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NED KELLY AND HORSE AND CATTLE STEALING

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NED KELLY IS a figure of truly mythical proportions in Australian history. His career as Australia's premier bushranger, which involved both bank robbery and murder, has received considerable attention from historians and others who have written accounts of the Kelly Outbreak. Less well documented is Ned's career as a professional stock thief. When traditional histories deal with Ned Kelly's criminal activities before he became an outlaw, they inevitably present Ned and his family as the hapless victims of police persecution and squatter harassment. While there is some truth to these claims, they are a long way from being the whole truth. Ned Kelly was more than just a hapless victim; he was, as this paper will show, an aggressive professional stock thief spreading his own brand of fear and intimidation.

The complex social relationships and the hidden local undercurrents that have remained unseen, and even unsuspected, concerning Ned Kelly's career as a stock thief are revealed in some detail. Two pivotal events in Ned's career as an outlaw — the so-called Fitzpatrick Affair, in which Constable Fitzpatrick was wounded while attempting to arrest Dan Kelly for horse stealing, and the even more significant Baumgarten horse and cattle stealing case, which also involved the Kellys and occurred just prior to the Fitzpatrick shooting — are important events intricately interwoven into the Kelly saga. These events are the logical starting point for an analysis of the horse and cattle stealing fraternity to which Ned Kelly and his family belonged.

When Constable Fitzpatrick visited the Kelly homestead in April 1878 to arrest Dan Kelly for horse stealing, an altercation took place which led to the Kelly brothers taking to the bush.¹ Fitzpatrick claimed that he was shot in the wrist by Ned and was then held prisoner by the family until he promised not to report the matter. Upon returning to Benalla, Fitzpatrick immediately informed his superiors that Ned Kelly, assisted by his friends and relatives, had tried to murder him. The police acted swiftly. They arrested Mrs Kelly, her son-in-law William Skillion and a neighbouring farmer, William Williamson, and charged them with complicity in the attempted murder of a policeman. Ned and Dan Kelly went into hiding around Mansfield and within a few months of the affair were involved in the ambush and murder of three policemen at Stringybark Creek.

The events surrounding the Fitzpatrick Affair are very confused and difficult to interpret. Fitzpatrick's version differs substantially from that

given by the Kellys and their friends. Ned claims he was four hundred miles away when the incident took place and that he returned home to find a price on his head.² Fitzpatrick on the other hand swore on oath that Ned had rushed into the house and fired a revolver at him. The problem we are faced with is who we should believe. Traditional histories invariably favour Ned Kelly's version of the event, and generally brand Fitzpatrick as a liar. When we look more closely at the behaviour of the leading personalities who were involved in the incident, a somewhat different interpretation is possible.

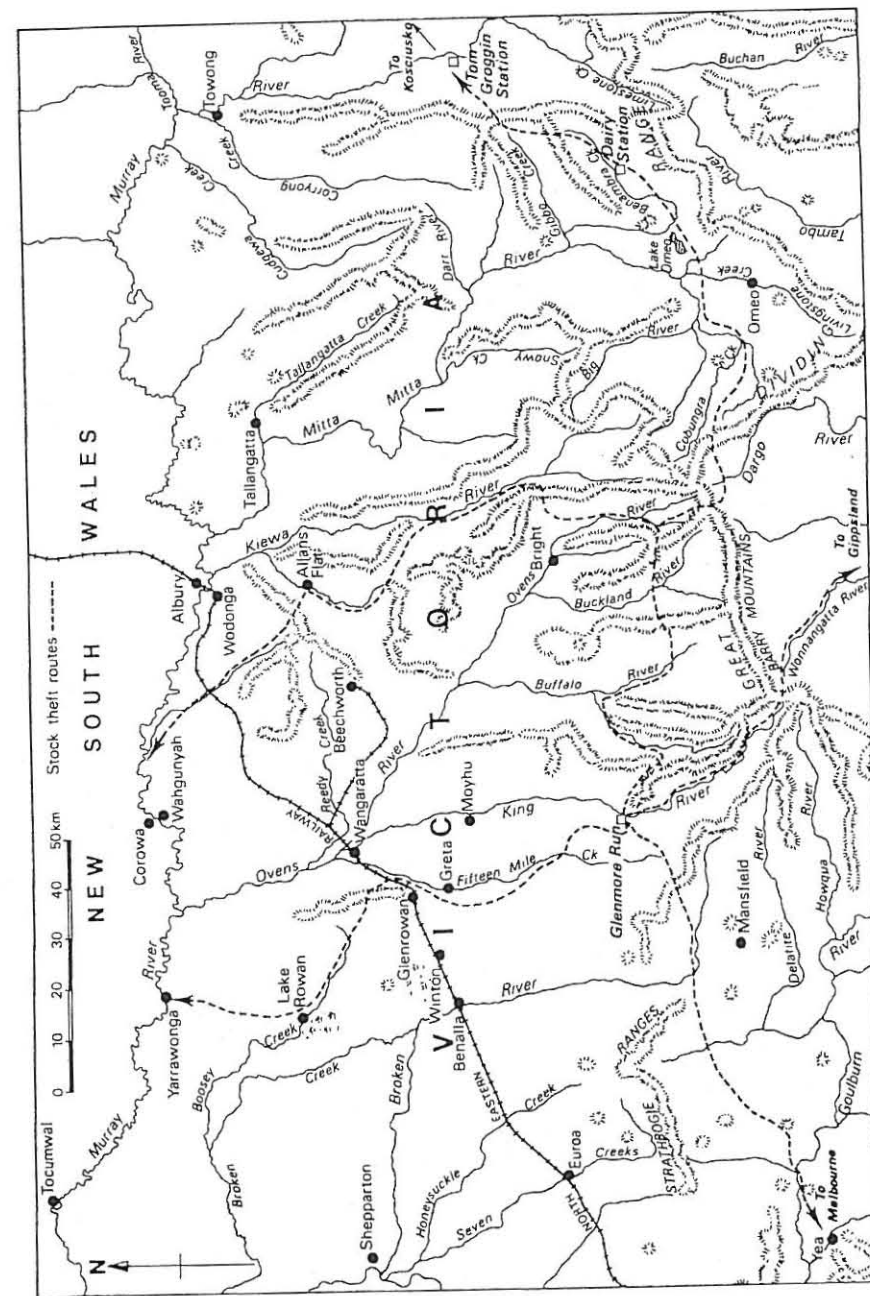
In 1881 William Williamson, who was serving a six-year sentence for his part in the affair, made a detailed statement to prison authorities, which agrees substantially with that given by Fitzpatrick. Williamson not only places Ned at the scene of the crime, he makes some interesting comments concerning Ned's actions on the day in question, and also discusses his general character.

'Soon after this, Ned Kelly rushed round the house . . . and fired two shots at Fitzpatrick . . . Ned [then] cut the bullet out and Mrs. Kelly dressed the wound . . . Fitzpatrick had promised to say nothing about having been shot, . . . but if there was any noise about it, I was to say that Fitzpatrick was standing talking to me, when he saw two men on the next range and started away to try to arrest one of them, when the other man fired from behind a tree at him.'

