Edward Kelly was born the son of Irish immigrants in Beveridge, Victoria, in 1854. He and his family found themselves at odds with the law on many occasions before Ned was finally hanged at the Old Melbourne Gaol in 1880 for the murder of three policemen at Stringybark Creek. The ‘Kelly Outbreak’, as it was known, had involved several murders, bank robberies and horse thefts, and long colourful letters from Ned explaining his grievances and subsequent actions.

Much of the controversy and mystery surrounding Ned Kelly is connected with people’s perceptions of the reasons for the various incidents in his life. There has been difficulty sorting out the fact from the legend. Historian Manning Clarke explained that:

Historians, biographers, poets, playwrights and film script writers have found it difficult not to take sides – some portraying Ned Kelly as a mad-dog bushranger, and others seeing him with the eye of pity as the victim of his harsh environment.

Adapted text from the Introduction from *Ned Kelly: The Authentic Illustrated Story* compiled and written by Keith McMenomy. Introduced by Manning Clark

This investigation is designed to look with the ‘eye of pity’ on all the participants – particularly the women and children left bereaved. Students look closely at a defining incident in Ned’s life, the Stringybark Creek murders, and choose from a variety of formats to present their findings to classmates and visitors.
Teachers may wish to use this unit as a model for studying a similarly contentious person from a different time period, gender or ethnicity. Some examples include Mary MacKillop (educator and saint, South Australia), Yagan (Indigenous warrior, Western Australia), Isaac Isaacs (lawyer, New South Wales), Oodgeroo Noonuccal (poet and activist, Queensland), Martin Cash (bushranger, Tasmania), Robert O'Hara Burke (explorer, Northern Territory).

**Knowledge, skills and values**

By the conclusion of this unit students will be able to:
- distinguish between fact and opinion by assessing a range of historical evidence
- explain the motives of the Kelly gang and the police sent to arrest them
- evaluate the effects of the Stringybark Creek murders on the police and Kelly families
- develop a hypothesis about the Kelly story and present it to an audience.

**Key terms**

- evidence
- facts
- hearsay
- credibility
- reliability
- opinion
- significance of events
- significance of artefacts

To provide adequate resources for this type of study, teachers will need to plan ahead. Local libraries will sometimes arrange a bulk loan of materials if given advance warning. The booklet, *Ned Kelly in Pictures*, is available at a small cost from Old Melbourne Gaol, Russell Street, Melbourne (telephone 03 9663 7228). A small set could be ordered for class use before the unit begins.

Another valuable activity would be to find out what is on offer in your district. History Teachers’ Associations, historical societies and museums, and National Trust offices and properties may be able to help with artefacts, information or speakers about Ned Kelly or other aspects of the period.

**Books**

The list of texts provided is only a small selection from the huge range of books available about Ned Kelly. Some items are suitable for student reading, or have a student version available. Teachers are encouraged to increase their own background knowledge by preliminary reading.


**Resources**

The story of Ned Kelly includes some graphic and grisly episodes that are not referenced in the unit. Teachers should preview all resources and exercise individual judgement in the use of these resources with students.
Websites

It is well worth pursuing the wealth of information, including primary and secondary sources, and variety of opinion available on the Internet. Printing items from a single computer and converting them into hard copy format or overhead projections can give whole class access. It is teachers’ own responsibility to ensure that they comply with the law of copyright in relation to all copies they make from material available on the Internet.

Culture Language:
Iron Outlaw: http://www.ironoutlaw.com/
Ned Kelly, ozhistorybytes, Issue 1:
   http://www.hyperhistory.org
Ned Online:
   http://nedonline.imagineering.net.au/main.htm
Treasures of the State Library of Victoria:

Audio and visual

Australian Bushrangers (video recording), Cathy Miller, Frenchs Forest Classroom Video.
Ned Kelly (film) 1970, Tony Richardson (director), Neil Hartley (producer), written by Tony Richardson and Ian Jones, running time 103 minutes, United Artists.
Ned Kelly 2003, Gregor Jordan (director), Robert Drewe (screenwriter), Working Title Films. Note that this film has an M rating but would be useful for teacher reference.
Ned Kelly: A Short Life (sound recording), Ian Jones, Bolinda Audio Books, Australian Large, Victoria.
Ned Kelly: The Making of a Myth (video recording) 1988, Thomas Keneally (writer), Australian Broadcasting Commission in association with the Victorian Film Corporation, Educational Media Australia (distributor), Australia.
The Story of Ned Kelly (video recording), Picture Pond Media.
Wanted, Ned Kelly (CD-ROM) 1998, Newbyte Educational Software, 12 John Street, Dudley, NSW

Teachers should carefully note film ratings to determine if they are suitable for children.

