

28.

Two saddles taken from
Red. Kelly handed over
to Mrs Skillion

1957

Police Department,

CHIEF COMMISSIONER'S OFFICE,

Melbourne,

2. 10. 80
24th Sept. 1880

Memo.

N
9020

Referred to
Sup. Lashier for report
Reply wanted here early on Monday.
C. H. Nicholson

Acting
C. H. P.

Referred to
Lashier
28/9/80

Sup. Lashier,
Amelia

28/9/80

Is there a saddle of this description among
those found by the police at Glenora?

Let Whelan

2575/80

M. J. P.
C. H. P.

For the information of the acting C. C. P. M.

M. J. P.
2575/80

C. H. P.

The two Saddles described are
here one of them has no stirrup
leathers or girths on it.

The Superintendent
of Police

J. Whelan

Copy

5438
Regina V. Edward Kelly
murder

Report for

His Excellency the Governor of Victoria

Sir.

I have the honor to report
for the information of your
Excellency and the Executive
Council that the Prisoner was
tried before me on Thursday
and Friday in this week for
the Wilful murder of Thomas
Lorigan a constable at the Wombat
Pranger Creek on Saturday the
26th of October

He was found guilty and
sentenced to death

The History of the Prisoner
during the last two years and
the

52438 52433
the numerous criminal acts
with which he admitted on
several occasions to different
people he was connected are
sufficiently well known to
render it unnecessary for me
to say more than that the case
was amply proved and that
I see no reason whatever to
recommend that the sentence
should not be carried into
execution

My notes of the evidence will
be forwarded without delay

I have the honor to be
Your Excellency's most Obedient Servant

J^d Edmund Barry,

Senior puisne Judge of the Colony of Victoria
Supreme Court Oct 30th 1880

Thursday October 28th 1880

Regina v Edward Kelly

murder of Thomas Lonigan

For Crown Mr. Smythe & Mr. Chomley

For Prisoner Mr. Birden

Michael

Edward

Detective Melbourne.

Warrant to arrest Edward

Kelly of Greta for Horse

stealing produced signed

by Mr. Mc Leary J. P. for

Hotham Bailiwick - Prisoner

is the man charged with

Horse stealing.

Warrant to apprehend

Daniel Kelly at Greta

Produced 5 April 1878

signed by C. L. Dawall J. P.
Northern Bailiwick for
Horse-stealing. Daniel is
brother of the Prisoner.

I knew him he met his
death by burning on 28th
June 1880 at Glenrowan
same morning as the prisoner
was arrested

X X²

This is the first time I've
given evidence in this case
1878 to 28th June 1880
since 9th of September, I've
been employed in pursuit -
of the Kelly Gang in the
North Eastern District -
chiefly in the Ranges

Patrick
Day.

Constable at Benalla

Warrant to apprehend

Edward Kelly produced

16. Apr. 1878 signed Francis

Donnelly J.P. by virtue of his

office produced.

Wounding with intent to

murder Edward FitzPatrick

at Greta

Warrant to apprehend Daniel

Kelly accessory to Edward.

Kelly when latter did

wound Edward FitzPatrick

then a Constable. Daniel

Kelly brother to Prisoner

Warrant signed - Mc Donnell



X.

I do not know why Fitz Patrick left the Police he was not stationed at Berralla when he left.

Thomas
Mc Intyre

} Constable stationed at Maw-
field left on ^{Friday} 25th of October
with Sergeant Kennedy who
~~was~~ was in command of
a party consisting of Michael
Scanlon - Thomas Lorigan
and Thomas Mc Intyre
(myself) . to search for
Edward Kelly the Prisoner
Daniel Kelly his brother
on a charge of attempting

to murder Constable Fitz Patrick.
It was notified in Police
Gazette. ~~for 466~~, that warrants
had issued for their arrest
we were in plain clothes
we got about 20 miles from
Mansfield on the Wombat
Ranges 2 P.M.: camped there
had a tent in a
small cleared spot of 1
or 2 acres in the middle
of a thick forest, 2 or 3 trees
had been felled, dead
logs were lying on the
ground. Photograph of the
place produced we remained
there that night.