Williamson, who didn't want to be implicated in the affair, told Ned, 'I should never be able to think of that story and had better say that I knew nothing about it'. He admitted to being afraid of Ned and said, 'though I might have interfered when Ned Kelly was taking the revolver from Fitzpatrick . . . I thought it better not to do so, as I might have made matters worse'.³ Williamson's motives in 'splitting' on Ned Kelly may perhaps, given the seriousness of his situation, be associated more with self-interest than the pursuit of truth. And we may in fact never know the whole truth concerning what happened on that day.

One thing is absolutely clear concerning the Fitzpatrick affair: it occurred because of the Kelly family's long association with horse and cattle stealing. The Baumgarten horse-stealing case, which is a great deal more complicated, will be discussed later. But it too clearly reveals the complicity of the Kelly clan in prolonged and extensive livestock theft.

Ned Kelly was an accomplished, self-confessed horse and cattle thief, intensely proud of the fact that before he became an outlaw he had personally stolen and sold 'horses and cattle innumerable', very few of which were ever recovered by the police.⁴ A testament to his ability as a stock thief is that the only successful prosecution involving stolen livestock ever brought against him by the police, was for receiving a horse 'borrowed'



North East Stock Theft Routes.

by his larrikin mate Wild Wright. Ned was sentenced to three years gaol for 'receiving' the stolen animal and like other members of his family before him, he went to prison for a crime connected with stock theft.

The Kellys and their relatives the Quinns and Lloyds were professional stock thieves who made a living out of stealing other people's livestock. They belonged to a network of close-knit criminal families engaged in extensive horse and cattle stealing. Ned's mother Ellen Kelly, *née* Quinn had two sisters, Catherine and Jane, who married the Lloyd brothers, Thomas and John. The Kelly clan, as these three families were later to be called, lived in close proximity to one another in the Kilmore district before moving to the North East and settling in the King Valley during the 1860s. As early as 1856, they were associated with cattle duffing in the Wallan and Donnybrook areas. Between 1856 and 1865, the police brought nineteen charges, thirteen involving horse and cattle stealing, against members of the clan.⁵

To escape from the scrutiny of the Kilmore police, the Quinns moved to the King Valley in 1864 and took up the remote Glenmore squatting run. The wild, inaccessible and sparsely-populated country at the headwaters of the King River, with heavily-timbered mountain slopes and numerous back ranges, provided an ideal and secure retreat from which to carry on horse and cattle stealing. Close to isolated mountain stock routes discovered by Bogong Jack a decade before, the Glenmore Run became a safe haven for bush criminals, flash larrikins and horse and cattle thieves travelling to and from the Murray River. Harry Power, Ned Kelly's mentor in bushranging, found shelter and acceptance at Glenmore. He was even captured there, when one of Ned Kelly's uncles betrayed him to the police.

From as far away as Gippsland and the Western District, mobs of stolen horses and cattle were regularly driven over the remote mountain stock routes that passed near the Glenmore Run. They were either hidden in the bush near the Quinn homestead, or else taken across the Murray River into New South Wales. A reciprocal trade existed, with stolen animals being mustered from as far north as Dubbo and Tamworth in New South Wales. The animals stolen in one colony were sold in the other. Well-defined stock routes through sparsely settled country, where the facility to hide livestock in the bush near the runs and selections of those in the stock theft network was readily available, minimized the risk of detection and interference by the police. The most important of these stock routes, which had been in constant use for nearly two decades prior to the Kelly Outbreak, was described by a police agent searching for the Kelly Gang.

'From the top of the King river near Quinns, there is a back range [which leads] to . . . Dairy Station very near Omeo . . . A little higher up you come to the top of the River Murray . . . and Tom Groggin's

[station], a great friend of the Kellys, past his place you are in New South Wales, . . . from there [you travel] to [the] Monaro and Spark's house at Snowy River . . . From the top of the King [River] through to the Snowy River is . . . Kelly's stronghold and contains nothing but friends of the gang and men of the worst class.'⁶

Another stock route regularly used by duffers followed the Kiewa Valley to Allans Flat, crossing the Murray River near Barnawartha and Wahgunyah. A stock route entailing a greater degree of risk crossed Futter's Range near Greta, passed through Rowan's Swamp and forded the Murray River at Yarrawonga. The danger of using such an open route through settled country was compensated for by the many friends and relatives of the thieves residing in the vicinity of Rowan's Swamp. Ned Kelly's relatives the Ryans, lived near Lake Rowan as did the Larkins, O'Sheas, Johnstons and Fitzpatricks, all of whom were former neighbours and associates of the Quinns at Wallan.⁷

The movement of so many animals over such a vast distance required close co-operation and precise organization. An extensive network of stock thieves, receivers and bush telegraphs bonded by close ties of blood, marriage and criminality, gave shelter and assistance to the inter-colonial stock thieves. Many of these families were selectors residing in sparsely settled regions on both sides of the Murray River. Some like the Baumgartens were prosperous farmers, dealing in stolen horses and cattle as a profitable sideline. Others such as the Kellys were selectors with little interest in farming, whose only concern was the squandering of the proceeds of a lucrative trade, in riotous living and displays of larrikin flashness.

The Baumgartens were German immigrants residing at Barnawartha. They selected, leased and purchased hundreds of acres of land in and around the small township. By 1875, William, Gustave and Johann Baumgarten had acquired 1,747 acres between them.⁸ The Baumgarten clan were related to a neighbouring family named Margery, who were associates of Power the bushranger, and they resided within a short distance of Ned Kelly's relatives, the Tanners. The Baumgartens were receivers and bush telegraphs for a gang of New South Wales thieves led by a duffer named John Gibbs.⁹ They were also close criminal associates of the Kellys, Quinns and Lloyds, assisting them to conceal and to dispose of stolen livestock from both sides of the Murray River.

Stock thieves like the Kelly and Baumgarten clans had many ways of stealing and disposing of stolen livestock. Aaron Sherritt, later to be shot by the Kelly Gang as a police spy, revealed to Superintendent Hare Ned Kelly's method of horse stealing.

