left with a log between us. At this time I had made up my mind that there was a chance to take him off his guard, and if the men came in sight I would jump upon him and call out to them. Forgetting that Hart was in the tent behind me I must have betrayed by my actions what was in my mind for he suddenly called out in an excited manner, "Ned look out or that fellow will be on top of you". Kelly took up one of the rifles and said to me "You had better not, or you will soon find your match for you know I am a match for any three men in the Police Force".

He had no mean opinion of himself. He was certainly a big muscular man and in good training; still there were many Constables in the Victorian Police as good men as he was. From that moment he watched me more warily, and seeing that I would have no further chance in that direction I made a strong appeal to him on behalf of the men who were on patrol. I told him that they were both countrymen and co-religionists of his own. That one of them was the father of a large family, and the other was a good-natured inoffensive man liked by everybody. This statement that they were countrymen of Kellys was not strictly true, for Kelly was Australian born, but his father came from Tipperary and his mother from Armagh, and I thought he might be possessed of some of that patriotic-religious feeling which is such a bond of sympathy amongst the Irish people. My opinion is that he possessed none of this feeling. On the question of religion I believe he was apathetic, and like a great many young bushmen he prided himself more upon his Australian birth than he did upon his extraction from any particular race. A favourite expression of his was:- "I will let them see what one native can do". He remained unmoved and said emphatically that he wanted their horses and firearms and if they were given up he would not shoot them, but if they were not delivered up both they and I would be shot. I didn't think the Gang would murder three of us in cold blood if we were in their power. Whilst I was convinced that they would not hesitate to shoot one.

The sun had sunk behind the tall trees on our left, where the ground was elevated, and I thought the men would really not come that evening. Fully impressed that this would be the case I said to him, "What are you going to do with me, are you going to shoot me?" He replied "No! I could have shot you half an hour ago when you were sitting upon that log if I wanted to do it. At first I thought you were Flood and

/if you



if you had been I would have roasted you upon that fire. There are four men in the Police and if ever I lay hands upon them I will roast them alive; they are Flood, Steele, Strachan and Fitzpatrick". I felt more appalled at this threat than I did at any he had made previously, for the fire was a large one and presented the possibilities of extreme torture. "But," he continued, "if I let you go you will have to leave the Police for it is a shame to see big strapping fellows in a lazy loafing billet like the Police Force". Some men are ever on the look out for their own weakness in the character of others, and when they have found it, or suppose they have found it, they condemn it as a vice in no measured terms. Kelly was a lazy black-guard himself, he was a good bushman and saw-mill hand, and could have earned high wages by a life of industry, had his inclination led him that way. I told him that I would leave the service which was weak and the only thing I regret I said to him, but said I "what about the others will they shoot me?" I had a conviction that Dan Kelly would do so. He replied "they can please themselves". I remained silent. Kelly many times afterwards said that he intended to shoot me and expressed great regret that he had not done so. He told me himself that if he had thought there was any chance of my getting away he would have shot me at once. He also told several of my comrades in the Police that, "it was a good job for McIntyre he got away, but a bad job for us". I thought several times of making a bolt for it, trusting to fate and hoping to meet the men down the creek, but I was wearing a pair of trooper's riding boots ill adapted for running, and seeing how Lonigan was shot, I thought I would not be able to get far away until I would be knocked over, whilst the men riding in, being unsuspecting would probably ride up to ascertain the cause of the shooting and not derive any benefit from my death.

