

monitor and raised breastwork Her dimensions areas follows: Length 235 feet overall; breadth of beam 45 feet; depth of hold 16½ feet. She is 2,107 tons register, her marine steam-engines are of 250 horse power, and there are in addition eight others for working the turrets and ventilating fans. Her armament consists of four muzzle-loading guns each with a ten inch bore, and carrying shot or shell weighing 400 lbs., requiring a 60 lb., charge of powder.



**HMVS CERBERUS (foreground) AND HMVS NELSON**

[Photographer: Allan C. Green. Image: SLV H13935]

[HMVS *Nelson* was the second naval ship, launched in 1814 for the British Royal Navy it was given to the Colony of Victoria in 1868 and remained in service until 1898. The third naval ship was HMVS *Cerberus* remained in the Victorian Naval Force until it was transferred to the Commonwealth Naval Forces in 1901. *The Portland Guardian and Normanby General Advertiser*, 10 April 1871; *Illustrated Australian News*, 22 April 1871]

## 20 April

Senior Constable Hall reports to Superintendent Montfort:

I have arrested Young Kelly after a desperate row with him for horsestealing. I struck him on the head with the revolver in self defence while arresting him. He is now in the lock up please send a doctor and two constables I cannot open the lock up until the latter come You will oblige me if you telegraph your concurrence.

Montfort endorses the report Rec'd at 6.45 pm. I sent Const Arthur with Doctor Hester & telegraphed to Benalla to have Const Thom sent hither at once.

[PROV, VPRS 937/ P0, Unit 413]

A police requisition to pay Dr Hester is prepared:

Dr Hester has attended a prisoner named Edward Kelly in Greta lock up suffering the effects of wounds inflicted on him by Senior Const Hall 569 whilst attempting to arrest him on a charge of Horse stealing – Distance from Wangaratta to Greta 15 miles.

Professional visit to a prisoner named Edward Kelly in Greta lock up.

Visit about 10 pm

£1.1.0

Distance travelled about 15 miles

£7.7.0

[PROV, VPRS937/ P0, Unit 413]

## 21 April

Ned is brought before Mr. Alexander Tone J.P., at the Wangaratta Police Court, charged with horse stealing. Ned is remanded for eight days.

## 22 April

Senior-Constable Hall's report to Superintendent Barclay:

Ovens District

Greta Station

22nd April 1871

Snr Const Hall 569 reports for the info of Supt Barclay that about a week ago he saw the offender named in the margin [Edward Kelly] riding about the bush on a certain mare, he made inquiry and found that the

