

SANDS & MC DOUGALL,
STATIONERS, MELBOURNE.



MELB
23 JAN
82

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82

List of property now ^{in my possession} possession of Supt out Smyth at Benalla, in connection with outlaws.

Articles	Date of receipt	From whom received	How came into possession of Police	Remarks
1 Gold ring with white stone	4. 11. 80	Supt Sadler	Taken off fingers of Outlaw Joe Byrne on 29. 6. 80 (after deceased, by Det. Ward 2358 at Benalla	This ring was claimed by and handed to Mrs. Longan wife of deceased Const. - 11/1/80
1 Gold ring with crystal stone	"	do		Still in my possession
1 R. C. Prayer book	"	do	Taken off Byrne's body I believe by Const Wallaw 3059	do
1 Webley Revolver Size 2 No 50997.	8. . 80	Const Glenn 2612	Found at Glenrowan, where it fell from Byrne's body whilst being dragged out of fire	Handed to Const Glenn 2612 by order of Supt Sadler; was for ^d to Victoria Barracks 26.5.81
2 Saddles 2 leather girths 1 Webb do 2 Stirrup leathers 2 do irons 1 Crupper	30. 9. 80	Sergt Whelan 1305	Recovered at Glenrowan	This property was claimed by the Outlaw Nedward Kelly whilst in Melbourne Gaol and by order of N.C. C. Police per N 9161 of 28. 9. 80 was handed over to Mrs. Skillion sister of the outlaw.
1 Troop Saddle No 960 1 Webley Revolver & Case No 4992 No 730 1 P. Handcuffs	21. 10. 81	Sergt Whelan 1305	Found by Const Skillard 3110 at Glenrowan 29. 6. 80 outlaws said to have been ridden by Dan Kelly. Found at Glenrowan by Const McHugh 2551. on 29. 6. 80	Taken into use of Department being government property and serviceable. I can identify this property as coming to Benalla as described in foregoing column. The Saddle was part of late Const Scanlan's kit. the Revolver part of Longan's kit
1 Troop Saddle No 730 2 Webb girths broken	6. 1. 82	Sergt Whelan 1305		This is part of late Const Longan's kit 730
1 Saddle 1 Bridle 1 leather girth 1 Breastplate 1 Crupper 1 Skull cap	6. 1. 82	Sergt Whelan 1305	Recovered at Glenrowan	
	1880	Supt Sadler	From P. Kelly 1925, having been taken from him of the Kelly after arrest.	Over.

Kelly Property Continued

Articles	Date of receipt	From whom Received	How came into possession of Police	Remarks
1 Saddle 1 Crupper 1 Leather girth 1 Old Pack Saddle 1 Revolver case 1 Leather valise 2 Bullet moulds 2 Saddle straps	6. 1. 82	Sergt Whelan 1305	Recovered at Glenrowan do do Left harness to left saddle at Glenrowan by Tim Standish Station Master in whose house they were left by Steve Hunt when Special train was being coming.	
There were also these taken possession of by Police				
The Warraner				
1 Grey pony	Mr Kelly's	impounded by Police	and sold out of Benalla Pound	
1 Brown pony mare	Mr Fitzsimons of Benalla	identified	and handed over to Crown	
1 Chestnut horse	Claimed by Ryan of Cashel		and handed over to him	
1 Bay horse				
1 Bay or brown horse (M ^r ?)	Said to have been Dan Kelly's		Found by Const Steward 3110 at Glenrowan in bush 29/6/80	Lied at Benalla Paddock from effects of gunshot wounds. Body destroyed by Const Arthur 2971 & E. L. Canning 3100
1 Revolver Rifle Colts	Mr Kelly's	taken away by Capt Standish		
1 Drum 1/2 full of blasting powder		destroyed by order of Sergt Moffatt 980		
1 Saddle at Backworth which I have never seen.				

R. A. Smyth H. 2241
 Benalla 17. 1. 82.

I caused the motion list to be compiled
for Det Woods was in the special case
he is getting up.