Just then we heard the noise of approaching horses and Kelly, sang out, "Hist! lads, here they come". I said to him, "For God's sake don't shoot the men and I will try to get them to surrender". He said, "all right but mind you do so, go and sit upon that log and give no alarm, or I will put a hole in you". At the same time he covered me with one of the rifles. I went to the place he indicated about 10 yards off and had barely time to sit down when the two men came in sight. Kennedy was in advance about two horses length and Scanlon was carrying the rifle. I stepped towards Kennedy and was about to explain the position to him, when Kelly sang out "Bail up, hold up your hands". Kennedy smiled and playfully put his hand upon his revolver case. Judging from the expression on his face he thought that Lonigan and I were jesting with him. Immediately he put his hand down he was fired at by Ned Kelly, but as I was in a direct line between him and Kennedy, who was on higher ground, Kelly had to shoot over my head and in doing so fired too high to hit him. I said to Kennedy, "Oh Sergt., I think you had better surrender for we are surrounded." His face immediately assumed a serious look. I turned round to look at Kelly, who was in the act of changing his rifle, and his mates just now broke cover and advanced. I again looked at Kennedy and saw him throw himself on his face on the horse's neck and roll from his horse on the off side, just at this moment there were some shots fired by the advancing bushrangers. Scanlon who had not lessened the distance

/between himself



between himself and Kennedy was in the act of dismounting when he heard the challenge to bail up, and saw Kennedy fired at. He had already removed his right leg from the off side of his horse when he looked around, and from the expression on his face I believe that he fully realised the position he was in, and further that he saw the body of Lonigan he let go his hands before he had reached the ground to seize his rifle, which was strapped over his shoulder; in doing so he fell, and in his efforts to scramble onto his feet and at the same time disentangle himself from his rifle he fell again both his hands and knees were upon the ground when he was shot under the right arm. I saw a large spot of blood appear upon his coat, which was of a light grey color, simultaneously with hearing a shot fired by Ned Kelly.

By Scanlon's death the aspect of the case had changed from one of surrender to one of extermination and this view did not present itself until after Kennedy had dismounted. My attention was taken up with the murder of Scanlon and the advance of Dan Kelly, Byrne and Hart. I had seen Lonigan and Scanlon shot immediately they attempted to seize their firearms, and Kennedy fired at under similar conditions, I could not think otherwise than that he also would be shot at once without a chance of defending himself. Probably owing to Kennedy having dismounted on the off side, his horse, which had been frightened by the firing, plunged over in my direction. I caught him by the rein, and as I did so, he swung round, thus placing my back towards Kennedy and had I not restrained him he would have bolted down the creek as Scanlon's had done. It has been stated that Kennedy dismounted on the off side to form a rampart of his horse, but at no time did Kennedy's horse form a protection to him from the fire of the three junior members of the gang and only covered him from the fire of Ned Kelly for the moment that it would take a frightened horse to plunge out of the way. Events were occurring quickly, but thought is quicker at times like these when reflection is dispensed with. "Kennedy will be shot in a moment, if he is not already shot, I have not two minutes of life left to me after he is dead, if he surrenders now that Scanlon is shot we will not be spared; any death is preferable to standing to be shot down in cold blood, to be shot doing something, or even to be wounded and escape from the power of these wretches to die, would be immeasurably better." These thoughts flashed through my mind quicker than I can express them. I looked upon any attempt to escape as hopeless yet hoping against hope I essayed to mount the horse and did so with some difficulty as, owing to the animal's movements, I had to run several paces with him down the creek before I could scramble into the saddle. It has been said by some that in taking Kennedy's horse I did an evil deed, if such is the case I can only plead with a slight alteration of Shakespeare's text that "It was the sight of the means to do the ill deed which made the ill deed done", for my action was an impulsive one and not pre-meditated.

Just as I got seated the horse propped short, I was not wearing my spurs but I kicked him with my heels. At this moment I heard Dan Kelly cry out "Shoot that fellow! Shoot that fellow". Whether it referred to myself or Kennedy I cannot say. The horse made a sudden

/plunge forward



plunge forward causing me to lose one of my stirrup irons, and nearly unseating me, simultaneously with this I heard a number of shots fired, I lent over and placing my hand near the stirrup iron I replaced my foot. When I lent over they must have either thought that I was wounded or something occurred to Kennedy which was considered fortunate by them, for I heard a yell of delight in which Dan Kelly took the leading part. I will deal fully with Sergt. Kennedy's fate, which was an heroic and a painful one, in my next and succeeding chapters. Could I have foreseen that he would be enabled to get his revolver out as he did, I would not have deserted him but have endeavoured to get one of Scanlon's weapons to assist him, although the almost impossibility of this is manifest from the fact that neither he nor Lonigan had time to avail themselves of their weapons until they were murdered.

