



One of the units in *Australian HISTORY MYSTERIES* is about Ned Kelly. Was he a hero or a villain? The unit below provides a way of leading students into a consideration of Kelly as a person, by looking at what we can find out about him from different types of evidence. Having done this, you can put Ned on trial for the killings at Stringybark Creek – which is the emphasis in the *Australian HISTORY MYSTERIES* unit.

In class:

- 1 Brainstorm your knowledge and ideas about Ned Kelly.
- 2 Read the background briefing about Kelly, then look at the various representations of him that follow.
- 3 Prepare a short museum display using images and captions that show the Ned Kelly you have discovered from this evidence.

In search of

Ned Kelly

Kelly and Horse
Sidney Nolan (1946)
Nolan Gallery, Lanyon, Canberra



Click on images
to view in
large format

Background Briefing

Ned Kelly was born in Victoria in 1854 or 1855, to a family of poor Irish immigrants – John 'Red' Kelly and Ellen (nee Quinn).

'Red' Kelly died when Ned was about 12, leaving him the oldest male 'breadwinner' in the family.

The Kelly and Quinn families, as well as that of his uncles, the Lloyds, were regularly in trouble with the police.

Ned's first criminal charge, for assault, was in 1869 (when he was about 15), and his first conviction and jailing was in 1870.

In 1878 Constable Fitzpatrick visited the Kelly home to arrest Ned's brother, Dan, on a charge of horse stealing. Fitzpatrick, a notable liar, claimed that Ned had shot him in the wrist during a scuffle after a drink-affected Fitzpatrick had molested Ned's 14 year old sister, Kate. An arrest warrant was issued for Ned, and he fled to the bush with Dan, Steve Hart and Joe Byrne. Ned blamed all that followed on Fitzpatrick.

Later that year a party of police searching for Ned was ambushed by the Kelly gang at Stringybark Creek, and three of the four police were killed during a shoot-out. Ned later claimed that he had called on them to surrender, but, aware that the police had boasted that they would not bring him back alive, he shot them in self-defence.

During the next two years the gang robbed the banks at Jerilderie and Euroa, and tried to wreck a police train at Glenrowan. A local schoolteacher warned the train driver of the danger, and the police surrounded the hotel where the gang was waiting. Eventually, three of the gang members were killed (two of them apparently killed each other), and Ned was seriously wounded and captured.

He was tried for the murder of one of the policemen at Stringybark Creek, found guilty, and hanged on 11 November 1880.

Based on Graeme Davison et. al. (eds) 2001, *The Oxford Companion to Australian History*, Revised Edition, Oxford University Press, Melbourne, pp. 365-6.

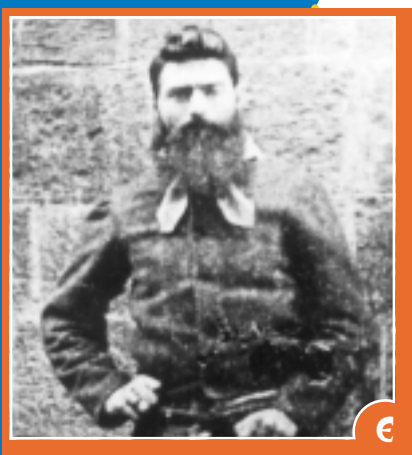
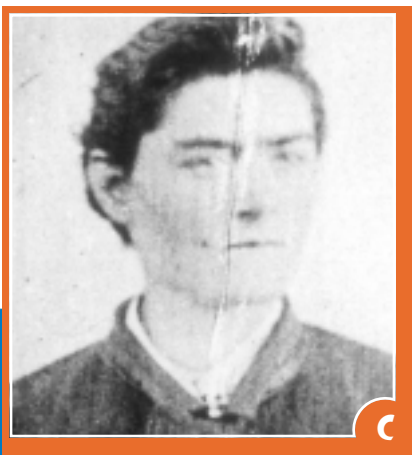
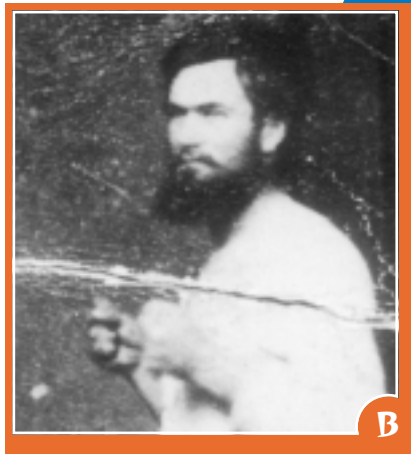
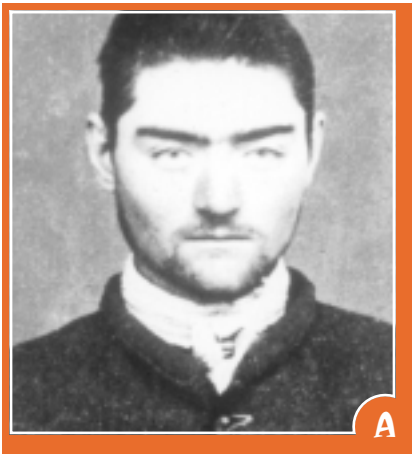
This brief outline does not tell us what sort of man Ned was, nor why he has been remembered to this day. To try and find out more about Ned Kelly, let's look at the sort of information and evidence that might be held in museums and libraries today.

