

you don't intend to shoot
them down in cold blood
for if you do I'd rather be
shot 1,000 times myself than
tell you anything about them
Pis said " Well I like to see
a brave man and you can
depend on me not to shoot
them but you must get them
to surrender I will not
shoot any man who will
hold his hands up and
surrender - I said what are
you going to do with me
are you going to shoot me?
Pis said " No what are
I going to shoot you for

I could have shot you $\frac{1}{2}$
hour ago if I wanted to
when you were sitting on
that log before we came up
at first I thought you were
Flood and it's a good job
for you you are not for if
you had been I'd have
roasted you upon that fire
there are 4 men in the Police
Camp and if ever I lay hands
on them I'll roast them
Flood, Fitz Patrick, Steele & Strong.
he has been blowing about
Greta he'll take me single-
handed - how are these
men armed?" I said "in

the usual way" Prisoner
said "What do you mean by
that, have they got their
revolvers - I said "Yes". This
have not they got a Rifle
I did not reply. Pris' come
mind what you about
tell the truth for if I find
you telling a lie I'll put
a hole in you. I said
yes they have a Rifle -
Prisoner said what sort is
it? a breech loader -
I said "Yes" Prisoner said
Well that looks very like
as if you came out to shoot
me - I said you cannot

blame the man you know
they have their duty to do
and they must come out as
they're ordered - Prisoner "They're
not ordered to go about the
country shooting people
what became of the Sydney
man the man who murdered
Sergeant Wallace - I said
he was shot by the Police
Prisoner said if the Police
shot him they shot the
wrong man - I suppose
some of you B. will shoot
me some day but before
you do I'll make some
of you suffer for it, that

Body FitzPatrick is the cause
of all this for those people
lugged at Beechworth the
other day had no revolvers
in their hands no more
than you have at present -
in fact they were not there
at all these nodding towards
the other three are the men
who were there - I said
you cannot blame us for
what FitzPatrick has done
to you - Prisoner No but I
almost swore after I let
him go I never would let
another go - if I let you go
now you'll have to leave

the Police force.

I said I will my health
has been rather bad I intend
going home, what will you
do with those men if I get
them to surrender - His said
You'd better get them to
surrender for if they get away
we'll shoot you, if they don't
surrender we'll shoot you
but we don't want to shoot
you we only want the horses
and fire arms - will hand-
cuff you all night as we
want to sleep here ourselves
and allow you to depart
on foot in the morning //

During this conversation he was
looking down the Creek -

I made a short step towards
Prisoner to snatch one of the
guns. Hart in the tent said
Look out Red the B will
be a top of you - Prisoner
said You'd better not mate
if you do you'll soon
find your match - You
know there are not 3 men
in the Pol force who can
match me are there any
others out - I said theres
another party of police out
under charge of Sergeant
Steel.

About 5.30 or 6 P.M. the other
men came in sight. Prisoner
and I saw them simultaneously
Prisoner said "What lads
~~here they come~~ I hear them
coming - The men came
from the North on horseback
a 100 yards off. Prisoner
stooped picked up one of
the guns - the Sergeant was
12 yards in advance of Scanlon
Prisoner said to me "you go
and sit down on that log
mind you give no alarm
or I'll put a hole in you
I did so I sat on the log
10 yards off. When the men

came within 30 or 40 yards
I got up and said to the
Sergeant when within 5 or 6
yards "Sergeant you're sur-
rounded you'd better surrender
Prisoner rose at a distance of
10 or 20 yards and said
"Bail up" the sergeant smiled
put his ^{right} hand on his revolver
Prisoner fired from behind
the log - the shot did not
take effect - the 3 others came
out of their hiding place
cried out Bail up, Throw
up your hands" Prisoner
threw down the empty gun
took up the one loaded

Sergeant was on his horse
standing still. Scarcely 12
or 14 yards behind, in the
act of dismounting fell on
his knees on the ground
the rifle was over his shoulder
he tried to get hold of it, missed
his footing, staggered, fell
on his hands and knees
saw him hit under the
right arm all 4 fired about
the same time Prisoner
covered him, he fell on
his back did not move.
I saw a large blood stain
on his coat immediately
after the shot was fired

When the Sergeant saw men
approaching him he threw
himself down on the horses neck
and rolled off on off side.

He was not directly in line
between the 3 men and Scudder.

I caught the Sergeant's
horse attempted to mount
he was restive and moved
away. I succeeded and
got away, 12 or 14 yds back
I saw they were from me
I heard several shots can't
say if after me 6 P. M. dusk.

I made Mansfield next day
I rode about 2 miles was
thru coming to the timber

spent night in the bush
I reported the affair - another
party was organized started
at 6 P.M. reached the same
spot 2 A.M. on Monday
found the bodies of Lorigan
and Scanlon in the same
position as I had left
them pockets were turned
out nothing found -

The Sergeant's body was
found some days after
Just turned all things taken
On Thursday took the bodies
of Lorigan & Scanlon on
Horses to Wombat - thence to
Manofield - The Sergeant

had a gold watch saw it
the night we arrived - he
wound it up in the tent -
I did not see prisoner until
he was captured at Glenravan
Fitz Patrick was a constable
a warrant was out against
Prisoner for an attempt to
murder him - Skellion