animal which he has referred to was identical with the mare reported as stolen from the Mansfield Post Master but not yet gazetted, he tried on several occasions to get near Kelly both on the road and in the bush but could not as he always gallop away and pretend that he did not see the Snr-Const things went on quietly until the 20th inst when Hall got the criminal offence and found out that Kelly was expected out from Wangaratta consequently would ride the mare on his way through the Township to the Eleven Mile so he arranged with another old offender for him to meet Kelly the Wangaratta side of the Greta Bridge and keep him in talk until the Snr Const would be able to get to one end of the bridge without Kelly seeing him by the time Kelly after he had done speaking to the offender referred to would get about half way across the bridge, having carried this arrangement out Kelly and the Snr Constable met right on the middle of the bridge face to face, the latter walking and Kelly on horseback (on the stolen horse) when the Snr Constable said, By the Bye Kelly there are two receipts from the Beechworth Gaol on my office table for you to sign at the same time getting close up to the side of the horse (this was done to see and get Kelly quietly to the camp for Hall was alone) Kelly said what are they for, the Snr-Const replied I am not certain come over and we will see, no said Kelly I will call tomorrow, no said Hall you must come now as they must go back at once. Oh all right said Kelly, they both proceeded to the camp and nothing took place until they got to the station verandah when Kelly at once said bring out them papers until I see them, no I will not said Hall you cannot sign them on horseback so get off and come in. I will see you damned said Kelly at the same time turning his horse to bolt, in a moment Hall said you are my prisoner for horsestealing and made a jump and caught him by the neck but coat waistcoat and shirt all gave way, so he gave another spring and caught him by the shoulder and pulled him right off the horse but could not hold him by the flesh his clothes as he said before having given way, as Kelly jumped out of his hands he ran for a scrub on the other side of the road, Hall then pulled out his revolver. Called on Kelly to stand when he immediately turned round to show fight and in reply to Hall said shoot and be damned Hall then presented the revolver straight at his face and snapped it three times each time the hammer striking the cartridge but it would not go off though seemingly it was in good order for before he left the barracks he examined it. Kelly then rushed at him to try and take the revolver from him and in the struggle succeeded in catching it by the muzzle and barrel. The Snr-Const wrenched it out of his hands Hall had it by the stock all the time and struck Kelly with all his might four or five times with it on the head but he could not stun him and the only effect the blows had although they were given as he said with all his might was simply to leave that part of his head a mass of raw and bleeding flesh. At last while Hall was holding him by the neck with the left hand Kelly made a spring and again caught the barrel of the revolver with both his hands to try and wrench it out of the hand of Hall, both men paid all their attention to this little matter Kelly trying to turn the muzzle of the revolver against Hall and the latter trying to do the same on Kelly. However they both kicked boxed and Kelly bit for some time and then came against an old fence which gave way and fell over heels neither letting go the revolver. After another tussle on the ground Hall got a chance of giving Kelly a powerful box at the part of the ear which somewhat made him stupid for a moment and was just in the act of turning him over when the black smith next to the camp came up and Hall called on him to assist in putting the offender in the lock up in a minute after some others came up and ultimately the Snr-Constable got Kelly in the lock up and the stolen horse in the police stable. Everything was quiet for a little time until Kellys friends through a Bush Telegraph found out that he was in the lock up and that Hall had sent a message for police assistance to Wangaratta. Some of these people then came shouting about the place like wild savages saying that they would take him out of the camp. Then it was just dark and Hall got the servant girl to light and kept lit a large fire right before the lock up door from the reflection of which light he could see any person who attempted to come inside the fence or go near the stable or lock up. Loaded all the arms in the place got the Black Smith to accompany him (so as he would be a witness to anything that might take place) and took up his position sufficiently far from both the lock up and stable that he could not be seen in the dark while he could see any person who approached the place by the light of the fire and then was quite prepared to shoot away until the last shot was gone before he would allow the horse to be taken out of the stable or the prisoner out of the lock up. However before the mob had time to collect sufficiently strong the police assistance from Benalla and Wangaratta arrived and as soon as possible the Snr-Const brought the prisoner and horse to Wangaratta and handed them over to the Police there, Kelly was brought up and remanded for seven days for the production of evidence and thus so far ends the case in question which Snr-Const Hall trusts will meet with the approval of Supt Barclay.

PS. When Supt Barclay has done with this report would he do Snr Const Hall the kindness to send it done to Mr Hare for his perusal not for any official purpose but because Snr Const Hall is aware, that Mr Hare

took a great interest in Kellys arrest and further that he promised him in the presence of Spt Nicolson on the road to McBeans six months ago that he would not let him run long and he would wish to let Mr Hare see that he kept his promise.

[PROV, VPRS937/P0, Unit 413]

Another police requisition to pay Dr Hester is prepared:

Three professional day visits from Dr Hester to a prisoner named Edward Kelly in Wangaratta lock up suffering from the effects of wounds inflicted by Senior Const Hall 569 whilst attempting to arrest him on a charge of horse stealing.

3 professional day visits at 10/11 for a visit to a prisoner named Edward Kelly £1.11.11

[PROV, VPRS937/P0, Unit 413]

#### 24 April

At Grimwood's Hotel, Elizabeth Street, Melbourne, a committee was formed, from those present, to consider the desirability of forming a Friendly Society of 'Victorian Natives.'

