
Ned Kelly's Last Words: "Ah, Well, I Suppose"

Dr. Stuart E. Dawson*
(Monash University)

Abstract: *It has long been widely, even admiringly, held that Ned Kelly's last words before execution were "Such is life". This is a key part of a prevalent Kelly mythology that has been subject to little serious critique. Yet the attribution of the phrase 'Such is life' to Kelly is pure fiction. Analysis of the reportage of the day reveals Kelly's actual last words, and explains how they were transmuted by one journalist into the catchy expression quoted as fact by many historians. It shows that the image of Kelly standing tall and defiant, saying 'Such is life' as the rope was placed around his neck, is nothing but a highly romanticised myth. In fact, Kelly came to an ignominious, mumbling end on the scaffold, a far cry from popular legend.*

Keywords: *Ned Kelly, Edward Kelly, Kelly Gang, Ned Kelly facts, Ned Kelly bushranger, Ned Kelly museum, Old Melbourne Gaol, famous last words.*

It has long been widely, even admiringly, held that Ned Kelly's last words before execution were "Such is life".¹ To television producer, Paul Terry, "the fatalistic and courageous 'Such is life' has become synonymous with Ned and everything he stood for".² The claim has been relayed in Australian history texts and is commonly taught as fact to school children.³ In Peter Carey's Booker Prize-winning novel *True History of the*

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¹ E.g. Jerome J. Kenneally, *The Complete Inner History of the Kelly Gang* (2nd ed. Melbourne: Ruskin, 1929), 267; Graham Jones, *Ned Kelly: The Larrikin Years* (Wangaratta: Charquin Hill, 1990), 122; Gary Dean and Dagmar Balcarek, *Ned and the Others*, rev. ed. (Glenrowan: Glen Rowan Cobb & Co, 2014), 378; Peter FitzSimons, *Ned Kelly: The Story of Australia's Most Notorious Legend* (Sydney: Heinemann, 2013), 688.

² Paul Terry, *The True Story of Ned Kelly's Last Stand* (Crows Nest: Alan & Unwin, 2012), 251. Terry enthused ironically, "A towering figure such as Ned Kelly deserves a final statement and if he had not said these words, or something like them, we would have had to make them up."

³ E.g. "His [Kelly's] last words were said to be, 'Such is life'", Cathy Bedson et al., *Humanities Alive* (Milton: Wiley & Sons, second ed., 2010), 79; it also wrongly says that Kelly "had no defence lawyer" at his trial.

Kelly Gang, widely used in senior and tertiary literature courses, a fictional 'pamphlet' at the end of the story represents Kelly's last words as "Such is life".⁴

The phrase has been tattooed on enthusiasts' bodies and emblazoned on tee-shirts and car decals, often with an image of a pistol-toting Ned in armour. Interestingly, a post-mortem study has shown that males with Ned Kelly tattoos are nearly eight times more likely than the average corpse to have been murdered, and nearly three times more likely to have killed themselves.⁵ Yet despite its prevalence, the attribution of the phrase "Such is life" to Kelly is pure fiction. Analysis of the reportage of the day shows that the image of Kelly standing tall and defiant, saying "Such is life" as the rope was placed around his neck, is nothing but a highly romanticised myth. This article contributes to other recent questioning of Kelly mythology by tracking this specific instance through primary sources.⁶

Kelly was hanged at the Melbourne Gaol on Thursday, 11 November 1880, after nearly two years on the run. Behind him was more than a decade of crime, including stock theft, highway robbery, aggravated assault, destruction of property, public drunkenness, threats to kill, at least two shootings, multiple murders, corpse looting, bank robbery, hostage-taking, attempted train derailment and a planned passenger massacre.⁷ The hanging was a major news event, and "applications to witness the last struggles of Edward Kelly were so numerous, that the Chief Secretary was compelled to take the dispensing of them into his own hands. The admissions were virtually limited to the Victorian press and the recognised officials, the *Sydney Morning Herald* being the only outside journal permitted to be represented".⁸

The last words of famous (and infamous) people have always been sought for the record, and it was the usual practice in Victoria for the condemned to be asked on the scaffold if they had any final statement to make.⁹ Because of Kelly's notoriety, news reportage of the event was detailed.¹⁰ It typically summarised his last days, his transfer within the gaol to the condemned cell, his pinioning and short walk to the gallows, and

⁴ Peter Carey, *True History of the Kelly Gang* (Sydney: Vintage, 2000), 474; his fictional pamphlet is a cut-down and partly reworded extract from the *Herald* of 11 November 1880, 2.

⁵ Roger Byard, "Ned Kelly tattoos - origins and forensic implications", *Journal of Forensic Legal Medicine*, 18.6 (August 2011): 276-9.

⁶ Alex Castles, *Ned Kelly's Last Days* (Crow's Nest: Allen & Unwin, 2005), 217, dismissed Kelly's claimed last words as "one of the most famous and potent inaccuracies of the Kelly myth", but gave no supporting analysis. For recent broad critiques of Kelly mythology see Ian MacFarlane, *Unmasking the Kelly Gang* (South Melbourne: Oxford University Press, 2012), and Doug Morrissey, *Ned Kelly: A Lawless Life* (Ballarat: Connor Court, 2015), Appendix IV; cf. Stuart Dawson, "Redeeming Fitzpatrick: Ned Kelly and the Fitzpatrick Incident", *Eras Journal* 17.1 (2015), 60-91.

