

# 1880

## NED KELLY CAPTURED

*'ANOTHER KELLY OUTRAGE. COLD-BLOODED MURDER!'* So read the headlines in the Melbourne newspaper the *Argus* on Monday morning, 28 June 1880, above a story which began:

*All doubts as to the presence of the Kelly gang in the colony ... were set at rest yesterday by the intelligence that they had reappeared at Beechworth, and had added yet another murder to the crimes already resting upon their heads.*

The murdered man was Aaron Sherritt, whom the gang suspected, correctly, of being a police informer eager for the £2000 reward which the Victorian and New South Wales governments had placed on each of the heads of Ned, his brother Dan, and gang members Joe Byrne and Steve Hart.

Within less than two years these men had become the most feared bush-

rangers in Australia history: desperate outlaws who had gunned down three policemen, and robbed banks at Euroa and Jerilderie.

Almost immediately after the 'execution' of Sherritt on Saturday night, 26 June, the gang proceeded, with help, obtained at gunpoint, from a group of navvies, to remove parts of the railway line near the village of Glenrowan.

Their plan was to derail a special train bringing police to the scene of the murder, Ned Kelly later admitting that their intention had been to gun down all those on board.

But news of the Sherritt killing took much longer to reach police than Ned had anticipated. The special train finally left Melbourne at 10.15 p.m. on Sunday, 27 June. On board, in addition to police, were several journalists, one of whom, Joe Melvin, filed the report below:

At last the Kelly gang and the police have come within shooting distance, and the adventure has been the most tragic of any in the bushranging annals of the colony.

Most people will say that it is high time, too, for the murders of the police near Mansfield occurred as long ago as the 26th of October, 1878, the Euroa outrage on the 9th December of the same year, and the Jerilderie affair on the 8th and 9th of February, 1879. The lapse of time induced many to believe that the gang was no longer in the colony, but these sceptics must now be silent.

The outlaws demonstrated their presence in a brutally effective manner by the murder of the unfortunate Aaron Sherritt at Sebastopol. Immediately on

the news being spread the police were in activity.

A special train was despatched from Melbourne at 10.15 on Sunday night. At Essendon Sub-inspector O'Connor and his five black trackers were picked up. They had come recently from Benalla, and were *en route* for Queensland again.

Mr. O'Connor, however, was fortunately staying with Mrs. O'Connor's friends at Essendon for a few days before his departure. Mrs. O'Connor and her sister came along thinking that they would be able to pay a visit to Beechworth.

After leaving Essendon the train travelled at great speed, and before the passengers were aware of any accident having occurred, we had smashed through a gate about a mile beyond Craigieburn.

All we noticed was a crack like a bullet striking the carriage. The brake of the engine had, however, been torn away, the footbridge of the carriage shattered, and the lamp on the guard's van destroyed. Guard Bell was looking out of the van at the time, and had a very narrow escape.

The train had to be pulled up, but after a few minutes we started again, relying on the brake of the guard's van. Benalla was reached at half-past 1 o'clock, and there Superintendent Hare with eight troopers and their horses were taken on board. We were now about to enter the Kelly country, and caution was necessary.

As the moon was shining brightly, a man was tied on upon the front of the engine to keep a lookout for any obstruction of the line. Just before starting, however, it occurred to the authorities that it would be advisable to send a

pilot engine in advance, and the man on the front of our engine was relieved.

A start was made from Benalla at 2 o'clock, and at 25 minutes to 3, when we were travelling at a rapid pace, we were stopped by the pilot engine. This stoppage occurred at Playford and Desoyre's paddocks, about a mile and a quarter from Glenrowan.

A man had met the pilot and informed the driver that the rails were torn up about a mile and a half beyond Glenrowan, and that the Kellys were waiting for us near at hand. Superintendent Hare at once ordered the carriage doors on each side to be unlocked and his men to be in readiness. His orders were punctually obeyed, and the lights were extinguished.

Mr. Hare then mounted the pilot engine, along with a constable, and advanced. After some time he returned, and directions were given for the train to push on. Accordingly, we followed the pilot up to Glenrowan station, and disembarked.