'He told me [that] he, Joe Byrne and Ned Kelly used to steal horses wholesale . . . change the brands . . . and dispose of them . . . They

made raids on horses from Wagga to Albury, took them on a back track to Melbourne, and on their return would pick up a number of horses in Victoria and take them over to Wagga or Hay for sale.¹⁰

To assist stock thieves working on both sides of the border, a system of 'plants' or holding paddocks were set up to secure stolen animals until they could safely be driven across the Murray River. These were established at remote locations in the North East and in southern New South Wales. The selections of those involved in wholesale stock theft were well known to the police, and were therefore rarely used to pen stolen animals. One of the more interesting holding paddocks frequently made use of by stock thieves was located within a short distance of the Baumgarten's farm at Barnawartha, and was only five miles south of a popular crossing place for stolen livestock. Detective Ward, a Beechworth policeman who prior to the Kelly Outbreak spent much of his time in pursuit of horse and cattle thieves, was impressed by the businesslike acumen of his quarry. 'They had ample paddock space', he said. 'Indeed all their arrangements were as perfect as in any properly conducted business.'¹¹

In addition to having efficient organizing skills, horse and cattle thieves were most inventive in their ways of disposing of stolen livestock. An imaginative system of altering and defacing livestock brands was widespread. A branding iron dipped in scalding water, or a smouldering cigar end, were effective and relatively simple ways of effacing brands. Some thieves were creative craftsmen, erasing a letter or brand with little more than tweezers, iodine and a length of hoop iron.¹² Once across the border, horse and cattle thieves commonly released stolen animals, waited for them to be impounded and redeemed the lot by public auction. Impounded animals not claimed by their owners within twenty-one days, were auctioned off, generally at prices well below an animal's true market value. Some pound keepers were in collusion with the duffing gangs and issued pound receipts on demand. With a pound receipt as legal proof of ownership, stolen livestock could be disposed of with impunity. The police found it extremely difficult to break up duffing gangs, operating under the protection of dishonest pound keepers. Unless someone connected with the gang turned informer, the police were unable to prove that the transactions between corrupt pound keepers and stock thieves were fraudulent.¹³

A method of disposal which involved a greater degree of risk for the thieves was the manufacture of bogus bills of sale. To obtain the signature of a disinterested witness on a counterfeit bill of sale, stock thieves staged a well-rehearsed charade.

'They would make for some squatter's station where they were unknown, [and] ask permission to put their horses into his stock yard, on the pretence that they had met a stranger who wanted to purchase the mob of horses . . . The squatter would hear them making bargains

about the price of each animal . . . they would [then] ask the squatter to allow them to go into his office to draw up receipt, . . . [which he] would be asked to witness.'¹⁴

A counterfeit bill of sale written on the letterhead of a pastoral tenant and duly witnessed by him gave a degree of protection to stock thieves seeking to dispose of stolen livestock. Stolen animals were often sold to squatters and selectors along the roadside, or taken to remote country towns and sold by public auction. In the months leading up to the Kelly Outbreak, Steve Hart, one of the Kelly Gang, was known to have made several journeys to the New South Wales township of Jerilderie, with mobs of stolen horses which were sold by the local auctioneer.¹⁵ It is surely no mere coincidence that Jerilderie was later chosen by the Kelly Gang as the scene of one of its daring bank robberies. As receivers of stolen animals from both sides of the border, the Baumgartens were regularly supplied with bogus bills of sale by their accomplices. This clever manoeuvre made it difficult for the police to prove that a criminal partnership existed between the duffers and their associates, the receivers. In most of his dealings with the Baumgartens, Ned Kelly issued bills of sale to them under the alias of 'Mr Thompson'.¹⁶

Dishonest squatters were an essential part of the horse and cattle stealing network. They allowed stock thieves to conceal mobs of stolen horses and cattle on their runs and generally assisted the duffing gangs in whatever way they could. Pastoral runs such as Glenmore (King River), Table Top (Myrrhee), Tom Groggin (Upper Murray) and the Fifteen Mile Creek Run (Myrrhee) were just a few of the North East runs licensed to families sympathetic to the duffers.¹⁷ Relationships between dishonest squatter families and the duffing gangs were strong and were nurtured over many years. These relationships were often complex and wide ranging. Robert Mason who held the licence to the Fifteen Mile Creek Run, was a close friend of the Quinns. He was also a long-time associate of their partners in crime, the Strickland, Wood and McInnes families of Moyhu. Prior to taking up the Fifteen Mile Creek Run in July 1857, Mason had been part of a stock theft syndicate which held the Begary Station on the Upper Murray River above Towong.¹⁸

The Begary and Tom Groggin Stations were well known throughout the region as havens for stock thieves and other criminals on the run. Within a short distance of both stations resided friends and relatives of the Stricklands, Woods and McInneses. These families made regular journeys between Greta, Moyhu and Towong, occasionally visiting the Quinns and the Fifteen Mile Creek Run. During the Kelly Outbreak the police were concerned that information about their movements and those of the outlaws was being passed during these visits. In 1879 Detective Ward employed a private agent named Mueller to gather information on the activities of the Kelly

sympathisers. For several months, Mueller worked as a farm hand in the vicinity of Moyhu and Greta, picking up reliable information on the whereabouts of the outlaws. On Ward's advice, he visited Towong to monitor the movements of the Strickland, Woods and McInnis clan. Towards the end of 1879 Ward received a series of anxious letters from Mueller pleading for immediate assistance. Word of his spying activities had reached Towong from Moyhu and Greta, and the McInnis clan and their friends were out to settle the score with the police spy. They burned down the bark hut where he was staying. Angry threats were made that some of the clan would shortly throw him in the Murray River to drown. In fear and desperation, Mueller wrote to Ward that 'I would not remain here for twice the pay'. Ward agreed that the situation was indeed serious and he helped Mueller to escape to some other part of the colony.¹⁹

Despite the bad press that the police generally receive in most books on the Kelly Outbreak, where they are usually presented as incompetent bunglers and worse, it is clear that the police had a clear understanding of how regional crime operated and were well acquainted with all the thieves and criminals of the district. They knew which families were actively involved in regional stock theft, and kept them under close surveillance. Detailed reports on the activities of families associated with crime were regularly sent to Melbourne from police stations throughout the North East. The police were quite specific as to who these families were and made a clear distinction between 'the respectable class of farmer' and the 'friends, relations and associates of the Kellys'.²⁰

By respectable class of farmer, the police were referring to selectors, squatters and any other local resident who was not a part of the criminal network described above. These respectable farmers were the victims and not the associates of professional thieves and criminals. Their names are mentioned in connection with all kinds of crimes, in regional crime reports and Police Gazettes, in that capacity. The myth perpetuated by several writers who have written on the Kelly Outbreak, that crime, particularly stock theft, was endemic in the region and was engaged in by nearly the entire community is only partially true. Crime was indeed endemic, but it was not carried out by the vast majority of the district's residents. Only a small minority of selectors and others who were connected with the criminal network, residing in the vicinity of Greta, were ever mentioned by the police as belonging to families engaged in stock theft and local crime.²¹

Families who were originally associated only through crime developed strong kinship bonds with one another. Marriage and de facto relationships were a key factor in the smooth operation of the criminal network. The police knew this and they kept a close watch on the movements and activities of all of these families. Sometimes their surveillance included the innocent, as well as the guilty.

