

Captain Standish obtained his commission in the Royal Artillery. He came of an old English Catholic family. I have heard very few members of the Force speak ill of him. He was most courteous to all members of the service however humble the position they occupied. In those days, however, it was impossible for a man to occupy the position he did without being influenced by his officers and forced by political pressure to make departmental blunders. It is a good illustration of the vicissitudes of early Australian life that Captain Standish applied to his predecessor, Captain McMahon, for a position as a trooper in the Victorian police and failed to get the lowest place in the service of which a few years afterwards he became the head. I understand that Captain McMahon's objection was that "an officer and a gentleman" has had a bad training to make a good policeman. Captain Standish could not have agreed with his predecessor in this respect for I knew 4 troopers in the Victorian police who held her Majesty's commission before they joined the service.

As I was deeply interested in the consequences of the outrages committed by the Kelly gang it is quite possible that my estimate of the public excitement which they caused was an erroneous one. I can therefore only express it as my opinion that there never has been any event, domestic or foreign, which had such a beneficial effect upon the circulation of the Melbourne press. From my personal knowledge I can assert that the news boys had a veritable boom, for I saw penny papers sold, and bought them myself, for prices ranging from 3d. to 6d.

Like all the evils inflicted upon mankind misfortunes quickly propagate. The misfortunes attending the Victorian police in their efforts to suppress the bushrangers was quickly followed by others. According to the press the Force was inefficient, disorganised and demoralised. There were charges of corruption brought against the city police and the mounted police were charged with incompetency, and in addition it was hinted that they were not desirous of coming in contact with the outlaws. Captain Standish had to bear the brunt of these attacks and he, poor man who had not the unscrupulous cunning of a Fouche or the impossible detective qualities of a Sherlock Holmes, was baited like a bull.

Amongst the misfortunes which happened to the police was the escape of Martin Weiberg from three detectives at the Tarwin river on the 20th Dec. '78. This event occurred before the public had got over the surprise of the Euroa Bank robbery, and came at the most opportune moment it could to prove the charges against the police by the press. In August '77, Weiberg, who was carpenter on board the mail boat "Avoca", stole from that boat a box containing 5,000, sovereigns. These sovereigns were consigned to Ceylon. The chief officer of the Avoca was suspected, and he was I believe, under suspension in England. Weiberg's arrest, several months after the robbery, had gained full publicity in England, India and Australia. After his arrest he was taken by three detectives to the Tarwin river to point out the place where he had concealed the gold. They were in a boat and one of the detectives stepping ashore was followed by Weiberg who suddenly struck the D. a violent blow on the stomach which disabled him. Another D. in the boat attempted to shoot Weiberg but the weapon would not go off which Weiberg succeeded in doing.

He was re-arrested in May '79, and sentenced to, 5 years hard labour. Only about 1,000 sovereigns were ever accounted for.

The higher officials of the police were not working harmoniously together, the men, however, seemed to get on well with all the officers, and they must have conducted themselves in an exemplary manner as there were no complaints from the public and very few, if any, breaches of discipline reported or punishments inflicted. The police being deficient in good bushmen, several young men, natives of the disturbed district, received special appointments as probationary troopers. In addition to this employment of local talent there were 32, private agents receiving pay from the Government. I believe that some of these were unreliable alternately giving information to the police about the outlaws, and to the outlaws about the police; this information being generally imaginary and tending only to prove that it does not require an expensive education and philosophical training to make a Macchiavelli. Some of the agents occupying respectable positions were reliable and anxious to suppress the outbreak of crime which was making the North-eastern district an undesirable place to live in. The police complained about the publicity which was given their movements, as the information thus given was known to the gang. It was stated in the press from time to time that a cordon of police was drawn round the outlaws and that it was impossible for them to escape. These statements must have been made by city gentlemen who never saw the ranges as it was utterably absurd to state that a few constables could thus enclose four men in a country many miles of which was almost inaccessible. The difficulties of capturing even large bodies of men in mountainous country is illustrated by the present South African war, and it seems to me that the late efforts of the natives of Cuba to shake off the yoke of Spain was bushranging on an extensive scale. The Cubans receiving moral and material aid from America were able to defy 200,000 Spanish troops in a small island the area of which is not three times the extent of our North-eastern police district simply because the Cubans could not be found nor brought into action except at times and under circumstances chosen by themselves. After Aaron Sherritt had consented to act on behalf of the police much reliance was placed upon his ability to assist in the capture of the outlaws. Sherritt lived about a mile from Byrne's mother's place which the outlaws were in the habit of visiting. There was a range at the back of Mrs. Byrne's place which overlooked her dwelling. With the assistance of Sherritt there was a party of police concealed in a depression which was called by the men a "cave" upon this range and they were here for several months until Mrs. Byrne saw some police horses in Sherritt's paddock and becoming suspicious was afterwards attracted by the sun shining upon a sardine tin she went up the range and discovered the police. Her suspicions being thus confirmed Sherritt's influence and usefulness were greatly discounted, and the police had to be removed. One opportunity that presented itself to capture or shoot the outlaws was missed in a remarkable manner.

