

Historians are storytellers at heart and I would like to begin by relating two stories, one from my undergraduate years and the other as a post graduate researching Ned Kelly and his community.

I went to La Trobe University in the mid-1970s as an adult student benefiting from the Whitlam Government's abolition of uni fees. I was in my early twenties and from an Irish Catholic working-class background.

This predisposed me towards accepting the Ned Kelly myth of an underdog victim of police persecution and English tyranny.

At La Trobe, I came into contact with gifted historians John Hirst and Inga Clendenin both of whom are no longer with us. John in particular was a formulative influence on my development as an historian and later as an author. He became my Honours Year and PhD Supervisor in the 70s and 80s, both times dealing with Ned Kelly and his north east community. John was the editor of my lawless life book and without his guidance and encouragement there would have been no published book.

John who was used to dealing with young middle-class students, told me in my undergraduate year, he was impressed with my grasp of the working and criminal class mentalities and applauded how I applied both to the Kellys. I said I understood both, because I had lived among such people all my life.

During a seminar session, I related a recent example of having attended a mate's daughter's wedding with my wife Joy and my mother just a few weeks earlier. It was an unlikely union between a 'rough diamond' Vic Market stall owner Aussie family and a tightknit Croatian clan of newly arrived migrants. In those days this was a heady social and cultural mix and if alcohol was involved trouble was assured.

Between the ceremony in the early afternoon and the reception at six o'clock, both families and guests gathered by the riverside in the heat of a scorching summer's day, where copious amounts of beer was consumed. A convivial atmosphere prevailed and the niceties were observed with no sign of trouble.

At the reception things initially went well with only an occasional drunken remark about 'Bloody Croatians' and 'Foreigners' coming from 'Young Joey' the bride's foul mouth uncle, a beer barrel chested hooligan with fists the size of anvils and an ugly disposition to match.

As the wedding speeches progressed 'young Joey' got louder and more abusive, until his newly minted Croatian relatives could take no more. In trying to evict the flailing Joey from the hall, a free for all developed with relatives on both sides joining in the fight. I was in the act of rounding up my loved ones and heading for the exit, when Joey and his assailants fell across a table near me. Mum was sitting there in disbelief. She had a jug of beer poured over her as fists were flying and bodies falling everywhere all around.

Several of us gathered outside the hall to escape from the carnage taking place within. The police arrived just as the ruckus spilled out onto the street. At this point it seemed like a good idea to depart the day's festivities. A last glimpse was had of a handcuffed and bellowing Joey straddled by two burly policemen being manhandled into the back of a police divvy van.

When I looked up there was absolute silence. I saw the startled faces of my fellow students, each with a look bordering on horror and disbelief.

*John was his usual unflappable self, lost somewhere between incredulity and wonderment. With a smile on his face, he broke the silence and said **'Now We all understand why you chose to study Ned Kelly!'***

The second anecdote I would like to relate took place as I was researching the Irish Catholic side of north east community life. I had arranged to visit the Catholic Historical Commission situated in a terrace house in Carlton not far from Saint Patrick's Cathedral.

I arrived bright and early one weekday morning to be met by the Curator Father Keen's assistant priest. 'Father Keen has been delayed and he would see me later' I was informed. In the meantime, would I like to see the exhibits room?

We entered a dark and nostalgic room packed full of all manner of Catholic and Irish memorabilia. In the middle of the room individually spotlighted stood the builder's model replica of Saint Patrick's Cathedral, surrounded by a variety of chalices and other valuable looking pieces of silver and gold plate. I learnt that the spire on top of Saint Pat's was a 'people's gift' from the Irish Republic, received through the intimate friendship of Archbishop and patriotic Irishman Daniel Mannix and Eamon De Valera the President of the Irish Free State. It was therefore known as a 'republican' spire. Adorning the walls were countless crucifixes and photographs of

Church dignitaries. Daniel Mannix memorabilia was everywhere and it seemed to me that the room was a sacred homage to Mannix's memory and the Irish connection.

