Police

(6)

80/
R 90 50

Date 7 Sept
Regd 11 .

A

S 8081

S. O'Connor. Sub Insp. Police
Queensland

complains of his treatment by police officers during service
in pursuit of Kelly gang and requests inquiry.

J 10/9

(P)

Advise him 30.
July 2nd
Lieut

Police

18
9/13

Roll
10/8/80

A (1)

Papers Recd from Under Le
Standish Requesting apptt
Board 5 July 80

Nicolson ditto. July 24/80

" " June 30/80

Commons " Sept 4/80

" " Aug 12/80

Copies argus July 20/80

Hares Report

Soldiers Do

" ~~~~~~ June 30/80

Commons Statement

R 90.50

The Farm
Flemington
7th Septr 1880

Sir,

I have the honor to apologise for trespassing upon your time and that you will be good enough to peruse the following report—

In March 1879 I arrived in Victoria from Queensland and placed myself and men under Capt. Standish the Commissioner of Police, he had me sworn in as an Officer of the Victorian Force— Capt. Standish then sent me out in full charge of a party of police in quest of the Kelly Outlaws— I requested to be allowed only two Victorian men to accompany my party but the Chief Commissioner would not allow me to proceed with less than six— In one of our expeditions we received most reliable information in connection with the Outlaws which the Chief Commissioner would not allow us to proceed with but instantly ordered our return— About May 1879 the Chief Commissioner began to show a degree of jealousy and dislike towards me— he ordered me to send my men to different localities although knowing my Government had ordered me not to do so— about this period Capt. Standish received some very good information which at the time

time he only communicated to Supt. Hare who sometime after told me that the information was that some men had been seen whom the informer was confident were the Kellys. had gone to a hut, and if police were sent they could be surrounded in the hut I begged of the Chief Commissioner to allow myself and men to accompany the party going out as the Outlaws might get away before the police had time to reach the hut. but Capt. Standish said "no I will endeavour to get the Kellys without your assistance"

Mr Hare who went out in charge of the party returned unsuccessful as a man having met the party on their way to the Hut rode on and warned the outlaws and was ready to receive the police when they arrived Sometime after. This you will see was a certainty thrown away as my men could easily have picked up the Outlaws tracks.

Upon the Lancefield Bank robbery occurring my men and myself proceeded there and were mainly instrumental in having the robbers arrested Sub-Insp^{r} Baber of your force can testify to this. Capt Standish never in any way acknowledged this this Service

A private quarrel occurred between Mr Hare and myself altogether unconnected

(Copy)

Melbourne Club
27th June 80

My dear Sir

I have just received telegraphic information that the Outlaws stuck up the Police party that was watching Mr Byrne's house & shot dan Shermit dead; the Police however appear to have escaped

In the urgent position of affairs could you manage to return to Beechworth with your tracke by the early train tomorrow by a Special train if that c be arranged. If you can ob

to

us in this way, could you ma
to come in at once to see me a
the Club by the Hanoom whe
I send out with this

Yrs faithfully

F. L. Standish

S. Hanoom Esq

R9050

unconnected with official business
in which Capt. Standish who was
not in anyway concerned took part
against me and carried it into
official matters_ he made a series
of communications to the Queensland
Government tending to depreciate
me and to remove the men from my
control and supervision! This was
done without my knowledge and
consequently I had no opportunity
of explanation to my Commissioner
My Government eventually acceded
to a request of Capt. Standish's and
informed him he was at liberty
to have one of my men for permanent
service in Victoria_ Upon this Capt.
Standish had the man taken out of
my party and attached to his police
although he (Capt. Standish) stated re-
quired our services_ For the discour-
teous manner in which this was done
My Government requested our immed-
iate return, and upon this being
conveyed to me I left Benalla for
Essendon on the Morning of the 25th
of June 1880
On the Sunday following 27th June
at 7.30 p.m. I received a note from
Capt. Standish containing an intimation
of Sherrits murder near Beechworth;
Now although I had received but scant
courtesy having had no communication
from the Victorian authorities beyond