On Saturday the 26th before
6 A.M. after breakfast - Sergeant
Kennedy and Constable Scanlon
each with a revolver and
the sergeant with a Spencer
rifle went on horseback to
patrol the country, I and
Lorigan remained in camp
we had three horses left
our own 2 and a pack horse
they were hobbled. Lorigan
and I had each a re-
volver also a double barreled
fowling piece. During the
day I was cooking, Lorigan
looked after the horses - about
noon he drew my attention to

a noise down the creek
I took the fowling piece, went
down the creek saw nothing
the forest is thick with
some scrub I shot 2 parrots
returned to camp reloaded
fowling piece with shot
cartridge at 4 P. M. I asked
Lonigan to assist in building
a fire to guide the men
in coming back the
men had not come back
there are many creeks in
that part of the country -

2 large logs were thrown
across each other 20 yards
from our tent, fire extended

up to them, at 4.50 P.M.
fire was completed and burning
I was standing close to the
junction of the 2 logs

Lorigan at the opposite side
of the fire and a log between
him and me about 3 yards
distant - I was unarmed
my revolver was hanging
on the ridge pole of the tent -
outside
the fowling piece being in
the tent. Lorigan had his
revolver in his belt under
his coat not seen - I had
my coat on - tall spear
grass on South side of the
fire 5 feet high 35 yards

off. my back was to the
spear grass - I was standing
with my face to the fire
I heard voices, more than ^{one} ~~one~~
cry "Baile up hold up your
hands voice ^{was} from the spear
grass. I turned suddenly round
saw 4 men standing each
armed with a gun presented
at Tonigan and me -
Prisoner ^{was on the} ~~was~~ ^{right}
and on my left
of attacking party, ~~inside~~
they were
~~was~~ partly concealed by the
spear grass Prisoner's gun was
in fair line for my chest
I threw my hands out
hugi horizontally - (shows how)

Louigan was on my left
behind - Prisoner moved
his rifle from direction of
my chest to his right in
direction of Louigan & fired
it - I saw by a glance
shot had taken effect on
Louigan for he fell - on
falling he said nothing
for 6 or 8 seconds afterwards
on the ground he said
Oh. Christ I'm shot - that
was the only shot fired at
that time all 4 advanced
on me at a run crying
keep your hands up. Prisoner
threw his gun into his left hand

drew a revolver from under
his coat at his back and
pointed it at me the other
3 kept their guns pointed
at me and came to within
3 yards of me, Prisoner
covered my chest with his
revolver the other 3 with their
guns - Prisoner said "have
you any fire arms" - I said
"I have not - Pris "Where's
your Revolver" - I "at the tent"
Pris "keep him covered lads"
they did, he searched he put
his revolver into its case passed
his hands under my coat
down my trousers, found no

arms - I heard Lonigan
breathing heavily then, in
a short time he ceased to
breathe - Prisoner jumped
across the log went in the
direction where Lonigan's
body was lying I was still
covered; (he (Lonigan) had run
some 5 or 6 yards and struggled
on the ground) in a few
seconds Prisoner came back
with Lonigan's Revolver and
said "Dear Dear what a
pity that man tried to get
away - Dan Kelly said "he
was a plucky fellow you
saw how he tried to get his

revolver - Prisoner went to the
tent the 3 others remained
with me, lowered their fire-
arms Prisoner took the
revolver and fowling piece
from the tent and came
back said nothing to his
^{let him go}
mates, the 4 went towards
the tent went in - Dan
came out and over to me
with a pair of handcuffs.
said to the Prisoner well
put these on the B -