‘If Ned Kelly Was King’ (song) 1981, Midnight Oil, from album Place Without a Postcard.
‘Poor Ned’ (song) 1983, Redgum, from album Caught in the Act.
Teaching and learning activities

Setting the scene

Activity 1
1 In order to set the context of the inquiry and establish prior knowledge ask the students, ‘What do you know about Ned Kelly?’ List the answers on the board in column 1 of a two-column evidence grid without discussion or comment. Do not use headings in the grid at this stage. (An example of the final grid appears below.)

2 Using the following questions, ask students to provide more information.
   • How do you know these things?
   • Were you told personally by someone?
   • Did you find out this information in a book? Film? Newspaper? Picture?

These replies are listed in column 2. There may be more than one answer for each one. These lists could be added to after students have discussed Ned Kelly with their families.

Evidence file

<table>
<thead>
<tr>
<th>Information</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ned wore an iron helmet</td>
<td>Films, books, pictures, paintings</td>
</tr>
</tbody>
</table>

3 Pose the question, ‘How can we tell if any of this information is true?’

Investigating the evidence

Activity 1
1 Ask the class how they can know whether something is true or not.
   • How could you tell whether things like books, photographs and films are true? What clues help you decide?
   • People don’t always tell the truth. What things affect what they say?
   • Why are people’s memories of events often different?
   • What do we call something that can be proved to be true?
   • Is some information more likely to be true? How could you tell?

2 On the board list examples of historical language such as fact, evidence, hearsay (something heard, but not proven to be true), opinion, interpretation, artefact (a product made by humans), primary and secondary sources (a primary source is evidence from the period, a secondary source is a report of the events written at a later time). It will be
important for the students to clarify these for future use. The terms could be looked up in the dictionary with discussion to make the meanings clear. Note that some of these terms have various definitions.

Activity 2

1 Once students have established an understanding of historical language ask them to reconsider the information from Activity 1 in Setting the scene. Have them classify each of the original ideas using colour coding and accurate historical/legal terms in their notebooks. One example of a colour-coded scheme is:

- red – definite opinion (no evidence given or possible, appears biased or unlikely)
- grey – neither definite opinion or definite fact, more investigation needed
- green – definite fact (can be verified on existing evidence).

2 Discuss the student classifications as a class and encourage students to provide reasons for their decisions. Introduce the terms credibility (likelihood), reliability (from a trustworthy source) and significance in considering evidence. Explain to the class that it will now be necessary to gather as much significant evidence as possible to understand the Kelly story, and why there are such different opinions about it.

Although the focus of this investigation is the events at Stringybark Creek and the subsequent trial, students will need to have a broad understanding of the other key events in the Kelly story. This will take several lessons, for which resources will need to be prepared. These lessons could include:

- use of an overhead projector to project selected texts for a series of reading lessons
- work periods with computers, reading items from multimedia resources or websites
- listening lessons where the teacher reads selected texts to the class
- viewing video or film representations
- a three-level question guide for students to consult as they read to develop understanding (SRS 1: Three-level question guide).

PMI chart

<table>
<thead>
<tr>
<th>Plus</th>
<th>Minus</th>
<th>Interesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly was a good bushman.</td>
<td>Kelly killed policemen.</td>
<td>Many people helped Kelly.</td>
</tr>
<tr>
<td>Kelly helped his mother.</td>
<td>Kelly robbed banks.</td>
<td>Kelly said the police harassed him.</td>
</tr>
</tbody>
</table>
Activity 3

1 With the class, brainstorm a set of statements about the Kelly outbreak to be proved or disproved with research. For example:
   - The Kellys were criminals.
   - Police were dishonest in those days.
   - Ned Kelly only killed in self-defence.
   - Ned Kelly made lots of excuses for his behaviour.
   - The police were harassing the Kellys.
   - The police were only doing their job.