I did not know that Kennedy was not already shot, and I believe he received his first wound at this time, which caused him to drop his revolver. I rode down the creek for about half a mile when I turned the horse's head towards the setting sun, which direction would take me to the Benalla road. And now the extreme nervous tension which had supported me during my half hour of peril relaxed. When death stood by my side, with open hand ready to seize me and hustle me into the majority, I was calm, but as my chance of escape became every moment more hopeful my fear of recapture and death increased in proportion, and I galloped through timber and over country that I would have thought it madness to do under any other circumstances. The forest was so thick that it was impossible to guide the horse, I therefore gave him his head. There were many logs of fallen trees lying in the bush on my route which I forced the horse to jump wherever encountered, and we got through somehow. Throwing myself to the right or the left, to avoid the branches as well as I could, I did not succeed in escaping many bruises and scratches which were little thought of at the time, but some of which have left their scars to the present day.

This precipitancy was instigated by the belief that Scanlon's horse, ready saddled and bridled, would be seized by Kelly to pursue me, and as I knew him to be an expert bushman, I did not know how close he might be upon my trail, for I dare not look round to see without running great danger of being dashed to pieces against one of the numerous trees. After I had proceeded in this manner for about a mile or a mile and a half from the creek I came suddenly upon the spreading branches of a tree which had been hidden from me by some scrub until I reached it so nearly that to avoid it was impossible. It caught me across the chest and I was thrown with great violence. I received the full force of the fall across the loins and the back of the head, if I was not rendered unconscious I was for some time confused and bewildered. The first impression I had was that I was surrounded by a sea of blood. I saw blood, tasted it and smelt it, and it was not until I had placed my hand over my mouth, nose, ears and eyes that I felt convinced there was no blood rushing from each and all of them. I had lost my hat early in my flight, and I was bleeding from innumerable wounds upon my face, head and limbs, but I was not, as I feared, bleeding inwardly. One of the Melbourne papers of the 4th of

/November, nine



November, nine days after this event, contains the following: "The injuries McIntyre has received to his back are by no means trivial, that portion of his body being literally black".

About a fortnight after Dr. Ford of the Police hospital extracted from my loins nearly a pint of blood which was not in circulation. It will be seen by this that I got a considerable shaking. The horse stopped shortly after my fall, and I managed to catch him again. On mounting him, after some difficulty, I found that I could not get him to go out of a walk, and could scarcely get him to proceed at all, thinking it impossible he could have passed through the firing without being wounded and was perhaps bleeding inwardly, and also finding myself so much shaken and injured by the fall that I doubted whether I could endure the motion of the horse out of a walking pace, I again dismounted and taking off the saddle and bridle I turned the horse loose throwing the saddle and bridle into some long ferns. The horse was recovered some months after this about ten miles nearer to Greta. The bridle was a private one, and there was nothing to distinguish the saddle from an ordinary one except a small metallic disk impression which could easily be removed.

Owing to the settlement of the country I have no doubt these articles were found. It would be interesting to me to know if they were. After abandoning the horse I proceeded a short distance and concealed myself in a hollow tree. The tree was standing and whilst my body and head were concealed my legs were exposed. Remaining here for a few minutes to recover from the effects of my fall, and collect my bewildered senses, I left this hiding place and proceeding a little further I came across some wombat holes. These animals (*Phascolomys platyrhinus*) are about three ft. in length, their tail being rudimentary, and often weigh 80 lbs. They were very numerous there. Selecting one of these holes which faced the west and gave me an observation of that part of the heavens in the direction I wanted to go, I got into it to conceal myself. I have often regretted that I mentioned this place of concealment, there was no necessity for it, I could very easily have said that I concealed myself without mentioning in what particular manner I had done so, it would have injured no person and saved me from many humiliating and vexatious remarks. I thought that no man under the circumstances in which I was placed would object to thus hide himself. Some of these wombat holes are very large, large enough to conceal several men, and the popular opinion of their all being small is an erroneous one.