The Bourkes were a family that had never been in trouble with the police. They were related by marriage to the Johnstons and Harts of Moyhu, who were regarded by the police as 'notorious horse and cattle thieves'. Because the Bourkes associated with and kept an 'open house' for thieves and criminals, and because they were near neighbours of the Quinns, they came under close police scrutiny. In their dealings with the Bourkes and families like them, the police often failed to recognize the subtleties of family behaviour. In particular, they misunderstood the flexible nature of kinship obligations. To offer kinship hospitality to the friends of one's relatives, whether or not they were criminals, was not the same as participating in crime. The police from their front line perspective saw such behaviour as tantamount to active participation in crime. At the very least, it was perceived as active collaboration. After all, the criminals were indeed visiting such families on a regular basis. The attitude of the police to families like the Bourkes, can best be summed up in their own words. 'If the Bourkes were honest men, they would not permit such a bad lot to frequent their residence and to put up for the night whenever they liked.'²² In adopting this attitude, the police were clearly mistaken in how they interpreted some of the minor detail they had so laboriously acquired concerning the criminal community. But when it came to assessing the overall picture of criminal behaviour in the region, the police view was substantially correct.

Usually, only a small number of those who belonged to suspected criminal families were active horse and cattle thieves. A larger group within these families acted as receivers and bush telegraphs. Others spent only brief periods of time on the fringes of serious crime. A group that was heavily involved in rural crime, particularly in stock theft, was the delinquent youth of the district, Larrikins, as these wild and untamed youthful bush hoodlums were called, banded together in local mobs. Looking to their criminally-inclined parents and relatives as obvious models to follow, larrikins gravitated naturally to horse and cattle stealing. Like those they admired, they were fond of fast horses and easy money. And, also in the manner of those they admired, they readily assisted in the theft, movement and disposal of stolen livestock.

Prestige, honour and acceptance among the larrikin mobs revolved around the ownership and possession of horses. To be well mounted, mobile and outwardly flash in both dress and behaviour; to share an anti-social outlook that emphasized 'a short life and a merry one'; these were qualities of paramount importance to these rebellious young men. Although larrikin mobs were generally the domain of defiant young males, spirited young women like Ned Kelly's sister, Maggie, were always on the periphery of the mobs, ready to assist in all sorts of mischief-making, including breaking the law. Some may even have actively assisted in the movement of stolen livestock.

The Greta Mob, as the larrikins of the district liked to refer to themselves, were the sons (and daughters) of families associated with crime. The children of criminally-inclined families such as the Kellys, Lloyds and Barnetts became bush larrikins almost as a matter of course. Conversely, respectable Greta families such as the Smiths, Broadbents and Carmichaels, who were all honest selectors, produced children who like their parents were neither flash in the criminal sense of the word, nor were they delinquent bush larrikins. Occasionally, in a spirit of fun, impressionable young people from respectable families might join the Greta Mob in skylarking displays of skilled horsemanship, or even in some minor mischief making. Such high-spirited pranks generally stopped short of minor crime, and never included horse and cattle stealing. To distinguish themselves from the sons and daughters of respectable selector families, the Greta larrikins defiantly wore the chinstraps of their hats tucked under their noses as a public symbol of their larrikin identity. Later the practice was adopted by the Kelly sympathizers and became synonymous with active sympathy for the gang.²³

The younger Kellys and Lloyds were involved in serious crime and all kinds of larrikin behaviour from an early age. While still a youth, Ned's elder brother Jim Kelly and an older larrikin mate were sent to prison for five years for stealing livestock belonging to the district's farmers.²⁴ Another larrikin escapade which should be mentioned, because it is referred to by Ned in the *Jerilderie Letter* (1879), concerns his younger brother Dan Kelly, his cousins Tom and John Lloyd Junior and a Winton storekeeper named Davis Goodman. Goodman accused the young larrikins of breaking into his store, stealing some merchandise and assaulting his wife. He brought a number of charges against the three young offenders, including an exaggerated charge of attempted rape against Tom Lloyd Junior, who had drunkenly manhandled Mrs Goodman. Warrants were issued and the three young larrikins were taken into custody and brought before the Bench. The trio were found guilty of a lesser charge of damaging Goodman's property and were sentenced to three months imprisonment. Tom Lloyd had four months added to his sentence for the assault on Mrs Goodman. Goodman, who had grossly exaggerated the value of the goods stolen, was later arrested and, much to Ned's satisfaction, 'has since got four years for perjury concerning the same property.'²⁵

Larrikins spent much of their time and the greater portion of their ill-gotten gains from stock theft on drinking, fighting and skylarking in the district's pubs and shanties. When not visiting the selections of their relatives and friends, or seeking an opportunity to make some easy money, the Greta larrikins would ride into the region's larger towns to poke fun at the townspeople and to offer a challenge to the local larrikin push. Conspicuously attired in their larrikin's uniform of strapped moleskin trousers, gaudy waistcoats, high-heeled riding boots, and with their chinstraps neatly

tucked under their noses and a number of coloured ribbons flowing from their hat bands, 'the Greta Boys' set out to impress the town's young women. They engaged in furious horse races and trick riding exhibitions, narcissistically displaying all their athletic prowess and riding skills. The local larrikins naturally took a dim view of this unwelcome invasion of their turf. An inevitable fight would occur, which ended either in the victory or defeat of one side or the other. But whatever the result, the confrontation was always followed by the full-scale retreat of the 'Greta Boys'. Conspicuous display and anti-social gang behaviour of this kind were all part of the larrikin's sense of style.

Another characteristic of larrikin behaviour that clearly defines the way in which larrikins saw themselves concerns the concept of flashness. Flashness was a term used in a pejorative way by the police to describe the aggressively self-assertive styles of both larrikin and general criminal behaviour. When applied to larrikins, it typified an adolescent view of the world centred on ostentatious display and varying degrees of law breaking. Adult criminal flashness, which was more hard bitten and ruthless in outlook than its adolescent variety, exhibited none of the mischief-making exuberance of youth. It generally expressed its need for conspicuous display in a boisterous pub and shanty style. For both groups, flashness focused on crime, particularly horse and cattle stealing, which established a common purpose and a group identity.

A shanty culture made up of those whose occupation revolved around stock theft and other kinds of serious crime, held together by bonds of kinship, crime and flashness, grew up in opposition to respectable society. The criminal community's hatred of those outside its ranks and the arrogance it collectively displayed towards its enemies, were often remarked upon in police and newspaper reports. The police whose presence hindered duffing operations because they knew who the flash criminals were and kept them under close scrutiny, were seen as its natural enemies. Squatters, selectors and others not connected with crime were perceived as potential victims and looked upon with contempt. The scheme most favoured by the police in order to break up this criminal network was an all-out campaign directed at undermining individual prestige and, eventually, the network's collective identity. And that meant taking away the criminal community's unique sense of flashness. In April 1877 Superintendent Nicolson instructed the police throughout the North East district:

'they should endeavour, whenever [the district's criminals] commit any paltry crime, to bring them to justice and send them to Pentridge . . . The object being to take their prestige away . . . The prestige these men get up there from what is termed their flashness helps to keep them together, and that is a very good way of taking the flashness out of them.'²⁶

Nicolson's solution was, of course, ill chosen. Rather than deprive criminals of individual prestige, a term in prison actually enhanced their reputation among their associates. And it had the undesirable effect of further strengthening their personal image of themselves as flash individuals. For the young offenders, prison was an initiation into mature adult criminal life. To an old hand, it served as a meeting place to renew old friendships and to make new contacts. Criminals, both young and old, regarded prison as nothing more than an occupation hazard, a brief interlude in an otherwise gainful profession. The police strategy which was aimed at demoralizing the criminal community actually had the opposite effect and contributed to the shaping of criminal identity.

