

## WAS NED KELLY HARASSED BY POLICE?

Ned Kelly often claimed that he was being harassed by police. The Kelly family and the Greta Mob in general also claimed harassment by law enforcement. So what did Kelly complain of?

Kelly was intensely anti-police and any opportunity he had to degrade police was taken with gusto. He told many lies regarding police activity and also that he was often arrested and put before the courts for so-called, criminal activity that he had not been involved with.

Kelly had several court appearances from the age of 14 years when he was charged with highway robbery. Further charges of highway robbery were laid when he was 15. This was at a time that he was working with Harry Power, the escaped convict from Melbourne Gaol.

All of these charges were eventually dismissed, but not for reasons of incompetence on the part of the police. Getting witnesses to testify and getting all the witnesses to be at the court on the appropriate day proved difficult, and there were also difficulties with identifying Kelly as the culprit. It is relatively clear that two charges of highway robbery levelled against Kelly were withdrawn by police after Kelly provided information as to where Harry Power's hideout was located. Following on from this he was befriended by Sgt. James Babington who loaned Kelly 3 pound 5 shillings with Kelly promising to repay the money once he returned from Keyneton. Of course, the funds were never repaid, but it was clear that police were trying to get the young felon on the track to a life away from his initial criminal activities.

During this era, we hear little of Kelly's claims of harassment by the police. In fact, police were clearly trying to get him on the straight and narrow. Their efforts, unfortunately, proved futile. When Kelly was 15 he was charged with horse stealing and was remanded in custody. He was eventually convicted and sentenced to 3 years gaol for feloniously receiving a horse.

The event that brought the charge of harassment by police of the Kelly clan focused on the Fitzpatrick incident when Fitzpatrick went to the Kelly homestead to arrest Dan Kelly on a warrant issued for horse stealing. The constable was simply doing his job, and it was here that he was attacked by both Ned Kelly and Ellen Kelly who assailed him with a steel fire shovel. Kelly shot Fitzpatrick in the left wrist and it was from this incident that the Kelly Outbreak rose to prominence. Kelly swore he was not even there, and that he was 20 miles, 200 miles and 400 miles away when the event happened. Unbeknown to Fitzpatrick there was also a warrant issued against Ned Kelly for horse stealing, as police had been dismantling the northern end of Kelly's criminal empire with the Baumgarten brothers, who would keep stolen horses, delivered by Kelly and other criminals, on their property and move them into NSW when the opportunity presented, assisting Kelly in his criminal activities. Both brothers had been arrested and warrants issued for many accomplices to their criminal activities, which included Ned Kelly.

When one peruses the Royal Commission into the Victoria Police the term harassment appears on several occasions, but this harassment relates to police activity to curtail the stock thieving that was so prolific in the Greta area. The police activity was to patrol whenever they could to keep the criminals pushed back into the ranges, so they could not carry out robberies as was their stock in trade. Bearing in mind that there were only 50 mounted constables patrolling almost 30,000 square kms. in the northeast of Victoria, the task was somewhat daunting, but in some respects, it did put the bushrangers on notice and their criminal activities were reduced.

Essentially, Kelly complained that the police were harassing him and stopping him from carrying out his 'business' of horse and cattle stealing.

After Kelly's capture, he was asked about the harassment he claimed was being carried out by police.

He only mentioned one incident, and that was the time that he tried to escape custody while being escorted to Court where he was pursued by four police officers and during a violent struggle Constable Lonigan took hold of his testicles to subdue him. There was no other mention of police harassment from Kelly.

The 1881 Royal Commission into Victoria Police, although many of the members of the commission were somewhat anti-police found there was no harassment of the Greta mob, which of course included the Kelly clan. Here is what they said.

*" It may also be mentioned that the charge of persecution of the family by the members of the police force has been frequently urged in extenuation of the crimes of the outlaws; but, after careful examination, your Commissioners have arrived at the conclusion that the police, in their dealings with the Kelly's and their relations, were simply desirous of discharging their duty conscientiously; and that no evidence has been adduced to support the allegation that either the outlaws or their friends were subjected to persecution or unnecessary annoyance at the hands of the police."*

The evidence is very clear that Ned Kelly and his clan were never harassed at all, but police rightly paid attention to their criminality.

It was all Kelly lies.