No sooner were we out of the train, than Constable Bracken, the local policeman, rushed into our midst, and stated with an amount of excitement which was excusable under the circumstances, that he had just escaped from the Kellys, and that they were at that moment in possession of Jones's public house, about a hundred yards from the station.

He called upon the police to surround the house, and his advice was followed without delay. Superintendent Hare with his men, and Sub-inspector O'Connor with his black trackers, at once advanced on the building. They were accompanied by Mr. Rawlins, a volunteer from Benalla, who did good

service.

Mr. Hare took the lead, and charged right up to the hotel. At the station were the reporters of the Melbourne press, Mr. Carrington, of *The Sketcher*, and the two ladies who had accompanied us. The latter behaved with admirable courage, never betraying a symptom of fear, although bullets were whizzing about the station and striking the building and train.

The first brush was exceedingly hot. The police and the gang blazed away at each other in the darkness furiously. It lasted for about a quarter of an hour, and during that time there was nothing but a succession of flashes and reports, the pinging of bullets in the air, and the shrieks of women who had been made prisoners in the hotel.

Then there was a lull, but nothing could be seen for a minute or two in consequence of the smoke.

In a few minutes Superintendent Hare returned to the railway-station with a shattered wrist. The first shot fired by the gang had passed through his left wrist. He bled profusely from the wound, but Mr. Carrington, artist of *The Sketcher*, tied up the wound with his handkerchief, and checked the hemorrhage.

Mr. Hare then set out again for the fray, and cheered his men on as well as he could, but he gradually became so weak from loss of blood that he had reluctantly to retire and was soon afterwards conveyed to Benalla by a special engine. The bullet passed right through his wrist, and it is doubtful if he will ever recover the use of his left hand.

On his departure Sub-inspector O'Connor and Senior-constable Kelly took charge, and kept pelting away at the outlaws all the morning. Mr. O'Connor took up a position in a small creek in front of the hotel, and disposed his blackfellows one on each side, and stuck to this post gallantly throughout the whole encounter. The trackers also stood the baptism of fire with fortitude, never flinching for one instant.

At about 5 o'clock in the morning a heart-rending wail of grief ascended from the hotel. The voice was easily distinguished as that of Mrs. Jones, the landlady.

Mrs. Jones was lamenting the fate of her son, who had been shot in the back, as she supposed, fatally. She came out from the hotel crying bitterly and wandered into the bush on several occasions, and nature seemed to echo her grief.

She always returned, however, to the hotel, until she succeeded, with the assistance of one of the prisoners, in removing her wounded boy from the building, and in sending him on to Wangaratta for medical treatment.

The firing continued intermittently, as occasion served, and bullets were continually heard coursing through the air. Several lodged in the station building, and a few struck the train. By this time the hotel was completely surrounded by the police and the black trackers, and a vigilant watch of the hotel was kept up during the dark hours.

At daybreak police reinforcements arrived from Benalia, Beechworth, and Wangaratta. Superintendent Sadlier came from Benalia with nine more men,

and Sergeant Steele, of Wangaratta, with six, thus augmenting the besieging force to about 30 men.

Before daylight Senior-constable Kelly found a revolving rifle and a cap lying in the bush, about 100 yards from the hotel. The rifle was covered with blood, and a pool of blood lay near it. This was evidently the property of one of the bushrangers, and a suspicion therefore arose that they had escaped.

That these articles not only belonged to one of the outlaws but to Ned Kelly himself was soon proved. When day was dawning the women and children who had been made prisoners in the hotel were allowed to depart. They were, however, challenged individually as they approached the police line, for it was thought that the outlaws might attempt to escape under some disguise.

At daylight the gang were expected to make a sally out so as to escape, if possible, to their native ranges, and the police were consequently on the alert.

Close attention was paid to the hotel, as it was taken for granted that the whole gang were there. To the surprise of the police, however, they soon found themselves attacked from the rear by a man dressed in a long grey overcoat and wearing an iron mask.

The appearance of the man presented an anomaly, but a little scrutiny of his appearance and behaviour soon showed that it was the veritable leader of the gang, Ned Kelly himself. On further observation it was seen that he was only armed with a revolver.

He, however, walked coolly from tree to tree, and received the fire of the police with the utmost indifference, returning a shot from his revolver when a good opportunity presented itself.