An enduring myth connected with the Kelly Outbreak suggests that Ned Kelly was the poor man's friend and champion; that neither he, nor anyone associated with him and his gang, would ever knowingly steal the property of the poor. In his public posturing, Ned went to great pains to foster this popular image. Time and again he expressed his comradeship with the poor and the downtrodden, clearly identifying the rich and powerful as his personal enemies.

'I wish those men who have joined the Stock Protection Society to withdraw their money and give it and as much more to the widows, orphans and poor of Greta . . . It will always pay a rich man to be liberal with the poor . . . as he shall find if the poor is on his side, he shall lose nothing by it.'²⁷

Whether or not Ned Kelly really believed that he was a poor man's champion, or was simply currying public favour, is largely irrelevant. The fact is that Ned and his friends and relatives stole livestock from wherever they could get it. They made no distinction whatsoever between the property of squatters, selectors, carriers, shearers or anybody else. Everybody's livestock was fair game, even the livestock of poor struggling selectors like William Shields. Shields was a respectable selector who lived near the Quinns and another family connected with the criminal network. He felt himself surrounded by bad characters and thieves. When several of his horses were stolen, Shields knew who the thieves were and informed the police. Unfortunately he could produce no proof to back up his allegations, and his horses were never found. In August 1878 Shields applied for a lease to his selection, but he had failed to satisfy the cultivation and fencing conditions of his original licence. The cause he said was the loss of his horses and the fact that he had to get a job in order to continue farming his selection. He stressed a special reason for failing to fully enclose his selection with the required fencing. 'I have had to erect dividing fences to keep [my] stock secure, on account of the undesirable neighbourhood.'²⁸ Acknowledging the undue hardship imposed on Shields by the theft of his only horses, the Lands Department waived the usual licence conditions and granted him a lease.

Shields was not the only selector to suffer livestock loss at the hands of the Kellys and their friends. In the months leading up to the Kelly Outbreak, Ned and his several accomplices stole a number of horses from the paddocks of selectors at Greta and Moyhu. Michael Burke, a Greta selector, was robbed of two draught horses valued at £50. Another Greta selector, Tom Smith, lost four horses worth £81 within the space of a week. Smith and his son George incurred Ned Kelly's anger, when he learned that they had ridden with the police to search for their horses. During the Kelly Outbreak, Ned, who never forgot nor forgave a perceived 'wrong', threatened to shoot Smith on sight, but as a police agent succinctly put it, 'he is afraid of killing Smith . . . for [he knows that] the other farmers around Greta, will turn out to hunt him [down] if he commences that kind of game.'²⁹

Even after he became an outlaw, Ned Kelly continued to steal livestock belonging to the district's poorer selectors. In 1879 the Kelly Gang stole a horse belonging to William Cass, a Glenrowan selector in poor economic circumstances. The Lands Department saw Cass and his family as 'rather unfortunate selectors' and said of William, that he 'is the only son who has been able to keep a roof over his poor old father's head'.³⁰ The Kelly Gang's theft of one of the poor man's few horses only added to his considerable difficulties.

The audacity and daring of horse and cattle thieves operating in the Greta area was frequently remarked upon by the police. Sergeant Steele, the policeman who was to play a leading role in Ned Kelly's capture, told a Commission of Inquiry into the Kelly Outbreak, 'There were more horses stolen from there than from any other part of the district. They would take large mobs; sometimes [as many as] fourteen or fifteen plough horses [were stolen] from farmers . . . and taken to the back country'.³¹ Occasionally, the thieves would return to the scene of the crime 'to laugh at the poor people for making such a fuss about their bloody old horse'. In some cases, Steele said, 'the ruffians have taken the only pair of draught horses a farmer has'.³²

In passing, it is interesting to note that the majority of animals stolen by professional stock thieves were draught horses used for ploughing and not prestigious blood stock horses bred for racing. The reason for this was twofold. Firstly, draught horses were readily available. Every farm needed at least a pair of sturdy draught horses for ploughing and other farming tasks. They were easy to steal and easy to dispose of safely. Thoroughbred horses, on the other hand, were generally well known throughout the colony and entailed a considerable degree of risk because of their smaller numbers and higher public profile. Regardless of the degree of risk involved, some thieves took pride in the fact that they could 'lift' animals from just about anywhere. According to Sergeant Whelan, Ned Kelly was an old hand at stealing livestock from drovers, who made the mistake of camping too near

his mother's homestead. 'For years [he has] been dreaded by drovers who have camped . . . near his mother's house. No matter how careful the drovers were, the cattle were scattered during the night and some of them were gone in the morning'.³³

The horse and cattle stealing case which led to the Fitzpatrick Affair and to Ned and Dan Kelly taking to the bush involved the stealing of horses from several Moyhu and Greta properties. The horses were taken from the paddocks of wealthy landowners and struggling selectors alike. In August 1877 Ned Kelly, his stepfather George King and a close associate, William Cooke, stole eleven horses from the wealthy Moyhu landowners, Whitty, Farrell and Jeffrey. Two months later, several horses belonging to Greta selectors Tom Smith and William McDonald were stolen from their selections. Several of the horses from both thefts were driven across the Murray River into New South Wales and sold. The remainder were 'planted' on the Baumgartens' selection at Barnawartha. In December 1877 William Baumgarten, his brother Gustave, Samuel Kennedy and John Studders were arrested and appeared before the Wangaratta Police Court, charged with complicity in stealing the Moyhu horses. They were committed to stand trial at the Beechworth Assizes and released on bail. William Cooke, arrested at Chiltern, was also remanded to Beechworth. Ned Kelly, whose role in the thefts was not known till later, commented on the affair in the *Jerilderie Letter* (1879). Ned admitted to stealing the Moyhu horses and said that he had sold them to the Baumgartens and Kennedy, who had no idea that they were stolen.³⁴

Ned also said that William Cooke, one of his partners in the Moyhu thefts, was innocent. Not surprisingly, the police had a different view concerning the character of the accused.