*As the tour ended I was led into a small room no bigger than a broom closet where the paper records were kept. **'You can begin your research Father Keen will speak with you when he arrives'** I was told. The tiny room had several filing cabinets, an uncomfortable chair and a rickety desk. A single window through which a small beam of light penetrated the gloomy darkness was framed by two large portraits. To the left was Saint Patrick in full priestly regalia with his foot firmly planted on the serpent's head. To the Right looking down from upon high was a stern looking Eamon De Valera. I looked through the records for the best part of two hours becoming ever more nostalgic and slightly emotional about my lapsed Catholic past and Ireland's fight for freedom.*

*Just then the door was flung back and there stood a formidable looking Father Keen. I got up from my seat and extended my hand. The good father looked at the proffered gesture of friendship and curtly looked me in the eye and said **'Of course, you know there will be a charge for this service don't you!'** Nostalgia and sentimental feeling evaporated immediately, as I thought to myself **'Yes, this is the Catholic Church I know and remember!'***

There is one other significant experience I brought to my research on Ned Kelly. I **grew up in a small country community in Gippsland during the 1950s as the old country way of life was coming to end.** The marvel of electricity was only just reaching these communities. You could still hear the distinctive lilt of Irish brogue being spoken among some of the older generation. At certain times of the year offerings of cake and beer were placed outside the door as a midnight supper for 'The Little People'. We children marvelled at the disappearance of the food which was always gone the following morning. For Catholics, Mass was held every second Sunday in a community hall. The grownups would follow their devotions with morning tea and gossip while the children played outside. Within a decade all this would be gone replaced by a modern world less provincial and more outward looking.

This was an important formative childhood experience for me. Everybody in the small Gippsland farming community knew who the local thieves and criminals were and there was no sympathising with their rowdy behaviour and criminal acts. They were viewed with a jaundiced eye as habitual community disrupters and predatory opportunists, who stole their neighbour's property and generally brought discredit

to their families and the community. Although I did not know it at the time, there was a striking similarity with Ned Kelly's community some seventy years earlier.

The Kelly Myth version of history is one we are all familiar with. Ned the Robin Hood hero, a poor man's champion and gentleman bushranger. The nasty Squatters who in the early period of land settlement monopolised the land and to use Kelly author Peter Fitzsimons's term the '*Bastard Police*' oppressed and persecuted Ned and his family and more generally the selector farmer community. A recent article in a prestigious journal brusquely states: *The squatters had seized and maintained control over the land with the support of the police and government and denied free selectors, like the Kelly family, access to land and resources.*

The Kellys were never denied access to land and resources. The political land war between selectors and squatters had been decided in the selectors favour. This occurred a decade before Ned and Dan took to the bush as outlaws. There was an official policy of land denial to prominent Kelly Sympathisers during the Kelly Outbreak. The administration of the policy was fair, even-handed and supported by the majority of north east residents. It was effective and lasted only as long as was necessary to break up Ned's extensive horse and cattle stealing ring.

Ned's rebellion is seen by the Kelly myth as a righteous rebellion of self-defence engendering a fair fight for freedom from colonial repression and tyranny. The Stringybark Creek policemen die as dastardly villains plotting to shoot Ned and his brother Dan without calling upon them to surrender. The poor long-suffering selectors support Ned wholeheartedly, despise the authorities and their occupying police force. A culture of poverty and a rural malaise of political and social discontent caps off Ned's leadership role as a Social Bandit with a republican plan to lead the oppressed and downtrodden to the Kelly Republic promised land. This is the heady stuff of a multitude of books, movies and tourist brochures and it is complete fantasy.

In studying the land parishes of Greta, Glenrowan, Moyhu, Laceby and Lurg where the Kelly shanty was located. I quickly discovered a vibrant pioneer community, which looked nothing like the socially disaffected, on the point of political rebellion rural community so beloved of the Ned Kelly Myth. Selectors were not yet prosperous landowners, but neither were they poverty-stricken wretches barely able to pay their rent and feed their families. Most farmers were doing considerably better than just surviving. 72% of selectors in the region survived the selection process and gained freehold title to their properties. Even Ned's mother Ellen, a chronic rent defaulter who faced forfeiture several times, eventually obtained

ownership of the Kelly selection, attesting to the benevolent nature of the liberal 1869 act and local Land Boards set up to assist selectors in their quest to settle on the land.

The majority of north east residents from all classes and varying degree of farming success were law-abiding respectable people, neither criminals nor sympathetic towards criminals. Ned, his relatives and his horse and cattle stealing friends were the visible criminal underbelly of the community. Local thieves and bullies who terrorised and intimidated the respectable community for more than a decade prior to the Kelly Outbreak.

Here is how I describe the Kelly Shanty and those who frequented it in the book:

In January 1879, the Ovens and Murray Advertiser wrote about Ellen Kelly's shanty: We know from our own knowledge, the real character of the Kelly shanty, which may be illustrated by the following incidents. A gentleman riding a horse worth £40 and having eight pack horses stopped at the shanty and went inside. In less than ten minutes he found that his saddle horse had disappeared. Towards sundown, he noticed that the Kellys, Wright and Gunn the son-in-law had disappeared. Making up to one of the Kelly girls, he said 'if you tell me where my horse is, I shall give you £10'. She said 'Done' and jumping on horseback within twenty minutes she returned at a gallop with his horse and said 'Hurry off at once, before they return'.