W B Montfort

Sup

17.1.82

Det Woods
Penalla

1956

K 80/15

By direction
referred to the
Minister

5159
H. C. Cleary the Governor.
3 Nov. 1880.

Presented after the close of the
evening session of the
Court
3/11/80

I have taken the liberty to address you in
reference to my case as it is now drawing
to a close. The first thing is wish to draw
your attention to is the warrants issued
for me on suspicion for Horsestealing
as they were produced as evidence against
me in the Court & likely to prejudice the Jury
on behalf of my Character it was merely a
warrant for my apprehension on suspicion
of Horsestealing had I have been apprehended
they could not possibly have procured a
conviction. The second thing is the warrant
issued for the shooting with intent to murder
Constable Fitzpatrick, Cons. Fitzpatrick
swore that I had no intention of shooting him
that we were intimate friends according to his
sworn evidence I neither murdered him nor
had any intention thereupon I think there
must have been a mistake in granting a
warrant on this charge and when this charge
was preferred against me it was greatly to
prejudice the Jury And as I did not
actually commit the deed & as there was
no murder committed and no intention
of doing such & thereupon my mother
William Skellian & William Williamson
could not be guilty of aiding & abetting
nine respectable witnesses can prove that
Wm Skellian was not within miles of the place
at the time that witnesses at the Court
only the feeling was so strong with the
Police Force that they were afraid of being

taken as sympathisers, There was a hundred
Pounds offered for my apprehension for the
Shooting of Constable Fitzpatrick on the 13th
of April 1878. If I had witnesses to show
that I was a great many miles from the place
at the time but as I was not tried on that
Charge, I could not call my witnesses
& show the illegality of the Charges put
against me which led up to my
present position And on the Conviction
of my Mother who was arrested on the 16th
of April by Four or Six Police I could not
say which rushing into the House with
revolvers in hand & threatened to blow her
brains out if she moved, They handcuffed
her and took her away to the Jail
& only the third day after her Confinement
Wm Williamson & Wm Skelton was also
taken into Custody & convicted for aiding
& abetting me with attempt to murder
Constable Fitzpatrick even according to
his own Statement a most ridiculous
Charge. From February to October I can
prove I was seen no more was in
the locality where the alleged offence
took place and after the Conviction of
my mother on the 9th October the Reward
I believe was increased to Two hundred
Pounds for the alleged Shooting of
Constable Fitzpatrick at the Slungby
Bank Creek. I believe John Martin a
Mild Dog Poisoner and Boundary Rider
in the employ of Mr Johnson
Station Owner at the Wombat gave

information to the Police of me & my Brothers
presence in the Stringy Bark I have been told
so since I then parties of Police one under
Sarg. Kennedy one under S. Const. Strangher
& the other under Sarg. Stul Thirteen in number
were to meet at Stringy Bark to search for me
Serg. Kennedy's Party hobbled their horses in the
Police Barracks yard Mansfield they would not
do it in the day time for fear people would
take notice & inform me yet they sneaked
out of the Town before day light disguised
as diggers on a prospecting tour & camped
at Stringy Bark that night ^{Some} several of the
Party said they did not intend to bring me
in alive which I can prove Fitzpatrick &
I believe will swear an oath that they
came to shoot me not to arrest me
Constable Donigan in particular bid his
friends good bye several on leaving Violets
Town and he said he might never come
back again & Ned Kelly was to be shot
he was the man that would shoot him
the above information gathers since the
first encounter with the Police I could
have proved by members of the Police
Jury as well as Civilian persons to
the encounter with the Police I came
back from where I was at the time
previous to the encounter with Fitzpatrick
I would have called witnesses to have
proved where I was but I was not tried
for this charge they would not allow me
to call them Fitzpatrick would have
come himself if I had have been

if I had have been allowed to call him I
was living with my Brother & several others in
in Bullock Creek one mile from Stringer Bar
we had a house 2 miles of fencing 20 acres
of ground cleared for the purpose of growing
mangle worts & Barley for the purpose of
distilling whiskey we were also digging for
Gold we had Tools & Chain Borees & every
thing requisite for the work we had a place
excavated close to the House for the purpose
of erecting a small distill so as if any one
informed on us they would not get the most
valuable or main distill that was further
down the Creek ^{with the} Sugar & other requisites
this is undenial Estimation but it goes to show
that men spending all their time Labour
& money in this way had no intention
of murdering Police The things are there
at the present time & I could direct any
person to where they are to be found
As it has been represented to the Jury at
my trial for the purpose of Robbing on
the Highway & shooting Police for revenge
for the August but as over six months
elapsed from the arrest of my mother
to the time the encounter with the Police
no murder nor Robbery was committed
& no person interfered nor molested by
me nor any of my Companions
As it was represented in the Court that I
was searching for the Police for revenge
but the facts of the Case show that
instead of me going to look for the Police
in any town or any where they came

