

Morgan's descriptions resembled in a good many particulars that of Ned Kelly. Morgan had good features but their whole expression was sinister, the forehead receding but not much below the average; the eyes were deep set; the brows nearly meeting; the nose thin and hooked; the lips thin and compressed; the teeth good and even; the beard was long and thick; the throat brawny and the chest large; the hands small and slender. He was a native of New South Wales. Returning to our own party Mrs. Monk finding that I was sick after I had taken a cup of tea and seeing the weak state I was in, would have kept me by force from going any further but nothing would stop me. Our party left Mr. Monks in a drizzling rain. It seems to be a climatic condition of the ranges that three nights of frost are almost invariably followed by rain on the fourth. Being a wet night it was a dark one and it was with difficulty that our party kept together in the intense gloom of the forest. There were constant and kindly inquiries every few minutes of where is Mac and about the others in a similar manner. We had about eight miles of this country to go through without any guide in the heavens and only the contour of the country or the direction of the water courses to guide Mr. Monk and how he found his way on such a night and under such adverse circumstances is a mystery to me. Our party made a considerable noise and when we got to within a mile of our destination a halt was called and after a consultation it was decided that some of us should approach on foot and perhaps by this means surprise the Kelly party. From what I have already stated I was under the impression that they thought that I had been shot and they would possibly not be in a hurry to leave our camp. This party consisted of Dr. Reynolds, Mr. Monk and his two men, Mr. Pewtress, Allwood and myself. We advanced cautiously and finding the place deserted we went forward to look for the bodies. At first I did not recognize the place as owing to the darkness the formation of the ground seemed unfamiliar to me. The others commenced looking round the clearing for the bodies, where I thought it possible they might find Sergeant Kennedy, whilst I was looking for some indication of the place in which our tent had stood. The party returned from searching the open space and being unsuccessful I fancied that Mr. Pewtress was becoming impatient and doubtful about the truth of my statement or perhaps the state of my mind. I told them I was looking for the place where the tent had stood and requested them to aid me in finding it. After some further searching Mr. Monk said "Here is where you had your fire", I replied "We had no fire in the open", He said "this must have been your tent, it is all burned, here is a number of papers." When I had found the position of the tent I could have gone to the bodies blindfold. Starting from the tent I took a turn to the left between the stump and the log as shown in the accompanying engraving and then proceeding in the direction of the creek, outside the clearing where they had been searching. I showed them the body of Lonigan. All doubts about the truth of my story were removed by this confirmation of it. Then walking down the creek a little distance and close to the bridle track I pointed to the body of Scanlon. We then proceeded to search for Kennedy but were unsuccessful and determined to wait for daylight and the assistance of the main body, to whom Mr. Monk returned to inform them of the result of our search. It was after twelve o'clock and a drizzling rain was falling. We dared not light a fire as it would expose us to an attack under great disadvantages.

/I was

I was worn out to the very last movement of which I was capable and thoroughly realising the philosophy of Sancho, who he said, "My blessings on the man who invented aleep". I threw myself down upon the wet ground and slept with much thankfulness that I could get a little rest. This place was visited a few days afterwards by a special reporter of the Herald he stated "McIntyre had altogether overtaxed his strength, he started back with the search party shortly after he had reached Mansfield, and the wonder is how a man who was so badly bruised as he was, and who had undergone the hardships to which he was subjected could have sat on a horse".

In the early dawn of the morning some of our party awakened me and said that there were some men approaching us, we got into position to give them a warm reception, but shortly afterwards we heard shouts of "friends" and the main body arrived. Waiting a little until it became bright day we made a systematic search for Kennedy proceeding down the creek in skirmishing order; we cooed, and returned in the same manner but failed to get any trace of him. After a consultation it was decided to remove the bodies we had found, into Mansfield and they were placed one on each side of a quiet horse, and in this manner carried to Mr. Monk's saw-mill. On this journey I had ample time for reflection and much to reflect upon. What would be the result and termination of the tragic event I had just come through? What has become of Kennedy? Has he been killed? and his body concealed or had he been taken away a prisoner? How nearly I had escaped being carried in the manner the bodies were now being carried, and would it not have been better if I had? What will the Police Authorities think of my action in this matter? Were questions that I could not but ask myself. I had I believed the good opinion of Mr. Pewtress, and all the citizens of the search party were certainly most kind to me. None of us could dream of the important events that were to take place within the two years which were to elapse, to the very hour before the principal in the tragedy would be placed upon his trial. This was the forenoon of the 28th October '78, and on the forenoon of the 28th October '80 I was giving evidence at the trial of Ned Kelly in the Supreme Court, Melbourne, before His Honor Sir Redmond Barry.

Before we had left Mansfield on our journey an arrangement had been made with Mr. McMillan to meet us with a conveyance at the saw-mill. On our arrival there we accordingly found that gentleman with a drag and a pair of horses. The bodies were placed in the drag and in order to get along quickly I also got a seat in it. We reached Mansfield shortly after 1 p.m. and the bodies were placed in the morgue of the local hospital. Several Constables arrived to our assistance this day, some of whom came in without orders, judging from the Press notices of the murders that their presence would be required. Two Catholic Clergymen also arrived from Benalla their names being Fathers Scanlon and Kennedy, they were personal friends of Sergeant Kennedy and Scanlon but although having the same names there was no relationship. Father Scanlon, since deceased, a man of vast proportions and a heart too large for his body, told me that afternoon or early the following morning that he had been to the hospital to see the body of Scanlon and he thought I must be mistaken about having seen him shot under the right arm as he had found several bullet wounds

/upon the

upon the body but none under the arm. I was surprised to hear this and still insisted that I had seen him shot under the right arm. Father Scanlon attended a post mortem which was held by Dr. Reynolds at 10 a.m. on Tuesday 29th October and finding that I was right he in a very kind manner acknowledged his error.