2 Divide students into two groups – supporters of the Kellys or of the police. Each group chooses and writes in their notebooks the statements most favourable to them.

3 Within the group, students take on the persona of one of the main characters, and collect evidence to justify their opinions about what actually happened at Stringybark Creek. They must outline causes and motivations for the various incidents by reference to as many sources and artefacts as possible. Some information and questions that can be used to start the inquiry are available in SRS 2: What does the evidence tell us?

Assessment criteria

Students can:
- select at least three significant pieces of evidence from their primary and secondary source material
- identify causes and motivations of incidents.

Technology link: Both groups can find much to advance their case in various court reports, newspaper cartoons and documents available on a variety of websites (including the wonderful new website for the Public Records Office of Victoria, ‘Ned Online’ at http://nedonline.imagineering.net.au/ and printed material. It is relatively easy to find a great amount of primary source material, which could be printed and put on overhead projections for the class if the Internet is not available at school. With teacher direction, hard copies of texts could be highlighted to show bias.
Making connections

Activity 1
1. Students record and rate their evidence using an evidence file in their notebooks as in the example below.

Evidence file of Kelly supporters

<table>
<thead>
<tr>
<th>Claim</th>
<th>Source</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Kellys were harassed by the police</td>
<td>Ned’s letters to public figures</td>
<td>Credible – reports of poor police behaviour common. Seems backed up by evidence of non-family witnesses</td>
</tr>
<tr>
<td>The police were planning to kill Ned and his gang at Stringybark Creek</td>
<td>Ned’s letters to public figures</td>
<td>In doubt – other evidence suggests Sergeant Kennedy was just being prepared for danger</td>
</tr>
<tr>
<td>Constable Lonigan shot at Ned first</td>
<td>One of Constable McIntyre’s reports</td>
<td>In doubt - later report is different</td>
</tr>
<tr>
<td></td>
<td>Ned’s letters to public figures</td>
<td>Possible – depends on McIntyre’s evidence</td>
</tr>
</tbody>
</table>

Evidence file of police supporters

<table>
<thead>
<tr>
<th>Claim</th>
<th>Source</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Kellys were harassed by the police</td>
<td>Ned’s letters to public figures</td>
<td>Credible – reports of poor police behaviour common. Seems backed up by evidence of non-family witnesses</td>
</tr>
<tr>
<td>The police were planning to kill Ned and his gang at Stringybark Creek</td>
<td>Lack of official instructions to or by Sergeant Kennedy</td>
<td>Inconclusive - other evidence suggests Sergeant Kennedy was a careful and honest officer</td>
</tr>
<tr>
<td>Constable Lonigan shot at Ned first</td>
<td>One of Constable McIntyre’s reports</td>
<td>In doubt - earlier report is different</td>
</tr>
<tr>
<td></td>
<td>Coroner’s report on Lonigan</td>
<td>Credible – supports Lonigan’s gun being in its holster when he died</td>
</tr>
</tbody>
</table>
When students have completed these files they could be used as an assessment task. Challenge and focus students as they research with questions such as:

- Why did Ned say he had tried to hold up the police?
- What evidence did he give for his claims?
- What other evidence supports what he says?
- What evidence is there against his version of events?
- What was the police view of the events at Stringybark?
- What evidence is there to support their side of the story?
- What evidence is there against them?
- Which versions of the events seem most reliable? Why?

The object of the exercise is to put together a strong argument from one point of view and supported by reliable and significant historical evidence. Police and outlaws would have believed that very different causes and motivations fuelled the outbreak and justified the actions taken.