'The Baumgartens, Studders and others living on the Murray River play into one another's hands . . . Studders is a convicted Horse Stealer, presently on remand for horse stealing at Corowa . . . Kennedy is an associate of his and other horse thieves . . . Cooke has been convicted of Larceny, Horse Stealing, Saddle Stealing and of stealing forty six head of cattle from New South Wales, most of them sold in the North East District . . . Baumgarten has been known to give back horses to parties who have claimed them upon his farm, alleging that he had purchased them, but rather than have any court business he has given the horses back to their owners'.³⁵

Well before the Moyhu horse stealing case came to public prominence, Studders and the Baumgartens were long-time accomplices in stock theft. In gathering evidence for the prosecution, Detective Brown came across a horse in the Baumgartens' paddock that had been stolen by Studders twelve months before.³⁶ Studders and Cooke were both experienced stock thieves sharing between them a long list of past convictions. The Kellys

and Cooke knew each other well. Cooke was a frequent visitor at Mrs Kelly's shanty, and he often rode with the Greta Mob of larrikins. In 1870 Constable Hall of Greta, informed Superintendent Nicolas that he had received information indicating that Ned Kelly and Cooke were seeking firearms and planning to take to the bush. Hall's fears were unfounded, but they indicate the lengthy association which existed between Cooke and the Kellys prior to Cooke's arrest for his involvement in the Moyhu stock thefts.³⁷

As the trial drew near, Studders agreed to co-operate with the police and informed them, that the remainder of the stolen Moyhu horses, not recovered at the time of the arrests, were planted at the Baumgartens' selection. The police acted swiftly and recovered three horses. But they failed to remove a second mob of stolen horses, including those belonging to Greta selectors, Smith and McDonald.³⁸ It was to be a costly mistake, for a few days later, in an isolated bend of the Murray River, less than a quarter of a mile from William Baumgarten's selection, the partially-burnt remains of several horses were found. From among the remains, selectors Smith and McDonald identified the mutilated bodies of their stolen animals.³⁹

It was a common practice among horse and cattle thieves to dispose of incriminating livestock in this way. Stolen animals that mysteriously disappeared from securely-fenced and closely-guarded police paddocks, prior to a stock theft trial taking place, were often found months later, buried in a mine shaft, or rotting in some water hole. The police took extraordinary measures to protect stolen livestock from the friends of duffers. Following Ned Kelly's arrest for 'receiving' a stolen horse in April 1871, Superintendent Barclay wrote to Captain Standish seeking permission to 'stable' the stolen animal, 'till the case comes off; in consequence of their being so many frineds of 'young Kelly' in the district, [that] the mare would not be safe in any of the paddocks'.⁴⁰ Standish agreed and the horse was sent to the Beechworth police depot for safe keeping.

In dealing with the legal system, duffers often employed less discreet methods. Some, like Wild Wright, favoured a direct approach, threatening the Crown Prosecutor 'to look out lest his favourite nag should disappear'.⁴¹ Others preferred to buy off or intimidate witnesses. The Kellys used whatever method the circumstances warranted. In 1871 Alexander Gunn, Ned Kelly's brother-in-law, was arrested for horse stealing. In the weeks leading up to his trial, Mrs Kelly and Annie Gunn, *née* Kelly, exerted considerable pressure through their friends and associates to 'put the principal witness out of the way'.⁴²

In gathering evidence to prosecute the Baumgarten case, the police came up against a solid wall of silence, fear and intimidation. 'Every possible inquiry has been made at every likely place between Moyhu and the Murray . . . If people did see anything, they will not speak for fear of the crowd

implicated'.⁴³ Andrew Peterson who was a key witness for the prosecution, was driven from his home and terrorized by the friends of the accused. Peterson was so frightened by the stock thieves' friends that he took his family into Howlong to be protected by the police.⁴⁴

Peterson's position was indeed serious. In a statement taken in prison from an associate of Ned Kelly, the Baumgartens were identified as close 'friends of the Kellys'. The informant went on to say that the Kellys 'had a great down upon Peterson . . . [and] would be likely to go to his place and shoot him'.⁴⁵ Fortunately for Peterson, the Kelly Gang were occupied with more immediate problems, like trying to evade capture by the police, and the prediction remained unfulfilled.

As the trial was about to commence, an anonymous source (probably Studders), secretly informed the police that a pact had been made by the accused not to reveal the names of their associates. However, in an effort to save his own skin, Cooke broke ranks with his co-accused and named 'Big Mick' Woodyard as an accomplice in the crime. It was not uncommon for thieves and criminals to betray one another when in difficulty. During the Kelly Outbreak, 'Big Mick', who had lived with the Kellys for two years before being convicted and gaoled for stealing some horses from Ned's uncle John Quinn, offered to assist the police in capturing the outlaws. Woodyard was bitter and revengeful towards his former friends and accomplices in crime. He blamed them for his current prison term and he told the police, that 'I am willing to risk anything to take these men'.⁴⁶

The local press referred to 'a sort of freemasonry' which existed among thieves. It commented that 'honour among thieves is religiously observed, because there is no inducement for them to violate it'.⁴⁷ In practice, the criminal code of ethics was flexible and pragmatic. Despite an acknowledgment by the criminal community that 'to stand one's racket' without 'splitting on your mates' was honourable conduct, many criminals bargained their way out of trouble by doing just this type of deal with the police. From within the Kelly clan, Ned Kelly's uncle Pat Quinn gave information to the police which led to the arrest of the Baumgarten brothers.⁴⁸ John Lloyd, another of Ned's uncles, was instrumental in helping the police to capture the bushranger Harry Power.⁴⁹ However, it is to Ned's friend, the larrikin, Wild Wright, that we owe our greatest insight into the criminal mind. A casual remark that the larrikin made to Constable Scanlon typifies the true nature of criminal expediency in these matters. When arrested for horse stealing, and asked by the policeman to name his accomplices, the wily young larrikin said 'I don't like to split on my mate, until I see how the case gets on'.⁵⁰

Honour among thieves was always conditional and was wholly dependent on harmonious relationships and, perhaps just as importantly,

on satisfactory profit margins. It should come as no surprise, then, to discover that stock thieves often stole animals from each other, and even on occasion from their own relatives. The Quinns, Kellys, Johnstons and Wrights were victims of this type of 'in house' stock theft and they wasted little time in reporting the matter to the police.⁵¹ Sometimes the losses inflicted by their fellow thieves were considerable. Between January and April 1879 Ned's uncle, John Quinn, reported the loss of some two hundred cattle, none of which were recovered by the police.⁵² Exactly who stole Quinn's cattle has never been established, but it seems fairly certain that the theft was carried out by local stock thieves, working in concert with a New South Wales duffing gang.