A Magestrial inquiry was held by H.H. Kitchen Esq. J.P. My evidence having been taken Dr. Reynolds deposed "I have examined the body of a man that I am told was Lonigan. I have found wounds on the left arm which I have no doubt were caused by bullets, one wound on the outside of the left thigh, one on the right temple and one on the inner side of the right eyeball. The bullets which entered by the side of the eyeball passed through the bone of the orbit and drove portions of it into the brain death must have been almost instantaneous from injuries to the brain". "I have also examined the body of Michael Scanlon and found external wounds apparently caused by the penetration of bullets one on the right hip one on the top edge of the sternum, one on the right shoulder and one on the right side. On opening the chest I found a bullet resting against the inner surface of the sternum of bone of the chest, before lodging in that position the bullet had entered the body on the right side crushing through the eighth rib and passing obliquely through the right lung carrying with it pieces of fractured bone, making a large wound through both lobes of the lung, death must have rapidly followed such a wound from internal haemorrhage. Besides the shots I had seen fired the Doctor had found on each body three other distinct bullet wounds. Judging from the appearance of several bullets in my possession which were taken from the bodies of the murdered men, Kelly had his rifle loaded with slugs apparently made by cutting a spherical bullet into quarters. Scanlon was buried in the Catholic portion of the cemetery at Mansfield and Lonigan in that of the Church of England.

On the morning of the inquiry Mr. Pewtress had been endeavouring to get a party of citizens to aid the Police in searching for Kennedy, Wild Wright, before mentioned, had threatened some of these citizens with being shot if they aided the Police and Mr. Pewtress directed me to arrest him. I went across the street to where he was gesticulating and talking very loudly, being in no humour for a rough and tumble with a powerful man I drew my revolver and said to him, "I have come to arrest you, I have seen my mates shot and if you don't walk quietly over to the lockup I will shoot you". He turned pale and without saying a word he held out his hands in front of him palms together in the usual manner that prisoners do to receive the handcuffs and walked quietly over to the lockup. When we were walking across the street he said "McIntyre, when I heard that one of the Police escaped I was glad it was you, I am d_____ sorry for it now, but you have escaped once you won't next time". Father Scanlon witnessed this and asked me if I would have shot him if he had resisted. I told the Rev. Gentleman that I was of the opinion that a little shooting would do him good as he was talking so freely about shooting others but that I would not have shot him as I would not have been justified and I felt pretty certain that it would not be necessary as men who talk so freely about shooting others have got no stomach for being shot themselves.

/Few men,

Few men, if any, are altogether bad and Wright undertook to find Sergeant Kennedy if living, or his body if dead, stipulating that if he were successful the reward of £30, which had been offered by Captain Standish for information regarding the Sergeant would be given to Mrs. Skillion, Ned Kelly's sister, who was in poor circumstances. Indeed, notwithstanding the great number of horses and large amount of money which passed through Ned Kelly's hands, this seems to have been a chronic complaint with the Kelly family. Wright was released and was at Greta hoping to get the information which was of such interest to the public, when Kennedy's body was found. On this day I obtained warrants for the arrests of the two Kelly brothers and two others names unknown on charges of murder. I believe I forwarded these warrants to the Detective Office which is the usual course, but after the arrest of Ned Kelly they could not be found. It is possible that these original warrants were the same which the "Age" of 2nd November states were forwarded from Victoria to New South Wales and had been duly backed for that Colony and perhaps retained there. On Tuesday and the following Wednesday the search was continued for Sergeant Kennedy unsuccessfully. I need scarcely say that Mrs. Kennedy and family were in a very unhappy state of suspense. During these days the Police were arriving and departing at all hours of the night so that there was no rest to be obtained at the Police Station, and Dr. Reynolds recommended me to go to the hospital which I accordingly did. I slept at the hospital and went down to the station during the day to aid the Police, many of whom were strangers to the district. Dr. Moorhouse the Bishop of Melbourne and his lady were present at Mansfield and had a conversation with me about the unhappy affair. On Thursday the news was brought into Mansfield by Mr. Tomkins the President of the Mansfield Shire, that the body of Sergeant Kennedy had been found at 8 o'clock that morning in the midst of some ferns over a quarter of a mile down the creek from the site of our encampment the body was removed into the hospital morgue and I went to see it at once, I identified it by the clothing and general appearance. As the body had not been recovered until the fifth day after death, and these were five days of sultry weather, decomposition had destroyed the features, and one of the ears being missing it was at first thought that it had been cut off but afterwards believed that its absence was due to decay. The following telegram from Mr. Pewtress will briefly describe the efforts made by the people of Mansfield to assist the Police. -----Oct. 31st, 2'50 p.m. Telegram to the C.C. Police. Since my report to you on Monday night I have organized a party of eleven volunteers and with six constables started on Tuesday morning for the Stringy-bark creek and searched for Kennedy until dusk without success. We returned to Mansfield at mid-night I got together another party of sixteen volunteers yesterday afternoon and with five constables proceeded to Monk's hut. Stopped there all night and started for Stringy-bark creek next morning at daybreak. We arrived there at 7.30 a.m. and immediately renewed the search. At 8 a.m. the body of Kennedy was found about a mile north-east of the camp by one of the volunteers named Henry Sparrow the overseer of the Mount Battery Station. The body was face upwards and Kennedy's cloak thrown over it. It presented a frightful spectacle. He had been shot through the side of the head the bullet coming out in front carrying away part of the face. (This was a mistake as it was due to decomposition). I believe there are several shots through the body. There was a bullet mark on a tree near where the body was lying. He appears to have been shot whilst running away in the direction taken by Constable McIntyre. The body is now on the way to Mansfield an inquest will be held tomorrow. There is great excitement in the town. I think the inhabitants of Mansfield and the surrounding districts deserve great credit for the willing manner in which they turned out when called upon to render the Police assistance in finding the bodies.