In search of Ned Kelly through...

Historical photos



Here are a number of historical photographs of Ned Kelly.



A Public Records Office, Victoria B Courtesy I. Jones, in Keith McMenomy, *Ned Kelly*, Hardie Grant Books, 2001
C Public Records Office, Victoria D Reproduced with permission of the Lloyd family, in Keith McMenomy, *Ned Kelly*, Hardie Grant Books, 2001 E Courtesy I. Jones, in Keith McMenomy, *Ned Kelly*, Hardie Grant Books, 2001
F La Trobe Pictorial Collection, State Library of Victoria

1 Put these photographs into what you think is the correct chronological order. (You can check your answer later by looking at page 46.)

2 In a group, have each member select a different photograph. Describe the qualities or characteristics that you see there. Compare your descriptions. What do you think are the strengths and weaknesses of this type of character description from photographs?

3 At least one of the photographs has been 'touched up'. Suggest why. (You can check your answer on page 46.)

4 It is common now for images to be digitally altered. What problems does this create for people studying the past?

5 a If you were selecting one of these photographs to illustrate a book suggesting that Ned was a villain – which one would you choose?

b If the book were one praising Ned – which one would you choose?

c If the book were one adopting a neutral point of view – which one would you choose?

6 One of these photographs has recently been discovered not to show Ned Kelly. See if you can decide which. Give your reasons. (You can check your answer later by looking at page 46.)

7 If you ONLY had these photographs as evidence of the life and character of Ned Kelly, what could you say about him?

His own words



A main source of knowledge of Ned Kelly is through his own words. The most famous of Kelly's writings is the Jerilderie Letter, left with a printer after the Kelly gang robbed a bank in Jerilderie in 1878. In fact the Jerilderie letter was not written by Kelly, but was dictated by him to Joe Byrne. However, all Kelly experts agree that this letter clearly gives us Ned's 'voice'.

Let's look at some extracts from that letter, and see what we can learn about Ned Kelly from them.

Extract 1

This extract gives Kelly's version of an incident for which he was convicted of a crime – sending a bull's testicles to a woman, implying that her husband was not 'manly' and needed them. A horse belonging to the McCormacks had wandered away. A hawker, Gould, found the horse, and had his boy take it back. The McCormacks accused Gould of having 'borrowed' the horse to pull their wagon out of a bog. Ned Kelly spoke up in support of Gould. This extract from the Jerilderie letter (which is virtually unpunctuated) gives Kelly's version of what happened next.

I pleaded Goulds innocence and Mrs McCormack turned on me and accused me of bringing the horse from Greta to Goolds waggon to pull him out of the bog I did not say much to the woman as my Mother was present but that same day me and my uncle was cutting calves Gould wrapped up a note and a pair of the calves testicles and gave them to me to give them to Mrs McCormack. I did not see her and I gave the parcel to a boy to give to her when she would come instead of giving it to her he gave it to her husband consequently McCormack said he would summons me I told him neither me or Gould used their horse. he said I was a liar & he could welt me or any of my breed I was about 14 years of age but accepted the challenge and dismounting when Mrs McCormack struck my horse in the flank with a bullock's shin it jumped forward and my fist came in collision with McCormack's nose and caused him to loose his equilibrium and fall postrate ... I was sentenced to three months for hitting him and three months for the parcel and bound to keep the peace for 12 months.

- 1 Would you say this was a boyish prank, or something more serious?
- 2 What qualities or characteristics (both positive and negative) does Ned Kelly show in this incident?

Extract 2

Kelly always blamed Constable Fitzpatrick for the sequence of events that led to his being declared an outlaw. In the Jerilderie letter Kelly described how he had heard that the police harassed his family after the Fitzpatrick incident.

I ... heard how the Police used to be blowing that they would not ask me to stand they would shoot me first and then cry surrender and how they used to rush into the house upset all the milk dishes break tins of eggs empty the flour out of the bags on to the ground and even the meat out of the cask and destroy all the provisions and shove the girls in front of them into the rooms like dogs so as if anyone was there they would shoot the girls first but they knew well I was not there or I would have scattered their blood and brains like rain I would manure the Eleven mile with their bloated carcasses and yet remember there is not one drop of murderous blood in my Veins ... But if I hear any more of it I will not exactly show them what cold blooded murder is but wholesale and retail slaughter something different to shooting three troopers in self defence and robbing a bank.

- 3 What qualities or characteristics (both positive and negative) does Ned Kelly show in this part of the Jerilderie letter?
- 4 A writer, Alex McDermott, has recently criticised Peter Carey's portrayal of Ned Kelly in the award-winning novel *True History of the Kelly Gang*. McDermott argues that Carey's picture of Kelly – 'a man in full: devoted son, loving husband, fretful father, and loyal friend' (interview www.randomhouse.com/knopf/authors/carey) – is far too gentle and mild. He says that in Carey's portrait 'the marvellous self-publicising beast who chilled 19th-century sensibilities has been deprived of tooth and claw' (*Eureka Street*, January-February 2001.) Do you think this extract shows Kelly with 'tooth and claw'? Explain your reasons.