The newspaper went on to describe a boozy card game at the shanty involving Wild Wright, Ned Kelly and two teamsters who had camped nearby. Wright 'lifted' one of the men's purses whereupon a general row ensued. Wright seized a poker and Ned Kelly ran into the bedroom and presented a revolver at the Teamsters. Old Mrs Kelly, her daughter and Gunn, threw themselves between the combatants and there was no bloodshed. The character of the Kelly shanty, was at once a groggery and a gambling hell.

In two recent books, Ned's mother Ellen the sly grog seller is portrayed as a heroic battler, a courageous widow struggling against hardship and police harassment to raise her large family from poverty and an enforced life of crime. More than that in these books and other like them, Ellen has become the rural archetype representing feminist freedom and acceptable womanly behaviour.

However, nothing could be further from the truth, Ellen was a wild Irish shanty woman with a quick temper and like the rest of her lawless family somebody to be avoided rather than emulated. Holding Ellen Kelly up as the role model of north east

womanly behaviour is an insult to the majority of decent living women from all classes, who lived honest and respectable lives free of crime and gave community service of all kinds. Two such respectable Irish women were Mary Graham nee Dinning and her sister in law Mary Ann Dinning nee Wallace who married Greta and Glenrowan farmers. They referred to themselves as 'ladies' and were acknowledged as such by all who knew them

Here is how I describe them in the book:

Neither of these women came from wealthy privileged families, nor were they ladies of leisure with spare time on their hands. They were hardworking wives, mothers, housekeepers, farmhands and much more besides. They regarded themselves as respectable women with a conventional sense of Victorian propriety, principled, virtuous and morally attuned to maintaining decent standards and traditional family values. They neither sat on Victorian pedestals or inhabited a shady underworld of crime and debauchery. Neither were they under the thumb of domineering husbands, they were in equal partnership with their spouses to succeed in farming the land, raising a family and establishing a viable pioneer community.

They were compassionate women, who did what they could to help such women as the Kellys and their shanty friends, always with a charitable and redemptive purpose in mind. They represented majority community opinion of what constituted acceptable rural womanly behaviour. Both women were regular churchgoers and active participants in church and community affairs. Mary Ann helped with the church and school, organised tea meetings, fetes, picnics and a variety of other neighbourhood fund-raising activities, which shanty women such as Ellen Kelly shunned as the work of religious 'Mugs' and meddling 'Do Gooders'.

There was a complexity in kinship obligation and family relationships, which is admirably expressed through the behaviour of the Dinning and Graham families. William Dinning and his brother-in-law Robert Graham, were bail sureties (£50 each) for Ellen Kelly following the Fitzpatrick Affair when the charge against Ellen and others was the attempted murder of a policeman. Jane Graham (Robert's wayward sister) had a shanty friendship with Ellen Kelly; her promiscuous behaviour, her shanty rowdiness and her petty thieving ways were frowned upon by her relatives. They objected to her marriage to James Kershaw a Kelly shanty barfly and protected the younger Dinnings and Grahams from their wayward aunt.

Despite expressing strong disapproval, the Grahams and the Dinnings did not simply abandon Jane who was their kinswoman. William and Robert assisted Ellen and

acted as her bail sureties, not as Kelly sympathisers but at Jane's request, because they were community-minded and charitable men who did not want to see Ellen and her newborn baby Alice spend a freezing cold winter in Beechworth Gaol.

Their benevolent deed was recognised locally for the compassionate act of kindness it was. The *Ovens and Murray Advertiser* acknowledged it as such, when they reported: *It was an act of charity, as the poor woman though not of the most reputable of characters, had a babe in arms (Alice King was born just two days before the Fitzpatrick Affair and was still a tiny infant at her mother's breast) and in the cold gaol without a fire, it is a wonder that the poor little child (has) lived so long during this bitter wintry weather.*

William and Robert's generous act of benevolence by two respectable selectors, neither of whom were wealthy men, highlights the strong sense of conventional morality operating throughout the Greta district. Neither man was a Kelly family friend nor would they become Kelly sympathisers, yet they are portrayed in the Kelly literature as if both propositions were true, misconstruing good intentions and community-minded behaviour.

For too long at the hands of the Kelly myth, policemen associated with Ned's dramatic story have laboured under a cloud of half-truths, misinformation and character assassination. Even a larrikin policeman like Alexander Fitzpatrick who is blamed in the Kelly books for sending Ned and Dan into the bush was not the villainous rogue he is portrayed. The truth is the Kellys saw a kindred spirit in Fitzpatrick and were on friendly terms with him right up to the shanty assault on the constable and the resulting fallout.