Copy attached

the

Q 905

the order to leave Benalla and return to Queensland as soon as convenient; I acceded to the Chief Commissioner request and waited upon him and arranged to leave Essendon at 10 o'c. that evening with my men for Beechworth, We left Essendon at 10.15. p.m. arriving at Benalla about 1. a.m. and at Glenrowan about 3. a.m. —

Insp.r Hare and myself were considering the best course to adopt when Const Bracken rushed down upon the platform and gave us the information that the Outlaws were in Jones Public House. Insp.r Hare & I ran up towards the house, he talking to me, and when a short distance from the front of the place were stopped by a volley of bullets from its verandah — almost simultaneous with the firing Insp.r Hare said "Homor I am wounded; shot in the arm, I must go back." This Insp.r Hare did, not having been five minutes on the field —

It was I who told the men to take cover, also the order to cease firing and to let the women out. Insp.r Hare's statement as to having fired several shots is untrue also his statement of having returned to front, as he never left the Railway platform after he returned there — Again his statement is untrue when ~~he states~~ he states he saw me running up a drain as I did not take

Cover

Cover for fully ten minutes after Mr
Hare disappeared —
I remained at my post (immediately
in the front of the House) under heavy
fire until 10.30. a.m. having held
it for upwards of seven and a half
hours and only left when a superior
officer arrived and took command
The Chief Commissioner arrived at
Glenrowan about 5.30 p.m. after the
whole fight was over and when he
saw me he hardly recognised me
I returned next day to Melbourne but
never received a word of recognition
for the services of my men or myself
until Lord Normanby Officially thank-
ed me through Capt. Standish — In
conclusion I must say Mr Ramsay
the then Chief Secretary subsequently
sent for me and thanked me most cor-
dially on behalf of the Government
and the Colony and that my services
should be rewarded in a most substan-
tial manner: after a little time he
wrote a very complimentary letter
to my Government —

In conclusion I have to point out
as a Queensland Officer of Police, volun-
tarily serving in Victoria assisting in
the search for the Kelly Gang I have
been treated in a most ungentlemanly,
ungenerous and discourteous manner
by the Commissioner of Police throughout
the whole 16 months I was under his
Command

Q 9050

Command, and subsequently by Supt. Hare in his official report of the Glenrowan Episode which contains false and colored statements calculated to make my services slightly esteemed and to injure me seriously in my position as an Officer of Police I submit that my voluntary action in proceeding to Glenrowan on the night of the 27th June after my services had been dispensed with by Capt. Standish, makes the injustice of Mr. Hare's report greater and I again appeal to you to grant me the enquiry for which I have returned from Queensland

I have the honor
to be
Your Obt. Servt.
Stanhope O'Connor
S. Insp.r of Queensland Police

To the—
Hon.ble Graham Berry
Chief Secretary
Melbourne

80
Q 8081

Date 12 Aug

Regd 16.

L. O'Connor. Sub. Insp. Queensland Police

Request inquiry into management of Police Force during
period of his special duty in this Colony

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R 9050

I.

8081

Flemington
12th August 1880

Sir,

I have the honor to request that you will grant me a "Board of inquiry" into the acts and occurrences of the Police Department of Victoria during the time I was on Special duty here as the Officer in charge of the Detachment of Queensland Native Police, aiding in the pursuit of the Kelly outlaws— also into the facts and occurrences concerning the death and capture of the Outlaws at Glenrowan.

I trust you will see your way to grant me this request, as after the report of Supt. Hare published in "Argus" of the 20th July /80— and the evidence of Sen.t Const. Kelly on the Magisterial inquiry at Beechworth published in "Age" of the 11th and 12th August /80 I feel it is due to the Police Department of Queensland, also to myself as an Officer and a gentleman that my conduct and that of my men during the whole of the period referred to may receive the fullest investigation: if it is more convenient

Suppliers

convenient to you that this inquiry be included in that of any board to be appointed to inquire into the Police administration of This Colony, I would be content to allow mine to form part of it.