- 5 McDermott argues that the Jerilderie letter shows Kelly's brutal nature; a Kelly expert, Ian Jones, says it is just 'intimidation' by Kelly. Suggest how you might decide whether Kelly's words were evidence of his brutality, or just intimidation.

Extract 3

Here Kelly describes the killing of one of the three police at Stringybark Creek, Sergeant Kennedy.



I told McIntyre to tell them to give up their arms, he spoke to Kennedy who was some distance in front of Scanlan he reached for his revolver and jumped off, on the off side of his horse and got behind a tree when I called on them to throw up their arms and Scanlan who carried the rifle slewed his horse around to gallop away but the horse would not go and as quick as thought fired at me with the rifle without unslinging it and was in the act of firing again when I had to shoot him and he fell from his horse. I could have shot them without speaking but their lives was no good to me. McIntyre jumped on Kennedys horse and I allowed him to go as I did not like to shoot him after he surrendered or I would have shot him as he was between me and Kennedy therefore I could not shoot Kennedy without shooting him first. Kennedy kept firing from behind the tree my brother Dan advanced and Kennedy ran I followed him he stopped behind another tree and fired again. I shot him in the arm pit and he dropped his revolver and ran I fired again with the gun as he slewed around to surrender I did not know he had dropped his revolver. The bullet passed through the right side of his chest & he could not live or I would have let him go had they been my own brother I could not help shooting there or else let them shoot me which they would have done had their bullets been directed as they intended them. But as for handcuffing Kennedy to a tree or cutting his ear off or brutally treating any of them, is a falsehood, if Kennedys ear was cut off it was not done by me and none of my mates was near him after he was shot I put his cloak over him and left him as well as I could and were they my own brothers I could not have been more sorry for them this cannot be called wilful murder for I was compelled to shoot them, or lie down and let them shoot me.

- 6 Why, according to Kelly, did he shoot Kennedy?
- 7 At what point in this incident did Kelly kill Kennedy?
- 8 If you ONLY had the Jerilderie letter as evidence of the life and character of Ned Kelly, what could you say about him?

Extra Information

Kelly later talked about the killing to various people, who recorded these aspects of the event:

- Kennedy was still alive when Kelly reached him.
- Kennedy spoke of his home, his family (a wife and five children, including a young baby), and the 11-month old son he had recently buried in Mansfield cemetery.
- Kelly was touched, and offered Kennedy his gun, inviting him to shoot him.
- Kennedy said he forgave Kelly.
- Kennedy wrote a note, and asked Kelly to deliver it to his wife.
- Kelly promised he would.
- Kelly, seeing Kennedy was dying and in great pain, went to shoot him.
- Kennedy begged him to let him live.
- Kelly shot him in the heart.
- The gang then turned out Kennedy's pockets, and took a gold watch from the body.
- Kelly never delivered the note, and denied taking the gold watch – though it was found on Joe Byrne's body after Glenrowan. Byrne also took rings from Lonigan and Scanlan, and wore them until his own death at Glenrowan.

Based on Ian Jones 1995, *Ned Kelly: A Short Life*, Lothian, Melbourne and Keith McMenomy, 2001, *Ned Kelly*, Hardie Grant Books, Melbourne.

- 9 Does any of this additional information change your judgement about Kelly? Explain your reasons.
- 10 Look at the Jerilderie letter. You can find it at www.nma.gov.au/explore/features/ned-kelly-jerilderie-letter. Have half the class select incidents other than those quoted above that might reflect badly on Kelly; and the other half select elements that might show Ned Kelly in a good light. Discuss your selections.
- 11 The Jerilderie Letter shows how we must be careful in accepting how people use evidence. List some questions that you would need to ask before accepting what somebody using the Jerilderie letter as evidence said about Kelly. For example, one question might be: Is the person selectively quoting from the letter?