Three men went for him, viz., Sergeant Steele of Wangaratta, Senior-constable Kelly, and a railway guard named Dowsett. The latter, however, was only armed with a revolver.

They fired at him persistently, but to their surprise with no effect. He seemed bullet-proof. It then occurred to Sergeant Steele that the fellow was encased in mail, and he then aimed at the outlaw's legs.

His first shot of that kind made Ned Kelly stagger, and the second brought him to the ground with the cry, 'I am done — I am done.' Steele rushed up along with Senior-constable Kelly and others. The outlaw howled like a wild beast brought to bay, and swore at the police. He was first seized by Steele, and as that officer grappled with him he fired off another charge from his revolver.

This shot was evidently intended for Steele, but from the smart way in which he secured the murderer the sergeant escaped.

Kelly became gradually quiet, and it was soon found that he had been utterly disabled. He had been shot in the left, foot, left leg, right hand, left arm, and twice in the region of the groin. But no bullet had penetrated his armour.

Having been divested of his armour he was carried down to the railway station, and placed in a guard's van. Subsequently he was removed to the stationmaster's office, and his wounds were dressed there by Dr. Nicholson,



of Benalia. What statements he made are given below...

The siege was kept up all the forenoon and till nearly 3 o'clock in the afternoon. Some time before this the shooting from the hotel had ceased, and opinions were divided as to whether Dan Kelly and Hart were reserving their ammunition or were dead.

The best part of the day having elapsed, the police, who were now acting under the direction of Superintendent Sadlier, determined that a decisive step should be taken. At 10 minutes to 3 o'clock another the last volley was fired into the hotel, and under cover of the fire Senior-constable Charles Johnson, of Violet Town, ran up to the house with a bundle of straw which (having set fire to) he placed on the ground at the west side of the building.

This was a moment of intense excitement, and all hearts were relieved when Johnson was seen to regain uninjured the shelter he had left. All eyes were now fixed on the silent building, and the circle of besiegers began to close in rapidly on it, some dodging from tree to tree, and many, fully persuaded that everyone in the hotel must be *hors de combat*, coming out boldly into the open...

In the meantime the straw, which burned fiercely, had all been consumed, and at first doubts were entertained as to whether Senior-constable Johnson's exploit had been successful. Not very many minutes elapsed, however, before smoke was seen coming out of the roof, and flames were discerned through the front window on the western side.

A light westerly wind was blowing at the time, and this carried the flames

from the straw underneath the wall and into the house, and as the building was lined with calico, the fire spread rapidly. Still no sign of life appeared in the building.

When the house was seen to be fairly on fire, Father Gibney, who had previously started for it but had been stopped by the police, walked up to the front door and entered it. By this time the patience of the besiegers was exhausted, and they all, regardless of shelter, rushed to the building.

Father Gibney, at much personal risk from the flames, hurried into a room to the left, and there saw two bodies lying side by side on their backs. He touched them, and found life was extinct in each.

These were the bodies of Dan Kelly and Hart, and the rev. gentleman expressed the opinion, based on their position, that they must have killed one another. Whether they killed one another or whether both or one committed suicide, or whether both being mortally wounded by the besiegers, they determined to die side by side, will never be known.

The priest had barely time to feel their bodies before the fire forced him to make a speedy exit from the room, and the flames had then made such rapid progress on the western side of the house that the few people who followed close on the rev. gentleman's heels dared not attempt to rescue the two bodies.

It may be here stated that after the house had been burned down, the two bodies were removed from the embers. They presented a horrible spectacle, nothing but the trunk and skull being left, and these almost burnt to a

cinder. Their armour was found near them.

About the remains there was apparently nothing to lead to positive identification, but the discovery of the armour near them and other circumstances render it impossible to be doubted that they were those of Dan Kelly and Steve Hart. The latter was a much smaller man than the younger Kelly, and this difference in size was noticeable in their remains.

Constable Dwyer, by-the-by, who followed Father Gibney into the hotel, states that he was near enough to the bodies to recognise Dan Kelly.

After the house had been burned Ned Kelly's three sisters and Tom Wright were allowed an interview with him. Tom Wright as well as the sisters kissed the wounded man, and a brief conversation ensued, Ned Kelly being to a certain extent recovered from the exhaustion consequent on his wounds.

