An Australian legend

A nation under the British Crown was not the dream of everyone who came to Australia during the nineteenth century. Ireland was Britain’s oldest colony and about one-third of all convicts sent to Australia were Irish. Many had been transported for small crimes committed just to survive the grinding poverty in which they lived. Others had been sentenced for rebelling against British rule. Many free Irish immigrants were also fleeing poverty, especially during the terrible famine of the 1840s. Such people made up large numbers of the free selectors of north-eastern Victoria, and many of them sympathised with Australia’s most famous outlaw bushranger during what came to be called ‘the Kelly Outbreak’.

The Kelly legend

Australians complimenting someone’s courage used to say that person was ‘as game as Ned Kelly’. Kelly has been the subject of a play, a ballet, songs, poems and novels. Artist Sydney Nolan portrayed the Kelly legend in a series of paintings. Both Mick Jagger and Heath Ledger played his part in movies. Why did an outlaw win such a place in Australian folklore?

Early years

Edward ‘Ned’ Kelly (born 1855) was the first son of John Kelly, an ex-convict from Ireland, and Ellen Kelly, whose family, the Quinns, had come from Ireland as poor assisted migrants. Ned grew up in north-eastern Victoria in a time of conflict between struggling selectors and squatters. The selectors viewed corrupt police as the squatters’ allies. In 1865 John Kelly was jailed for possessing a stolen cow hide. When he died in 1866 the family moved to a small selection near Greta, where they lived in poverty.

In 1869 and 1870 Ned faced three charges of robbery; all were dismissed through lack of evidence. But in late 1870, aged just 15, he received six months’ hard labour in Beechworth jail for assault and three years for horse stealing. Three years after his release, Ned joined his stepfather in horse and cattle stealing. In 1878 arrest warrants were issued for Ned and his youngest brother, Dan.

The turning point

On 5 April 1878 Constable Alexander Fitzpatrick visited the Kelly house. According to Fitzpatrick, he arrested Dan but Ellen Kelly assaulted him with a shovel and Ned fired a shot at him. Ned’s version of events was very different (see Source 3). Warrants were issued for the arrest of Ned and Dan for attempted murder. Ellen was sentenced to three years in prison, and this enraged Ned and Dan. They hid out in the Wombat Ranges but offered to give themselves up in exchange for their mother’s freedom. Police parties were sent out to hunt for the Kellys. Constables Scanlan, Lonigan and McIntyre and Sergeant Kennedy arrived at Stringybark Creek in the Wombat Ranges in October 1878. When Ned attempted to capture and disarm them, three police were killed. Only McIntyre escaped alive.

Outlaws

The Kellys were declared outlaws who could be shot on sight. In December the gang, now consisting of Ned, Dan and their friends Steve Hart and Joe Byrne, robbed...
a bank at Euroa without firing a shot. In February 1879 they raided Jerilderie, locking the police in their own cell and robbing the hotel and bank. During these operations the gang entertained their prisoners and Ned spent much time telling people how injustice had caused him to become an outlaw.

**The final showdown**

Police imprisoned many Kelly sympathisers and announced that such people would be barred from getting selections. The result was increased support for the outlaws. From June 1880, the gang made suits of armour from ploughs and supplied firearms to their supporters. They planned to lure the police to travel by train from their headquarters at Benalla to Beechworth. This would take them through Glenrowan, where there were many Kelly sympathisers. The plan was to derail the train, capture the police and demand Ellen’s freedom in exchange for theirs.

On the evening of Saturday, 26 June, to set the police on the track to Beechworth, Joe Byrne shot and killed his old friend Aaron Sherritt, a police informer. Meanwhile Ned and Steve forced railway workers to remove a section of track almost 800 metres north of Glenrowan railway station. Joined by Dan and Joe, they took over Mrs Jones’s Glenrowan hotel and waited for the train.