At the time of the Jerilderie bank robbery a party of police was watching a crossing place on the Murray which had been much used by the outlaws in their horse stealing expeditions. There was a fresh

/in the river

in the river, and the man in charge of the party thinking the river unfordable at this point rode a little distance into the river to test it, this confirmed him in his opinion, and he took his party to another ford lower down where the water was not so deep. On their return in the morning to the crossing which they had been first watching they were chagrined to find the tracks of a number of horses which they suspected were those of the outlaws and followed them up in the direction they would naturally take on their return to the ranges until they lost them, in a number of other tracks, having no tracker with them. This was one of the best opportunities the police ever had to taking the outlaws for they would have dropped into an ambush and would have been easily shot or captured. So that besides having the advantages of many friends, and an intimate knowledge of the country, the bushrangers had a considerable amount of luck. I believe there were intervals of months in which it was not definitely known whether the outlaws were in the colony or not and as "even the most important events that occur to man are transient in their nature seeming to us of the first importance whilst they are still before our eyes time closes over them and they lose their importance and interest, after the possibility of their re-occurrence has ceased." Thus it was now with the outlaws, the length of time which had elapsed since their being heard of had led many people to believe they had escaped overland or which more nearly concerned myself by the seaboard, and many were glad of it hoping the matter would thus end. But those people forgot that Justice is unrelenting; ever on the track of the murderer her feet may be leaden but her hand is a hand of iron, and the blood of a murdered man remains as a stain upon the earth until it is avenged.

For several months prior to May '80 the outlaws seemed to have kept themselves very close under cover. In Feb. of this year a number of mould boards of ploughs were stolen from the farmers around Greta and no information could be obtained as to who the offenders were. Senior Constable Kelly, who had many years experience as a detective, enquired into this affair and the utmost he could learn was that they were stolen by the bushrangers or their friends to form into a protection for the outlaws. In this month the police received a letter from an old sailor who had been in Her Majesty's Service, but was at that time a farmer. His service had been enlisted by one of the officers as the gang was in the habit of visiting at the house of a sympathiser near his farm. He reported that on the 12th May he had seen the outlaws and their horses, 6 in number, at his neighbour's place, on approaching the house the dogs barked and he had to retreat and hide himself in a cherry tree where he remained from 8 p.m. until sunrise next morning hearing a number of voices but he could not see the persons on account of the darkness. This information was conveyed to the police several days after it occurred and it was practically useless. A few days after the police received a letter from one of the most reliable of the private agents who wrote as if he were an Inspector of Stock. The letter conveyed the information that an outbreak was about to take place and that the stolen mould boards had been manufactured into armour. As a specimen of the communications received under this system of espionage the letter may be worth quoting.

/"Greta, 20th May 1880.



"Greta, 20th May, 1880.

Dear Sir,

Nothing definite re the diseased stock of this locality. I have made careful inspection but did not find exact source of disease. I have seen and spoken to D-- and P-- on Tuesday. All others I have not been able to see. Missing portions of cultivators described as jackets are now being worked and fit splendidly, tested previous to using and proof at 10 yards.

I shall be in Wangaratta on Monday, before that I may learn how to treat the disease. I am perfectly satisfied that it is where last indicated, but in what exact region I cannot discover. A breakout may be anticipated as feed is getting scarce; (5) of them are now bad. I will post a note giving any bad symptoms I may perceive from Wangaratta on Monday or Tuesday at latest and will wait on you for further orders. --- Other animals are I fear diseased."

Yours B.C.W.

This information that the outlaws were to be clad in armour, in their next raid, was carefully kept from the general body of the police, two sergeants only being within the secret circle, P.C. 16,600.

