

TIME TO BURY THE NED KELLY MYTH

Dr. Doug Morrissey



Australian history has many sacred cows, none more so than Ned Kelly. Primary and secondary students write their essays to discuss whether Ned was “a hero or a villain”. Of course, the answer that comes back based on television, movies and books is that Ned was a hero defending his family and poor farmers from wicked policemen and evil squatters. This is the wrong question to ask; it distorts historical judgment and frames the bushranger in a clear-cut moral light, an either/or distinction which ultimately explains nothing. As a consequence, young people grow up with the larrikin-inspired idea that to take a gun and confront authority is cool. They see Ned’s exploits as dramatic, exciting and historically accurate. The media market for Ned Kelly is buoyant and receptive, particularly if Ned is seen as the wronged people’s hero. Try to interest the media in a story critical of Ned and listen to the silence you generate. But the Kelly myth is coming under pressure as never before.

School curriculums have contributed to the distorted view of Ned through the use of one-sided sources which support the Kelly myth, presenting a fairytale image of the colonial past, skewing the students’ understanding of Ned and his Greta community. The truth never gets told, largely because history teachers don’t know it and they are not familiar with recent scholarship on the subject. As a retired teacher I understand the difficulties involved in stepping outside the confines of a set history curriculum. Nevertheless, presenting a positive and uncritical slant on a murderer and bank robber should not be the goal of classroom teaching. Students need to hear the other side of the argument put in a balanced way.

Students visit websites, where for the most part what they have learned in the classroom is confirmed. Even the federal government's *australia.gov.au* website, which is an official information forum and should be even-handed in its approach, confirms this biased view. The website entry on Ned is full of factual errors and discrepancies, giving its readers a wholly inaccurate description of Ned and depicting him as a poor man's champion fighting for "poor Irish settlers". These errors and discrepancies were pointed out in a press release sent to the Prime Minister's and Education Minister's offices in January, but there has been no reply and the website information remains unchanged.

In the universities the situation is not much better. Courses touching on Ned and his pioneer community invariably view him through the same Kelly-myth prism. For example, no allowance is made for the different stages of settling the land. Victorian land act legislation, amended and improved over time, brought the squatters under control. The 1869 Land Act in particular turned the political tide and by the time of the Kelly outbreak, the land war was all but over, having been decided in the selectors' favour. Skirmishes still took place, but not the outright war and squatter tyranny touted by the Kelly myth. Selecting land, rather than engendering a culture of poverty and despair, was a colonial celebration of the Irish, English, Scots and Welsh, who now had the opportunity to own land free of the whims and political agendas of unsympathetic landlords in the old country. The journey to land ownership was, in the optimistic eyes of those who undertook the challenge, well worthwhile. Those who failed on one selection generally took up land elsewhere, and with grit and determination, many eventually succeeded.

The Kelly myth has Ned straddling a glaring divide between struggling selector marginalisation and the oppressive rule of the wealthy backed up by a compliant and corrupt police force. Ned's defiant fight against injustice and repression is characterised as a racially based hatred of the English, fuelled by an Irish heritage of rebellion and agrarian defiance. The police are seen as an occupying paramilitary force, hated and reviled by Ned, his sympathisers and the selector population in

general. Ned is acknowledged as a criminal, but a “police-made” criminal with a good heart and a social conscience.

Add to this a strong feminist theme, with Ned’s sly-grog-selling mother Ellen, her female relatives and her dissolute shanty friends held up as role models, freedom-loving women who had thrown off the constraining shackles of male oppression and conventional morality. This fairytale view of women of the era ignores the conventional morality and decent way of living of respectable selector women, who saw themselves as the steadying influence and moral compass of family life. They were determined and hardy bush women, who contrary to feminist opinion were not subservient to overbearing husbands. Neither were they a caricature or community stereotype of “God’s police”. There was not a one-size-fits-all definition of rural women of the period, but most pioneer women lived lives quite different from the shanty rowdiness and debauchery of the Kelly women.

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Taken together, we have university courses teaching a black-and-white Kelly myth version of Ned’s lawless history, devoid of community understanding and complexity. Missing is a credible and evidence-based awareness of how people in the Greta community actually lived. This is no minor oversight, but a major conceptual flaw in the historical approach taken to Ned Kelly studies at the tertiary, secondary and primary school levels.