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A magisterial inquiry was held by Mr. Kitchen on Friday the 1st November. After I had given evidence. Dr. Reynolds stated "There is a large wound in the centre of the sternum which I believe was caused by a charge of shot fired at very short range and which passed completely through the body." "He had also received other wounds one being in the right arm and one in the body under the arm. The funeral took place at 2 o'clock in the afternoon, nearly all the people at Mansfield attending it. The procession was headed by Father Scanlon and the Rev. Sandiford Ch. of Eng. Clergyman with the Bishop of Melbourne between them. Father Scanlon conducted the funeral services.

Kelly made several statements about the manner in which he shot the Police, each statement was contradictory of those already given, his object was to take all the blame upon himself for the death of the Police, and that he was acting in self-defence when he shot them as they were firing at him. In the cases of Lonigan and Scanlon this was absolutely untrue, and in all his accounts of the death of Kennedy he acknowledged that the Sergeant was unarmed when he received his first serious wound in the body. Sergeant Kennedy was taken at such a great disadvantage that his first idea must have been to surrender to the force of circumstances, but seeing that he had time to avail himself of his weapon, like a brave man he did so. Kelly in his autobiography stated that "he jumped off on the offside of his horse and got behind a tree" (which will account for my not seeing him) and retiring from tree to tree he kept his assailants at bay until he had fired nearly all his shots when he was wounded in the right arm by Dan Kelly and dropped his revolver.

The ruffians still kept firing at him, and as they had spread out Kennedy in order to avoid a shot which was being fired at him by Dan Kelly exposed himself on the other side of the tree to Ned and was shot by him under the right arm, he fell. Kelly said he did not notice that he had dropped his revolver, and the reason he got so far away was that he, Kelly, stopped to get Scanlon's rifle, and when he had availed himself of it he did not know how to use it. After Kennedy had thus fallen wounded, Hart and Byrne proceeded to look for me. During their absence Kennedy was suffering much pain, and Kelly said he wrote a short note of farewell to his wife, but after his arrest he denied this. Kennedy took some foolscap paper with him cut up to form a small pocket book for the purpose of utilizing it as a diary.

On my return to the site of our encampment, the following night, this book was found close to the place where our tent had stood. It had some stains of blood upon it but no writing. There were 4 pages torn out of the front, if Kennedy wrote to his wife it would have been upon one of those missing pages. He had made some entries in the book whether these entries had covered the 4 missing pages or not I cannot say.

This book was carried by Kennedy in his breast pocket, and how it came to be at the tent can only be surmised.

When Hart and Byrne returned from their searching for me a discussion took place about what was to be done with Kennedy. Hart said he could not live. Byrne expressed the same opinion and also said he believed McIntyre was wounded, and would most likely fall off the horse

/and perish

and perish in the bush so that their own safety demanded Kennedy's death. Dan Kelly was for shooting him at once. Ned said he was opposed to shooting him but did not like to leave him to perish in the bush. If he had removed him to his own hut which was about a mile from where Kennedy lay, it would have shown that he was possessed of a little spark of humanity.

Kelly loaded our shot gun with a cartridge and placed the muzzle to Kennedy's chest, who perceiving his object, asked to be allowed to live for the sake of his wife and family, and told Kelly he had already enough blood to answer for. Ned Kelly hesitated, but Dan Kelly cried out "go on" and the atrocious deed was done; his body being afterwards covered with his own cloak.

There 'neath his cloak he'd lain,
Taking his rest"
Basely by Kelly slain;
Shot through the chest,
Whilst he still faintly spake,
"For wife and children's sake"
(You enough blood have shed.)"
"Leave me to die."
"Bring no more on your head".
"Man's blood will cry"
"To the great Lord of all"
"At the last trumpet call:"
"Thou should'st no murder do."
"What will you say."
"I done to death by you."
"On that great day?"
"Now put away that gun."
"Ah: God: "The deed was done. Shot as he lay."

After shooting Kennedy they looted the tent and robbed the bodies of the murdered man; they got £13 besides three watches, and a ring taken off Scanlon's finger which Byrne wore until he was shot at Glenrowan. In this respect of robbing the dead they were very unlike the Clarke Brothers, who did not rob the men they murdered leaving nearly £40 upon the bodies and pinning some of the notes to the clothing of their victims to show they were not shot from mercenary motives.

