

INTRUDERS IN THE BUSH

THE AUSTRALIAN QUEST FOR IDENTITY

Edited by

JOHN CARROLL

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3. Ned Kelly, a Folk Hero

Angus McIntyre

Ned Kelly, (1855–80), that 'loud-mouthed, law-breaking, swaggering, son of an Irish convict' stood head and shoulders above the other bushrangers. Partly, this was because the selectors of north-eastern Victoria, discerning a theme of social protest in his actions, viewed him more as a noble robber or Robin Hood than as a common criminal. But Kelly was not the only bushranger to occupy such a role. Matthew Brady enjoyed a similar position among the Vandemonian agriculturalists as did Ben Hall in the case of the Wheogo's small landowners. Yet, Ned defined this role in a far more grandiose fashion than the other two. For while it is true that all three of them bailed up towns at one time or another, it is also true that only Ned Kelly appeared in armour at a shoot-out with the police.²

This grandiosity also manifested itself in other forms. Ned issued threats against the authorities so dire in their implications that they clearly implied an elevated conception of his powers. Moreover, he regarded other people as important only insofar as they confirmed this self-image, and sometimes even viewed them as likenesses or extensions of himself. He frequently boasted about his various skills, such as his horsemanship, and occasionally showed them off. Such exhibitionism was not always so soundly based.

The Fitzpatrick Affair

On 15 April 1878, an incident occurred, which in the opinion of the 1881 Royal Commission of Enquiry into the Victorian Police, precipitated the outbreak of the Kelly Gang. This was the attempt by Constable Fitzpatrick to arrest Ned's younger brother, Dan, at his mother's hut at Eleven Mile Creek near Greta on a charge of horse stealing. A fracas ensued. Later that night, Fitzpatrick turned up in Benalla with what he claimed was a bullet wound in the wrist which, he said, had been inflicted on him by Ned Kelly. On the strength of this and related claims by Fitzpatrick, warrants were issued against Ned Kelly for shooting with intent to murder, and against Dan Kelly, Mrs Kelly, her neighbour, Williamson, and son-in-law, Skillion, for aiding and abetting this shooting.

When the police arrived to enforce these warrants, the Kelly brothers were nowhere to be found. They had to be content, therefore, with the arrest of Mrs Kelly, Skillion, and Williamson. One month later, on 17 May, Mrs Kelly was granted bail. Then, on 9 October, at the Beechworth Assizes, a jury found Mrs Kelly and the two men guilty of the abovementioned charges. On 14 October, the presiding judge, Sir Redmond Barry, sentenced her to three years jail and Skillion and Williamson to six years each.

It was a harsh judgment. At least, that was the opinion of Mr Alfred Wyatt, a police magistrate. In his evidence before the 1881 Royal Commission, he stated: 'I thought the sentence upon that old woman, Mrs Kelly, a very severe one.' As to Ned's feelings about his mother's sentence, there is one ominous clue. Mrs Kelly told a fellow prisoner, named Williams, in the jail at Beechworth 'that they [Ned and Dan] would play up, that there would be murder now'. Also, a relative and an acquaintance of Ned's—Quinn and Isaiah ('Wild') Wright—offered to bring in the Kelly brothers if Mrs Kelly was allowed to go free. Mr Alfred Wyatt, to whom the offer was made by Quinn, told the Royal Commission: 'Quinn's and Wright's feeling was that it would be better for the men themselves to be brought in. It was not a feeling of treachery towards them, but that they could not hold

out, and that it was better for them themselves to bring them in.' Presumably, they feared what would happen if the police tried to bring them in.³

Stringybark Creek

On the morning of 25 October 1878, Sergeant Kennedy and Constables Lonigan, Scanlan, and McIntyre, dressed in plain clothes, set out from Mansfield to do just that. Like Ned, they were of Irish Catholic descent, with the exception of McIntyre who was an Ulsterman. That night, they camped at Stringybark Creek near Mt Wombat.

The following morning, Kennedy and Scanlan set out to scout around the area. McIntyre and Lonigan remained at the camp site. A little after five o'clock in the afternoon, some voices in the bush cried out: 'Bail up! Hold up your hands!' McIntyre turned around and saw four men, two of whom he later recognized as the Kelly brothers, covering Lonigan and himself with guns. He raised his hands. Lonigan reached for his revolver while slipping down for cover behind the log on which he had been sitting. He then took aim over the top of the log but was shot through the head by Ned Kelly. He fell to the ground, exclaiming: 'Oh Christ I am shot.' A few minutes later he died. 'Keep your hands up! Keep your hands up!' Ned warned McIntyre.

Then Ned and Dan and the two other men entered the camp. They searched McIntyre and removed the firearms from the policeman's tent. Dan produced a pair of handcuffs. 'We will put these on the Bugger,' he said. McIntyre appealed to Ned who turned to Dan: 'All right, don't put them on him.' 'This,' he added, tapping his rifle, 'is better than handcuffs.' Turning to McIntyre, he warned: 'Mind you don't try to go away, because if you do, I will shoot you, if I had to track you to the police station to shoot you there.' This was an extraordinary stance for Kelly to adopt. McIntyre was the only witness to Lonigan's shooting. Apparently, Ned's grandiose idea of himself led him to believe that he would be able to do just as he threatened, namely, track McIntyre down and shoot him.

Ned then boasted to McIntyre about his firearm: 'This is a curious old gun,' he said, 'for a man to carry about the country with him.' 'It is. Perhaps it is better than it looks,' McIntyre obliged. 'You might say that,' Kelly said. 'I will back it against any gun in the country. I can shoot a kangaroo at 100 yards with every shot from it.' Afterwards, when it looked as if McIntyre was about to jump Ned, the latter warned him off with still another boast: 'You had better not mate because if you do you will soon find your match for you know there are not three men in the police force a match for me.'

On this occasion, Ned's boasts were consistent with his ability for he was, in fact, a crack shot and something of a prize fighter. Formidable as his talents were, however, they could not always match the vainglory of his inflated self-image for, in the final analysis, this view of himself was—as the Glenrowan affair will make clear—unrealistic.

It was now between half past five and six o'clock. The other two policemen were expected back at the camp any minute. Ned ordered McIntyre to persuade them to surrender. 'We don't want their lives, only their horses and firearms,' he said. When Kennedy and Scanlan appeared, McIntyre stepped towards them. He said to Kennedy: 'Oh sergeant you had better dismount and surrender for you are surrounded.' At the same time, Kelly shouted: 'Bail up! hold up your hands!' Evidently, Kennedy thought McIntyre was joking. Scanlan, grasping the true situation, unslung his rifle, threw himself from the saddle and took a step or two towards a tree, when he was shot. Kennedy, quickly disabused of his error, had by this time dismounted on the off side of his horse and returned fire. McIntyre caught hold of Kennedy's horse, mounted it and escaped. Ned then exchanged shots with Kennedy, eventually killing him.⁴

Euroa Bank Robbery

Six weeks after the Stringybark shootings, on Monday, 8 December 1878, Ned and Dan Kelly and their two companions,