The Australian public, with years of schooling and multimedia encounters with the whitewashed Ned Kelly story, are at a disadvantage in distinguishing truth from fiction. Ian Jones, long hailed as the nation’s foremost Ned Kelly expert, has through his best-selling books and his role as producer of a television mini-series and adviser on several Ned Kelly movies, been able to misrepresent and distort Kelly’s notorious life for more than forty years. Ned, a professional horse and cattle thief, twice a bank

robber and three times a police murderer, is turned into a political revolutionary fighting for the poor and downtrodden.

According to Jones, Ned had a Glenrowan plan to wreck a train, kill its passengers and proclaim a Republic of North-East Victoria. The evidence put forward for a Kelly republic is thin, and can be explained in a less melodramatic way than Jones's tale of revolutionary insurrection. What Ned sought to achieve at Glenrowan was to create a diversion, so he and his gang could rob banks and replenish the gang's exhausted coffers. Fear of betrayal from within the ranks of his own sympathisers, who he could no longer pay to protect him, was a principal motive behind Ned's grisly plan of mass murder. If some policemen and the hated blacktrackers could be killed along the way, then it would give the police a "black eye" and provide an opportunity to plunder the banks. There was no planned Kelly republic, and if there had been one, most of the Greta and Glenrowan selectors would have been totally opposed to such a treasonable undertaking.

With little knowledge of Ned's Greta community beyond the obvious "facts" of the Kelly story, Jones portrays the community as on the verge of tearing itself apart, poverty stricken, full of despair and expressing an agrarian anger. Into this seething cauldron of selector discontent, Ned appears as a champion and saviour of honest selectors and shanty thieves alike, boldly taking on the police and the squatters in a fight to the death. However, few authors today, even those who admire Jones and accept him as the premier Ned Kelly expert, have adopted the "Kelly republic and selector insurrection" hypothesis.

The most recent Kelly authors, Peter FitzSimons and Grantlee Kieza, who follow the Ian Jones line of Ned the Hero, continue to pull the wool over the eyes of those interested in the Ned Kelly story. FitzSimons, currently the leader of the Australian Republican Movement, holds to the independence maxim, "It's a thousand like Ned Kelly, who'll hoist the flag of stars". FitzSimons has gone a step further than Jones's "oppressive police" theme and in his 2013 book they become "the bastard police".

More than any other theme in his book, this slip reveals his Kelly bias. FitzSimons's work is as much an imaginative novel as it is factual history, with make-believe dialogue and fabricated motivations. FitzSimons is a Nedophile; the "facts" he presents are cherry-picked, one-sided and, of course, favour Ned. He simply ignores anything that does not support his view of the bushranger. The book reads like a badly written movie script. Ian Jones advised FitzSimons against reading anti-Kelly books, one in particular which he referred to as "a poisonous book". FitzSimons followed the grand old man's advice, and his book is the poorer for it.

Grantlee Kieza's 2017 book on Ned's mother Ellen presents a similarly flawed argument, softening the story of Ned and Ellen using tear-jerking sentimentality as his principal tool ([Read Doug Morrissey's *Quadrant* review here](#)). He portrays Ellen as a feminist heroine, an impoverished selector woman, the mother of many children cruelly victimised by the police and persecuted by nearly everybody else. Like Jones and FitzSimons, Kieza has little understanding of the Greta community. He equates the rowdy debauchery and constant thieving going on at the Kelly shanty with the lifestyle of all of Greta's residents. Ned and Ellen's wild "Irishness" and shanty excesses he extols as positive virtues in a frontier society dominated by English cruelty and memories of a brutal convict past. Kieza buys into Ned's vitriolic hatred of the English and it becomes, along with the Eureka rebellion and the centuries-old predicament of the Irish, a recurring theme in a lengthy tale of Kelly family torment and tragedy.

Kieza's work crosses over from melodrama to caricature. He tries to disguise his favouritism for the Kellys and their cause by presenting a sympathetic account of Sergeant Michael Kennedy and his family. Ned murdered Kennedy at Stringybark Creek by placing a shotgun against the pleading policeman's chest and pulling the trigger. Ned then stole Kennedy's gold watch and draped Kennedy's cloak over his body. Kieza's is a Clayton's attempt at historical balance and scholarly consideration for the police point of view. On every other occasion, as with his fellow journalist

FitzSimons, the tone of Kieza's words and his pro-Kelly attitude discredit "the bastard police" and give a sympathetic justification for Kelly's criminal actions.