I was deceived by Kelly who notwithstanding his promise to spare the mens lives, if I could induce them to surrender, neither gave me an opportunity to explain nor them to learn the position they were in.

Sergeant Kennedy was a native of Westmeath, Ireland, he was about 5ft, 10 inches in height, and 13 stone weight, his strong personality and force of character would have placed him in a high position in the Victorian police had he not met with this untimely end.

Lonigan was a native of Sligo, about 5 ft. 9 inches, and well built the doctor at the post mortem said he was "a model"; his manner was silent and his appearance was rather troubled.

/Scanlon was

Scanlon was nearly 6 ft, like myself he had no relatives in the colonies, and I never heard of any of his people claiming his effects: he was a native of Kerry; after undergoing a training in an Agricultural College in Dublin he came to this colony in the early sixties and was managing a store at Beaufort before he joined the police. He was of a genial disposition which was accompanied by an urbanity of manner that made him respected by every person who knew him. The Government voted the full pay of their husbands for life to Mrs. Kennedy and Mrs. Lonigan.

I was ordered down to the police hospital at Richmond, and as it was thought there would be an attack made upon me on the coach journey of 40 miles between Mansfield and Longwood, there were two fine young men, Messrs. Reynolds and Collopy sent with me. These were two of the first citizens to volunteer to bring in the bodies. I did not consider an escort necessary, nor indeed did I want to go to Melbourne, and I told this to Mr. Pewtress but he had received instructions from the Chief Commissioner and I had to obey. I arrived at the hospital that night the 1st, Nov. Early the following morning Captain Standish and Superintendent Hare came to see me. When they arrived I was in bed and addressing Captain Standish I could not help blurting out "I could do nothing else, sir,". He replied it is all right McIntyre I am satisfied with your conduct, "and Mr. Hare also supported me with his approval. They then proceeded to question me about the affair and remained in conversation with me for a long time.

They also examined my injuries and both expressed surprise that I had kept up so long stating they had never before seen a man so much bruised.

During the day I was interviewed by several representatives of the press. My first start in life was in a newspaper office and several of my relatives were connected with the "fourth estate", so I was not unwilling to impart to these gentlemen any information I was possessed of, and I am thankful to the Victorian press for the manner in which I was treated by it. An Outlawry Act was passed by Parliament and received the vice regal assent on the 1st, Nov. After some formalities which included advertisements published in several of the metropolitan and provincial journals calling upon the murderers to surrender themselves at the Mansfield police station on or before the 12th Nov. 1878, they were declared outlaws as they did not keep the appointment. Several of the witnesses before the P.C. stated they never kept any appointment. The two Kelly's names were mentioned and the other two described with their supposed names attached. This Act also provided a punishment of 15 years imprisonment for any person aiding, abetting, or in any way assisting the outlaws. Whilst in the hospital I took notes in the minutest detail of all the evidence I had to give. I also started a scrap book in which I pasted all the scraps that came into my possession relating to the matter in which I was so much interested. The collection of these extracts I continued until the execution of Ned Kelly and they form in themselves a very complete history of the outlaws, and give a detailed account of the several outrages which were a consequence of the example, and long continued immunity from punishment of the Kelly gang.

/The police

The Police were already in possession of the description of the Kelly brothers. My description of the other two was; First.--- Afterwards known as Hart ---19 or 20 years old; 5 ft. 8 inches; rather stout; complexion somewhat fair; straggling hairs over face; slightly hooked nose; sinister expression; Second --- 21 years of age; 5ft, 9 inches; very fair complexion; fair moustache, long beard on chin very fine like first growth; respectable looking. I formed a wrong estimate of their height, Hart was only 5 ft 6 and Byrne 5ft 10, otherwise my description was very accurate. In describing their clothing I stated they wore soft felt hats held on their heads by a string which was worn under the nose.

This peculiarity of the bush larrikin did not seem to be noticed before I mentioned it. Ned Kelly's eyes have been variously described as grey, dark, and brown. I described them as hazel with a green streak through them, so at least they seemed to me when he held the revolver close to my chest. After I had recovered I made application to be sent back to my district to assist in the capture of the outlaws. My application was dated 18th or 19th, Nov. In reply Captain Standish sent me the following memo. "Will Constable McIntyre be good enough to come down to the Club in the hansom by which I send this note".

Going down as directed the Chief informed me that he could not permit me to go back as he considered there would be great efforts made to assassinate me owing to my evidence being of so much importance. I suggested to Captain Standish that there might be some valuable information obtained from a prisoner named Cooke, who was one of the prisoners tried with the Baumgartens. The Chief supplied me with an order to interview the prisoner, and presenting the order at Pentridge I was allowed a private interview with Cooke. I found he was as well acquainted with the particulars of the tragedy as if he had been supplied with the daily papers, he also told me he was working next to the prisoner I arrested at Alexandra, for horse stealing, as mentioned in my first chapter. I found Cooke communicative and I forwarded to the chief a long report of my interview with him. By the orders of Captain Standish I forwarded this report direct to himself, which on ordinary occasions would be a breach of discipline. The report was dated 25th, Nov. The prisoner commenced by stating that the two men who accompanied the Kelly's were Joe Byrne and Charles Harris, and these men were present when Fitzpatrick was shot. He told me where Byrne's mother lived, but he could not tell me anything about Harris's relatives as he came from the "other side", where he had done some "lagging in N.S.W. and Queensland". After the Baumgarten's arrest Cooke was at Kelly's mothers hut, he saw there the two Kellys and the two men mentioned above. He told Kelly of the Baumgarten's arrest. Ned Kelly said he didn't care who was arrested he never would be. Byrne stated he had done some lagging on the Sydney side and he was one of the principals in stealing Whitty's horses along with the Kellys. He then gave me the names of a number of people in N.S.W. and Victoria who would assist Byrne. I stated in my report. "The description given by Cooke of this man Byrne corresponds in every particular with that given by me and he is undoubtedly one of the murderers." Harris's description would not suit the other as he was described as nearly 30 years of age; he did not turn up in connection with the Kellys until after