on to the place were I was working with the full intention of shooting me not to arrest me. I though I have had plenty of grounds for revenge. I never looked for it after the arrest of my mother there was none of our Family left but I was Sister the Police would come to the House Inspector Brock Smith in particular he as since been discharged for his cowardly conduct towards my family they used to search the place & destroy all the provisions by emptying them out into the floor. he would say to my Sisters see all the Police I have out to day I will have a man out to morrow on mile blow your Brother in to pieces as small as the paper that is in our guns. Some told my Sisters that they would not ask their Brothers to stand as they knew they intended to fight they would shoot them first & then tell them to stand afterwards ~~and~~ not trouble you any further with their cowardly conduct. as they are too numerous to mention what Smith is Constable Mc Intyre's first deposition Statement to be compared with his depositions of both Courts. you will at once see the disparity between the two also the Photograph of the place & the position of the men at the time of Kennedy's & Scaulan's advance Mc Intyre says. I ^{was} was in the Speer grass one in the tent & one at the fire these being in a direct line in front of Kennedy & Scaulan

Therefore Mr Intyre told a falsehood
to his Companions by saying they
were surrounded. as they were
expecting to meet other parties of
Police what Mr Intyre should have said
that he was covered by Ned Kelly &
three other armed men. & not to move
or they would be shot as Donagan has
got shot & have pointed to the fact.
Then his Companions would have understood
their position & could have pleased
themselves whether they fallowed away
or whether they fought Mr Intyre's
first Statement was. that four men
called on them to throw up their arms
& surrender or don't want to take
life or want your firearms that
he looked around & saw four men
armed with Guns. & one on the
extreme right armed with two
Guns. & when he gave his evidence
in Court two years after he says &
the man on the extreme right had
only one gun & one revolver he saw
the men had no revolvers in his
first Statement also that Kennedy
jumped off on the off side of his
horse & got behind a tree & commenced
firing when he saw Kennedy being
broken the Agreement he got on
his horse & galloped away, & that
he heard Kennedy say Stop it ladies
he snore in Buchanworth that he
could not swear ^{but} that Kennedy

was dead when he took his horse
that he rolled off on the off side you
will see if Mr McIntyre's statement is
compared the disparity without me
making further mention I have not
had time to put the all the facts as I
would liked to have brought under
your notice because I have had to
write this this morning to be in time
for the Executive Council but now
as I have time I will forward you a
full statement of the facts from
beginning to end.

Witness My
Hand

Yours obediently,
Edmund Kelly

Forwarded to the Sheriff

W. J. Martin
W. of Savl
3. 11. 80

~~5759~~ Melbourne Nov 5/1880.

now ^{take} the liberty of bringing under your
notice a Statement of the facts of the Glenruman
affair. The first thing I waited for ^{was} the last.

Read before Passenger train to pass at nine o'clock. I then
the Executive bailed up a lot of men in tents around the
corner of Station Masters House as I suspected there were
the 8th Nov. 1880 Detectives amongst them. I then bailed up Mr. Jones
R. K. Davidson Hotel then Mr. Starnett the Station master

and asked him if he could stop a Special Train with Police and Black Troopers on, he said he could stop a Passenger Train but would not guarantee to stop a Special Train with Police and Black Troopers exactly where I wanted it. So then I bailed up the Platelayers and Overseer and ordered them to pull up the line a quarter of a mile past the Station so as the train could not go any further, and my intention was to have the Station Master to flash the danger light on the Platform so as to stop the Train, and he was to tell the Police to leave their Firearms and Horses in the Train and walk out with their hands over their heads and their lives would be spared, also to inform them that it was useless them fighting as me my companions were in full armour and we could take the Train and every one in it, and that the line was pulled in front of them and that I had a tin of Powder behind them so if they attempted to return I would have blown the line up there as well.