Whilst concealed here I entered in my memo-book a short entry of the fact that we had been stuck up by the Kelly brothers aided by two others, and that Lonigan and Scanlon were shot. Believing that Kennedy would also be shot, and they would spare no pains to find me I placed this book beneath my chest so that if I were found there would be a chance of the memo remaining undiscovered by them. I remained here until daylight had faded into darkness. The exigencies of my position and inexorable fate had driven me to conceal myself not far from Kelly's hut, the

/existence of



existence of which I was in ignorance. I had ridden first northerly and then westerly, and Kelly's "stronghold" was described to me afterwards as being $1\frac{1}{2}$ or 2 miles north-west of our camp. I heard men or large animals moving about close to where I was concealed several times, and as Byrne and Hart had followed me up they may not have been far from me, especially as I had left a trail that a new chum could follow. As it was only a month after the vernal equinox I was aware that the sun would set not far from a point directly west of my position, and I watched the last streak of daylight in the western heavens with an interest which has never been equalled in my life, as it was my intention to fix the point, by the aid of the stars, to which I wished to travel, after daylight had departed, my object being to travel west to strike the Benalla road, which is a nearly due north and south line as I have already stated. I had a compass in my pocket but I could not make use of it without leaving my place of concealment which I considered neither safe nor necessary.

Immediately the darkness of the night had set in I picked up my memo-book, and directed by the star which I had picked out to be my guide, I travelled westerly until my guiding star had sunk below the horizon, before it did so I had picked out another to be my guide, but becoming confused in my stumbling about amongst the logs, and long ferns I lost sight of it and was in a state of uncertainty which one of several was the proper one to be guided by. I made very slow progress for I was suffering from the effects of the fall and had frequently to sit down to rest. Having several streams to cross I had to wade through them and my feet becoming wet my boots chafed them to such an extent that I was obliged to take one off and although I tried to wear it several times during the night my heel became so much inflamed that I had to take it off altogether and walk in my stocking. It was a beautiful bright clear night, but it was naturally dark in the forest, and there was not sufficient light for me to see my compass. Some time after losing my guiding star I considered it necessary to see if I were going in the proper direction. On searching my pockets I found that I had three matches and only three. I got behind a log and taking off my coat I held it around my head, and endeavoured to see the compass by the light of one of the matches. With the first I was unsuccessful but with the second I succeeded in getting a sight of the compass, and found that I was travelling in the right direction.

As the dawn which precedes the sunrise was lightening the sky, and making my surroundings more visible I was startled by the rustling of the dry leaves and seeing several figures in the long grass and ferns which, at first, I took to be men, but on advancing cautiously I found that they were kangaroos and until after sunrise I saw a great number of these animals (*Macropus giganteus*) when standing erect as high as a man, and I never before nor since saw them so tame. I was frequently within 30 yards of them and they did not seem alarmed going away in a leisurely manner. Throughout the night I had been travelling over exceedingly rough country, scrambling over logs climbing over hills and descending gullies to start re-climbing on the opposite side and deviating

/considerably from



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considerably from a straight course. I could not have been far from the Benalla road when day broke, and the sun rose with a power which predicted a hot day. Between me and the Benalla road the prospect was rougher and more difficult than that I had already travelled over; but away down on my left I saw the open country of the Dueran run and seeing that it would be almost a continuous descent in that direction, I determined to change my course and make for that place. The day was sultry and hot, I had nothing to protect my head except a small handkerchief. Being in a feverish condition, the result of the excitement, and the injuries I had sustained, I drank too freely at the numerous watercourses I had to cross.