/Whitty's horses

Whitty's horses were stolen. My report then proceeds to mention a difficulty Kelly had in getting Baumgartens cheque changed at Benella. This difficulty was overcome by Ned Kelly introducing Byrne as one of the Baumgartens to an hotel keeper in Benella who endorsed the cheque. This information was useful as showing Byrne had been associated with the Kellys prior to the murders. Referring to the most likely place to find the outlaws, Cooke said they were likely to make up Mt. Emu way, or to a place called Abbey Yards at the back of Mt. Typo, about 40 miles from Bright. He said they were likely to cross into N.S.W. but his opinion was they would not do so for some time as the melted snow was coming down from the ranges causing the Murray to be flooded. Cooke then proceeded to mention the names of several persons whom Kelly would trust and the names of others upon whom he would not rely. Singularly enough amongst these latter was the name of Wild Wright, Cooke stating that Ned Kelly looked upon him as a "blathering fool". Whether the gang had been up in the direction or not alluded to by the prisoner I cannot say. It is, however, worthy of note that Kelly said after his arrest that where they were concealed they had several times to sweep the snow from the roof of the hut which they occupied to keep it from falling in.

Snow is very unusual in this colony except in the most elevated positions, and it was ascertained by the police that the gang was concealed in some mountainous district at a considerable distance from their old haunts receiving the principal part of their supplies through a Chinese storekeeper. On the 29th, Nov. I sent forward a report supplementary to the above referring to some further conversation I had with Cooke and informing the Chief that I had traced Harris through the N.S.W. Police Gazette under the names O'Hara and Sinclair. Besides other convictions, he had been convicted at Mudgee 15th, April, 1876. Although he was not one of the murderers, he seemed to be a confirmed horsestealer, and he was likely to assist the outlaws. I believe it was quite true that Byrne was present when Fitzpatrick was shot. It will be seen by the above that the identification of one of the murderers was pretty certain the difficulty was to learn who the other was. Sergt. Steele of Wangaratta suspected the other was Stephen Hart whose parents lived near that town and this suspicion turned out to be well founded and correct.

Before closing this chapter I must notice a strange thing that was published by the press, and also mentioned at the P.C. This was a rumour that was circulated throughout Strathbogie on Saturday afternoon, before the men were actually murdered, that two or three policemen had been shot in the ranges by the Kellys. Mr Sadler employed an agent to enquire into this rumour, and the agent reported that it was true, the evidence being supported by some respectable people who heard the rumour. The man who had spread the information was sought for but could not be found. Mr Sadler was of the opinion that it was Sunday the rumour was circulated by some person who witnessed the murders, and was quicker than I in publishing the news. I looked upon this affair as very strange, for it was certainly 5 o'clock if not after it, on Saturday afternoon when Lonigan was shot, and fully half an hour afterwards the others. In connection with this I may mention a strange event that occurred to myself. Wild Wright had a brother, a powerful man also

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but he was deaf and dumb. I met him in Mansfield shortly before our expedition started and he implored me, as well as an uneducated mute could not to go out in the direction of Greta to which he pointed, mimicking, by the position of his hands and the click of his tongue, that if I did I would be shot. He seemed quite distressed in order to make his meaning known to me, but I did not then so thoroughly comprehend him as I did afterwards.

I omitted to mention that during Kelly's conversation with me he said; "There is a good man down the creek and if your mates come across him you will never see them again."

It is possible there was a witness of the murders besides myself, as it has been stated that a cousin of Kelly's joined them at their hut shortly after the murders. But from the vague manner in which the number of the police murdered was mentioned by the unknown man, and the statement that he spread the news on Saturday afternoon, before the murders took place, taken in conjunction with what was communicated to me by the two Wrights. I am inclined to think there was no witness, but this unknown man was spreading the news of murders which were yet to be accomplished.

I will now "stand down" and make way for others to give their evidence.

CHAPTER 4.

The Euroa Bank Robbery

Evidence of Messrs. Fitzgerald, Stephens, Gloster, Beecroft, McDougal, Dudley and Scott.

At the trial of Ned Kelly the above witnesses gave evidence regarding the bank robbery at Euroa, and the many admissions made by him relating to the police murders. I will not give each witnesses' evidence by itself but endeavour to make a connected narrative of the whole.

On the evening of the murders Kelly expressed his intention of sleeping in our tent, but in view of their uncertainty regarding my fate they returned to their own hut or "stronghold" taking everything with them of any value and setting fire to the inside of the tent

/which was

which was filled with the driest material I could get to form our bedding, they proceeded as I have stated to their stronghold. Having to pass the body of Kennedy on the way they spread the police cloak over his body. On Sunday they made their way to Greta, and remained there until they ascertained I had escaped. On Monday the news of my escape being disseminated and the excitement of the public on learning of the murders must have caused them some apprehension, as their first intention was to escape into N.S.W. On Tuesday night they possibly stopped at Byrne's place near Beechworth. On Wednesday we find them as the following telegram will show endeavouring to cross the Murray. Telegram to C.C. of Police.