Howard *his excellency*

This was my first intention so as to capture the
leaders of the Police and take them into the bush
and allow the Superintendent to write to the head
Department and inform them if they sent any
more Police after me or to try to rescue him I
would shoot him and that I intended to keep
them prisoners until the release of my Mother
Skellian and Williamson but subsequently
I varied my plans what I did do was to bail
up every person that came that way & placed
them in Jones Hotel and on Sunday night I
stuck up the Police Barracks which a mile
further away there being only one Policeman
then Constable Bracken who came to the door
with a double barrelled gun in his hand
loaded and full cock but dropped when I
told him to do so. I took him with all his
Inarms and Horses to Jones Hotel with the
other Prisoners I had there, I left his wife and
Child in bed and told her if any Police came
there not to let them know then I let a man go
to stop the train about a mile below the
Barracks Railway Station and opposite the
Police Barracks and to tell them that we were
in the Barracks. he had a double Barrell
Fowling Piece and Cartridges and to fire as a
Segnale for me if the Police got out and
surrounded the Barracks. which I expected
they would do as it was a most likely place
for me to be as it was a strong brick building
and they would only send a few men on to the
Platform to look after the Horses as they could
not take them out without going to the Station
and it was my intention then to take

possession of the train horses and every thing
and returning along the line leaving the Police
surrounding the Barracks at Glenrowan
while I had the train and robbed the Banks
along the line for I had it ready before hand
that the horses I had taken to Jones' Hotel the
minute I left by the train when to be driven
into the hills so as the Police would have no
chance of following me the reason I differed
from the ^{first} plan is I wanted the man that stopped
the train to have the reward as I heard it was
to be done away with in three days so you
can see by the above that it was not my intention
of upsetting the train for the purpose of killing
the Police if I had have wanted to have done so
I need not have went to Glenrowan at all
but could have set the powder in between the
sleepers and waited until the train was
coming full speed over it and blown the
line up and nothing could have saved it
although by stating the true facts of the case
make me appear worse but will show it was
not for to take life, but as the Police did not
do as I expected (that is to say) they did not
surround the Police Barracks but came
right on to the Railway Station and was
informed then by Constable Bracken that the
Kelly's were in the back yard of Jones' Hotel
getting their horses and to surround it
immediately or they would make their
escape, also that upon his (Bracken's) escaping
from the Hotel he looked forty two men
women and children they being held as
prisoners by the Kelly's and that they were

then there instead of Surrounding the Hotel
they came in a body and Commenced firing
into the House amongst the Peaceable
Inhabitants, it was reported they did not know
who were in the Hotel and that there was
four shots fired from the Verandah of the
Hotel first this is false we never fired a shot
and can be proved by all the people in the
Hotel it was also said that Inspector
Hear upon hearing the screams of the
Females ordered his men to Cease firing
but the fact was he received a wound
in the wrist and as soon as he had it
bandaged he returned and fired four
shots into the Hotel himself that we know
any person that in place of him being
desirous to stop the firing amongst the
People held by me as Prisoners he was but
too anxious for the firing to Continue he
Setting the example by firing four shots
into the unfortunate People whom he was
Supposed to protect. When the Train stopped
at the Station I was opposite to it on
horseback I jumped off in a hurry to take
possession of the Train when a bolt broke
in my armour which necessitated me
to repair it this gave the Police time to get
in front of the Hotel and fire into the People
when I heard the screams of the Females
I thought they had one of my Companions
in the Gallopers house as I took it to be
Mrs Stansbury that was screaming so much
of taking Possession of the Train as I had
intended I went to their assistance and as