About 9 am on Sunday morning I felt thoroughly done up, and fearing that I might never reach Mansfield I made another entry in my Police book to the effect that I had been travelling all night, and that I was weary and sick, I was lying on the bank of a creek which I took to be Bridges' but which I afterwards learned was the Blue range creek. About 10 am I saw a hut in the distance, it was not on my route, but, thinking to get assistance, I made a deviation to reach it. Before I came close to it I was convinced the hut was inhabited, for a woman and a child stood in the doorway, and smoke was rising from the chimney, on my nearer approach the woman and child disappeared in a manner which convinced me that, except in my own imagination, they did not exist, but the smoke was plainly, without the shadow of a doubt, rising from the chimney. This certainty caused my disappointment to be the greater, for on reaching it I found that it was not only deserted but had evidently been deserted for a long time. Probably through my, expectations being limited to a cup of tea, in the way of refreshment, I had the greatest desire for this true bush refresher. I lay down and rested here, afterwards resuming my journey I got to the Dueran Station at noon, seeing nobody about I was just going in when I saw a number of horses and amongst them two horses which looked like troop horses belonging to our party. Thinking the Kellys had stuck up the station and turned the horses out for a spell I turned to the left, and made for Mansfield, having thus twice changed my objective I must have travelled fully thirty miles before I reached my destination.

I reached Mr. McColl's farm house on the outskirts of Mansfield about 3 p.m. There were several ladies present when I entered and they rose from their seats and stared at me with surprise, with innumerable scratches upon my face and hands, ragged and hatless one boot on, and the other under my arm I must have presented a surprising spectacle. The first question I asked turned their surprise into alarm. Addressing young Mr McColl who was present I said, "Have you got any firearms?" "No" he replied glancing at the ladies. Thinking he did not recognize me, I said, "I belong to the Police here surely you have got a gun. He replied, "I know you are a trooper, but we have got no gun." I then told them what had occurred and the ladies recognizing that I was not mad, but still very much alarmed at the dreadful news I had to relate, quickly supplied me with a cup of tea and some refreshments. My blessings on them.

/During this



During this time Mr Byrne a neighbouring farmer had called in and on being informed of what had occurred he brought up his buggy and drove me into Mansfield. We went direct to Mr Pewtress's private residence. Inspector Pewtress had been absent on duty in Melbourne when we left Mansfield, and knew nothing about our expedition until he arrived home on Saturday, so that it was no wonder that he was surprised. When that Gentleman came to the door and saw the state I was in he said "Good God McIntyre what has happened?" "They are all killed sir I said, every one shot by the Kellys but myself." Of course Mr Pewtress was exceedingly shocked to hear this, and I getting calmer proceeded to relate matters as I knew them. Dr Reynolds saw my injuries and the worthy doctor recommended what was not amongst his drugs nor then procurable, namely, rest. Mr Pewtress immediately set about making arrangements to proceed to the scene of the tragedy and I going to the station wrote a report of the affair of which the following is a copy.

North Eastern District
Mansfield Police Station
27th October, 1878

Report of Constable McIntyre, 2384, re attack made on the Police by the Kelly Brothers and two others at Stringer's Creek 20 miles from Mansfield.

I beg to state that I formed one of a party which went in pursuit of Edward and Daniel Kelly on the 25th inst. The other members of the party were Sergeant Kennedy, Constables Scanlon and Lonigan. Yesterday afternoon, 26th inst. about five p.m. I being cook for the day, was in the act of making some tea, Constable Lonigan standing beside me, suddenly and without us being aware of their approach four men with rifles presented at us called upon us to "Bail up, hold up your hands" I being unarmed at the time did so. Constable Lonigan made a motion to draw his revolver which he was carrying, immediately he did so he was shot by Edward Kelly and I believed died at once. They then placed a man in charge of me, Edward Kelly, with two loaded rifles and lay in wait for the approach of the two men, Sergeant Kennedy and Constable Scanlon, who were out on patrol. About half an hour afterwards they approached. Ned Kelly told me that if they laid down their arms and surrendered they would be allowed to depart next morning if they did not we would all be shot. Kelly with presented rifle at me ordered me to get them to surrender I approached them for that purpose but before I could speak they were ordered to "Bail up, hold up your hands". The two men immediately grasped their fire-arms, Constable Scanlon was carrying the breach-loading rifle, but before they could use them Constable Scanlon received a ball under the right arm which I feel assured has caused his death. Sergeant Kennedy I am unable to say anything about, he was advised by me to surrender he said it is all right I will, but as the desperadoes continued shooting at the Sergeant and me, I seized his horse which he had abandoned and made my escape on it. I was fired at