Prisoner came on behind
him - I said what's the use
^{your}
of putting these on me, how
can I get away and you all

armed as you are. Prisoner
said all right don't put them
on" and turning to me "Don't
try to get away; if you do
I'll shoot you if I have to
follow you to the Police
Station - Tapping his gun
he said this is something
better than handcuffs

Pris said where are the others - I said they are out.
Dan said the B- would soon
put ~~them~~ ^{the handcuffs} on us if they had
us - they went then to the
tent to the other 2, I was
left standing in the same
position they called me over
Prisoner had in his hand
the gun with which he had

shot Louigan - he was sitting
down he said - this is a
curious old gun for a man
to carry about the Country"
I said "It's perhaps better
than it looks." Prisoner said
"You might say that I'll
back it against any gun
in the country - I'll shoot a
Kangaroo at 100 yards with
it

It was a short gun it was a
~~short gun~~ the barrel and
stock were held together with
string - he loaded his own
gun with 1 ball took the
fowling piece drew cartridges

picked out and threw the
shot away - loaded each
barrel with bullet gave
it to Burns - I saw his
body dead 28th 9th June at
Glenrowan - I never had
seen the 2 Kellys before, but
had recognized them by
description family likenesses
to mother and sisters and
Photographs - Prisoner nodding
in direction where Lonigan
body was lying asked who
he was - I said "that's Lonigan"
Prisoner said "no that's not
him I know him well -
there - O yes that's Lonigan"

I'm glad of that for the
B gave me a hiding one day
in Benalla - the 4th man
was Hart.

I knew Lorigan had assisted
to arrest the Prisoner a few
days before in Benalla -
Dan said We'll lock no
more poor B's up -

I had tea ready at the
fire - Burns said to me
will you have a drink of tea
went to fire poured me out
a pannikin of tea - Prisoner
said is there any prison about
here - I said no and drank
the tea they then drank also

the 3 others not the Prisoner
had bread and ham - they
asked for tobacco I gave them
some, they smoked - Prisoner
gave my fowling piece to
Burns and said "take that"
he had two he said "one of
these is for you if you
don't obey me" to the others
he said take your places
boys lads. 2. Burns and
Dan went into the spear
grass, Hart into the tent Prisoner
to the fire I remained
standing by in my position.
Prisoner called me to the
fire - I went - he was

knelling on one knee -
Prisoner said who showed
you this place I said
no person its well known
to all the people about
Mansfield (When stooping
behind the log Pris could
not be seen from the other
side - I was at the other
side from him his head
was above the log).

Prisoner said How did
you come here - I said
we crossed Hollands Creek
and found the blazed line
Pris said "Who are you at
all or what brought you here

I said "You know very well
who we are. Prisoner What
brought you here I suppose
you came after me - I said
no I don't know we did
come after you. Pris well I
suppose you came after Red
Kelly - I said yes we came
after him. Pris Yes and
you Bs came to shoot me
I suppose - I said "no we
did not come to shoot you
we came to apprehend you
Prisoner then why did you
bring so many ^{fire} arms and so
much ammunition - I said
we only brought the fowling piece

to shoot kangaroos with.
Prisoner said Who was that
shooting down the Peck today
I said I shooting a parrot
Prisoner that's very strange
did you not know we were
here - I said No we did
not think you were within
10 miles of this place -
Permitting to wards Greta
Prisoner said when do you
expect these men home
I said "I don't know - I
don't think they'll be home
10 night I think they must
have got bushed - Pris said
"In which direction did they go

I pointed ~~in~~ NW in direction
of Benalla - Prisoner said
well that's very strange, perhaps
they'll never come back, there's
a good man down the
creek if they fall in with
him perhaps you'll never
see them again - Prisoner
said "What are the names
and stations of the men
I said. Sergeant Kennedy
of Mansfield, Constable Scanlon
of Benalla - Prisoner "I never
heard of Kennedy I believe
Scanlon is a flash fellow.
I said what do you intend
to do with the men, surely