Ned made two fatal mistakes. When Thomas Curnow, a schoolteacher, asked permission to take his sick wife home, Ned agreed. Shortly after two o’clock on Monday morning Curnow stopped the train, which was carrying ten police and several Aboriginal trackers. Ned had also assumed that the police would not suspect an attempt to derail the train. But well ahead of the engine pulling the police carriages there was another engine. Had it been derailed, the second engine would have stopped safely. The gang could have retreated into the hills. Instead they chose to stay and fight (see Source 4).
The siege at Glenrowan

The gang fell back to the hotel. During the 12-hour siege 35 men, women and children threw themselves onto the floor as police bullets crashed through the thin walls.

The Glenrowan railway station was about 100 metres in front of the hotel. The train was meant to be derailed 800 metres up the line.

Around 3 am the outlaws, in heavy armour, first exchanged shots with the police at the railway station. Ned and Joe were wounded.

Police fired on the hotel from a number of positions including a trench between the hotel and the railway station. They were reinforced through the night. Their fire killed a 13-year-old boy, and other people were wounded, including some who tried to flee. At 5 am Joe Byrne was fatally wounded.
Chapter 6: Making a nation: (II) From colonies to nationhood

Ned collapsed from loss of blood as he walked firing through police lines. Determined to save Dan and Steve, he staggered back through the heavy dawn mist and a continuous hail of bullets, firing at the police. He was captured after being brought down by a shotgun blast to his unprotected legs.

**Trial and execution**

With Ned’s capture, the police finally allowed civilians to leave the hotel. Left inside were Dan and Steve and a badly injured Martin Cherry, who died later of his wounds. Shooting continued until 3 pm, when police set fire to the hotel. Dan and Steve chose to commit suicide rather than be taken alive.

Ned’s trial for the murder of Constable Lonigan commenced in Melbourne on 28 October. He was found guilty and sentenced to death by Justice Redmond Barry. No sympathisers had joined the fight at Glenrowan, but more than 60,000 people signed a petition to save Ned from hanging and thousands attended a protest meeting the night before his execution. Ned’s last words, at 25 years of age, as he stood on the gallows at 10 am on 11 November 1880, were ‘Ah well, I suppose it has come to this.’

**EXPLANATION AND COMMUNICATION**

1. Why do you think ‘as game as Ned Kelly’ was used as a compliment?

**CHRONOLOGY, TERMS AND CONCEPTS**

2. Make a timeline of the main events in Ned Kelly’s life.

3. Working in groups, try to identify points on the timeline where Ned might have been able to make different choices.

4. Suggest how events might have unfolded if he had made different choices.

**ANALYSIS AND USE OF SOURCES**

5. Read Source 3.
   a. What did Ned say about poor selectors, police and squatters?
   b. How does this help to explain why the Kellys had many supporters?
   c. How does Ned’s version of events on 5 April 1878 differ from Fitzpatrick’s story?
   d. What evidence would we need to know the truth of this incident?
   e. How does Ned explain the deaths of Kennedy, Scanlan and Lonigan?

6. Use Sources 2 and 4 to answer the following questions:
   a. Why was Glenrowan a suitable place to ambush the police?
   b. What went wrong with Ned’s plan?
   c. Considering the positions occupied by both sides at Glenrowan, who do you think was most to blame for casualties suffered by innocent people?

**PERSPECTIVES AND INTERPRETATIONS**

7. Why do you think Ned Kelly became a folk legend?

8. What does the fact that many people admired Kelly tell us about social conditions in his time and later?

**HISTORICAL QUESTIONS AND RESEARCH**

9. Find a full copy of the *Jerilderie Letter*. Use it to explain how Ned Kelly saw his actions as part of a struggle between rich and poor, oppressors and oppressed. After reading it, give your opinion on whether he should be remembered as a hero or as a murderer.

**Did you know?**

Fearing fresh outbreaks among Kelly sympathisers, police reinforced stations throughout north-eastern Victoria. A royal commission investigated police handling of the Kelly outbreak. It resulted in several officers being dismissed or reduced in rank.