The agent who wrote the above letter, a man in a respectable and a responsible position of life, called at the Benella police station on the 24th June and reported that a raid was about to take place at once. This information so far as I can learn was locked up with the secret of the armour. The trackers were permitted to leave Benella on the 25th June. On the 26th Sherritt was murdered. On the 27th our police officers here were soliciting the return of the Queensland trackers. On the 28th the police train was providentially saved from destruction. Had the information received from the above agent been circulated it would have put the men in Sherritt's hut upon their guard, it might have saved Sherritt's life and them the humiliation and disgrace which they suffered. It was no easy matter, however, for the officers to distinguish between what was important and useful and what was false and deceptive. Between the murders and the destruction of the gang there were 109 reports received of the outlaws having been seen in various parts of this colony and N.S.W. Of this number upon investigation in 57 instances the reports were found to be untrue unfounded or cases of mistaken identity. In 38 other distinct reports the information was not received until it was from 7 days to 2 months old in one instance 4 months old; these cases were considered too stale to investigate and possibly many of them were also untrue. Byrne who was the scholar of the gang and had an uncultivated taste for drawing divulged the presence of the outlaws in Victoria by sending threatening letters and caricatures to Sherritt and the police on several occasions. Outside the information supplied by Aaron Sherritt and some of his relatives there was very little definite or reliable ascertained of the outlaws having been seen and even some of this information to a person not behind the screens seems very confusing. Thus we have it recorded that Byrne on the 27th August, '79, sent a threatening letter to Sherritt warning him that something would happen to him within a month, and on the 27th Nov. following we find Byrne on a visit to Sherritt and

cordially shaking hands with him. About this time it was also rumoured that some of the outlaws were suffering from remorse. The following lines taken from the Benalla Standard may possibly represent their feelings in those moments of depression which are common to all mortals.

The Doom of the Outlaws

---

The outlawed pair, like beasts in lair,  
Lamented Fate's decree  
Of sins dread snare, while both declare  
They wish that they were free.

Free from the stain, which ne'er again  
From hands can be erased;  
Free from the sting which guilt doth bring,  
Though they are yet untraced.

Said Ned to Dan, "Sleep if you can."  
"Sleep from my eyes has fled."  
"In all my dreams to me it seems"  
"I'm counted with the dead."

"No rest for me, like restless sea,"  
I'm tossed to and fro."  
"In mental pain, my fever'd brain"  
"Is racked with nameless woe."

"The murderer's doom doth hourly loom"  
"Before my anguished sight,"  
"Where'er I be, what'er I see,"  
"All's dark there is no light."

"No light, no hope, but just a rope,"  
Dangling, waiting for me,"  
"For me, --- for you, unhappy two,"  
"Oh dread eternity."

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CHAPTER 7

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Lawless state of the Colonies. Bushranging in N.S.W.  
in the decade ending 1870. Letters, newspaper comments.

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Power the bushranger was betrayed by Ned Kelly's uncle, and this man obtained the whole of the reward of five hundred pounds which

was offered for the arrest of that offender. During his bushranging career Power never committed any extensive robbery, and having very little money to pay for his necessities, and also the protection of those who supplied him it is strange he was not betrayed long before this event took place. His greatest exploit was sticking up the Mail coach. "The Vagabond" has made it fashionable to consider him a gentlemanly bushranger. One of those who never took life, and never ill-treated a man and was always courteous to women. Knowing, as they well do, that any brutality to women would be resented by every person in the country, and alienate more sympathy from them than almost any other crime they could commit bushrangers naturally avoid it. So that we find there have been few bushrangers or highway men who were not credited with urbanity to women. Besides the ladies over estimate this quality in a bushranger. Naturally alarmed by the presence of an armed man whom they may have looked upon as a desperate ruffian, they are agreeably surprised to find that instead of being roughly treated they are treated with some deference, their opinion changes and their womanly sympathies being enlisted for the man who is being hunted to death, combined with their admiration for his daring deeds, they exaggerate any little kindness they may have received from him hence we find that nearly all bushrangers are at some time or other described as gentlemanly.

A corrupt Government is one of the greatest misfortunes that any country can have. An inefficient and corrupt police administration of the laws is almost as bad. When the police are unable to enforce a righteous distinction between mine and thine which is the first principle of good government then right becomes right and he who has not has only got to arm himself with a loaded revolver in order to get what he requires. How quickly this principle would be put into practice was amply illustrated during the Kelly outbreak. The outlaws success in robbing the banks and escaping arrest produced a crop of imitators which kept the police busy in this colony and in N.S.W. Queensland also had its imitators of the Kelly gang. To mention briefly some of those crimes:

First we have the Hatfield Bushrangers. At the latter end of Feb. about a fortnight after the Kelly gang had stuck up Jerilderie, 4 men who had been running in wild horses, undertook to emulate the Kellys. Arming themselves they stuck up a store near Hatfield in N.S.W. The storekeepers assistant bolted from the store, and although he was fired at and wounded he succeeded in getting away. This man, Mr. Day, got to Balranald and being sworn in as a special constable, he and two troopers named Beresford and Power started in pursuit of the gang. They got the assistance of trackers and a change of horses at Magenta and Kilferia stations. After riding 200 miles they came up with the bushrangers preparing their supper at 7 o'clock in the evening. An engagement took place and after one of the police was wounded and the bushrangers had several very narrow escapes, the gang surrendered. Mr. Day and the two troopers showed great spirit and determination in effecting the capture of these men and received congratulations from all quarters.

