

**DID CONSTABLE FITZPATRICK MAKE SEXUAL ADVANCES TOWARDS KATE KELLY?**



**CONSTABLE FITZPATRICK**

Among the most prolific and well publicized stories that denigrate police is the suggestion that Constable Fitzpatrick made improper advances to 14 year old Kate Kelly when he went to the Kelly homestead to arrest Dan Kelly on a warrant for horse stealing.

So let's look at some of the facts surrounding the incident that sheds light on what actually happened.

Fitzpatrick was given the duty to relieve the OC at Greta for a few days while the resident officer was absent. He would be riding past the Kelly home on his way to Greta and having discussed the potential to arrest Dan Kelly with sergeant Whelan at Benalla, he set off to do his sworn duty.

While at the Kelly homestead he was assailed by both Ellen Kelly, Ned's Mother and by Ned Kelly himself, who entered the home through a narrow front door and fired 3 shots at Fitzpatrick hitting him just above his left wrist with the second shot. Fitzpatrick fainted during the fracas and when he came to, heard the Kelly's and their accomplices, Williamson and Skillion discussing what they should do with the officer. Murdering the officer was apparently mentioned during these discussions. In the end he was permitted to leave and rode back to Benalla via Wilton, where he was assisted by the hotel owner who rode with him back to Benalla, where the matter was reported.

Fitzpatrick wrote his comprehensive statement which he repeated without alteration during the court cases of Ellen Kelly, William Williamson and William Skillion.

On the other hand the initial Kelly version claimed that Fitzpatrick had threatened Ellen Kelly by drawing his weapon and threatening her in an aggressive manner, and that he cut his wrist on a door latch when Dan tried to disarm him. In the many different Kelly versions Ned Kelly is never there. Ned himself claimed at different times to be 15, 20, 40, 200 and finally 400 miles away. (see Jerilderie letter) In typical Kelly fashion all the Kelly versions were lies.

Among the allegations against Fitzpatrick was the inference that he tried to sexually attack and in some stories, tried to rape 14 year old Kate Kelly. With Ellen Kelly charged with being an accessory to the attempted murder of Constable Fitzpatrick, what a perfect defence she had to tell the Benalla Court that she was defending her daughter's honour. At her trial, the suggested impropriety by Fitzpatrick towards her daughter was never mentioned by her or any of the other defendants.

When one looks at the written evidence of this nonsense the allegation does not appear until almost a year after the event, when Kate Kelly herself promotes it. From this time the Kelly enthusiasts have taken these lies to be facts and have included this nonsense in many of their books, when clearly they would have known that it was in fact made up rubbish.

The Chief Commissioner of Victoria Police, Captain Standish, interviewed William Williamson in the Melbourne Gaol for some two hours, while he was serving a sentence of 6 years for his role in the Fitzpatrick incident. Williamson confirmed almost word for word that Fitzpatrick was telling the truth. Williamson was released some 2 years early because of his assistance to the police in this respect.

The most telling evidence however, is direct from the mouth of Ned Kelly himself. After his capture at Glenrowan he confessed to a journalist from the Melbourne Age.

*“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 or any other policeman tried to take liberties with my sister, Victoria would not hold him” (The Age, August 9<sup>th</sup> 1880)*

Effectively this myth was settled conclusively by Ned Kelly himself, clearly stating that the allegation of sexual impropriety was just made up nonsense to discredit a police officer who was just doing his job in a proper manner.