The theft of livestock by one's own relatives was even more galling. In December 1873 Thomas Mason and his brother-in-law Stephen Dwyer, 'lifted' twenty head of cattle from Robert Mason's squatting run near Greta, and drove them across the border into New South Wales. The Masons were part of the extensive network of dishonest squatter families that assisted horse and cattle thieves to evade capture. Now, Mason's own relatives had stolen some of his best beef cattle, and the elder Mason was angry. He reported the theft to the police and swore out warrants for his son and son-in-law's arrest. The pair were apprehended within days of the crime and charged by the police with cattle stealing. By the time the case came to trial, the family's differences had all been resolved. Robert Mason's testimony in court was evasive and ambiguous, favouring his son and son-in-law's defence. In the circumstances the jury had little choice other than to return a verdict of not guilty, and the prisoners were released.⁵³

Although a reconciliation between the accused and his accuser was sometimes achieved prior to a verdict being handed down, more often a sense of revenge smouldered on both sides. This ensured that the legal drama, and frequently its retaliative aftermath, were played out to the bitter end. During the Moyhu horse stealing case, two of the accused, William Cooke and Samuel Kennedy, were charged with a further incident of horse stealing. And both were brought before the Bench a second time. The horses they were accused of stealing belonged to a selector named Frost. The evidence against Kennedy was circumstantial and he was acquitted. Cooke, however, was convicted of the crime and sentenced to six years gaol.⁵⁴ Following news of Cooke's conviction, a brown colt valued at £60 was stolen from Frost's securely-fenced paddock. Suspicion fell on Cooke's friends, Ned and Dan Kelly, who were seen in the locality just prior to the colt being stolen.⁵⁵

In May 1878 after a lengthy trial the judge handed down the jury's verdict in the complicated Baumgarten horse stealing case. Cooke was convicted of stealing the Moyhu horses and had a further two years added to his earlier sentence. The Baumgarten brothers and Studders and

Kennedy, who were charged with receiving the stolen animals, were dealt with in various ways by the Bench. Gustave Baumgarten and John Studders were acquitted because the police were unable to prove their case against them. William Baumgarten and Samuel Kennedy were re-arrested and tried again after the jury failed to reach a verdict. Subsequently they were both found guilty and sentenced to four and six years gaol, respectively. In sentencing the pair, Sir Redmond Barry — the judge who was later to sentence Ned Kelly to hang — remarked, 'he had always found it more necessary to inflict severe punishment in this part of the colony than in any other, owing to the facility horse stealers had in passing horses over the border into New South Wales'. Barry refused to acknowledge that there was any distinction between thieves and receivers, dryly observing that 'if there were no receivers, there would be no thieves'.⁵⁶

Two months before the first round of verdicts in the Baumgarten case, warrants were issued for the arrest of Ned (15 March) and Dan Kelly (5 April) concerning the same thefts. It seems likely that the warrants were issued following an admission by one or more of the accused that the Kelly brothers were deeply implicated in the case.

Constable Fitzpatrick's ill-chosen visit to the Kelly homestead to arrest Dan Kelly for horse stealing, and the altercation that took place in which the constable claimed that Ned and his relatives had tried to murder him, are major dramatic events in the Kelly story. Once the Fitzpatrick affair achieved notoriety throughout the colony, the significance of the Baumgarten horse stealing case, as well as the Kelly brothers involvement in it, quickly became lost in the more serious events of the Kelly Outbreak.

Those seeking to explain the causes behind the Kelly Outbreak have generally overlooked the close relationship that existed between the Baumgarten horse stealing case and the Fitzpatrick affair. For those who were actively involved, the connection between the two events seemed obvious. Both events were indeed causally linked. The legal consequences of the Baumgarten case were the initial cause that gave rise to the circumstances that led to the Fitzpatrick affair. In the Cameron (1878) and Jerilderie (1879) Letters, Ned Kelly made no distinction between the two occurrences and treated them as if they were a single event. While Ned was prepared to admit his involvement in the Moyhu horse thefts, he denied being present during his family's clash with Constable Fitzpatrick. On both occasions, however, he sought to protect his associates by denying their guilt.⁵⁷

The local press saw the close connection between the two events, speculating that the Fitzpatrick affair had been staged 'to prevent the arrest of young Dan Kelly, who, it was feared might make some awkward disclosures concerning the wholesale system of cattle and horse stealing in the district'.⁵⁸ The Baumgarten stock theft case, which lasted for ten months, was a legal landmark in the prosecution of the district's criminals.

It systematically exposed for public scrutiny the complex network and the shady world of horse and cattle thieves. The Fitzpatrick affair, regardless of whether we believe Fitzpatrick's, or the Kellys' version of what actually took place, occurred because of the Kellys' deep involvement in horse and cattle stealing.

Ned Kelly and his relatives were professional stock thieves who made their living by stealing and selling other people's livestock. If the Kelly clan had been honest selectors and not active stock thieves, as is sometimes claimed by their modern day supporters, they would not have been involved in the Baumgarten horse stealing case. Consequently, the Fitzpatrick affair would not have occurred. And neither would have the more tragic events of the Kelly Outbreak.

NOTES

¹ Warrant to apprehend Daniel Kelly, 5 April 1878, Kelly Collection, PRO, 4965/5.

² Ned Kelly's *Jerilderie Letter* (1879), (manuscript).

³ Williamson to Inspector General of Penal Establishment, 6 August 1881, Kelly Collection, PRO, 4969/1.

⁴ Ned Kelly's *Jerilderie Letter* (1879), (manuscript).

⁵ Royal Commission on the Police Force of Victoria 1881, (hereafter Police Commission), *Victorian Parliamentary Papers* 1881 (vol. 3), Appendix 10, p. 699; Neil to McMahon, 6 December 1856, Police Correspondence, PRO, 937/259.

⁶ Mueller to Ward, a series of reports between 16 October 1879 and 2 July 1880, Reports 6, 7, Kelly Collection, PRO, 4965/6.

⁷ Sadleir to Kalkallo Police, 24 August 1879; Petition, Lake Rowan Residents to Minister of Justice, 13 January 1879, Kelly Collection, PRO, 4965/5.

⁸ Lands Department Files. PRO, 18267/31, 12527/31, 12645/31, 6380/19.20, William, Gustave and Johann Baumgarten.

⁹ Sutherland to Allwood, 21 July 1888, Police Correspondence, PRO, 937/378.

¹⁰ F. A. Hare, *The Last of the Bushrangers*, pp. 170, 171.

¹¹ K. McMenomy, *Ned Kelly: The Authentic Illustrated Story*, p. 52.

¹² Police Commission, Q2984, Q2985, p. 158; Hare, *op. cit.*, pp. 170, 171.

¹³ Barclay to Standish, 28 February 1873, Police Correspondence, PRO, 937/415; Wangaratta Dispatch, 10 January 1874.

¹⁴ Hare, *op. cit.*, pp. 170, 171.

¹⁵ W. Elliot, 'The Kelly Raid on Jerilderie', in H. C. Lundy, *History of Jerilderie*, pp. 4, 65.

¹⁶ Regina v. Baumgarten, Kennedy, Studders and Cooke, Supreme Court Trial Briefs, PRO, 30/304; *Ovens and Murray Advertiser* 2 May 1878.

¹⁷ Evans to Furnall, 27 August 1869, Police Commission, PRO, 937/14; R. Spreadborough, H. Anderson, *Victorian Squatters*, p. 70; Wilson to Secretan, 13 July 1880; Mueller to Ward, no date, Kelly Collection, PRO, 4966/2, 4965/6.

¹⁸ R. V. Billis, A. S. Kenyon, *Pastoral Pioneers of Port Phillip*, pp. 112, 174, 207; *Wangaratta Chronicle*, 8 October 1913.