What then is the alternative view to that of Ned and his shanty family as persecuted victims of police harassment, trapped in the miserable life of a poor selector? The Kellys were professional horse and cattle thieves, career criminals by choice, not circumstance. For more than a decade, Ned's relatives, the Quinns, were at the centre of an intercolonial horse and cattle stealing network, taken over and improved by Ned and his stepfather George King in the mid-1870s. The police watched the thieves closely, not to harass or persecute them, but because they were committing crimes and everybody knew it. The criminals were difficult to catch and more often than not were able to outwit the police, moving mobs of stolen animals across the border into New South Wales. They were able to do so with seeming impunity, due to poor police communication and an extensive network of relatives, old lags and receivers offering safe haven to thieves on both sides of the border. A modern-day analogy would be Melbourne's gangs of African teenagers stealing luxury cars, invading homes and shops, assaulting people and doing pretty much what they like, and disposing of stolen cars and other stolen goods through a system of "chop shops" and a network of more experienced criminals.

The Kellys, Quinns and Lloyds started from an even playing field in Australia. Ned's father "Red" Kelly had a choice to begin his life anew once he was released from convict chains. The temptation to steal his neighbours' property, booze to excess and fight in pubs and shanties, while avoiding the police and lying to the courts, proved too great. It was not the fledgling colony of Victoria and the golden opportunities it offered all men that was to blame; but something in the Kelly clan itself, a liking for the criminal "flash" and easy money which brought on the "troubles". Tens of thousands of honest immigrants and ex-convicts made a successful go of colonial life, without resorting to crime. To think otherwise is to fall under the spell of another Aussie myth—the myth that bushrangers, swagmen and other ne'er-do-wells are the true Australians.

The Kellys and their relatives were fringe dwellers, hardened criminals preying on the property of rich and poor and occasionally stealing from each other. They were not representative of the selector way of life, nor were they admired for their lawlessness outside their own shanty circle. Most of Greta's residents were hard-working, law-abiding men and women, who shunned the flash bush larrikins and prison lags surrounding the Kellys. The difference was pronounced, with Ned and his wild friends calling themselves "Snobs" and their decent-living victims "Mugs". A distinct lifestyle difference existed between Greta's respectable inhabitants and the plundering criminal fraternity.

Ned complains bitterly about Constable Ernest Flood, the father of his sister Annie's illegitimate child. Annie died soon after the child was born. The Kelly family did not object to the shanty romance, and the relationship was consensual, not seduction as the Kelly literature is fond of repeating. The Kellys made no complaint to Flood's superiors. Despite having numerous opportunities to do so, Ned never confronted Flood over his sister's death or his allegation in the *Jerilderie Letter* (1879) that Flood stole a mob of his horses while Ned was in jail. The allegation was untrue, as was Ned's attempt to portray Flood as a horse thief like himself. Ned's relationship with the police was complicated. It often started out as friendship with individual policemen, then fell apart when Ned did not get his way. Ned was adept at bearing a grudge and making excuses. The police, he bragged, could not catch him. If he was arrested, then it was persecution and harassment.

The police were not the corrupt villains and aggressive bullies they are always made out to be. Most were respected community policemen who did their duty without fear or favour. Naturally, the criminals they pursued had a different view coloured by their lawbreaking and in Ned's case by his shanty intimacy with the larrikin Constable Alexander Fitzpatrick. Fitzpatrick and Ned were drinking buddies. The Kelly family did not object when Fitzpatrick courted young Kate Kelly, and the relationship only turned sour when Fitzpatrick's attempt to arrest Dan Kelly for horse stealing went awry. Ned and Fitzpatrick agree: there was no sexual molesting

of Kate and it was Ned who shot Fitzpatrick through the wrist during the shanty assault. It was the Kellys who assaulted Fitzpatrick, knocking him unconscious and wounding him.

The Kelly brothers could have stayed and defended themselves against the horse stealing warrants and the more serious charge of assaulting and wounding Constable Fitzpatrick. Instead they ran away to a hideout in the Wombat Ranges near Mansfield. In October 1878 at Stringybark Creek, along with Joe Byrne and Steve Hart, they ambushed four policemen sent into the bush to arrest them. Three policemen died, surprised and gunned down with little warning. Constables Thomas Lonigan and Michael Scanlan died without a weapon in their hands. Kelly and his gang chased Sergeant Michael Kennedy through the bush for a quarter of mile. Ned brought him down and interrogated the wounded man for two hours before killing him in the darkness simply because it was time to flee the scene. Ned claimed self-defence for murdering the three policemen, when what occurred was cold-blooded murder. The Kelly Gang from the outset had the tactical advantage, with their rifles pointed directly at the policemen, and they fired without hesitation. Ned cannot be excused these murders; he and his mates could simply have ridden away. Ned wanted a fight and he recklessly brought it to the police camp at Stringybark Creek.