Chiltern, Oct. 31st; 3.30 p.m.

Kelly and 3 others stuck up a man named Neil Christian near Baumgarten's place at Bungowanah before daylight yesterday morning and obtained provisions from his Kelly threatened to shoot Christian should he give information. Intelligence was not received until this afternoon. Assistance required to scour the country in the neighbourhood of Bungowanah.

(Sd.) James Lynch, Sergt.

The outlaws finding the Murray in a state of flood, and no doubt believing that the bridges were closely watched, decided to return to their haunts in the ranges and succeeded in safely doing so, the only place they were seen being passing under the One Mile bridge near Wangaratta. After this they disappeared until the following month, December. On the 9th December a man who was employed as a police agent called at the Benella police camp, and gave information that the outlaws were concealed at the head of the King river and wanted a number of police to go out to capture them. Other information had been received by the police officers that the gang was about to cross into N.S.W. near the junction of the Indigo creek with the Murray river, and that the passwords to be used were. Q: Any work here? A: Yes. Q: Where? A: On the N.S.W. side. Why there should have been any passwords I will not undertake to say, but the information of the outlaws being about to cross the river seems to have been obtained from a source which thoroughly hookwinked the officers as will be described presently.

Ned Kelly was astute enough to make a Boer general; having thus supplied the police with information that he was in two different positions he proceeded to strike a blow in a third and opposite direction.

Faithfull's creek station (squatters) is about 4 miles north of Euroa, and 27 south of Benella. On the 8th and 9th Dec. some suspicious characters were seen in Euroa; after the bank robbery it was supposed they were some of Kelly's scouts or bush telegraphers.

About noon on Monday the 9th Dec. Mrs. Fitzgerald, who, with her husband, was employed upon the station, was looking for the men to come into their dinner when she saw a stranger approaching the kitchen peering cautiously around. She took him to be a swag man

/looking for

looking for work, wherein she made two mistakes for she was soon to learn that he, and his mates, had a good paying job on hand, and were themselves giving employment to many others. Besides she found them as she afterwards described "perfect gentlemen" a description not usually associated with that of a swagman. Mrs. Fitzgerald was about to direct the man to the men's hut, when he entered the kitchen and said to her, I am Ned Kelly but do not be alarmed, we will not injure you."

Mr. Fitzgerald coming in shortly after, Kelly obtained from him all the information he required, being informed that Mr. McAuley, the station manager, was absent, and there were only two other men upon the station. These two men were at the station stable and Fitzgerald accompanied by Kelly, proceeded there. He asked the men if they knew who he was; one of them, named Stephens, guessed that he was Kelly. Kelly said you are a d--- good guesser and I am glad to see you take it that way." He then produced a revolver which he held over his head and two other men came down leading 4 horses, another man turning up shortly afterwards. By Kelly's instruction the horses were stabled and fed.

This affair whilst it established the identity of the two unknown outlaws, and confirmed my statement that there were four men in the gang, was of an exceedingly distressing nature to me, as it was at this time the painful manner of Kennedy's death first became known. Kelly was chatty and whilst dinner was being prepared for him and his mates, he related, in one of the stalls of the stable, how he shot the police. Kelly had his boggie he was unreasonably afraid of poisoning, so much so that it would lead a person to think he had made some use of it in his day. At dinner which was heartily partaken of by the outlaws everything had to be tasted by the cook as carefully as if Kelly were Sultan of Turkey, and his heir was impatiently waiting to step into his shoes.

Kelly had more military genius than was possessed by all the "Captains" who have gained notoriety in Australian bushranging yet he never assumed a military title. He was punctilious about being addressed as Mr. but that is a little common to all men. Every man who carves out a way for himself, out of the common, has got his idiosyncracies, and in this respect Kelly was the antithesis of Morgan, the bushranger, who became irritated when he was addressed as Mr. Kelly in his robberies formed a base from which his operations could be conducted, and he was always accompanied by a number of scouts from whom and his prisoners he received all the information necessary to make a success of his undertaking, and having once decided to effect a robbery he could not be accused of being timid and vacillating to a greater extent than his vocation demanded. After being in the neighbourhood from Saturday, he stuck up the station on Monday and did not leave it until 8 o'clock the following evening, making a prisoner of every one who approached the station during that time. Amongst those prisoners were four railway men and Kelly even at this time talked about wrecking a train. About 7 o'clock, in the evening Mr. Gloster, a draper from Seymour but who occasionally went out hawking, arrived at the station. He was accompanied by a young man named Beecroft, and they had come

/with their horse

with their horse and waggon to camp there that night. Gloster had been told the outlaws were at the station but he did not believe it. It is a proof that Kelly had many sympathisers when the knowledge of his presence was known outside the circle of his prisoners for a whole day before he left the station and no word was conveyed to the police. Gloster after unharnessing his horses proceeded to the house where things looked so suspicious that he was hurrying back to his waggon when he was ordered by Ned Kelly to come back, and as he did not immediately obey Dan Kelly was about to shoot him when Ned restrained him. Gloster went to the waggon to get his revolver but the two Kellys followed him. Ned being in a towering passion presented a revolver at him and said, it is a very easy matter for me to pull the trigger if you don't obey me."