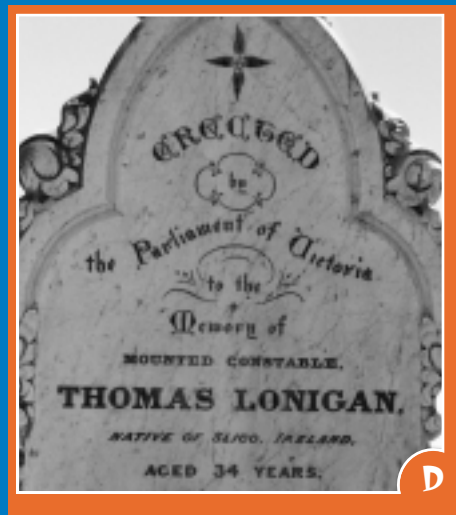
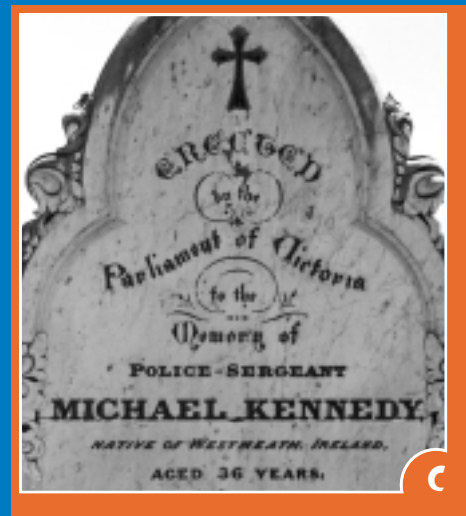
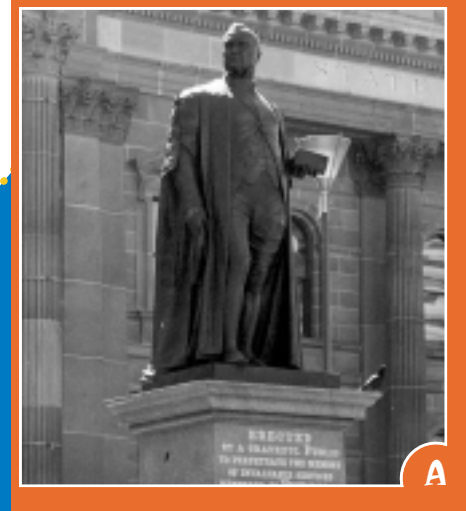
His victims



Little is heard of the families of the policemen who were shot by Kelly at Stringybark, and although there were public subscriptions and expressions of sympathy at the time, we hear far more sympathy expressed for Kelly and his gang. Who were the real victims of the battle: those whose duty it was to preserve law and order, or those who defied the law of the land and had been outlawed for their efforts?

There is a statue in Melbourne commemorating the civic contribution of Judge Redmond Barry (A) the man who sentenced Kelly to death. In Mansfield there are three headstones in a cemetery (B–D) and a monument in the main street (E) to the police killed at Stringybark Creek (three of whom were based at Mansfield). They give us some hint of the feelings of the victims towards Ned Kelly.

- 1 What is the message of the Mansfield memorial and the headstones?
- 2 Why do you think the messages are so similar?
- 3 Each of the policemen who was killed had a wife and children. Why do you think they were not mentioned on the headstones?
- 4 How useful are these memorials and headstones as evidence of the likely attitude of the victims towards Kelly? Discuss your ideas.



In search of Ned Kelly through...

Other images of him



The way that different people have represented Ned Kelly over time can be very useful in helping us consider who he was. Here are some of those representations. Read Source A and answer questions 1–3.

- 1 What is the image of the Kelly gang that it promotes?
- 2 How does it achieve that?
- 3 Would you say that it was probably a contemporary ballad (that is, made up and sung at the time the Kelly gang was active), or one made up during a later period? Explain your reasons.

A A ballad: Kellys Byrne and Hart

(Sung to the tune 'The Wearing of the Green')

It was in November, seventy-eight, when the Kelly Gang came down
Just after shooting Kennedy in famed Euroa town
Blood horses they were all upon, revolvers in their hand
They took the township by surprise, and gold was their demand

Ned Kelly walked into the bank, a cheque all in his hand
For to have it changed for money, now of Scott he did demand
And when that he refused him, he looking at him straight
Said, "See here, my name's Ned Kelly, and this here man's my mate"

They rode into Jerilderie town at twelve o'clock at night
Aroused the troopers from their beds and gave them an awful fright
They took them in their nightshirts, ashamed I am to tell
They covered them with revolvers and locked them in a cell

They next acquainted the women-folk that they were going to stay
And take possession of the camp until the following day
They fed their horses in the stalls, without the slightest fear
Then went to rest their weary limbs till daylight did appear

Next morning being Sunday morn, of course they must be good
They dressed themselves in troopers' clothes, and Ned he chopped some wood
Now no-one there suspected them, as troopers they did pass
And Dan, the most religious, took the troopers wife to Mass

They spent the day most pleasantly, had plenty of good cheer
With fried beef steak and onions, tomato sauce and beer
The ladies in attendance indulged in pleasant talk
And just to ease the troopers' minds, they took them for a walk

It was when they robbed Euroa bank you said they'd be run down
But now they've robbed another one that's in Jerilderie town
That's in Jerilderie town, my boys, and we're here to take their part
And shout again "Long may they reign - the Kellys, Byrne and Hart"

As high above the mountains so beautiful and grand
Our young Australian heroes in bold defiance stand
In bold defiance stand, my boys, the heroes of today
So let us stand together boys, and shout again, "Hurray"

B Now look at Source B and answer question 4. Four contemporary drawings



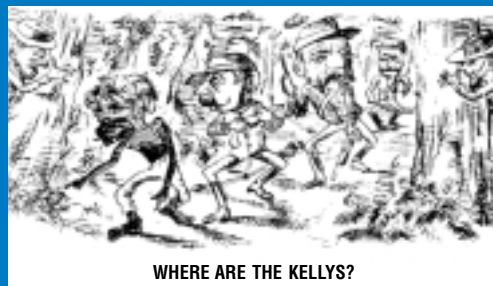
Melbourne Punch 1880



Illustrated Australian News 28 August 1880



Illustrated Sydney News July 1880



Frearson's Weekly 9 August 1879

- 4 Select one of these drawings, and decide:
 - a What the main message is
 - b How the artist gets this message across
 - c Whether it is likely to be an effective image.