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repeatedly and I believe the horse must have been wounded as he knocked up after two or three miles. I concealed myself in a wombat hole until it became dark and I travelled all night and until four p.m. to day when I reached Mansfield. I approached Mr Tolmie's station about 12 o'clock noon but I was under the impression two of the horses hobbled near that homestead were Police horses which had been used by us and I came to the conclusion that the station was stuck up by these desperadoes and did not approach as I was un-armed and completely prostrated from travelling. As there has been no report of this matter I would not be positive of it. Two of the murderers were Edward Kelly and Daniel Kelly the other two were young men about the same age of each respectively.

T. McIntyre
M. C. 2384.

Sub. Insp. Pewtress
Mansfield

The above is a verbatim copy of my report. It will be noticed that I made a mistake in the name of the creek; it should have been Stringy-bark Creek. I had no time to prepare a report nor to enter into details. Mr Pewtress was waiting for it and the excitement of the moment and the commotion upon the station (many citizens had gathered into the room where I was to make inquiries) were enough to distract any man without having such a serious matter to report upon. It was my custom to prepare my reports by making out a short-hand draft, but I had no time on this occasion to do so nor did I keep a copy. Mr Gaunson, Kelly's Solicitor cross-examined me at the Beechworth Police Court upon the matter contained in the report and as I was obliged to give that very unsatisfactory answer that I had forgotten, I applied for a copy before the trial at Melbourne, and the original being supplied to me I took a copy and returned the original to the Chief's Office. As there was no discrepancy between my evidence and the report, nor did it either by the handwriting or matter contained in it display that trepidation or perturbation upon which Counsel for the Defence relied to upset my evidence, I was not again cross-examined upon it.

CHAPTER 3

Search-Party. Short account of Morgan the Bushranger.
Recovery of the bodies of the Constables. Inquests.
Murder of Sergt. Kennedy and recovery of his body.
Efforts to identify the two unknown Bushrangers.

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There were two Constables on the station, one of whom was the foot Constable belonging to it, the other was a Mounted Constable from an adjoining station. Mr Pewtress ineffectually trying to establish telegraphic communication with Benalla as it was Sunday, dispatched the Mounted Constable with my report to the Superintendent at Benalla; this Constable was unarmed as he had lent me his revolver. He knew that I thought Tolmie's had been stuck up, and meeting some horsemen close to that place he drew off into the Bush and did not reach Benalla until the following afternoon. The foot Constable named Allwood was a native of the Colony and a good rider, no better man could have been there, he was afterwards transferred to the Mounted Police. He very quickly had in some horses from the Police paddock and rendered good assistance in organizing a search party. I had only time to write the above report, change my clothing and get some refreshments when I was ready to start back again. It may be imagined that I was in no very fit state to return upon a journey of over forty miles, and to add to my distress, whether it was from the heat of the sun upon my almost defenceless head, the quantity of water that I had drunk or the excitement combined with the injuries I had received I cannot say but nothing that I took in the way of refreshment would remain and I was sick after everything I ate or drank. The townspeople turned out in a praiseworthy manner and it was only the shortness of firearms to equip a larger party which prevented many others from joining us. The names of some of the gentlemen who did so being Dr. Reynolds and Messrs W. Collopy, W. Reynolds, Bromfield, Fox, Kirby and Walker. I regret I have forgotten the names of one or two others. The members of the Police Force were Inspector Pewtress, Constable Allwood and myself. Our progress was slow for I could not bear the motion of the horse out of a walk. Our object was to reach Mr Monks' saw-mill about twelve miles from Mansfield where we hoped to get a guide to the scene of the murders. I, who had never been to the scene of our encampment by that route, could not have found it in the dark and would have had some difficulty in doing so in daylight. Just before we reached Mr Monks place we came to the house of a settler, one of our party knocked at his door and acquainted him of our mission and asked him to show us out to the murders, he refused, I appealed to him to assist us but he point-blank refused to have anything to do with us. We proceeded a little further and got at Mr Monk's a reception which quickly made us forget the other man's refusal to assist us. There was a hearty welcome to everybody at the house of Mr Monk and Mrs Monk was one of the kindest hearted and most hospitable women that ever I knew. They were in bed, it being about nine thirty but immediately got up. They were greatly shocked at the terrible tidings and expressed apprehension of the fate of Kennedy and regret at the death of Scanlon who was well known to them. Mr Monk at once prepared to accompany us, without the slightest hesitation or consideration of the danger he incurred himself, or of the reprisals which might naturally be expected to his family and property situated in an isolated position for thus assisting the Police. There were also two employees at the mill named Lopdell and Duncan and they got ready to accompany us. Whilst Mrs Monk with her big heart started to get tea ready for our large party, I learned