I got about half way between Jones' Hotel and the Gatekeepers and while Steaming I received a wound in the foot and immediately afterwards another one in the arm then I fired four shots out of my rifle which is a five chamber revolving rifle which was reloaded afterwards with only one charge in it when I did fire it was at random and only at the flashes made by the Police firing I fired two shots in front and two at the left side of me this is how I account for Superintendent Hare being shot but neither me nor my companions fired a single shot until after I was wounded which was the third volley from the Police which can be proved by forty witnesses in the Hotel after I fired I looked back at Jones' Hotel and could see the people running to & fro past the lighted windows in the House I went back and cried out to put out the lights and to lay down I then went around to the yard at the back of the Hotel and there met Byrne who informed me that Constable Bracken had escaped I then sent my Brother & Hart into the House as I did not want the people to know I was wounded and they pulled up the counter and partitions and barricaded the sides of the House to save the people within which were then lying down the Police all the time keeping up a continuous fire on the House, Senior Const. Kelly took charge of the Police after the Superintendent Hare was wounded instead of him ordering the men to cease firing as he states he did

but I can prove by members of the Police
Force that he ordered them after riddling
the sides to fire into the roof. he also swore
he also swore that he found my rifle but
Constable Arthur found both my rifle and
Skull cap which can easily be proved by
Constable Arthur's Statement in the Paper
and that Constable Kelly was firing out of a
Shot gun at the time the rifle was found
and as he had fired all his Cartridges he sent
down to the train for gods sake for to send
him up more ammunition and he was
brought up a Supply of Martini Henry
Cartridges and as his gun would not fire
them he had to send for a Martini
Henry rifle this he continued to use
until after I was taken therefore any
round I received was not from C. Kelly
Constable Kelly also swore he searched me
and took my watch. Sergeant Stiel also
swore he took my watch so one must be
swearing false and what Sergeant Stiel
said to Mr. Jones is quite sufficient to
show what the Police were Capable of
doing he said to Mr. Jones if you will
swear that Kelly shot Cherry Smith forward
your application for Compensation
for destruction of your House and she
has sworn an affidavit to that effect
And as for the Police Challenging me and
telling me to go back in the morning
its ridiculous the Police in the Position
they were surrounding the House to order
anyone to go back it must be a fraud

or a foe and either way it is not likely he
would order him to go back I think by
showing a few facts of the Case it will
show the Contradictory Statements put
forward by the Police & I don't wish to
trouble you any further with my
Case but if it was looked into in
a proper manner of witnesses were
examined and which many of the
Police force at Glenrossan at the time
could prove what I say is correct
I should have made a statement of
my whole Career but my time is so
short on earth that I have to make
the best of it to prepare myself for
the other world.

Yours obediently
Edmund ^{Henry} Kelly
_{Minister}

Witness to mark

[Signature]

Warden

H M Gaol

Melbourne

Referred to the Sheriff

Magistrate

G. of Gaol

5.11.80

Forwarded to the Hon^{ble} the Chief Secretary

Not Rede

5.11.80

Sheriff

Her Majesty's Gd.

Melbourne Nov. 10/1880.

His Excellency the Marquis of Normanby.

Before
the Executive I have again taken the liberty of placing
before you the remaining facts of my case which
the 1st Nov. 1880. have never been placed in a true light before you
as it has been represented that I took up arms
at Maitland in April 1878 for the purpose of shooting Police,
but as six months had elapsed between the
alleged shooting of Constable Fitzpatrick on the
15th of April and the Stringy Bark tragedy on the
26th Oct. 1878. and then murder was Robbery or any
other offence, during that time, reported of having been
done by me or my companions, was also been stated
that I was at the shooting of Constable Fitzpatrick
but as the Police then had witnesses to prove my
whereabouts at the time they did not put it in as
evidence against me therefore I could not call
any witnesses. Even Constable Fitzpatrick's own
evidence clears me of the first charge as he swears
I never murdered him or had any intention of
doing such but after my mother was convicted
of aiding and abetting in shooting with intent to
murder Constable Fitzpatrick I came back with
the full intention of working a still to make
whisky as it was the quickest means to obtain money
to procure a new trial for my mother. I tried
every legal means to obtain Justice therefore you can
see it never crossed my mind for revenge. If I had
have went looking for the Police or shot them in any
of the Downs then there might have been some
excuse for saying I shot them for revenge when the
tragedy occurred is quite sufficient to show that I