[The society would become the Victorian Natives' Association within weeks. Membership was restricted to Victorian-born men. One year later the association was renamed the Australian Native's Association with membership available to Australian born men over 16 years of age. Menadue, pp 5 - 16]

#### 29 April

At Wangaratta Police Court before Mr A. C. Wills, P.M.; Mr D. H. Evans, J.P., and the Mayor.

**HORSE STEALING.** — Edward Kelly, known as Young Kelly, a former mate of Power's, was charged with horse-stealing. Mr Norton for prisoner. — Senior-constable Hall, stationed at Greta, deposed: Went to arrest the prisoner on the 20th instant; I charged him with horse-stealing; the mare the prisoner was riding is now in the police station; it is a bright chesnut mare, short tail, white stripe down the face, about 14 hands high, branded like a W in a circle reversed on the off shoulder; when I told him I arrested him for stealing the mare he attempted to bolt; I had no time to question him; I afterwards questioned him as to the proprietorship of the animal in the lock-up, where he got her, and who she belonged to; he said she belonged to himself; I asked him where he got her; he said "go and find out;" I had seen the prisoner ride on the same mare before on several occasions; I attempted to speak to him, but he always rode away. By Mr Norton: I had reason to believe the mare was a stolen one, but I did not know who the mare belonged to; I arrested him after I had seen the criminal offences notice; I charged him with stealing the mare on the 20th inst. on the bridge at Greta; I asked him to go to the police office to sign some receipts; he told me he would not come; I did not attempt to pull prisoner off the horse; Before I charged him with stealing the mare I did not put the question in order to get him to convict himself; he refused to tell me where he got the mare; he told me afterwards of his own accord that the horse was his own; the brand is plain to be seen; I had seen the prisoner ride the mare three or four times before; he said I can do as b——y a lagging as any man in the country; and he would do it before he would put any body else into it. — George W. Newlands, post and telegraph master at Mansfield, deposed: I have seen the chesnut mare in the possession of the police this morning; she is my property; (mare described by witness) branded W reversed off shoulder; I had the mare last in my possession on Sunday 12th March at Mansfield; she was at grass on Maindample park about 2 miles from Mansfield; the park is unfenced; she has been running there since I had possession of her about 5 or 6 months; I missed the animal on the 19th March; subsequently gave information to the police about the 10th April; I do not know the prisoner; Mansfield is about 45 miles from Greta; I value the mare at about £6; I have not seen the mare from the 12th March up to this morning. — James Murdoch, a laborer residing at Greta deposed; I have known prisoner for over 12 months; he lives about 5 miles from where I live; remember seeing the prisoner after he left gaol; I saw him about half a mile from my place in the bush; he was looking for me; in consequence of a conversation I had with him then, he came to my place on the 15th April; we had a conversation about the mare outside the court; the mare was then in prisoner's possession; he (prisoner) stated that he knew where there were three or four good horses that he could get by stealing that would not be missed for some time; I asked him who owned the horses; he said one was the bay horse belonging to a certain party in Greta (Mr McMillan); he was then riding the mare now in the possession of the police; he said that she would do to take to Beechworth to sell; I asked him where he got the chesnut mare; he said he got her on the cheap on the Plenty, and that she was as right as "old cheese" up here; the prisoner promised to meet me at a yard belonging to John Dennett at Greta; he chose the yard because there was no person stopping there; he said he would meet me on a Wednesday, for the purpose of forwarding them to Beechworth for Thursday's sale; prisoner then went away; the conversation took place in the afternoon; after he left I