Some evaluations of the Kellys

[Kelly] belongs to the true Australia ... the Australian that sweats and suffers and fights, the Australian that, however bewildered, however betrayed, is, we like to think, still as game as Ned Kelly.
Kelly biographer Clive Turnbull (1942)

The best thing I could say about the [Kellys] was that they undoubtedly had ample courage ... At the same time their crimes were callous and cowardly murders. This contrast is a characteristic of the predestined habitual criminal.
Victorian Supreme Court Justice Dunphy (1968)

I suspect that behind the name of evil given these young men was a certain worth little understood then or now, which, in a perverse way, put the seal of manhood on our young Australian nation.
Kelly biographer Max Brown (1956)

The Kellys, in spite of a few successful enterprises, were as poor and unheroic as any of their kind.
Inspector Sadleir, involved in trying to capture Kelly (1913)

[The] Australian legend, fashioned and sustained by the people, favours as its national hero, a bearded, braggart, brawling Irishman; horse-thief, bank-robber, bush-ranger and murderer; the loud-mouthed, law-breaking, swaggering son of an Irish convict, Ned Kelly – who spent most of his life being warned, hunted or jailed by the Law, and ended up twitching for four minutes from the end of the hangman's rope in Old Melbourne Jail.
Educator Colin Cave (1968)

That he had a commanding presence, a tough physique, a handsome appearance, an ability to capture an audience, and a certain charm with the ladies, cannot be denied. Nor can it be denied that he was clever and capable of executing well organized raids against the community. But if we look at his record and examine his activities purely in the light of his inability to live within the law, we find that he also has most of the attributes of a cunning, scheming, vicious criminal equal to the worst of his kind today.
Police Sergeant K. Holden (1968)

A lop-sided, pro-Irish view ... saw these murderers and criminals of the worst type hailed as colonial heroes ... a classic example of this type of thinking was expressed by Professor Manning Clark, who commented that Ned Kelly was an Australian 'hero' who 'had three glorious years of defiance of law and order'. Personally I find it disgusting that a Professor should push this line in our education system.
Weapons historian Edgar F. Penzig (1988)

Considering his environment [Kelly] was a superior man. He possessed great natural ability, and under favourable circumstances would probably have become a leader of men in good society.
Police constable Alexander Fitzpatrick, whose complaint against Kelly made him an outlaw (1911)

A vicious arch-bully with dingo eyes.
Historian M.H. Ellis (1966)

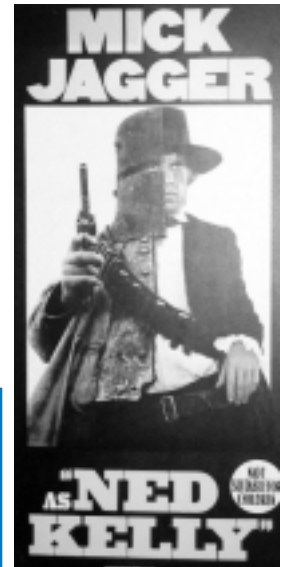
Quotes taken from Wendy Morgan, 1992, *The Example of Ned Kelly*, VATE, Melbourne, p. 1 and Colin Cave, 1988, *Ned Kelly: Man and Myth*, Cassell, Melbourne, passim.

D Ned as icon



Kelly and Horse, Sidney Nolan (1946), Nolan Gallery, Lanyon, Canberra

Film Poster, Mick Jagger as Ned Kelly (1970)



- 5 Sort these into pro- and anti-Kelly statements.
- 6 What elements do the pro-Kelly statements stress?
- 7 What elements do the anti-Kelly statements stress?
- 8 Discuss what image or message each of these representations of Kelly is trying to stress.
- 9 How does each achieve that image or message?
- 10 Mick Jagger, who played Ned Kelly in the 1970 film (Source D), was a slightly-built, effeminate rock singer with the anti-establishment band the Rolling Stones. Why do you think he might have been chosen to play Ned Kelly in the film?
- 11 Is Ned Kelly the best-known, and maybe even the only Australian bushranger known to most people today? You could test this idea by designing and carrying out a survey.
- 12 Why do you think Ned Kelly still excites controversy and interest today? Consider whether it might be to do with:
 - his character
 - his actions
 - his ideas and aspirations
 - his image (especially the helmet and armour)
 - his 'Robin Hood' qualities
 - or some other element.

Discuss your ideas.

CONCLUSION

- 1 Imagine that you have been asked to design a memorial about the Kelly gang for display in the centre of Melbourne. Explain what you would show, and what words you would use to get your ideas across.