Williamson & Prisoner's mother

were tried at Beechworth

~~June 1878~~

28th June 1880 I was there, I went to Glenravan

Monday P.M. I arrived after

arrest saw dead bodies of

Hart Burns & Dan saw

Prisoner in room Railway

Station - Tuesday in Bunalla

Lock up - I went with Senior
Constable Kelly saw him, Constable
Kelly said "Do you know
this man? Prisoner said
~~No~~ it is Flood is it not
I said no you took me to
be Flood last time we met
Prisoner "O yes it's me but
I said "Yes it is Do you
remember the last time we
met." Prisoner "I do." I said
"Did not I tell you on
that occasion I'd rather
be shot myself than tell
you anything about those
2 men if you were going
to shoot them" - Prisoner

Yes he said he'd rather
be shot himself than bring
the other 2 men into it
if they were going to be
shot - I said "When I
turned suddenly round I
saw you - you had my chest
covered - Pris Yes I had"
I "as soon as I held
up my hands you moved
your rifle and shot Lorigan
Prisoner said "Mr Lorigan
got behind some logs and
pointed his revolver at me"
I said "that's only nonsense
did the Sergeant fire many
shots at you - Prisoner "Yes he

fired a lot must have
nearly fired 2 Rounds - I
said I did not see him
firing any - His, "I well he
did then - I said why did
you come near us at all
you knew where we were
and could have easily kept
out of the way - His "You'd
soon have found us out
and if we did not shoot
you you'd have shot us
besides we had bad horses
they were poor, and had
fire-arms, we wanted to make
a rise - I said do you
think I was cowardly?

Prisoner said "No"
at the Magisterial inquiring
I saw bullet wounds in
Lonigan & Scanlon.

XX^a - I went out with the party
under the Sergeant to Shingy
Bark Creek to take Prisoner
and His Brother - I don't
know that I ever saw the
warrants against them.

I can't swear that any of
our party had a warrant.
I had authority of Police
Gazette that they were out.

Fatal wound to Lonigan
in orb of right eye -

I saw the Prisoner fire

a moment or 2 after he
fired I got cool when
he fired at Lonigan I was
not cool. I saw 2 Photos
in possession of the Sergeant
before we started from Mansfield
taken 4 years before, ^{Prisoner} ~~he~~ was
shamed then. We went into
an uninhabited Country where
we did not expect to find
any other Persons but Prisoner
and his fellows with him,
we were on the verge of wild
country no one lived within
it.

The Paper said the
Prisoner Kelly had accused
me of cowardice for that

reason I asked him his
Opinion - It was from $\frac{1}{2}$ minute
to 1 minute of time that the
sergeant came in sight
till I got away I cannot
tell which shot of the volley
first struck Scanlon -
The Sergeant did not draw
his revolver - We had about
30 Rounds of spare ammunition
we took this because we
expected Prisoner would resist
Each trooper carries 12 Rounds
when on duty.

George
Stephens. } ^{live} Groom at Darrybrook ^{at}
In Dec 1878 was at
Faithful Creek -
Younghursts ^{Station} as Groom

in December 1878 & 3 years
before continued 12 months ^{there}
left him end of 1879 of my
own accord went on Detective
Duty at Wangaratta and the
surrounding country - Euroa
is 4 miles from Young husbands
9 Dec 1878 I saw Prisoner
I was sitting at dinner table
at 1 P.M. Prisoner came to
the door and said is
Mr. McCarty in. Fitz Gerald
was at dinner with his wife
and me -

Fitz Gerald said "he is not in
Prisoner wheeled away and
went out the way he came in

out of the Creek out of the gate
I went to the stable John
Carson there I heard some
one talking looked out saw
Prisoner coming with Fitz
who said there are the 2 men
Pris said perhaps you don't
know who I am - I said
Perhaps Ned Kelly - Prisoner
said You're a d-d good
guesser and presented a
revolver at me - I said I
beg your pardon - Prisoner
said "I'm glad you take it in
good part" I want some feed
for my horses - I said "all
right there's plenty here."

Prisoner then held up his
hand 2 men came leading
4 horses - I have not seen
the 2 since; They went round
to open the stable put horses
in a stall - they had a double
barrelled gun buck loader
the other a repeating rifle
each had a revolver case
I said to the Prisoner "How
about shooting the Police
Pris said we were behind
a log I told Dan to cover
Lorigan - I'd cover McDuffie
Immediately we did so Lorigan
made for the logs and
tried to draw his revolver

as he went along he got
down behind the logs and
rested his revolver on the top
log and covered Dan I then
took my rifle off the log
and fired at Lonigan the
Ball grazed his temple -
Lonigan then went down
behind the logs gradually
rose up with his hands up
when his head appeared
above the logs I fired and
shot him through the head

I then sent 2 men back
to our own tent fearing a
surprise there - sent Dan
over to a green rise to
watch for Police coming on

while talking to Mc Intyre
by the fire the man appeared
in the open I had just time
to fall down by the fire - it
was very high scorching my
knees - Mc Intyre then went
over spoke to Kennedy
he smiled I said throw
up your hands - Scanton
seeing his rifle round &
fired at me I then fired
Scanton fell forward on
his horses neck - I still kept
him covered thinking he
was shamming, the horse
moved he rolled off - during
this the Sergeant had

dismounted on off side of his
horse and laid his revolver
across his horses rump and
fired at Dan as he came
running in - The butty
jumped on the Sergeant's
horse and rode away

Sergeant made for a tree
and still fired - from that
to another firing. The reason
was I took up Scarens
Rifle but had to throw
it away I did not know
how to use it - I still
followed the Sergeant, he
stepped out from behind a
tree & fired I thought I