Witnessed for
Excellency
Reference to this

never went to seek for the Police but that they
came right on to the place where I was at work
and as there are many members of the Police I can
swear that they came with the full intention
of shooting me not arresting me but Mc Intyre's
evidence is quite sufficient to show that I did not
intend murder, because he swears himself that I
could have shot them often without saying a word
and it stands to reason four men with the intention
of murdering two men would have shot them at
the first favourable opportunity, they would never
have called upon them to bail up and show up
their arms. Mc Intyre's evidence shows that I had
him covered when he threw up his arms and
surrendered so if my intention was to take life
I should have shot Mc Intyre when I had him
first covered, but according to his own evidence
I took my Rifle off him covered Jonegan as he
was in the act of running to a tree and drawing
his revolver it was also stated in Court that I
shot Jonegan for revenge, but Mc Intyre's Evidence
will show neither me or my companions there
who it was at the time but stands to reason if I
did intend to abduct him I should have done so
and never have called upon him to Surrender
Any man who calls on Police or armed men to
bail up and Surrender does not intend to take
life or he would not have attempted to give them
warning, as it would be utter stupidity if I
intended to commit murder to call upon them
to Surrender, both for Kennedy & Scallan's death
Mc Intyre is the man most accountable
because he told them a falsehood when he said
they were surrounded and thereupon placing

them in a wrong Position which can be seen by
referring to the Photo. of the Place, and the
positions of the men also not telling them who
they were surrounded by but as they were not
surrounded what he should have ~~said~~ ^{said} was to him
Sargeant was dont more you are covered by
Red Kelly and then other men. and if you
attempt to fight you will be shot. but if you
surrender your arms you wont be shot then the
men would have known their exact position
it is as Judge Barry said and as put to the arms
the Police but then I wish to show the difference
between disarming them & with the full intention
of murdering them even to take the Police
evidence all through & the two years career of
me & my companions will show that we were
anything but bloodthirsty and lethargic in the
whole of our career we never ill used or maltreated
man woman or child and always
restrained from doing a cowardly act. The next
thing is wish to mention is the Crown Prosecution
tries to point out my bloodthirstiness in wearing
steel armour but this is quite the contrary
for without armour I could never have possibly
have Robbed a guarded Bank & disarmed
Police without taking life but with armour
I had no occasion for taking life. and I
can solemnly swear now before God and Man
that it never was my intention to take life
And even at Glenrowan I was determined
to Capture Superintendent Hume O'Connor & the
Black's for the purpose of exchange of prisoners
and while I had them as hostages I would be
safe no Police would follow me.

and in lieu of taking them I thought it
might be as well to leave them surrounding
their Police Barracks at Glenowran, and get
possession of their Train and Horses without
an Encounter, and get a civilian to Claim the
Reward. So when the Police obtained their Horses
they would have no inducement to follow me
as the Reward would have been obtained, so
they would not interfere with me until such
times as there was another Reward issued, and
if they did not give the Reward to the man that
Claimed it no person would inform on me again,
I know now it is useless trespassing on your
valuable time. because the expenses the Government
have been put too which was not my fault they
will only be satisfied with my life, although
I have been found guilty and Condemned
to death on a charge of all men in the World
I should be the last one to be guilty of. There is
one wish in Conclusion I would like you to
grant me, that is the release of my Mother
before my execution as detaining her in prison
could not make any difference to the Government
now. for the day will come when all men will be
judged by their mercy and deeds and also
if you would grant permission for my
friends to have my body that they might
bury it in Consecrated ground.

Witness William Buck Harder

Edward Kelly
March

Her Majesty's Gaol.

Melbourne. Nov. 10/1880.

The Honourable Chief Secretary.

Sir

I wish to ask permission for an interview with Mr. Wm Gannons. I should be much obliged if you would ~~grant~~ an order to that effect.

Yr oblige

Edmund Kelly.

Witness. William Burke Traders

Forwarded to the Sheriff

Magistrate

Gov. of Gaol

10. 11. 80.

Forwarded to the Hon^{ble} the Chief Secretary

Not Made

10. 11. 80

Sheriff

Forwarded to the Sheriff

Mastéau

Port of Gavel
10. 11. 80

Forwarded to the Hon^{ble} the Chief Secretary

Not Made

10. 11. 80 Sheriff

49

9573

NED KELLY

capital base

1880