Gloster said to him. "Who or what are you?" To which Kelly replied, "I am Ned Kelly the son of Red Kelly and a better man never stood in two shoes." Gloster told him if that was the case there was no good in resisting. Gloster had an experience which falls to the lot of few men this was the third occasion upon which he had been bailed up by bushrangers. His firearms having been taken by Kelly he and Beecroft were placed in a large room, which was commonly used as a storeroom, together with all the other prisoners. Mr. McAuley having returned was also made a prisoner. During the night Kelly kept awake conversing with his prisoners whilst his mates slept. He told his prisoners to make themselves comfortable, and talked nearly the whole night about the police, making many complaints against them. He also talked freely about the murders and objected to it being called murder as a man killing his enemies did not commit murder, and the police were his "natural enemies". He also asserted that since he had "commenced business" he had stolen 280 horses, and if the police had taken him for anything of that sort he would not have cared, but he was 200 miles away from home when Fitzpatrick was shot. In the account he gave of the death of the police he stated that Lonigan and Scanlon shot at him which was quite untrue. He displayed Kennedy's watch, which was a valuable one, and said that he had shot him in a "fair stand up fight". The following is his account of this "fair fight", as given in evidence by Stephens at the trial, to whom it was related in the stall of the stable as already described. Kennedy dismounted on the off side of his horse and laid his revolver over the horses rump, he fired at Dan as he came running up, grazing him on the top of the shoulder". This is also untrue, none of our horses would have stood fire in this manner. Our troop horses were trained to stand fire before they left depot where they were broken, and there was a regulation that this training should be kept up by a trooper firing over their backs monthly, but this regulation was never once to my knowledge carried out. The consequence being that the horses, spirited animals, well fed and little to do, quickly forgot the training which was only perfunctory in the first instance. I will proceed in Kelly's own words as sworn to by the witness. "McIntyre then jumped on Kennedy's horse and rode away, Kennedy made for a tree still firing, he then made from that to another tree still firing, the reason he got so far is that I took Scanlon's rifle but had to throw it away as I did not know how to use it. I still followed Kennedy up when he slipped from behind a tree. I thought

/I was then

I was then done for as he fired and the bullet grazed my ribs. Kennedy then ran and I fired and hit him on the shoulder as he got behind a tree. He ran again and I followed when he wheeled round and raised his hands, I fired and shot him through the chest. When I hit him on the shoulder he must have dropped his revolver and the blood running down his arm formed into a clot which I took for his revolver. Knowing he had one shot left when he wheeled round I thought he was going to fire, but I knew afterwards he was throwing up his hands." Kelly's imagination was much more fruitful than his memory was good and he does not state he had the assistance of three others as well armed as himself in hunting down Kennedy; and in every account that he gave of the murders he contradicts that already given by himself. I will give his written statement from his autobiography presently and, coming directly from himself, it can be compared with those statements which came through another source. The witness Gloster, in his evidence, related what Kelly had told him of the manner in which the police were shot, and it differs in detail from that related by Stephens. There were several other accounts published, one of which was obtained by a correspondent of a Melbourne paper from "one who is notoriously in the confidence of the outlaws". This account coming from such a source was characterized by a bitter animosity against myself. After admitting that my account of the death of Lonigan and Scanlon was correct it proceeded to state, "Kennedy sheltered himself behind his horse and was about to fire at us when McIntyre jumped on the horse and rode away leaving Kennedy exposed and quite at our mercy, as we were all under cover, two of us behind logs within a few paces of him." The malicious always try to prove too much. It is quite evident, that unless Kennedy was shot on the spot upon which he then stood, and his body carried away, this account bears its own refutation upon the face of it. Another and a different account purporting to come from the outlaws was published in the Sydney Morning Herald. 13.12.78. There were also several others. But why proceed? There have been many moral disquisitions published and preached about the wretched life led by bushrangers. I doubt if ever there was a bushranger, at his most unhappy moments, who was so wretched as I was at this period of my life. Kelly displayed Kennedy's watch ostentatiously and said it was his intention to return to Mrs. Kennedy but this was not done until fourteen years after Kelly's death. On the following morning Kelly and his mates dressed themselves in new suits of clothing which they took from Gloster's waggon. They also commandeered some bottles of scent which they used in a lavish manner. Gloster had £10 in his pocket and several of Kelly's prisoners offered him some trifling amounts, but Kelly refused to take any money from his prisoners during the night.

The history of the Kelly Gang is tragical and presented very little of the comical side of human nature but it was amusing the ludicrous position in which three residents of Melbourne were placed on the day following the incidents described above. There is one thing that commends these gentlemen's adventure as being comical and that is we do not laugh at them but with them, as they conducted themselves as good citizens and in a courageous manner.