In this case, as in subsequent ones, the N.S.W. police distinguished themselves and they had the hearty congratulations of their brethren on this side of the Murray. In this month, Feb., three bushrangers were arrested near Dubbo after a skirmish in which Sergeant McKeague was nearly shot. On the 15th August the Commercial Bank at Lancefield in Victoria was stuck up by two armed men who robbed the bank

of £ 600. They were arrested 3 days after in Bendigo. This affair caused a great deal of excitement as it was at first thought to be a genuine Kelly raid.

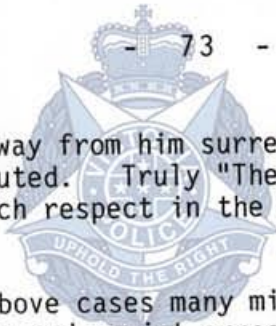
On the 15th November two brothers named Shanks attempted to stick up the bank of Australasia at Moe. Their attempt was frustrated by the courage of Mr. Munroe, the bank manager, and the offenders were next day arrested by Dr. McDonald and constable Beck. On the 16th Nov. '79 a most desperate attempt was made to emulate the Kellys by A.G. Scott alias Captain Moonlite and five others. I knew Scott and his associate Nesbitt who was shot. Scott, in company with Nesbitt, had been lecturing upon the defects of our Penal System of which they had had several years of practical experience. There were but few attended the lectures, and they accompanied by three others started up country. In Victoria they passed through Mansfield and went close to where the murders of the police had taken place. When they crossed into N.S.W. they were joined by a sailor named Bennet, and stuck up several places the principal being the Wantabadgery station. Scott showed a great meanness of disposition in treating some of his prisoners with the utmost indignity and even cruelty. Intelligence being conveyed to the police four constables appeared upon the scene, and an engagement took place between them and the bushrangers in which several of the bushrangers and police had narrow escapes. The constables ultimately retired but shortly after being reinforced by four other police they followed the bushrangers up and overtook them at the residence of a man named McGlade. Another engagement took place here in which the youthful bushranger, the son of an hotel keeper in Melbourne, and Nesbitt were shot dead, the other four surrendered to the police. On the side of the police, trooper Bowen, who was like Scott the son of a Church of England clergyman, was mortally wounded. Scott, Rogan, Williams and Bennet were placed upon their trials at the Central Criminal Court, Sydney on the 8th December '79. The trials lasted four days. Scott was a man of education, having been educated for a Civil Engineer he had a former criminal history but it is only this outrage that is connected with my narrative. He defended himself at his trial and charged society and Christianity with bringing him to his unhappy fate. The jury returned a verdict of guilty against the four prisoners but recommended Scott's three associates to mercy on account of their youth. Judge Windeyer during the trial had referred several times to the courage of the police calling them "nine brave and courageous men." In the Judge's address he said to Scott's associates. "You, young men, have had an appeal made in your behalf --- but I cannot forget that most of the cruel as well as some of the most bloodthirsty crimes which have been committed by the bushranging class in this country have been committed by young men like yourselves, and the question in your case is, "What is mercy, not only to you but to the youth that are growing up amongst us?" Scott and Rogan were executed, the other two were reprieved but one of them was afterwards executed for a crime committed in jail.

In Queensland there was at least one emulator of the Kelly gang. In the Victorian Detectives we had a man who came from the Queensland detective force. He knew something of this case and he told me, that some station hands, half drunk, played a game of euchre for who should stick up the bank in the neighbouring township; the man who lost honorably tried to carry out his agreement, and had some success,

/but his horse

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but his horse getting away from him surrendered to some armed citizens and was afterwards executed. Truly "The majesty and power of law and justice" had not much respect in the colonies at this period of their history.