### Assessment criteria

<table>
<thead>
<tr>
<th>Students can:</th>
</tr>
</thead>
<tbody>
<tr>
<td>give at least three examples of historical evidence to support their opinions</td>
</tr>
<tr>
<td>classify evidence according to credibility.</td>
</tr>
</tbody>
</table>

### Drawing conclusions

#### Activity 1

1. Students will now be required to present their side of the Kelly story. Examples of presentation methods should be shown to the students and discussed to allow them to choose the one most appropriate for their personal learning style. Some possibilities are:
   - evidence grids (made larger for an audience – perhaps on overhead projector)
   - story boxes (a speech supported by artefacts – models, mock documents, pictures)
   - story maps (of, for example, Stringybark Creek, with notations)
   - PowerPoint™ presentations using scanned photographs or documents (link to Technology key learning area)
   - diagrammatic charts (use concept mapping software such as Inspiration®)
   - a class display of posters, documents, models and photographs on the topic ‘Ned Kelly – hero or villain?’.  

2. Invite parents to view the presentations and based on what they have been shown, assess Ned on a sliding scale. Class members should also be asked whether they had changed their opinions about Ned.
Activity 2

1. Provide the students with a selection of artistic interpretations of the story – paintings, extracts from films, plays, songs etc, and have them compare the different ways in which Ned Kelly has been portrayed.

2. After the class compares a selection of paintings, film extracts, plays, songs etc. discuss the question of historical interpretation. For example:
   - What side is this artist or author taking?
   - What does he or she see as the causes of the whole affair?
   - What significant evidence supports or weakens this view?
   - Do the majority of interpretations support Kelly? If so, what explanation can you give?
   - How have the way artists seen Kelly changed over the years? Why would this be so?
   - Which versions do you think are the most biased, and which ones are the most factual? What evidence do you have for your opinion?
   - Is there always a strictly true or false version of historical events?

3. Students choose one interpretation and write a paragraph analysing it in their notebooks.

Assessment criteria

Rate the students in these presentations for:
- distinguishing between fact and opinion
- giving at least three examples of significant evidence
- judging the reliability and credibility of information
- making at least three logical suggestions about the causes of and motivations for events.

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Students create their own artistic piece for display to the wider school/community audience. These could include short plays, paintings, dioramas, diary entries or poems. A dramatic moment or incident could be described from the viewpoint of one of those involved in the Kelly story. Display them in ‘pro’ or ‘anti-Kelly’ sections. (Link to The Arts key learning area.)

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Assessment criteria

Students can give evidence of understanding the following terms: cause, motivation, evidence, significance, bias, interpretation, change, fact, opinion.
Three-level question guide

**Level 1** Does the text (visual or print) say this?

1. There were four members of the Kelly gang.
2. Only one policeman surrendered.
4. Sergeant Kennedy got away.

**Level 2** Does the text (visual or print) suggest this?

1. Ned Kelly thought the police were planning to kill him.
2. The police fired in self-defence.
3. Ned Kelly had respect for Sergeant Kennedy.
4. The body straps carried by the police were for the Kellys’ bodies.

**Level 3** Do you agree with these thoughts?

1. Most people in Victoria were disgusted by the murders, and believed the police were only doing their duty.
2. The fact that the police were in plain clothes, with many guns, suggests that they were not planning to capture the Kelly gang, only creep up and shoot them.
3. The Kellys had the chance to leave Victoria without killing anyone – they were just thugs.
4. The Kellys and the Quinns had been persecuted by the police and wealthy squatters.
What does the evidence tell us?

Kelly supporters

Your group, representing people like Maggie Skillion (Kelly), Ellen and Kate is to collect as much information as possible (be it fact, hearsay or interpretation) to encourage signatures on the petition to save Ned’s life. You are a group of particularly strong, determined and active women. A great deal of information is available on the Internet and in print form. Maggie Skillion, in particular, after her husband and mother were jailed, ran both of their selections (farms), raised two children and five siblings, and outwitted the police to supply her brothers with food and ammunition. She was at the forefront of the movement for Kelly’s reprieve (pardon from hanging) after he was sentenced. She was 23 years of age.

You can use the sash (see the photograph below) and the Cameron Letter (SRS 3) as a starting point.

1. What was the significance of the sash?
2. What does it say about Kelly as a boy?
3. Are the versions of events in his letters supported by other evidence?
4. Would Kelly’s family have been so loyal if he was a cold-blooded killer?