In conclusion I beg to state that I do not wish to participate in any part or portion of the £8,000 reward, but only require to have the opportunity of placing my conduct and that of my men in the proper light

I have the honor,
to be,
Your Obt. Servt.,
Stanhope O'Connor.
Insp.r Queensland Police.

To the
Hon.ble Graham Berry.
Chief Secretary,
Victoria.

J.8081

"Age" Augst 11th 1880

John Kelly deposed: I am a senior-constable of police stationed at Benalla, and was at the Glenrowan station on the 28th June. About seven o'clock in the morning prisoner came out of the bush. He appeared a tremendous size. He wore an oilskin coat and something like a helmet. Someone called on him to go back, but he still walked on. Several police challenged him, but he took no notice. The police fired, and the prisoner fired at either Constable Phillips or Arthur. He was standing by a tree. One of my shots hit him on the hand, I think. Prisoner then got behind a log. I was about twenty yards away. Steel ran from the hotel side at him. About ten yards away he fell. I had first called out to Bracken, "Come on, and we will rush him," when he fell. I ran up to him with others. I took some of the armor off, and several revolvers were pointed at him. I said to the others, "No one will touch this man." Bracken said something to the same effect. When he saw Bracken, he said to him, "Save me, Bracken; I once saved you." I said, "You did not show poor Scanlan and Kennedy much mercy." He said, "I had to shoot them, or they would have shot me." I said to him, "What have you done with Kennedy's watch?" He said, "I can't tell you." The armor was made out of the mould-boards of a plough. I saw Kelly when he was fighting the police strike his helmet with his revolver, and it rang like a bell. We took him to Benalla. I was in charge of the lock-up from two o'clock on the following morning until seven o'clock at night. At seven o'clock M'Intyre said to me, "I would like to see Kelly." I replied, "All right," and went to the cell in the lock-up, and told Constable Ryan, who was there, to go to the stables. I said to Kelly, "Do you know this man, Ned." He replied, "No; is it Flood?" M'Intyre said, "No; the last time I saw you you took me to be the same man." Prisoner said, "I know you now; you are M'Intyre." M'Intyre said, "I have suffered a great deal over this; is my statement correct?" Prisoner said, "Yes." M'Intyre continued: "Did I not tell you I would sooner be shot than betray my mates?" Prisoner said, "You did." M'Intyre said, "Why did you come near us at all?" He replied, "You would soon have found us, and you would have shot us if you did; our horses were poor; we had no money, and we wanted to make a rise." M'Intyre also remarked, "You had me covered, and then you shot Lonigan as he was running to a log." Kelly said, "Lonigan got behind a log and was pointing his revolver at me when I fired." M'Intyre said, "That is all nonsense; he was not behind a log." About three o'clock that same morning I gave Ned Kelly a drink. I was supposed to visit him. I said, "How about Fitzpatrick? Is his statement correct?" He replied, "Yes; it was I who shot him."

Cross-examined: I have been nineteen years in the force. When I went into the cell in the first instance it was with the ostensible purpose of giving Kelly a drink. Ryan was close to me when I gave Kelly the drink. Kelly was lying upon a bed; his wounds had been dressed by the doctor. It is usual for mounted police to carry their revolvers even if they are in plain clothes. I have read the accounts of the Wombat affair. If I had been on the same business as M'Intyre I would have slept in my clothes, with my revolver by my side. It is quite possible that had I been in M'Intyre's place I would not have had my revolver on. I cannot give an opinion as to whether M'Intyre was to blame or not in failing to carry his revolver. In the thought that he was near the Kellys he ought to have had his revolver on him. I heard that Lonigan had the revolver on him when shot. I arrived at Glenrowan about three o'clock in the morning, Superintendent Hare being in charge of the party. We heard the railway line had been torn up. The special train in which we were stopped at Benalla. I heard Bracken say, "The Kellys are up at Jones's; have the house surrounded; they are all inside." I have read Mr. Hare's statement. I did not disagree with it as being incorrect. I did not hear Bracken mention anything to Mr. Hare about the prisoner in the hotel. The first thing I saw was a volley fired at us from Jones's verandah. It was moonlight. The station was about 70 yards from Jones's. After Mr. Hare was wounded I went to where Mr. O'Connor was in a ditch. The fire was kept up for five minutes continuously. Screams were heard, and Mr. Hare called out, "Cease firing," and then he said to me, "For God's sake, Kelly, surround the house and prevent them escaping." The blacks were more active in their firing than the white men. They were told to stop several times, but they would not be stopped. I told them to stop, as also Gascoigne and two other constables. I did not hear O'Connor speak to them. The reinforcements did not arrive until five o'clock, when Sergeant Steele's party came from Wangaratta. Shortly afterwards a train came from Benalla and Wangaratta. By six o'clock in the morning the hotel was surrounded, and unless the police failed in their duty they were bound to see anyone coming out of the hotel. I fired into the house at the back when I saw the shot coming from there. I had a Martini-Henry carbine. Up to the taking of Ned Kelly I fired into the house about ten shots. The prisoners inside were told to lie down.