Even at the height of the Kelly Outbreak when Ned boasted that because of him, *Tis double pay and country girls* for policemen seeking his capture, a somewhat different moral tone to that recorded in the history books governed the off-duty hours and behaviour of many policemen stationed at Benalla. Constable James Maguire kept a journal during his 1879 posting to hunt the Kelly Gang.

Maguire writes of off duty life at the Benalla Police Barrack in an entirely good-natured vein: *25th March 1879. In reserve at Benalla, I occupied much of my time during the day writing the copy of my notebook which I carried throughout the campaign. After stables in the evening we had a great buckjumping riding match. I acted as the bucking horse and (Constable) Lawless the jockey which ended in me throwing (him) heavily but not before he tore the shirt off my back.*

Occasionally, the skylarking behaviour went too far with potentially fatal consequences: *13th April 1879 (Easter Sunday) during the day whilst a little practical joking was carried on in the Barracks Room, a pillow (was) thrown by Constable McQuirk with a revolver attached apparently unknown to the thrower. The revolver separated from the pillow falling on the floor with great force causing it to explode. The contents lodged in the ceiling of the room causing much alarm to Senior Constable Maud standing close by who appeared to be frightened out of a few years growth. 'Creeping Jane' (Superintendent Nicolson) was soon on the scene and he was also much alarmed.*

In marked contrast to Ned's vision of drunken debauchery among off duty policemen, many constables spent their leisure hours playing football, cricket, writing letters to their families and being entertained by *The Benalla Police Temperance and Harmonic Society*. The Society was a rank and file initiative, whose main function was to offer an amusing alternative to Benalla pub life. Off duty policemen nightly applauded the comic antics of their comrades as they performed popular plays, sang songs, recited lengthy poems and even delivered lectures bearing simple titles such as *Ten Days in Search of the Boys*.

Some of these policemen were strong-minded Protestants, who evangelised their fellow officers and preached against the twin evils of sexual promiscuity and the demon alcohol. Some of the younger policemen frequented Benalla pubs and forged sexual relationships with local girls. However, to label all policemen as drunken libertines is to fall prey to the Kelly myth and Ned's Jerilderie Letter propaganda. Leo has admirably painted an honest and authentic portrait of his great grandfather Sergeant Michael Kennedy and there were many good community policemen just like him.

A Hollywood style blockbuster movie starring Russell Crowe with an imported English actor to play the role of Ned and a budget of millions of dollars, is currently being filmed in Victoria to bring to the screen novelist Peter Carey's fictional account of Ned's life. I think we all know what the 'police bashing' plot of the film will be and who yet again will emerge as the wronged hero. In 2000 when Carey's Booker Prize winning novel *True History of the Kelly Gang* was published, Carey said *'it is the most invented, made up book I've ever written'*. Thankfully as Leo has already mentioned, there is in the offing, a shoestring budget 'proof of concept' short film to be made later this year by Victorian College of the Arts Student Director Ben Head who is in the audience today, focusing on the long-ignored police view of what happened at Stringybark Creek. With far less money being spent on its production the Stringybark Creek movie will undoubtedly be the superior Ned Kelly movie.

I will end by quoting the final words of the book:

Australians see Ned Kelly as a national hero: a rebel in homemade armour, a career criminal with attitude, a wild west gun toting outlaw with an impulsive, reckless streak. Ned is a bad boy movie star before there were movie stars, doing things modern Australians thrill to see on the screen or read in a book but recoil from in real life. We should stop seeing Ned through rose-tinted glasses, stop making excuses and adding a fairy tale edge to his wicked deeds. Today a statue of Ned stands six metres tall in painted fibreglass armour, carrying a rifle and presiding over a Glenrowan tourist park devoted to falsifying his memory. A brass plaque at the statue's base, describes Ned as a rebel, bushranger by necessity, a bush battler, underdog, sometimes gentleman, sometimes larrikin. Armed, he lurches through the mist, hulking, swaying, clanging, taunting – the legend is born.

The legend misrepresents the reality of Ned's life, turning him into something he never was, a defender of the poor and a Robin Hood figure. Ned and his gang should be remembered for their bullying ways, predatory horse and cattle stealing, and for the years of intimidating fear and terror they visited on the Greta community. The outlaw gang should be remembered for the bank robberies, the murdering of three policemen from ambush and the shooting of Aaron Sherritt point blank as he answered his back door – cowardly murders that were not necessary or carried out in self-defence. Above all, Ned and his gang should be remembered for the cold-blooded intention behind their monstrous Glenrowan plan, a failed terrorist plot to massacre a trainload of police and civilians as a prelude to yet more crime.