You have now looked at Ned Kelly through a variety of evidence in this unit. Perhaps it is time to look at the single most important incident in the Kelly story, the killing of the police at Stringybark Creek.

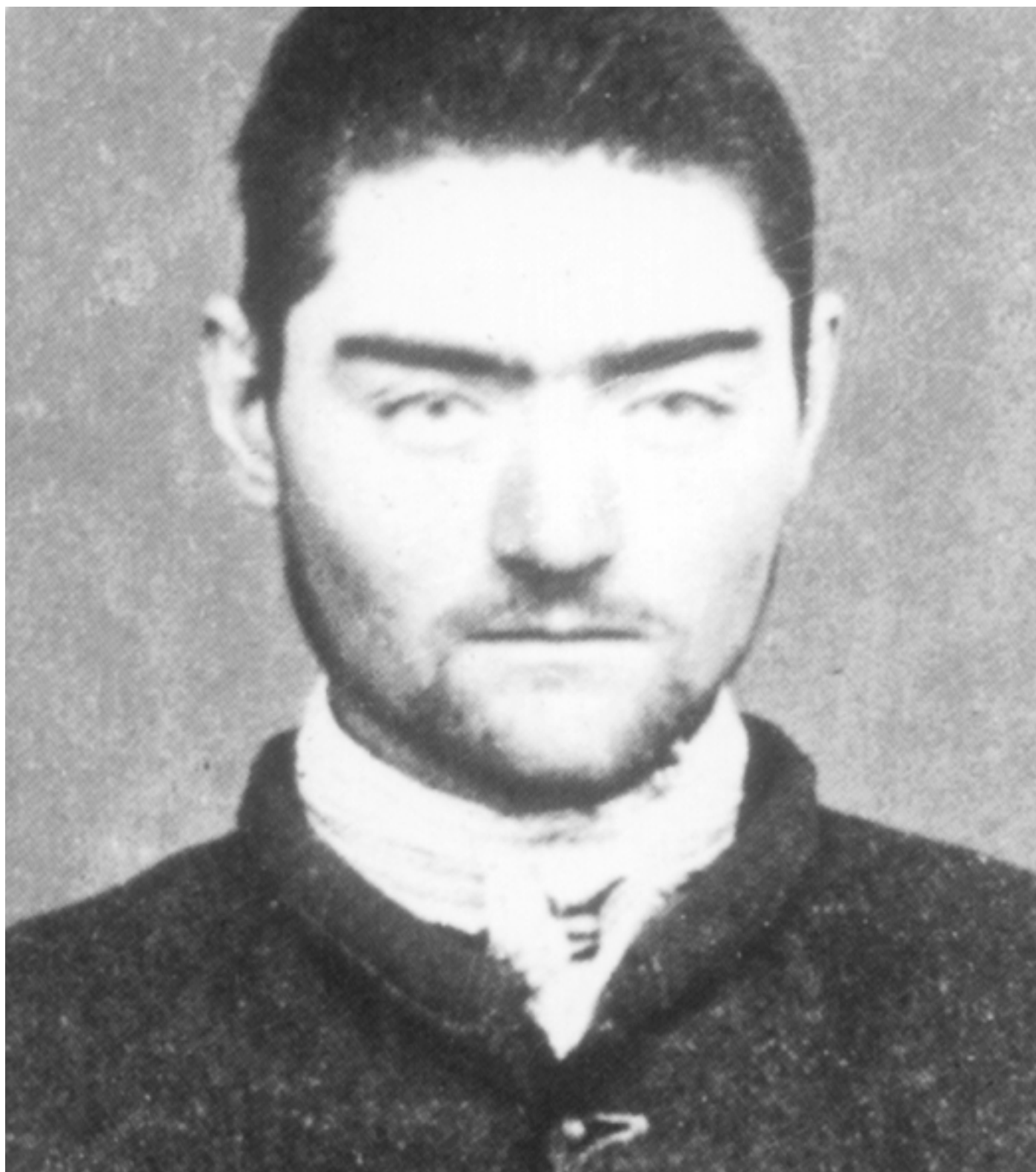
What really happened there? Do Kelly's actions show him as a heroic figure harassed unfairly by police and fighting in self-defence, or as a murderous villain?

Why not put Kelly on trial? Present the evidence of the witnesses for and against him, and come to your own decision. To do this, see the Ned Kelly unit in *Australian HISTORY MYSTERIES*. (See page 39 for details).

The correct chronological order of the photographs of Ned Kelly on page 41 is: C, A/F, B, D, E. Image F is an altered version of photograph A.

The false Ned Kelly photo is D. This was only recently decided when the photograph was auctioned for \$19 000. The key aspects to consider are the ears and the eyebrows.