Ned Kelly’s sash. This was given to the young Ned Kelly by the father of a boy who he had rescued from drowning.

Supplied by Benalla & District Historical Society, custodians of Benalla Costume and Pioneer Museum
What does the evidence tell us? continued

Police supporters
Your group, representing the widows of policemen Kennedy and Lonigan, is to collect as much information as possible (be it fact, hearsay or interpretation) to convince the court that the Kellys had no excuse for their actions and few redeeming features (good points). Though you are not well known, you have a total of nine young children to raise after the deaths of your husbands. This is a time without pensions and you will have very little money.

Look at the police reports (SRS 4) as your starting point. Other artefacts, such as Sergeant Kennedy’s gold watch (shown to others by Ned) and Constable Lonigan’s ring (worn by Joe Byrne at his death, photograph below) show a very different side of the story. Mrs Kennedy asked that her husband’s watch be returned, if Kelly was caught, but Kelly would not say where it was.

1. How could the Kellys claim to be victims when they shot three policemen? What was the significance of the policemen’s jewellery?
2. What evidence is there that the police were only doing their duty at Stringybark Creek?

A photograph of Joe Byrne taken after his death.
JW Lindt photograph of Body of Joe Byrne, member of the Kelly gang, held up for photography, Ballarat, 1880 (detail) NGA 77.59.28
A week after the Kelly gang held up a bank in Euroa, Victoria, Ned sent this letter to Donald Cameron, a Member of the Victorian Parliament.

I told my mates, and me and my brother went out next morning and found police camped at the Shingle Hut with long fire-arms. We came to the conclusion that our doom was sealed [we would be killed] unless we could take their fire-arms. As we had nothing but a gun and a rifle, if they came on us at our work or camp, we had no chance, only to die like dogs.

We thought our country was woven with police, and we might have a chance of fighting them if we had fire-arms, as it generally takes 40 to one. We approached the spring as close as we could get to the camp, the intervening space [space in between us] being clear. We saw two men at the log. They got up, and one took a double-barrel fowling piece [type of shotgun] and one drove the horses down and hobbled [tied them up] them against the tent. We thought there was more men in the tent, those being on sentry [look-out duty]. We could have shot those two men without speaking, but not wishing to take life, we waited.

McIntyre laid the gun against the stump, and Lonigan sat on the log. I advanced - my brother Dan keeping McIntyre covered. I called on them to throw up their hands. McIntyre obeyed and never attempted to reach for his gun or revolver. Lonigan ran to a battery [stack] of logs and put his head up to take aim at me, when I shot him, or he would have shot me, as I knew well. I asked who was in the tent. McIntyre replied ‘No one’. I approached the camp and took possession of their revolvers and fowling piece, which I loaded with bullets instead of shot [lead balls like fishing sinkers]. I told McIntyre I did not want to shoot him or any man that would surrender. I explained Fitzpatrick’s falsehood [lies], which no policeman can be ignorant of. [All the local police would have known about it.] He said he knew Fitzpatrick had wronged us, but he could not help it.
He said he intended to leave the Force on account of his bad health. His life was insured.

The other two men, who had no fire-arms, came up when they heard the shot fired and went back to our camp for fear the police might call there in our absence and surprise us on our arrival. My brother went back to the spring and I stopped at the log with McIntyre. Kennedy and Scanlon came up. McIntyre said he would get them to surrender if I spared their lives as well as his. I said I did not know either him, Scanlon or Kennedy, and had nothing up against them, and would not shoot any of them if they gave up their fire-arms and promised to leave the Force, as it was the meanest billet [worst job] in the world. They are worse than cold-blooded murderers and hangmen.

He said he was sure they would never follow me any more. I gave him my word I would give them a chance. McIntyre went up to Kennedy, Scanlon being behind with a rifle and revolver. I called on them to throw up their hands. Scanlon slewed [turned quickly] his horse around to gallop away, but turned again, and as quick as thought, fired at me with the rifle, and was in the act of firing again when I shot him. Kennedy alighted [got off] on the off side [the side I could not see] of his horse and got behind a tree and opened hot fire. McIntyre got on Kennedy’s horse and galloped away. I could have shot him if I chose, as he was right against me, but rather than break my word I let him go.