Besides the above cases many minor acts of criminals using firearms to rob citizens and resist arrest by the police took place all of which it is no exaggeration to state were the direct outcome of the example set by the Kelly Gang and their long immunity from punishment. The quick manner in which these criminals were arrested and the punishment dealt out to them, had a deterrent effect on many others who would otherwise have followed in their footsteps. The outbreak of the Kelly gang was responsible for the death of 16 persons all of whom, except Cherry, were young men or men in the prime of life. The good service rendered by the N.S.W. and Victorian police in suppressing the crimes following on the Kelly outbreak will be better estimated by a reference to the bushranging which took place in N.S.W. in the decade ending 1870. The subjoined list contains the names of 26 bushrangers who were either shot dead or executed between November '62 and May '70. During the career of these bushrangers about 25 murders were committed by them, and a critic has stated there were more lives sacrificed in this spedemic of crime than were lost in the Plassy Campaign. Hunter says, "The battle of Plassy was fought on the 23 June 1757. History has agreed to adopt this day as the beginning of the British Empire in the East. On the British side there were 16 sepoys and 8 Europeans killed. Such was the battle of Plassy which belongs to that class of events which defy all calculation and silence all criticism after they have taken place."

Gardiner who was responsible for the death of many of those bushrangers and the death of their victims was sentenced to imprisonment for life, but was discharged after a long term of imprisonment, on condition that he would expatriate himself. Several other bushrangers were wounded by the police in effecting their arrest and Vance, Foranand many others were sentenced to long terms of imprisonment.

1862.	November	Alex. Ross.	Executed.
"	"	Chas. Ross	"
"	December	Henry Manns	"
1863.	August	Fred. Lowry.	Shot by police
"	"	James Cummings	This man was in custody and was shot in passing some scrub; supposed by his own brother whilst aiming at the police.
"	September	James Murphy	Killed.
"	October	Michael Bourke	Shot by Mr. Keightly.
"	"	Henry Wilson	Executed
"	December	John O'Meally	Shot by Mr. Campbell
"	"	Thomas McCann	Executed
1865	April	Dan Morgan	Shot by Mr. Quinlan
"	May	Ben Hall	Shot by police
"	"	John Gilbert	Shot by police
"	December	John Dunn	Executed
1866	January	Charles Donnelly	Shot by police.
"	April	Pat Connell, uncle of the Clarkes.	Shot by police.





1866	April	Wm. Fletcher	Shot by police.
"	May	J. Crookwell, alias Bromley	- Executed.
1867	June	Tom Clarke	Executed
"	"	John Clarke	Executed
"	"	...Scott.	Murdered by Tom Clarke
"	October	Ralph Day	Shot by police
"	"	M. Brooking	Wounded and sentenced to death.
1869	September	Wm. Rutherford	Shot by Mr. Beauvais
1870	May	Fred Ward (Thunderbolt)	Shot by Const. Walker
Also Pearson alias Starlight,			wounded and sentenced to death.

VICTORIA POLICE MUSEUM

The force of the 3 eastern Colonies was now represented in their efforts to capture the outlaws. Apart from the bad example to the lawless the affair at Jerilderie, involving no bloodshed and being unattended by any serious consequences, was not considered by many of the police on this side of the border as a very deplorable event. It presented something for the N.S.W. press to write about and kept them from paying too much attention to the inefficiency of the Victorian Police, besides it proved to the police across the border that the outlaws were no ordinary criminals. At the time that Morgan was bushranging in N.S.W. it was said and published in Victoria that he could not exist a week on this side of the Murray. This ultimately turned out to be correct. But the correctness of the prophecy was no apology for the foolishness of the boast as it might have been otherwise and he destroyed a lot of property in his short visit here. This jealousy between the two colonies was likely to be revived again or perhaps Sydney. Punch wanted revenge and it published some verses upon the police exploits of the two colonies, from which I extract the following as it is too long to be fully inserted:

From Sydney Punch.

Throughout Victoria's country towns has gone an awful scare,  
 For rumor says the Kelly band are here and everywhere;  
 And country's people's faces are blanched with very fear,  
 The tremble in their shoes to think the Kellys may be near.

How different is our story, and well may we exult  
 That our policemen brought about a different result;  
 No marching through the country with half a hundred scouts,  
 And ending all the grand display by apprehending touts.

A glowing account of the chase and capture of the Hatfield bushrangers follows after which Sydney Punch asked "Now whose police have proved the best Victoria's or ours."  
 Melbourne Punch was not going to let his own bobbies be run down in this unceremonious manner so he retorted with;

Throughout Strathbogies rugged range  
They sought the scoundrels' lair  
For they had heard the Kelly band  
Had taken refuge there.

They met, but not on equal terms,  
Nor in fair open fight;  
But pierced by treacherous bullets, fired  
By scoundrels hid from sight.