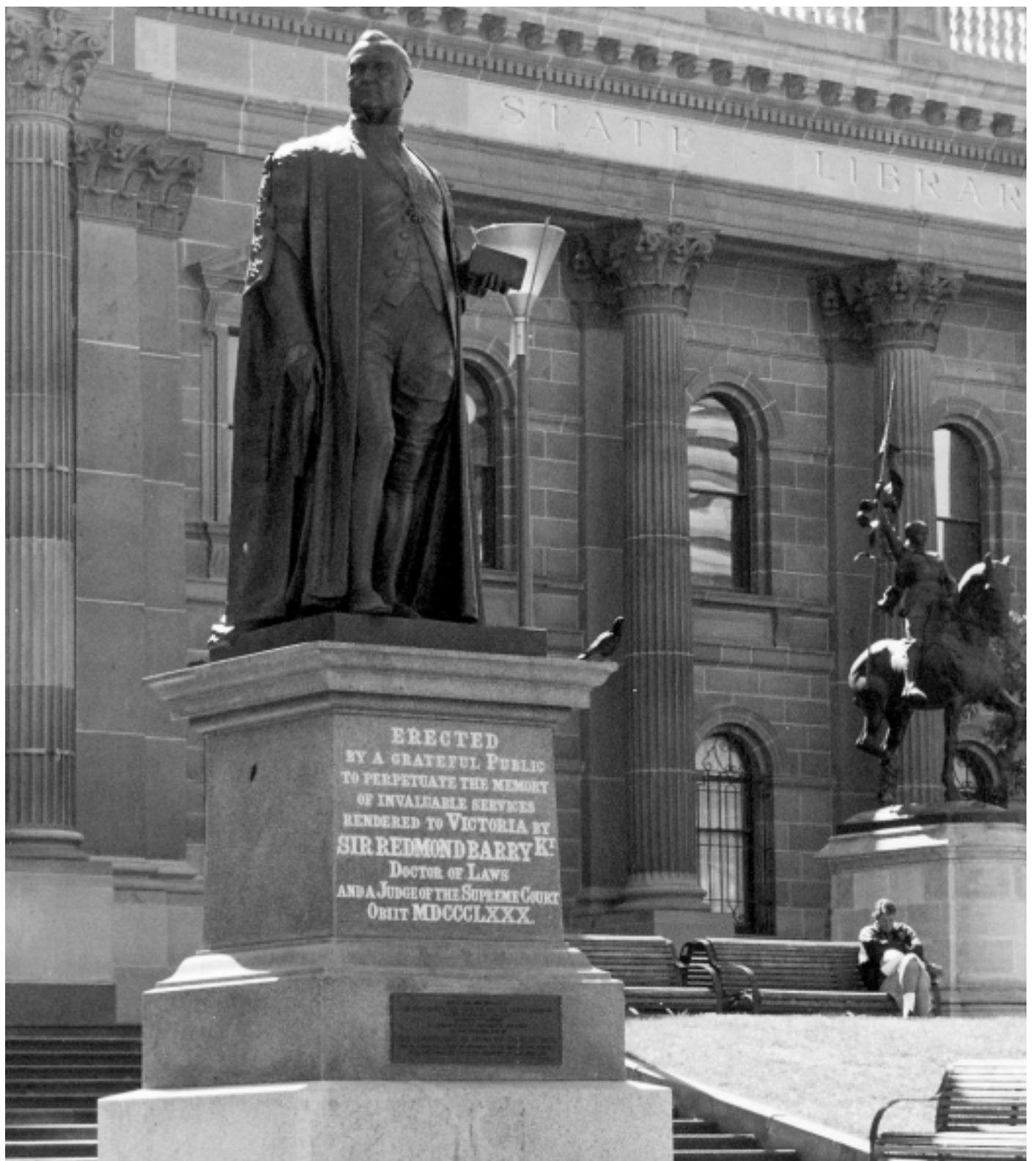














Resolved

the Parliament of Victoria.

to the

Memory of

MOUNTED CONSTABLE

MICHAEL SCANLAN,

NATIVE OF KERRY, IRELAND,

AGED 35 YEARS.

WHO,

IN THE EXECUTION OF DUTY,

WAS MURDERED BY ARMED CRIMINALS,

IN THE WOMBAT RANGES, NEAR MANSFIELD,

ON THE 26TH OCTOBER, 1878.



ERECTED

by the

Parliament of Victoria

to the

Memory of

POLICE-SERGEANT

MICHAEL KENNEDY,

NATIVE OF WESTMEATH, IRELAND,

AGED 36 YEARS.

Who was

CRUELLY MURDERED BY ARMED CRIMINALS,

IN THE WOMBAT RANGES NEAR MANSFIELD

ON THE 26TH OCTOBER, 1878.

HE DIED IN THE SERVICE OF HIS COUNTRY,

OF WHICH HE WAS AN ORNAMENT,

HIGHLY RESPECTED BY ALL GOOD CITIZENS, AND

A TERROR TO EVIL-DOERS.

ERECTED

by

the Parliament of Victoria

to the

Memory of

MOUNTED CONSTABLE,

THOMAS LONIGAN,

NATIVE OF SLIGO, IRELAND,

AGED 34 YEARS,

WHO,

IN THE EXECUTION OF DUTY,

WAS MURDERED BY ARMED CRIMINALS,

IN THE WOMBAT RANGES, NEAR MANSFIELD

ON THE 26TH OCTOBER, 1878.