drew out a statement; I called on Senior-constable Hall, and gave it to him, with a description of the horses alluded to by the prisoner; I have seen the chesnut mare outside the court to-day; it is the same mare prisoner was riding on the 15th; I was summoned by the police to give evidence here to-day. — By Mr Norton: I was not on very intimate terms with the prisoner, I thought it was a trap he and the police had laid for me when he called on me about the horses; a fortnight elapsed between the first conversation, and the proposal to take the horses to Beechworth: on the first conversation he told me he wished to steal some horses to make a rise; he wished me to join him, and I said I would consider about it; I imagined prisoner and Constable Hall were too intimate, and I also thought Hall had an edge on me; I did not lead prisoner to believe that I would join him in stealing horses. Mr Norton said he was not prepared to go into a defence at present, and asked for a remand till Thursday next; remanded accordingly.

[Ovens and Murray Advertiser]

## 2 May

From the Wangaratta police station Senior Constable Hall reports: For the information of Supt Barclay that about noon today while trying to arrest the offender named in the margin [Isaiah Wright] for horsestealing on warrant he fired at him once and constable McInnerny fired three times when within about 100 yards of the offender at Greta but in consequence of being mounted on a splendid horse he escaped as their Troop horses were not able to overtake him.

[PROV, VPRS937/ P0, Unit 413]

The *Wangaratta Despatch* provides information that:

Wright was captured in a shanty kept by Kelly's mother between Winton and Greta. Senior Constable Hall and Constable M'Inerney entered the house and Wright attempted to conceal himself behind the bed of Kelly's sister, a girl of 18 years of age. Wright had apparently been sleeping in the room.

[Argus 8 May, page 6 – report of the *Wangaratta Despatch*]

## 4 May

At the Wangaratta Police Court before Mr A. C. Wills, P.M., Isaiah Wright was charged with horse-stealing. Sub-inspector Montfort stated the circumstances of the prisoner's arrest. The necessary witnesses were not forthcoming then, and he accordingly asked for a remand till Thursday next. He would also oppose the granting of bail, as if it were granted a miscarriage of justice might take place. — Remanded till Thursday next accordingly. Bail refused.

[Ovens and Murray Advertiser]

From Beechworth, Superintendent Barclay to the Chief Commissioner of Police: Referring to the correspondence on the subject of the arrest of "Young Kelly" for horsestealing now committed for trial to the next General Sessions I would request the Chief Commissioner's permission to stable the stolen animal till the case comes off as in consequence of there being so many friends and sympathisers of the above named offender in the District the mare would not be safe in any of the paddocks. The course which I propose is a somewhat expensive one, but I cannot devise any other for keeping the mare in safe custody and prevent the possible defeat of the ends of justice by the mare's being meanwhile stolen. It is highly important that a check should be put to this young offender's career as speedily as possible. [Barclay's report is subsequently endorsed that 'the animal arrived at the Depot 31/5/71.'

[PROV, VPRS937/ P0, Unit 413]

## 11 May

At the Wangaratta Police Court before Mr A. C. Wills, P.M., Isaiah Wright was charged with horse-stealing, and defended by Mr Norton. — G.W. Newland deposed that he was the telegraph and post master at Mansfield; on the 12th of last March he had a chesnut mare running in Maindample park; the mare was branded W reversed on off shoulder, short tail, white blaze down her face; sent her back to the park on the 12th March; required her for use on the 19th March; but she was not to be found, and in consequence of that witness, after a lapse of some time, gave information to the Mansfield police; next saw the mare on the 29th April, in the police stables, Wangaratta; saw her that morning in the same place, and it was the same mare he had missing from Maindample park; valued the mare at £6; she was peculiarly marked besides the brand; there was like a greased spot on the hair on her rump; she was rather remarkable in appearance; Maindample park is about three miles from Mansfield; know the prisoner, and where he lives; about five or six miles from Maindample park; from the head station the run was partly fenced in; the runs were all fenced in. By Mr Norton: Maindample park was the name of a station belonging to the Hon. Wm. Highett; did not know particularly where the mare was running; she had been