Brave Lonigan and Scanlon fell,  
Then unarmed for the strife,  
Through leaden hail did McIntyre  
Ride hard a race for life.

But Kennedy at fearful odds  
Faced manfully the crews;  
Though that his hour had come full well  
The gallant Sergeant knew.

How different is the story  
That comes from New South Wales,  
Where Kelly takes the bobbies up  
And locks them in their jails.

Where bobbies were in their own "logs"  
Locked up for several hours;  
Now, whose police have proved the best  
The New South Welsh or ours."

This appeared in Melbourne Punch, March '79, in March '72 Punch made me the hero of a comedy as ludicrous as the above is tragical.

Kelly's exploits had caused profound sensation throughout the Australian colonies; in England also his career was watched with much interest. The audacious manner which he committed his robberies must have also attracted some attention in America for amongst numerous letters which I received I had one from a man in the United States inquiring if I were his brother Robert McIntyre who had been in Australia for several years without communicating with his relatives. My name had been published several times as being Robert. I intended replying to this letter but I lost it shortly after its receipt and not remembering the address I could not do so.

I received many letters from my comrades in Victoria and also some from the N.S.W. and Queensland police. For the purpose of showing the morals of the police, I would like to quote some extracts from 3 letters which I received from 3 members of the service who were at that time constables but who have since advanced to the position of officers.

/Benalla 16.11.78



Benalla, 16.11.78

My dear McIntyre,

I am very glad to hear that you are fast recovering from the effects of your encounter with those blood thirsty ruffians, who have so far evaded us, and whom capture I am much afraid will occasion the loss of more lives unless they are sold by their "friends". --- Your escape, old boy, was a hair breadth one just such a one as Mayne Reid writes about, and all hearing of it and calling themselves good christians will I am sure own it to be a providential one --- I can assure you we all sympathise with you here. Our poor comrades the thought of their cruel murder makes me eager for revenge----

.....

Benella 17/12/78

My dear McIntyre,

As I told you my dear boy they had to send for me after all. I am to lead; giving precedence of course to my youthful friend Spider the black-tracker boy; a column into action tomorrow. There is bound to be a row, and although that several of us are doomed is a moral certainty there is no use in looking very deep into futurity. There are about thirty of us here tonight, large party having just returned from the ranges, and the place is as you may imagine a perfect pandemonium. We can boast of several muscians, and about 23 dancers in the jig, step and sword line, and when they act in unison you can imagine the state of affairs. I have to sleep in the store room on an old gun case. My pillow is made up of a kerosene tin and a bundle of unclaimed clothes. Poor old Scanlon all his things are in here. There is nothing definite known up, here etc. etc.

.....

In the following letter it may be noticed that both the writer and I were convinced of the inutility of sending out search parties two months before they were discontinued and we both prophesied that the police upon the Benella station would ultimately take the outlaws. Besides it may be seen by the letter that there was no certainty that the outlaws were in the colony even in police circles.

Benalla 18/5/79. Dear Mac,

I am in receipt of yours and glad to know you are in good health although, as usual, troubled with that old restless spirit of yours. --- I had a turn up to the head of the King with the Queensland trackers. The trip convinced me that they are splendid trackers and will give a good account of themselves, at the same time I would much rather have the same number of our own men with, say, two trackers in the party. I am quite of your opinion that the men who are waiting here in Benella will do the work at last. I am afraid, however, that we are

/a long way off

a long way off the end, unless the gang show out again; their remaining unseen so long is so unaccountable that I, and many others, doubt their being in the colony. Relative to your coming up I fear the Chief will not risk it, for if anything were to happen to you; assassination for instance, there would not be a particle of evidence against Byrne and Hart. Kelly's admissions and written statement would hang himself, but would not effect the others and who can tell that they may not yet be taken alive. Of course if you were with a police party that was taking them and fell, your plan of shooting them would be right enough. I have consulted M. upon the subject and he quite agrees with me etc, etc.

R.I.

I extract the following from a letter which I received from a German friend of mine and which would, perhaps, have been a sufficient clue for a Sherlock Holmes to build a trap upon to catch the Kellys.

Turn Back Jemmy Hotel,  
Jerilderie N.S.W.

Nov. 30th, 1876.