Mr. Gaunson: So you fired into the house where there were innocent people.

Mr. Smyth said this line of cross-examination ought to be limited. It had nothing to do with the charge of murdering Lonigan.

Mr. Gaunson said he wished to show the conduct of the police. In Superintendent Sadleir's report, Kelly was charged with murdering Martin Cherry. Such was not the case. It was the police who murdered him.

Mr. Foster ruled that the evidence indicated had nothing to do with the present charge.

Witness: When Ned Kelly was captured I did not pull out a large quantity of his beard. I did have hold of his beard, but I did not pull it. I saw Constable Dwyer kick the prisoner. I heard Constable Bracken say, taking up his gun, that he would shoot any one who touched the prisoner. I remained at Glenrowan until the house was set on fire. I saw the body of Byrne and the charred remains of what were supposed to be Dan Kelly and Stephen Hart. Senior-constable Johnson set the building on fire. I believe that was done by the order of Superintendent Sadleir. I could not say if Edward Kelly was under the influence of drink. Father Gibney was the first man to enter the burning building. I did not see him bring anybody out.

Mr. Chomley objected to this line of evidence being introduced.

Mr. Gaunson said that the Crown had called evidence not at all connected with the case, and with the object of influencing the public mind. For instance, they had called evidence with regard to Kelly putting his revolver in the face of a man at Euroa to show that he was a man capable of shooting Lonigan. Now, he wished to show what the police were capable of.

Mr. Foster held that the evidence which Mr. Gaunson had elicited was irrelevant.

Witness continued: There are no regulations to prevent my speaking to a prisoner in the cell of the lock-up. Kelly was very weak when I spoke to him. I have spoken to Constable M'Intyre with regard to the evidence I intended to give.

Mr. Smyth said this closed the case for the Crown. He asked the bench to commit the prisoner for trial at the sitting of the next Beechworth Assize Court.

Mr. Foster said he considered there was a *prima facie* case against the prisoner.

L8081

Ayr, August 12th 1880

Fredk. Becroft and Senior-constable Kelly were also examined.

In reply to Mr. Gaunson, Senior-constable Kelly said : I cannot tell why Sergeant Steele and Bracken were not called as witnesses. I cannot tell when Cherry was shot. I heard at nine o'clock in the morning that he had been shot.

Mr. Smyth objected that evidence should not be taken as regards the death of Cherry. He did not wish to say that Kelly had murdered Cherry, but there was every reason to believe that he had done so.

Mr. Gaunson said he knew they were not investigating the Cherry murder, but it was possible that at some future time the police would be charged with the murder. Law would not justify their action.

Mr. Smyth said the *Times* in London had stated that the bravery of the Victorian police was beyond all praise.

Witness continued : I hear that the boy Jones was shot at an early hour in the morning, between three and five o'clock. I did not hear the statement that the prisoner had shot Cherry for two or three days. On the morning of the fight at Glenrowan I asked Sub-inspector O'Connor, who was in the train, to come with me to place the men. He did not do so. I expect a portion of the reward. I believe that Sergeant Steele, Bracken and Johnson also expect a portion of the reward.

This closed the case for the Crown.