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here the reason why the first man to whom we had applied for assistance had refused to aid us. It appeared that Morgan (the most nefarious of Australian Bushrangers) had been cattle duffing in this district before he turned to Bushranging in New South Wales. A party of Police being in pursuit of him this man had taken them over to the head of the King River. Morgan heard about this and had threatened to shoot him upon sight. Morgan's bushranging was confined almost exclusively to New South Wales. He commenced his career as a Bushranger on the 17th June, '63 and ended it at Peachelba Station on the 9th April '65. Peachelba is about twenty-one miles from Wangaratta and the station was stuck up by Morgan on the evening of the 8th April. He crossed into Victoria on the 6th, stating that it had been said he was afraid to enter Victoria but he had come in to show the people that he would be all through it in a week. He kept several Ladies and Gentlemen at the station under close surveillance but permitted the female servant some liberty, she gave the alarm and a number of armed citizens and Police assembled during the night. In consideration of the lives of his prisoners which would have been jeopardised in any attempt to take him whilst in the house it was determined to wait until morning before attempting his capture. In the morning after breakfast taking the owner of the station with him he proceeded to inspect the station horses with a view of choosing one for his own use, and when proceeding down the paddock for that purpose he was shot by a station hand named Quinlan. The Police ran over and secured him, when it was found that he was mortally wounded. The only words he is reported to have said were "The cowards might have given me a chance" and some time afterwards a bystander saying he is dying he opened his eyes and said "so will you some day". I knew Senior Constable Evans who was present in charge of the Police, and he told me that there was no possibility of Morgan getting away but the Police hesitated to show themselves until the station owner had shown him the horses and got a distance away as Morgan was carrying a revolver in his hand and any attempt on their part would have caused the instant death of the station owner, it was fortunate that Quinlan who is said to have been at a distance of nearly one hundred yards made a good shot. Evans told me that Morgan was so much attenuated that he was a mere skeleton and he could have carried him in his arms like a child. There is no bushranger in Australian history who was so much feared as Morgan, he did not confine his attention to the rich and he had therefore few friends amongst the poor. He said the night before he was shot that he had not slept for four or five nights. He committed three murders, wounded with intent four others, plundered three mails and committed many other robberies under arms. Two of the men murdered were Police Sergeants named McGinnerty and Smyth. The other was a youth named McLean whom he murdered in a most cold-blooded manner. It appears that Morgan stuck up a station in New South Wales and huddling the station hands into a corner of a shed he fired into their midst wounding two of their number. Seeming to be sorry he sent McLean for a Doctor and immediately afterwards following him up he accused him of going for the Police and shot him.

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