

## NED KELLY – FALSE ICON

### THE MURDERS AT STRINGYBARK CREEK

#### INTRODUCTION

The murder of police is always felt deeply by the entire police fraternity. I know how I felt after the Walsh Street murders of Constables Steven Tynan and Damian Eyre. Horrific, calculated, cold-blooded murders, that resonates throughout the community, and drives home the dangers that are faced daily by serving police.

That same feeling flowed through the police throughout Victoria after learning of the cold-blooded murders of Sgt Michael Kennedy, and Constables Thomas Lonigan, and Michael Scanlan at Stringybark Creek, just north of Mansfield on the evening of Saturday 26<sup>th</sup> October 1878.

#### THE SCENE IS SET

Ned Kelly had shot Constable Alexander Fitzpatrick in his left wrist during the officers attempt to arrest Dan Kelly on a charge of stealing a horse on the 15<sup>th</sup> April 1878 at the Kelly home. Warrants were issued for both Ned Kelly for attempted murder, and Dan Kelly for aiding and abetting the attempted murder. Ellen Kelly, (Ned's mother) William Williamson and William Skillian were charged with being accessories to the attempted murder. All were found guilty by a jury and given long prison sentences. Ellen Kelly's sentence of 3 years was considered by senior police as harsh, and it certainly was. Ned Kelly and Dan Kelly had escaped into the Wombat Ranges to the east of the Kelly homestead, where the population was sparse and they could evade the police using the inaccessible thick bush to hide.

The shooting of a police officer was properly considered a very serious matter, and senior police began to organise search parties to find and arrest the felons. Two teams were assembled to search for the Kelly brothers. One team was to leave Mansfield under Sgt Kennedy and the other to leave from Greta under command of Sgt Steele. As it happened Steele was subpoenaed to court and his group was led by Senior Constable Shoebridge from Bright. Superintendent Sadlier, who was organizing the parties brought Constable Lonigan over from Violet Town to Mansfield as he was the only one who knew both Kelly's by sight. Ironically, after Lonigan bade farewell to his pregnant wife and four children he rode a short distance then rode back and said goodbye to his pregnant wife and four children again.

#### THE POLICE TEAM LEAVE MANSFIELD

On the morning the team was to leave Mansfield Sgt Kennedy rose very early and tried not to wake his family. His pregnant wife and five children woke and with lots of hugs and kisses bid their father and husband goodbye. Kennedy's wife, Bridget knew he was on a dangerous mission, but did not



**SGT KENNEDY**

expect that this would be the last time she would see her beloved husband alive.

The four police, Sgt. Kennedy, Constable Thomas Lonigan, Constable Michael Scanlan and Constable Thomas McIntyre rode quietly out of Mansfield and headed north towards Stringybark Creek where they planned to camp the first night. Stringybark Creek was about 20 miles from Mansfield, and it took almost all day for the group to arrive. They had a packhorse with them which was carrying a borrowed tent, and they had also borrowed a double-barrelled fouling piece (shotgun) and a Spencer repeating rifle, borrowed from a gold escort, which none of the police knew how to operate. They were carrying their Wembley revolvers, securely fastened in a leather holster with a buckle. Kelly fans claim that they were carrying body straps to secure the bodies of the Kelly's after they had been gunned down, as it was claimed that police had every intention of shooting the Kelly's on site. The police were carrying two sets of handcuffs to secure their prisoners, and contrary to the Kelly myths, Victoria police never had, nor were issued with body straps. The police had every intention of arresting the Kelly brothers, as the evidence shows.



**Constable Scanlan**

That night they all slept in the tent and did not post a picquet to ensure their safety. Next morning Sgt Kennedy and Constable Scanlan rode off to the north leaving Lonigan and McIntyre to establish the camp. During the afternoon McIntyre took the shotgun and shot some parrots for the evening

meal. Ironically the police campsite was less than 1.5 miles from where the Kellys were hiding in a hut that had previously been built deep in the bush by gold miners. The Kelly's had been joined by Joseph Byrne and Stephen Hart. Hearing the report from the weapon the Kelly's investigated and soon found the camp with the two officers. Lonigan had been uneasy and had strapped his revolver around his waist. McIntyre had put the shotgun down inside the tent and was unarmed.