¹⁹ Mueller to Ward, various dates, Kelly Collection, PRO, 4965/6; Best to Barclay, 5 June 1875, Regina v. Strickland, Supreme Court Trial Briefs, PRO, 30/241.

²⁰ Steele to Sadleir, 24 August 1880; Standish to Chief Secretary, 15 December 1878, Kelly Collection, PRO, 4965/4, 4969/1.

²¹ *Victoria Police Gazette*, Stolen Stock Lists 1860-90.

²² Matheson to Montfort, 3 and 27 June 1885, Police Correspondence, PRO, 937/373.

'A LOYAL AND PATRIOTIC DISPOSITION' LUTHERAN SCHOOLS DURING THE GREAT WAR

Charles Meyer

AMONGST THE MANY documents in the Victorian Public Record Office at Laverton, 'Special Case' file 1128 (VPRS 892) holds evidence of an interesting period in Victoria's educational history¹ when, in the name of national security, strenuous efforts were made to destroy a group of church-run schools. The schools were Lutheran and one of the minor mysteries of this period is how it happened that all forty-nine Lutheran schools in neighbouring South Australia were closed down in 1916, whilst an apparently insignificant eleven schools in Victoria were able to survive. Special File 1128 provides some of the answers.

Ironically, the very government regulations which Victorian Lutherans opposed as restrictive to their freedom to determine educational priorities for their children turned out to be a major cause of their salvation from complete shut-down. The *Registration of Teachers and Schools Act 1905*; the *Education Act 1910* and the slightly amended *Registration of Teachers and Schools Act 1914* set in place essential procedures which were lacking in South Australia and this was a key factor in the different treatment of the schools.²

The 1872 *Education Act* stopped all State aid to non-State schools insofar as they refused to accept certain regulations regarding buildings, teacher competence and curricula; even more provoking (though much milder than it could have been) to some denominations was the ban upon religious teaching within the allotted school instruction hours.³ Over the following thirty years several denominations continued in their determination not to bow to State control. In the case of the Catholic Church the decision was taken to establish a complete, independent education system⁴; the Lutherans did likewise, though on a far smaller scale and confining themselves largely to areas where the Lutheran presence was strongest, in the Wimmera and Mallee regions. What this meant in practice was that the Education Department had very little knowledge or overview of what was happening in the non-government schools.⁵

With the coming of Federation and a general move towards greater central control, this changed. The regulations of 1905, and then the amendments of 1910 and 1914, aimed at unifying all education providers and ensuring that standards of school buildings, teacher qualifications and what was taught, were according to common levels. The acts provided that:

- ²³ D. Morrissey, 'Ned Kelly's Sympathisers', *Historical Studies* vol. 18, no. 71 (October 1978), p. 293.
- ²⁴ Regina v. Kelly, Williams, Supreme Court Trial Briefs, PRO, 30/199.
- ²⁵ *Victoria Police Gazette*, 3 October 1877; *Ovens and Murray Advertiser*, 20 October 1877, 2 and 5 March 1878; Ned Kelly's *Jerilderie Letter*, (1879), (manuscript).
- ²⁶ Police Commission, Q1028, p. 47.
- ²⁷ Ned Kelly's *Jerilderie Letter*, (1879), (manuscript).
- ²⁸ Lands Department File, PRO, 1687/19.20, William Shields.
- ²⁹ Mueller to Ward, 22 August 1879, Kelly Collection, PRO, 4965/6; *Victoria Police Gazette*, 26 September 1877; I. Benson, *A Century of Victorian Methodism*, pp. 377, 378.
- ³⁰ *Victoria Police Gazette*, 22 October 1879; Lands Department Files, PRO, 6314/19.20, 384/19.20, 8263/19.20, 2292/19.20, William Cass.
- ³¹ Police Commission, Q8854, Q8855, p. 320.
- ³² *Wangaratta Dispatch*, 24 October 1877.
- ³³ Whelan to Sadleir, 3 November 1880, Kelly Collection, PRO, 4969/1.
- ³⁴ Ned Kelly's *Jerilderie Letter*, (1879), (manuscript).
- ³⁵ Brown to Secretan, 22 February 1878, Regina v. Baumgarten, Kennedy, Studders and Cooke, Supreme Court Trial Briefs, PRO, 30/304.
- ³⁶ The same.
- ³⁷ Hall to Nicolas, 17 November 1870, Kelly Collection, PRO, 4969/3; Prosecution Notes, Regina v. Baumgarten, Kennedy, Studders and Cooke, Supreme Court Trial Briefs, PRO, 30/304.
- ³⁸ Brown to Secretan, 22 February 1878, Supreme Court Trial Briefs, PRO, 30/304.
- ³⁹ *Ovens and Murray Advertiser* 11 November 1877.
- ⁴⁰ Barclay to Standish, 4 May 1871, Police Correspondence, PRO, 937/413.
- ⁴¹ Sadleir, *Recollections of a Victorian Police Officer* p. 169.
- ⁴² Hall to Barclay, 10 June 1871, Police Correspondence PRO, 937/413.
- ⁴³ Prosecution Notes, Regina v. Baumgarten, Kennedy, Studders and Cooke, Supreme Court Trial Briefs, PRO, 30/304.
- ⁴⁴ Peterson to Standish, 8 November 1878, Kelly Collection, PRO, 4965/3.
- ⁴⁵ Michael Woodyard's Statement to Police, 1 November 1878, Kelly Collection, PRO, 4965/3.
- ⁴⁶ The same.
- ⁴⁷ *Ovens and Murray Advertiser*, 2 May 1878.
- ⁴⁸ J. McQuilton, *The Kelly Outbreak*, p. 84.
- ⁴⁹ Morrissey, 'Ned Kelly's Sympathisers', *op. cit.*, p. 291.
- ⁵⁰ Regina v. Wright, Supreme Court Trial Briefs, PRO, 30/220.
- ⁵¹ *Victoria Police Gazette*, 27 February 1872, 3 January, 28 March 1877, 18 December 1878; Thom to Brooke Smith, 12 March 1877, Police Correspondence, PRO, 937/419.
- ⁵² *Victoria Police Gazette*, 28 May 1879.
- ⁵³ *Ovens and Murray Advertiser*, 19 December 1873; *North Eastern Ensign*, 23 December 1873.
- ⁵⁴ *Victoria Police Gazette*, 11 July 1877; *Ovens and Murray Advertiser*, 21 September 1877, 5 March 1878; Prosecution Notes, Regina v. Baumgarten, Kennedy, Studders and Cooke, Supreme Court Trial Briefs, PRO, 30/304.
- ⁵⁵ *Ovens and Murray Advertiser*, 7 May 1878; *Victoria Police Gazette*, 14 August 1878.
- ⁵⁶ *Ovens and Murray Advertiser*, 4 May, 7 May, 15 October 1878.
- ⁵⁷ Ned Kelly's *Jerilderie Letter*, (1879), (manuscript).
- ⁵⁸ *Ovens and Murray Advertiser*, 10 October 1878.