At times his eyes were quite bright, and, although he was of course excessively weak, his remarkably power-full physique enabled him to talk rather freely. During the interview he stated:—

'I was at last surrounded by the police, and only had a revolver, with which I fired four shots. But it was no good. I had half a mind to shoot myself. I loaded my rifle, but could not hold it after I was wounded. I had plenty of ammunition, but it was no good to me. I got shot in the arm, and told Byrne and Dan so. I could have got off, but when I saw them all pounding away, I told Dan I would see it over, and wait until morning.'

'What on earth induced you to go to the hotel?' inquired a spectator.

'We could not do it anywhere else,' replied Kelly, eyeing the spectators who were strangers to him suspiciously. 'I would,' he continued, 'have fought them in the train, or else upset it if I had the chance. I didn't care who was in it, but I knew on Sunday morning there would be no usual passengers. I first tackled the line, and could not pull it up, and then came to Glenrowan station.'

'Since the Jerilderie affair,' remarked a spectator, 'we thought you had gone to Queensland.'

'It would not do for everyone to think the same way,' was Kelly's reply. 'If I were once right again,' he continued, 'I would go to the barracks, and shoot every one of the — traps, and not give one a chance.'

Mrs. Skillion (to her brother) - 'It's a wonder you did not keep behind a tree.'

Ned Kelly — 'I had a chance at several policemen during the night, but declined to fire. My arm was broke the first fire. I got away into the bush, and found my mare, and could have rushed away, but wanted to see the thing out, and remained in the bush.'

He is very reserved as to anything connected with his comrades, but answered questions freely when his individual case was alone concerned. He appeared to be suffering from a severe shock and exhaustion, and trembled in every limb. Now and again he fainted, but restoratives brought him round, and in his stronger moments he made the following statements'.

'I was going down to meet the special train with some of my mates, and intended to rake it with shot; but it arrived before I expected, and I then

returned to the hotel.

'I expected the train would go on, and I had the rails pulled up so that these — black-trackers might be settled. I do not say what brought me to Glenrowan, but it seems much.

'Anyhow I could have got away last night, for I got into the bush with my grey mare, and lay there all night. But I wanted to see the thing end. In the first volley the police fired I was wounded on the left foot; soon afterwards I was shot through the left arm. I got these wounds in front of the house.

'I do not care what people say about Sergeant Kennedy's death. I have made my statement of the affair, and if the public don't believe me I can't help it; but I am satisfied it is not true that Scanlan was shot kneeling. He never got off his horse.

'I fired three or four shots from the front of Jones's hotel, but who I was firing at I do not know. I simply fired where I saw police. I escaped to the bush, and remained there overnight.

'I could have shot several constables if I liked. Two passed close to me. I could have shot them before they could shoot. I was a good distance away at one time, but came back. Why don't the police use bullets instead of duck-shot? I have got one charge of duck-shot in my leg.

'One policeman who was firing at me was a splendid shot but I do not know his name. I daresay I would have done well to have ridden away on my grey mare.

'The bullets that struck my armour felt like blows from a man's fist. I wanted

to fire into the carriages, but the police started on us too quickly. I expected the police to come.'

Inspector Sadlier - 'You wanted, then, to kill the people in the train?'

Kelly - 'Yes, of course I did. God help them, but they would have got shot all the same. Would they not have tried to kill me?'

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Dan Kelly, Byrne, and Hart all died in the hotel which police set on fire not long after Ned's capture.

On 29 October 1880, in Melbourne's Central Criminal Court, Sir Redmond Barry sentenced Ned to death. The outlaw replied 'Yes, I will meet you there.'

Despite petitions and appeals for a reprieve, Kelly was hanged at Melbourne Jail on 11 November. Twelve days later the judge died after a short illness.

In the century that followed, Ned Kelly has become *the* Australian folk hero. Exactly why, no one knows. But perhaps Nancy Keesing gets close when, in the book *The Kelly Gang*, she says:

*When I am cool and logical I know Ned Kelly was a thief, a liar, and a killer. But my Australian blood also knows that Kelly is an emanation of our shared cruel, gallant and paradoxical country — hero and devil in one.*