#### THE POLICE ARE MURDERED

At around 5 pm McIntyre had built a strong fire to assist in guiding Kennedy and Scanlan back to the camp, and both officers were seated near the fire keeping warm. Suddenly and without warning, Ned Kelly appeared from a large growth of spear grass and ordered. "Bail up. Hold up your hands." It startled both officers, who stood up facing four men, each holding a rifle or shotgun and all were armed with pistols. McIntyre, being unarmed, obeyed and raised his hands. As Ned Kelly approached him, his rifle was trained on the officer. Lonigan, who was standing behind and to his left began to move, possibly trying to move away to gain some advantage or shelter. Ned Kelly immediately moved the aim of his rifle from McIntyre and fired. The shot hit Lonigan in the right eye, and also left a wound a little higher on his brow. Lonigan fell, shouted "Oh Christ. I have been shot". McIntyre turned to see his colleague on his back with arms and legs flailing and a few seconds after he was still. Kelly had murdered Lonigan in cold blood. Kelly then went to the slain officer and removed his pistol that was still in the holster.



Kelly claimed that Lonigan had run to a log and lay down lifting his head and with a pistol in hand was about to shoot at him when Kelly shot him. He claimed that it was self-defence. Many of the pro-Kelly authors accept the Kelly version and reject Constable McIntyre's version, claiming that the officer perjured himself when giving evidence. Nothing could be further from the truth. The post mortem of Lonigan by Dr Reynolds in Mansfield showed that he had 4 bullet wounds. The two previously mentioned and also one to the left thigh and his left arm. How the two latter mentioned wounds occurred is a mystery to this day.

The other three who were present were eventually identified as Dan Kelly, Ned's younger brother, Joseph Byrne and Stephen Hart. They were all part of the Greta Mob, who had now committed murder. Ned Kelly interrogated Constable McIntyre at length regarding the police strength and where the other officers were. McIntyre told Kelly the truth and not long after the sounds of horses moving through the bush towards the camp was heard. Kelly and his gang concealed themselves with Ned Kelly instructing the officer to instruct the two police to surrender. McIntyre obeyed and

as the two officers drew close to the camp McIntyre approached them and said, "Sergeant, you had better dismount and surrender, for you are surrounded". Kennedy who was leading thought it was a joke and put his right arm down towards his pistol. Kelly and the other three showed themselves and immediately opened fire on Kennedy and Scanlan. The initial barrage of shots missed their mark and as the sergeant lay down on the neck of his horse and slid off onto the offside, Scanlan, who was carrying the Spencer rifle slung on his back, attempted to dismount. His horse was agitated and he fell to the ground and on fours and tried to rise. As he did Ned Kelly fired at him and hit him in the chest. He died almost immediately. His sidearm was still holstered when he was murdered, and the rifle was still on his back.

Kelly would claim that Scanlan had taken the Spencer rifle and while still mounted fired two shots at him before Kelly returned fire. Many pro-Kelly authors accept Ned Kelly's words and again reject Constable McIntyre's words and evidence as perjury.

#### MacINTYRES STATEMENT

McIntyre had a very clear view of what was occurring and his recollection in court was very damaging to Ned Kelly at his murder trial. He saw Sgt Kennedy draw his revolver and fire at the felons from the cover of his horse's body, but the animal began to run off and McIntyre was able to catch the horse, mount quickly and laying low make his escape, with the gang all firing at him as he rode away. McIntyre would later state that he thought Sgt Kennedy had dropped his weapon at this time, possibly having been wounded. He would not swear that on oath, but in the confusion, it may have occurred as he stated. Sgt. Kennedy was now running for his life. There were four heavily armed criminals chasing and firing at him. The only information we have as to what happened with Sgt Kennedy comes from Ned Kelly, who was a prolific liar. Kelly claimed that Kennedy was running from tree to tree and firing at his pursuers, and he also claimed that the sergeant was a good shot as one round went through his whiskers. Kennedy was pursued about 800 metres before Kelly finally brought him down with a shotgun blast. Just how badly he was wounded at this time we do not know, but Kelly did state that Kennedy was not armed when he shot him and he fell. Kelly claimed he had a long conversation with him, and to some extent, this must be true. Kelly did not know the officer, but he did say that Kennedy told him he had five children and his wife was pregnant and that Kennedy asked to be left alone so he could see his wife and family before he died. Ned Kelly raised a shotgun and at point-blank range shot the officer in the chest killing him instantly. Most believe that Sgt Kennedy was laying on the ground when he was shot, but Dr Reynolds who carried out a cursory autopsy stated that the officer must have been standing up when he received the fatal shot. Not satisfied with the three murders, the gang then robbed the corpses of money, rings, and a gold watch that was a family heirloom of the Kennedy family. Kelly would later boast that he had killed Sgt Kennedy in a fair fight. Some fair fight, with four heavily armed bandits shooting at a man who may not even have had a weapon in hand.

