

## THE FITZPATRICK INCIDENT

Was Ned Kelly at his mother's home when Constable Fitzpatrick arrived to arrest Dan Kelly on a warrant for horse stealing?

The evidence is abundantly clear and the answer is obvious, but too often the Kelly enthusiasts continue to write nonsense and claim that Ned Kelly was up to 400 miles away when the event occurred. In fact, Ned Kelly said he was 400 miles away from home at the time in his Jerilderie letter.

Sadly, many have accepted Kelly's word without checking the facts, and authors sympathetic to Kelly claim that he was not there and have claimed Kelly's words as fact in their writings. Kelly himself actually said he was 15 miles, 200 miles and, 400 miles away from his home when Fitzpatrick arrived.

So let's look at the facts.

Constable Fitzpatrick claimed in his statement that he had been at the Kelly home and speaking to Ellen Kelly for about an hour before turning away and riding off when he saw two riders approaching the Kelly horse yards. He returned and spoke to William (Brickie) Williamson, who refused to say who the other rider was, as the other rider had disappeared. Fitzpatrick went back to the house and still astride his horse called out to Dan Kelly who came to the door with a knife and fork in his hand. The officer stated his business and that he would have to go with him to Greta to answer a charge of horse stealing. Dan acknowledged that he would in fact go, but asked if he could eat a meal as he had been in the saddle all day and he was hungry. Although Fitzpatrick was chastised by the Royal Commission for letting Dan have a meal, the request was not unreasonable and Fitzpatrick's agreement was in itself a conciliatory move on his part to keep the situation calm and well under control. Dan Kelly knew that he was not involved in this alleged offence and that in time he would be cleared, as was his alleged accomplice John Lloyd a few weeks later, so it was clear that he intended to go voluntarily with Fitzpatrick.

Fitzpatrick then stated that Ellen Kelly whispered to two young girls who were in the room with them, with Constable Fitzpatrick standing up alongside Dan as he ate. A short time later Ned Kelly entered through the front door and immediately fired two shots at Fitzpatrick. The first shot missing with the second hitting him in the left forearm near the wrist, while at the same time Ellen attacked him and hit him over the head with a fireside shovel, denting his helmet knocking him senseless. Fitzpatrick grabbed Kelly's firearm and it discharged again missing him with the shot lodging in the back wall. He reached for his own weapon but found that Dan Kelly had removed it from the holster and was pointing the weapon at him. A short time later he collapsed and lost consciousness for a short time. After he woke he heard the Kelly's discussing what to do, and Kelly wanted to remove the pellet from his wrist with a rusty knife. Fitzpatrick himself removed the pellet and Ellen Kelly roughly bandaged the wound. The officer was then permitted to leave and was given back his pistol without the ammunition near 11 pm.

So what did Kelly say about the incident: He claimed numerous times that he was not even there, and claimed that on numerous occasions stating to many that he was 15, 200 and in the Jerilderie letter, 400 miles away from the Kelly homestead. The Kelly's made up many stories to exonerate Ned, with their most notable interpretation being that Fitzpatrick drew his weapon and Dan

wrestled with the officer, and during this fracas, the officer cut his arm on a door latch. In this fabrication, Ned is nowhere to be seen. Another version made up by the Kelly's was that Fitzpatrick was drunk and made improper advances towards 14-year-old Kate Kelly. That nonsense will be dealt with in another article, but suffice to say that some of what the Kelly's claimed was accepted by Kelly enthusiasts and much of their nonsense has appeared in numerous writings and books while Fitzpatrick's words have been degraded with claims that he was a drunk and he did make improper sexual advances towards Kate Kelly, and gave perjurious evidence at Kelly's murder trial and also at the Royal Commission, with his version remaining the same as his sworn statement.

So was Ned there at all? Let's look at the facts.

There is much-supporting evidence to support Constable Fitzpatrick's statements. One of the most telling came from The Chief Commission of Police, Captain Standish, who interviewed William Williamson in gaol after he had been imprisoned for six years for his part in the offence of the attempted murder of Fitzpatrick. Williamson essentially supported Fitzpatrick's version of events and claimed that indeed Ned Kelly did shoot Fitzpatrick. Perhaps the most compelling evidence came from Ned Kelly himself. After his capture at Glenrowan, Senior Constable Kelly who was tending him made the following statement.

*"Between 3 and 6 the same morning had another conversation with prisoner ( Kelly ) in the presence of Constable Ryan. Gave him some milk-and-water. Asked him if Fitzpatrick's statement was correct. Prisoner said, Yes, I shot him."*

For all intents and purposes, the matter was perhaps best settled by Ned Kelly himself. He was there and he did shoot Constable Fitzpatrick.