To the Memory
of the
THREE BRAVE MEN
WHO LOST THEIR LIVES,
WHILE ENDEAVOURING
TO CAPTURE A BAND OF
ARMED CRIMINALS,
IN THE WOMBAT RANGES,
NEAR MANSFIELD,
26TH OCTOBER, 1878.

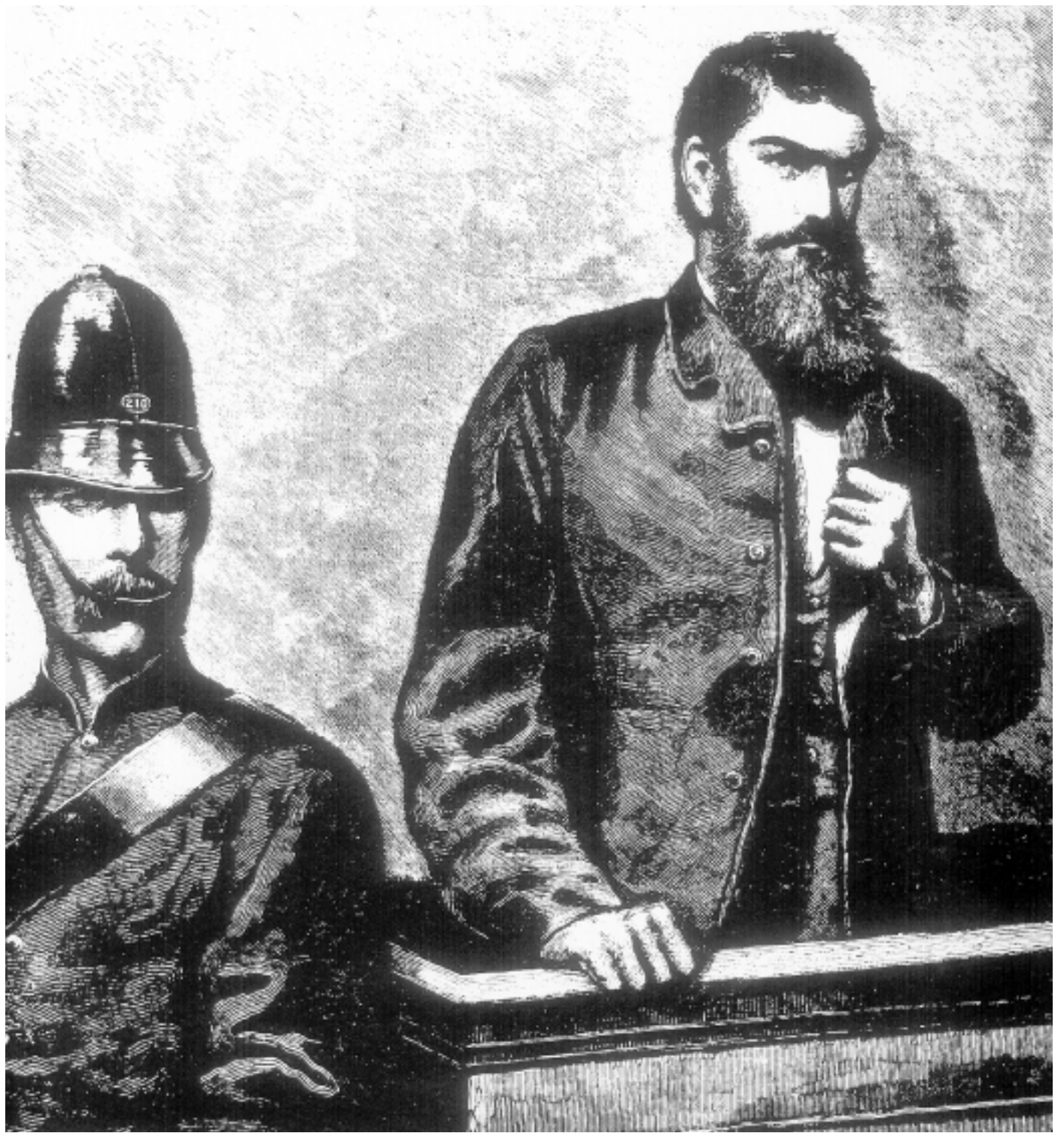
SERGEANT, MICHAEL KENNEDY,

ENTERED THE VICTORIAN POLICE-FORCE

19TH AUGUST, 1864.



SOONER OR LATER.
THE UNERRING ARM OF JUSTICE.









MICK JAGGER



AS "NED KELLY"

NOT
SUITABLE FOR
CHILDREN

WOODFALL presents

A TONY RICHARDSON FILM

Screenplay by TONY RICHARDSON and IAN JONES

Produced by NEIL HARTLEY Directed by TONY RICHARDSON

Music and Lyrics by SHELL SILVERSTEIN Songs sung by WAYLON JENNINGS

ORIGINAL MOTION PICTURE SCORE AVAILABLE ON UNITED ARTISTS RECORDS

TECHNICOLOR®

United Artists