#### THE SEARCH PARTY IS ORGANISED

In the meantime, Constable McIntyre was making his way back to Mansfield. His mount stopped after a mile or two and he was forced to walk most of the night and until 3 pm on Sunday before he reached the outskirts of Mansfield, where he was assisted and taken to Sub Inspector Pewtress's house to report the murders. A search party was immediately formed with many of the men in the town volunteering to ride with the police. Constable McIntyre although exhausted and badly

bruised begged to return with the police party. Pewtress agreed and at near 2 am they arrived at the campsite. They found the two murdered police, and the campsite had been ransacked and the tent burnt, with all provisions, weapons and horses gone. They settled down to wait for first light before continuing the search for Sgt Kennedy.

In the morning the two murdered officers were strapped to a horse using reins to secure them and they were returned to Mansfield. The search for Sgt Kennedy was on in earnest, but it took five days to eventually find his body in the thick bush. After the murders, Kelly and his gang probably returned to their hut and slept. In the early morning, they returned to the police campsite and stole what they could, and set fire to the tent. Sgt Kennedy's cloak that had been left in the camp, had been placed over his body, covering his head. The Kelly gang then disappeared. It would be almost two more years before they would be brought to account at Glenrowan, where three of them would be killed in a shootout with police. Ned Kelly would be found guilty of the murder of Constable Lonigan, and although charged with the murder of Constable Scanlan that charge was never proceeded with. He was never charged with the murder of Sgt. Kennedy. Ned Kelly was found guilty of murder and was hanged on the 11<sup>th</sup> of November 1880.

#### THE MEMORIAL IN MANSFIELD

The townsfolk of Mansfield were devastated at the murders and public meetings were held with the idea of erecting a monument to the memory of the three slain officers. Sgt. Kennedy was highly regarded in Mansfield, as he had a record of being a fair and decent man, who kept his community safe from the Kelly scourge. A memorial was erected in the centre of the town and that monument to the memory of the three officers remains to this day.

#### KELLY MYTHS

Tragically Ned Kelly is, in some quarters considered an icon and a hero. The Ned Kelly Tourist Route pamphlet that is readily available through all tourist sites throughout 'Kelly Country', claims the following.

"He was a common criminal." (TRUE)

"He was a hero to the Irish immigrants, who were persecuted by the establishment." (MYTH.)  
He stole the only horse many poor Irish settlers had almost certainly sending them bankrupt, and he was despised by decent folk who lived in the area. The government granted land on excellent terms to poor settlers. Two of the first premiers of Victoria were Irish and 82% of the police were Irish. There is not a shred of evidence that the Irish were persecuted and he was certainly not considered a hero by the local population.

"He was intensely protective of his family and avenged a police officer's assault on his sister. (MYTH)  
No assault ever took place by Constable Fitzpatrick on Kate Kelly. Kate Kelly made up the story 10 months after the event. After his capture, Ned Kelly was asked by a reporter.

Reporter: "Now Kelly, what is the real history of Fitzpatrick's business? Did he ever try to take liberties with your sister Kate?" Kelly: "No, that is a foolish story. If he of any other policeman tried to take liberties with my sister, Victoria would not hold him." (The Age, August 9<sup>th</sup> 1880)

“Perhaps because he (Ned Kelly) has so many qualities ordinary Australians admire. (MYTH)  
Ordinary Australians do not admire a murderer, bank robber, hostage taker, thief, stand-over thug and liar.

“He was a larrikin.” (TRUE)

“Loyal to his family and ready to sacrifice himself for his mates.” (MYTH)  
After robbing two banks of a huge amount of money not one penny went to his mother, and he arranged the murder of Aaron Sherritt, one of his ‘mates’.

“Represented the struggling classes.” (MYTH)  
He often stole the only horse poor settlers had, sending many bankrupt.

“Thumbed his nose at the establishment.” (TRUE)

Many of these myths have found their way into government publications and Ned Kelly is lauded as a result. We aim is to have them removed and replaced with facts. Government organisations lauding a very serious criminal is a disgrace.