My brother advanced from the spring. Kennedy fired at him and ran, as he found neither of us were dead. I followed him. He got behind another tree and fired at me again. I shot him in the armpit as he was behind the tree. He dropped his revolver and ran again, and slewed round; I fired with the gun again and shot him through the right chest, as I did not know that he had dropped his revolver and was turning to surrender. He could not live, or I would have let him go. Had they been my own brothers I could not help shooting them, or else lie down and let them shoot me, which they would have done had their bullets been directed as they intended them. But as for handcuffing Kennedy to a tree or cutting his ear off, or brutally treating any of them, it is a cruel falsehood. If Kennedy’s ear was cut off, it has been done since. I put his cloak over him and left him as honourable as I could, and if they were my own brothers I could not be more sorry for them, with the exception of Lonigan. I did not begrudge him what bit of lead he got [I did not care about the shots that killed him], as he was the beastliest, meanest man that I ever had any account against [had a reason to dislike].

Police reports

Report of Sub-Inspector Pewtress of the murders committed at Stringy Bark Creek

We travelled partly through nearly impossible scrub until 7.30 a.m. when we came to the spot which is situated in the stringy Bark Creek, near an old deserted digging [gold mine] & 7 miles from the saw mills in a north north eastern direction from Mansfield. We found the bodies of Scanlon & Lonigan quite dead, shot through the body in several places. They must have died instantaneously. It was very dark at this time and we remained near the place until daylight. We then made search for Sergeant Kennedy in every direction in the immediate neighbourhood & could not find the slightest trace of him. The tent occupied by the police, blankets etc had been burnt. The deceased consts [dead policemen’s] pockets were turned inside out & five arms all taken away & not a vestige [trace] of anything remaining to show that such a serious encounter had recently taken place.

Report of Constable McIntyre of the murders committed at Stringy Bark Creek

I beg to state that I formed one of a party which went in pursuit of Edward & Daniel Kelly on the 25th. The other members of the party were Sergeant Kennedy and Constables Scanlan and Lonigan. Yesterday afternoon, 25th, about 5 p.m., I being Cook for the day was in the act of making some tea, Const. Lonigan standing beside me. Suddenly and without us being aware of their approach, four men with rifles presented [pointing] at us called upon us to ‘Bail up! Hold up your hands!’ I being disarmed [without my gun] at the time did so. Constable Lonigan made a motion [movement] to draw his revolver which he was carrying. Immediately he did so, he was shot by Edward Kelly and I believe died immediately. He then placed a man in charge of me. Ed. Kelly with two loaded rifles lay in wait for the approach of the two men Sergt. Kennedy and Const. Scanlan who were out on patrol. About half an hour afterwards they approached. Ned Kelly told me that if they laid down their arms and surrendered they would be allowed to depart next morning. If they did not, we would all be shot. Kelly, with presented rifle at me, [pointing the rifle at me] ordered me to get them to surrender. I approached them for that purpose, but before I could speak they were ordered to bail up and hold up their arms. The two men immediately grasped their firearms. Const. Scanlan was carrying the breech loading rifle [a rifle loaded by pushing a bullet into the barrel] but before they could use them Const. Scanlan received a ball [bullet] under the right arm which I feel assured [I am sure] has caused his death. Sergeant Kennedy I am unable to say anything about. He
was advised by me to surrender. He said ‘It is all right. I will’, but as the desperadoes [bushrangers] continued shooting at the Sergeant and me, I seized his horse which he had abandoned, and made my escape upon it. I was fired at repeatedly and I believe the horse must have been wounded as he knocked up [could not keep going] after two or three miles. I concealed myself in a wombat hole until it became dark, when I travelled all night and until 4 p.m. today, when I reached Mansfield.

PROV, VPRS 4966 Consignment P0 Unit 1 Item 1 Record 1 Document: Report of Constable McIntyre of the murders committed at Stringy Bark Creek.
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