My dear McIntyre,

Congratulating you on your narrow escape from those infernal ruffians, the Kellys, who about ten weeks ago were in my establishment on the Turn Back Jemmy. I can fully understand from watching the individuals the perilous position in which you were placed. Knowing you to be a good calculator and physiognomist I reckon you consider your game to be hopeless, had resort to bluff and showed the best hand. (Rand I often played poker) My dear boy be of good cheer my prophesy will come to realisation, that is be an Inspector. Feeling grieved for the sad fate of your comrades, especially poor Kennedy whom I have known for the last 10 years and hoping you will soon recover your strength and again renew the friendly and jovial disposition you had of yore---

Yours etc.  
C.A. Raeuber.

Now if I had possessed the phenomonal acumen of the Detective we see upon the stage and read about in fiction here was the clue the Kellys were in Jerilderie before the police murders they were bound to return again and rob the bank, but unfortunately I was not born to be an Inspector notwithstanding my German friend's prophesy. Detective Ward who did duty in the Kelly country during the Kelly outbreak reported towards the end of September '78, that the Kellys had not been in Victoria for a length of time. It will be seen by the above letter which I received from Mr. Raeuber that the information which the detective received was of a reliable nature. I received many other letters which I prized very highly as a proof that I had the confidence of those who knew me.

The N.S.W. Government also passed an Outlawry or Felons Apprehension Act. Sir Henry parkes in introducing this Act to the Assembly said; -- "They are known to be surrounded by, perhaps, the best organised band of sympathisers, spies and busstelegraphs which have

/ever appeared

ever appeared in this country. ---They are the very best horsemen, best bushmen and best shots these colonies could produce, thus they defy the law and hence the necessity for new legislation." There was some diversity of opinion, in our own Assembly, upon the necessity for an Act of Parliament; a Proclamation in the Government Gazette being, by some, considered sufficient, but Sir Bryan O'Loughlin and Sir John Madden took a contrary view. It was stated "That at common law a proclamation in Government Gazette declaring these men outlaws would not protect any one shooting them down against a presentment being filed by the Attorney General. The Act just passed will authorise any one to take them dead or alive and no one shooting them would be liable to be tried as the Proclamation in the Gazette would be instantly pled in bar." The same view of the matter seems to have been taken by the Assembly of the mother colony. But with reference to the Act passed by their Assembly the Sydney Evening News published the following.-- "Doubts have arisen in the minds of certain legal gentlemen as to the effect of the N.S.W. Apprehension Bill which is now law. It is said that under its provisions the Kellys could not be tried if they were captured. They might be shot down with impunity, but if brought in alive and placed in the dock, they could plead what is known in legal phraseology as *autre fois atteinte* and they would be at once released." So that if Kelly had been apprehended in N.S.W. it would have given the lawyers an opportunity of discussing this very interesting point. It was stated before the P.C. that owing to the dissolution of the Victorian Parliament on Saturday the 26th June the Victorian Outlawry Act expired, and the gang were not outlaws on the following Monday when the affair at Glenrowan took place.

The Sydney Echo commenting upon the latest outrage of the gang published the following:- "That four men no matter how ferocious in character or heavily armed should take royal possession of a township containing 200 people for two days seems more like the invention of a newspaper correspondent than a simple statement of facts. It is natural that the affair should have caused a most profound sensation." The Sydney Morning Herald;- "The exploit bears a family likeness to others committed by them, in its display of foresight, audacity and management --- and can hardly be regarded as anything else than a direct challenge to our Police to attempt what the Police of Victoria have failed to accomplish." That we were in a low state of civilisation was reported by the London Standard which was reported to have published the following:- "Civilization in Australia is as yet but a thin fringe stretching inland from the sea coast --- before long the stations become few and far between; and beyond the extreme huts of the shepherds and other station hands lies the unexplored scrub -- once in the scrub the bushranger is safe. He is on friendly terms with the blacks - The mounted police cannot follow him if they would, and would not if they could -- hence the majority of chances are in the bushrangers favour, and it not frequently happens that he is able, after a few years engaged in the active pursuit of his calling, to retire from business altogether and become a prosperous and esteemed member of the community".

I have the above amongst my scraps purporting to come from the source I have mentioned; it is difficult to believe that this paper would publish such a misconception of the facts, but even many of the colonial papers were responsible for ridiculous statements.

Belief in Kelly's assertion that some of his female relatives were criminally assaulted by the police, and that it was their tyranny and oppression which had driven him to commit the murders and rob the banks was wide spread not only amongst those who might naturally be expected to sympathise with him but also amongst people occupying a respectable position in life. And by many he was looked upon as a hero of romance.

One of the Melbourne papers stated;- "The sympathisers are more numerous than the law loving people in the district, and their relations seem to be innumerable -- the women especially are dazzled with the daring deeds of the bushrangers and even females not related to them think it the greatest honor to assist the outlaws."