Neither can Ned Kelly be excused for the chaos and mass murder he and his gang planned to bring to Glenrowan in June 1880. With the railway tracks torn up, the outlaws waited for more than a day, with a pub full of hostages, for a police train to crash down a steep embankment outside Glenrowan. The gang, dressed in their homemade armour, would shoot any survivors and then set off to rob more banks. A callous plan, which if it had succeeded would be remembered today as one of Australia's most shocking crimes. The police arrived late and in desperation, Ned sought a "death by cop" suicide. Instead he was captured and pleaded for his life to be spared. Unlike Sergeant Kennedy, Ned's life was spared. Five months later, in November 1880, the bushranger faced the hangman's rope unrepentant for the murders of Constables Lonigan and Scanlan and Sergeant Kennedy.

The Greta community was a typical pioneer community with one major difference; it had more than its share of crooks. Ignored in the Kelly myth histories is the Greta community's strong adherence to traditional values, religion, morality and respect for law and order. Greta had the largest concentration of Primitive Methodists in Victoria's north-east. Around half of all selectors attended the Primitive Methodist church. These were highly principled, religious people who did not swear, drink, gamble or dance. They attended religious services several times a week and after ploughing the fields all day, some travelled to neighbouring communities as lay preachers. One such young preacher was reprimanded by church elders and publicly made to repent for "jumping fences and shouting at Glenrowan", while travelling to a preaching engagement. These are hardly the sort of people who would engage in livestock theft, or rush to support a gang leader whose crimes led to bushranging and murder. Nor would they have joined Ned in establishing a Kelly republic based on mass murder, or acted in concert with the thieves, larrikins and local bullies who stole their property and terrorised their neighbourhood.

The Greta and Moyhu Catholics were less wowsery in observing their religious duties, but cannot be labelled as Kelly sympathisers simply because they were Irish, Catholic, took a drink and gambled on horse races. Ned complained bitterly about Whitty and Byrne in the *Jerilderie Letter*. Both men were Irish Catholic to the bone, leading lights in the Moyhu and Wangaratta Catholic communities and active promoters of Home Rule for Ireland. They were practical Irishmen and loyal supporters of the British Empire, who believed in a constitutional solution to Ireland's political and social woes. In this, they were in accord with the view of most colonial Irishmen, who did not become breakaway republicans until after the 1916 Easter Rising. Whitty and Byrne played a leadership role in collecting funds for the Irish National Land League and for a variety of other Irish charitable causes. Ned and his family did nothing for the cause of Irish freedom, other than drink beer and complain. Kelly despised the British Empire, and advocated violence to end English rule in Ireland and the colonies. Sadly, with ideological hindsight applied, this has made him a republican hero in Ireland and Australia, when he was no more than a

xenophobic, violent criminal. Ned was not a Fenian, although he often spoke like one. Crime, bush larrikinism and boozy shanty rowdiness, not politics Irish or colonial, was where his true commitment lay.

Many Irish Catholics in the Greta community shared Whitty and Byrne's pragmatic views on Irish and colonial affairs and they supported the pair in their endeavours. Ned and his unruly relatives, on the other hand, rarely if ever attended mass, never participated in community activities except in their personal interests, and never in a leadership or committee role. They made fun of those who did. Irishness and Catholicism were not important indicators of Kelly Gang support, either in the gang's horse and cattle stealing network or the broader Greta community. The same could be said of Protestants, like Ned's larrikin mates Wild Wright and Aaron Sherritt. What mattered was participation in crime, affinity with a shanty lifestyle, involvement in larrikinism and having prison credentials.

Despite the Kelly myth hinting that Irish republicanism was at the core of Ned's Glenrowan plan, most of Greta's Irish Catholics and Protestants kept their distance from the Kellys before, during and after the gang's demise. When a petition was brought around by Kelly sympathisers, asking for the Governor to reprieve Ned from the hangman's noose, Greta residents complained to the police that they were being intimidated into signing it by threats made against their property. Such threats would not have been needed if Ned was truly the poor man's champion he professed to be.

Whitty and Byrne were enterprising Moyhu farmers who were not squatters as the pro-Kelly histories state, receiving loads of farming help from their equally enterprising sons and daughters. The comparison between the industrious Whitty and Byrne families and the riotous-living Kelly clan, who failed to work together to establish themselves on the land, is obvious. The Kelly myth focuses on squatter conflict, when most disagreements involved selectors quarrelling with other selectors over things like access to water, common boundaries and the nuisance of wandering

livestock. Ned criticises Whitty and Byrne for impounding trespassing livestock, when everybody in the community did so, including Ned's own relatives. If Whitty and Byrne were the evil squatter tyrants depicted in the Kelly histories, why were they spared agrarian crime and never criticised in north-east newspapers? The answer is simple: Whitty and Byrne were respected community leaders and only Ned, who envied their farming success and growing prosperity, thought otherwise.