/One of these

One of these gentlemen was Mr. Dudley, an elderly man, sturdy, and not easily frightened, he had a broad Scotch or North of England accent and an emphatic way of speaking. The second was a Mr. Tennant, a Scotchman, and the other a young man named McDougal. I often saw Messrs. Dudley and McDougal and it was most amusing to hear Mr. Dudley relate his experience with the Kelly gang. These gentlemen had been spending a holiday shooting kangaroos in the Strathbogie ranges. They were accompanied by a local farmer and had a spring cart with them. Returning from their expedition on the afternoon of the 10th, they passed the station and were about to cross the railway line about 200 yards distant. Mr. Tennant had ridden on in front in order to open the railway gates. Mr. McDougal was driving and Mr. Dudley sitting beside him. Ned Kelly rode up to the cart and presenting a revolver at McDougal he said to him, "Turn round, the station is stuck up". The Police were all in plain clothes during the Kelly search, and Kelly with a police revolver in one hand and a pair of handcuffs in the other had every appearance of being a constable. Byrne a tall men and not unlike a policeman accompanied Kelly on foot. The order to turn round thus peremptorily given caused McDougal to stop the cart, but Dudley, who described himself at the trial as being of a testy disposition, became highly indignant at this high handed conduct of a policeman, and majestically demanded of Kelly, "By what authority do you stop this cart?" Kelly tickled by a question of authority replied; "Because you have stolen the cart." This was a natural answer from a man who was making such a display of authority, and Dudley indignantly denied the soft impeachment by saying; "We did not steal the cart we are all honest men." Kelly perceiving the error into which Dudley had fallen said; "You are Ned Kelly then." Dudley replied; "I am not Ned Kelly we know nothing about Ned Kelly." Kelly presenting the handcuffs said, "Oh, here put up your hands I'll put these on you." Dudley who was by this time spluttering with rage for being so roughly treated by a constable said; "I will report you, Sir, to your superior officer." This must have amused Ned Kelly the son of Red Kelly who recognised no superior. Dudley, who found his indignation could not be suppressed became abusive and Kelly from being amused became angry, and said to him; "Hold your tongue or I'll blow your brains out." Threatening him in this manner and placing the point of his revolver under Dudley's nose, McDougal begged Kelly not to injure the old man and he would obey him. This intercession mollified Kelly who said to Dudley; "Never mind old man I'll not injure you. Dudley still under his mistaken idea that Kelly was a constable asked him if they Kellys were about. Kelly informed him that they were. Just then Tennant returned and seeing that Dudley was annoyed said, "What's up Harry?" Dudley replied; "The Kellys are about." "Aye mon" said Tennant "Let us get up and load the guns." And turning to Ned Kelly he said, "It is all right, lad, we will help you." Thus offering to assist Ned Kelly in taking the Kelly gang. Kelly would not permit them to load the guns, which Mr. Dudley remarked at the trial was very wise on his part. It was with some difficulty Kelly got the party to go back. On their arrival at the station Kelly said to Stephens. "Tell these gentlemen who I am, for they don't seem to understand." Stephens stepped forward and said, "Allow me gentlemen to introduce you to Mr. Ned Kelly." Stephens emphasised the Mr. because, said he, Ned Kelly liked it. It was not

/until this

until this introduction that the party, as Mr. Dudley said, "tumbled to it." He was asked during the evening how he felt when the revolver was under his nose to which he replied. "Bad mon, bad, why mon I smelt the pooder." Kelly obtained two guns of this party and robbed them of their watches and money. Mr. McAuley informed Kelly that McDougal's watch was a present from his deceased mother, and it was returned to him; but the manager's intercession caused him to lose his own watch which was taken instead of McDougal's. The outlaws had cut down several telegraph poles and removed pieces of wire longer than that usually carried by the officials who travel round making repairs. Kelly at this time had 22 prisoners confined in the store room.

Having procured a cheque for a small amount on the National Bank at Euroa, he left Byrne heavily armed to guard the prisoners, and throwing everything out of the hawker's waggon, and the hunters spring cart, except a bottle of whisky which he found in the latter and commandeered, much to the annoyance of Mr. Dudley whose property it was, he prepared to start for Euroa. Ned Kelly drove the hawker's waggon accompanied by Beecroft, Dan Kelly drove the spring cart and Hart rode on horseback alongside. Although they did not reach the bank until nearly an hour after banking hours they found it open. Ned Kelly went in at the front door Hart and Dan went round by the back. On entering Kelly presented the cheque; the accountant refused to cash it as it was after hours, but Kelly kept him in conversation until his mates had time to make their appearance from the back. The firearms were then produced and the unsuspecting bank officials were to surrender, after which the bank was robbed of £1,942 and 30 oz. of gold. Mr. Scott, the manager, invited them to take some whisky which they did when it had been tasted in their presence to prove that it was not poisoned. Finding they could not remove all the people in the bank without another vehicle they harnessed up Mr. Scott's horse to his buggy and proceeded to remove their prisoners. The persons thus removed were 4 ladies, 4 gentlemen and 7 children. Except that the ladies and children were obliged to go in the vehicles they were treated in a courteous manner.

Shortly after leaving the bank they met nearly all the male adults of Euroa who had been attending a funeral and were returning from the cemetery. They looked upon the strange procession as a picnic party, and their suspicions were not aroused. One of the horses driven by the outlaws fell on the way and it was not without some difficulty they arrived at the station. The ladies and children were confined in a room by themselves the men were added to the number of prisoners in the storeroom.

There was no railway station at Faithfull's creek but during Kelly's absence a train had pulled up opposite the house where the prisoners were confined. Byrne took this to be a police train and I was told he was exceedingly nervous, his hand shaking so that he could scarcely hold the rifle. It was a goods train, however, and only brought two passengers who were identified as Mr. Watt, the telegraph line repairer, and his assistant. They were quickly added to the other prisoners by Byrne.

/The train