In fact they kept the whole country upon their side by either fear or love. The law abiding property owners of the district being afraid of either being murdered or robbed whilst the sympathisers were rewarded for their sympathy and assistance. In addition to which many men otherwise good citizens are inclined to palliate crime when it is accompanied by daring. I quote from the following papers.

The Sydney Morning Herald.

Eight thousand pounds seems to be a very large reward for the capture of four outlawed criminals but few persons will dispute that the two Governments who have combined to make this offer have set too high a price upon the Kelly gang. These wretches have murdered three policemen, robbed two banks, stolen any number of horses, cut the telegraph wires, threatened catastrophies on the Victorian Railways, and made the able bodied men of Jerelderie turn pale and almost faint with fright. The sooner they are secured the better for the police, the banks, the travelling public and the able bodied man in the border towns."

From the Melbourne Press.

John Perrybingle in the Weekly Times.

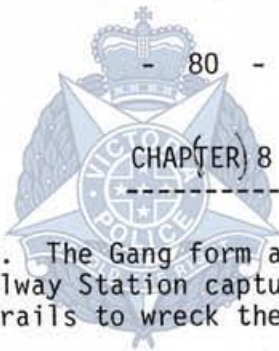
"Mr. Edward Kelly is a leader of renown. His generalship and tactics are of the dramatic order -- startling and sensational, romantic and vulgarly heroic. -- Honestly is not the whole matter a disgrace to the colony. Think of what people will say of us at home in England".

Aegles in the Australian.

"The bushranger is shameful as it is to make the confession --- the hero of the hour. The audacity displayed---The skilfull organisation which designs desperate enterprises, and the courage by which a few dominate the many --- all tend, unfortunately, to dim the recollection of the bloodstains upon their hands. Until this is avenged the blackness of their deeds casts a dark shadow upon the reputation of Australia."

Atticus in the Leader.

"It is just possible that the Kelly gang may be caught by the N.S.W. police and if this should happen we should never hear the end of it. The reputation of the Victorian force is at stake and the fear of the sister colony being able to crow about the superiority of her police system will perhaps rouse the amour propre of our force and infuse into their tactics the activity and spirit which at present seem to be greatly wanting.



CHAPTER 8

Murder of Aaron Sherrit. The Gang form a Base at Glenrowan to rob the Benella Banks. The Railway Station captured and the Officials made Prisoners. Removal of rails to wreck the Police Train.

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VICTORIA POLICE

In July, '79 the officers had ceased sending out parties to patrol the ranges considering them useless, and sometime after a great number of men were sent home to the stations from which they had been drafted, the officers relying upon having several strong bodies of police stationed at central positions throughout the district.

Upon the 20th, April '80 a notice was published in the Government Gazette that after the 20th July following the reward of £8,000 for the capture or death of the outlaws, would be withdrawn by the N.S.W. and Victorian Governments. Lieutenant O'Connor and the Queensland trackers were re-called by their Government. They left Benella on the 25th June, '80, and were to embark on the 29th, staying in the meantime at Essendon, near Melbourne.

From the two bank robberies and other sources the outlaws must have acquired nearly £5,000.

Retiring in Feb. '79, a little over a year afterwards, May, '80, found their money getting scarce. In June this scarcity had become so pressing that it was absolutely necessary to obtain more. How unmercifully they must have been fleeced is illustrated by the fact that no money was found upon the body of Byrne and only 3d. in silver in the pockets of Ned Kelly. Search amongst the debris of the hotel proving that they others, also, had no money.

There were some newspaper comments about a "plant of money but this was denied; it was also known they were impecunious before this outrage; so that it was recognised that the necessities of 4 first class bushrangers could not be supplied by their "friends" for less than £3,000 per annum. May I draw the attention of embryo bushrangers to this fact. Except this scarcity I can find no motive for Kelly leaving, his retirement at the particular time he did. It was stated he feared the ability of the Queensland trackers, but as as he had, no doubt, a good supply of newspapers he must have known although the trackers had left the district they had not left Melbourne. He must also have known that if he could avoid the police for two or three weeks there would be no reward for his apprehension and as a consequence he would have less to fear and his "natural enemies" would have nothing to get if they shot or apprehended him; although the possibility of the latter he always repudiated. Notwithstanding that I have given it as the public opinion that Kelly's robberies were planned by his confederates I do not believe so for Kelly was a self reliant man. That they were committed in the interests of his confederates is another thing there was no escape from this position, those who assisted him had only to cry "give" and he could not refuse. Pressed by his necessities, therefore,

/he turned out