Of course, respectable people had their foibles and some did not always live up to the high ideals they set themselves. Like people everywhere, they occasionally came into conflict with one another. The Greta community was not always harmonious and co-operative, but neither was it imploding from poverty, despair and class conflict. Without sufficient co-operation and self-sacrifice, viable pioneer communities could not have been established. To overemphasise either conflict or co-operation is to minimise people's lives and the competing purposes they brought to building a community.

The lightning rod for Greta community disruption and angst was the criminal underbelly, the thieves, larrikins and shanty layabouts. Specifically, Ned Kelly, his Greta Mob of horse and cattle thieves and his rowdy shanty family, opportunist criminals preying on those around them. Decent-living selectors were forced to endure a crime wave for more than a decade before the Kelly outbreak. Again, what readily springs to mind is the violence and intimidation Melbourne's African gangs visit daily on innocent people living in working-class suburbs, many of whom fear for their property and their lives. The police have been powerless to stop the crime wave, and as with Ned's Greta Mob crime spree, the African gangs fear neither the police nor the legal system.

Selectors and squatters in the Greta area, with the notable exception of the cranky Scotsman Hector Simson, pretty much respected each other. Apart from an occasional squabble, the squatters did not oppress the incoming class of selectors. Ned's family and his Lloyd relatives got on well with squatter Robert McBean, on

whose Kilferra Run they had settled. McBean, a well-intentioned and likeable Scotsman, was a Benalla Justice of the Peace who presided over many Kelly clan trials. On two occasions, the Lloyds acted to protect McBean's property from disgruntled employees, informing the police of the crimes committed and going to court to give evidence against their workmates. There was a subtlety to selector-squatter relationships that is rarely mentioned in the Kelly history books. The political rhetoric engaged in by both sides does not adequately reflect the reality of living side by side with each other.

Nor were selectors the impoverished, alienated wretches of popular myth. Selectors settled on the land and were driven to succeed, because the reward was to own their own farms. They endured trying times and in Greta in the Kelly period 79 per cent of selectors who took up land survived to gain freehold title to their properties. Half of all the selectors living in Greta, Moyhu and Glenrowan did not mortgage their farms while tenants of the Crown, and only 10 per cent regularly fell behind in their rent payments. Forty-eight per cent of selectors never fell into rent arrears and of those who did only 18 per cent did so more than twice. These figures belie the Kelly myth of rampant poverty and despair. A farmer's life was not an easy one and nobody expected immediate success; but with hard work, thrift and persistence, the aspiration was there to be achieved. Selectors looked forward to a bright future on the land for themselves and their children and most went on to achieve their dream.

The myth of Ned Kelly has been found wanting in every respect. For a country like Australia built on hard work and perseverance, there is no room in our national folk canon for a bushranger like Ned Kelly. He should never be mentioned without reference to his career of criminal lawlessness and his narcissist character. He was a self-confessed murderer who never repented of his crimes, but always excused them as someone else's fault. He bragged about his abilities as a bushman and a horse thief and his supremacy over the police. Modern-day fascination with the Kelly armour and the romantic notion of a Kelly republic should not blind us to the incontestable fact: Ned Kelly was a violent and impulsive individual who used his fists and a gun to

intimidate, terrorise and disrupt people's lives, and simply because he felt entitled to their property and even their lives. "My orders," he said, "must be obeyed!"

Only the barest surface layer of the Greta community story and Ned's family's place in it has been revealed here. Some of it was contained in my recent book *Ned Kelly: A Lawless Life* (2015), and a more detailed analysis will appear in my next book, *Ned Kelly: Selectors, Squatters and Stock Thieves*, now in preparation and to be published next year. A third volume dealing with the Stringybark Creek police murders, exposing Ned's guilt as the ambush murderer of three policemen, will follow soon after. Ned never was a towering figure of affection in his community and it is high time we stopped pretending he was.

Dr Doug Morrissey's book Ned Kelly: A Lawless Life was published by Connor Court in 2015 and shortlisted for the Prime Minister's Literary Award in 2016.

Dr Doug Morrissey's book Ned Kelly, Selectors, squatters, and Stock Thieves provides an outstanding and well researched view of the circumstances that existed in colonial Victoria. Published by Connor Court in 2018, it is a must read for students of the Kelly era in north east Victoria.