⁷ Kelly's criminal career is largely summarised in the *Argus*, 12 November 1880, 6. Of his killings it observed, "Although he was convicted of but one murder, he was guilty, according to his own admissions, of three; and to his action was due the deaths of no fewer than nine human beings".

⁸ *Launceston Examiner*, 15 November 1880, 3.

⁹ The record book *Particulars of Executions 1894-1967* (VPRS 14526), 45, noted of Thomas Johnson in 1939, "A further departure from the usual procedure adopted here was that the condemned man was asked by the sheriff in his adjoining cell if he had any final statement to make, instead of waiting until he was on the scaffold platform and unnecessarily hold up a procedure which should be carried out with as little delay as possible".

¹⁰ Reported from Melbourne in respect of 11 November, "All over the city the execution is the talk of the day", *Burra Record*, 19 November 1880, 3.

his last moments on the drop while the noose was adjusted around his neck. It is then that any last words would be said.

For Kelly's execution, the witnesses stood in the wide ground floor corridor entrance to the central hall, opposite the gallows.¹¹ They were 20 feet (6.1 metres) or further from the scaffold, which adjoins the second tier of cells 11 feet (3.3 metres) above the ground floor.¹² Even the subdued presence of more than 40 participants and observers, along with the activity on the scaffold, would create some level of background noise.¹³ This, together with "the murmured prayers of [the priests] who accompanied Kelly...would have ensured that nothing that Kelly may have said would have been audible to those watching from the floor below in the cavernous prison hall".¹⁴ The only persons near enough to hear any last words, unless he spoke out loudly, were those depicted in the *Australasian Sketcher*, identified as Dr. Barker, the two deans, acolyte and cross-bearer, the sheriff and gaol governor, two warders, and the hangman, Elijah Upjohn.¹⁵

Consequently, any quietly spoken last words would necessarily need to be relayed to the observers, most probably by the gaol governor and/or other officials. Three different eye witness reports of Kelly's last words in the Melbourne papers were noted by the *Launceston Examiner* the following Monday, a rare acknowledgement that such differences did indeed exist.¹⁶ In order of careful detail, these were the *Daily Telegraph*, the *Argus*, and the *Herald*. From this reportage, one can follow the path from factual recording to sensationalist news grab. The *Daily Telegraph* stated that:

¹¹ *Herald*, 11 November 1880, 2: The observers "pass through [an] iron grided gate and in a few steps they confront the grim gallows...As the spectators stand on the floor below they have to gaze upwards"; *Argus* 12 November 1880, 6: "Warders were arranged on the side galleries, and the onlookers stood on the basement floor in front of [i.e. facing] the drop"; *Express and Telegraph*, 11 November 1880, 2, "The spectators were assembled in the corridor below". Reporters were present from the *Daily Telegraph*, *Herald*, *Age* (two reporters), *Anglo Australian Press Agency*, *Argus* (which also published the *Australasian Sketcher*), *Ballarat Courier*, and *Sydney Morning Herald*, listed in VPRS 4969, Unit 2, Item 78, Record 1.

¹² Measurements by author: It is 20 feet from a point directly under the centre of the drop to a point between the front steps of twin parallel staircases, which are 7 feet apart and flank the sides of the rectangular ground floor entrance corridor. This stretches 16 feet further back to the floor holes of the now-removed "iron grided [entrance] gate". The viewing area was thus approximately 112 square feet (10.4m²).

¹³ The *Herald*, "not 50" persons in total; given "a dozen" warders and gaol officials, at least 41 persons in addition to Kelly can be counted from the signed witness list (VPRS 4969, Unit 2, Item 78, Record 1), in combination with the *Herald*: "perhaps a dozen warders and other gaol officials, and the sheriff and under-sheriff,...2 police officers, 2 detectives and 4 policemen, ... representatives of the press, a number of justices of the peace and several medical men", along with 4 churchmen and the hangman.

¹⁴ Russ Scott and Ian MacFarlane, "Ned Kelly – Stock Thief, Bank Robber, Murderer – Psychopath", *Psychiatry, Psychology and Law*, 21.5 (2014), 731.

¹⁵ *Australasian Sketcher*, 20 November 1880, 305; See Les Carlyon, with contributions by Ian Jones and John McQuilton, *The Last Outlaw* (South Melbourne: HSV7, 1980), 60. The *Sketcher's* illustration was finished from a sketch drawn by J.D. Melvin, the reporter from its parent paper, the *Argus*. Ian Jones (Thomas Carrington, *Ned Kelly: The Last Stand; Edited and with an Introduction by Ian Jones*, South Melbourne: Lothian, 2003, 30) identified Carrington as the illustrator, and noted that he could have combined Melvin's sketch with "his own drawing of the gallows area – made before or after the event", to produce the accurate finished art.

¹⁶ *Launceston Examiner*, 15 November 1880, 3.

Before stepping upon the drop, an expression, with a sigh, escaped Kelly's lips, which the warders and the governor interpreted to this effect—'Ah, well, I suppose', probably meaning to say he supposed this was the last of it, or this is what it had come to, but the expression was never concluded. He had previously intimated his intention of making a speech, but his heart evidently failed him. He gave not the slightest intimation of his desire to speak, and the whole proceedings were so quickly and effectively carried out that any scene was avoided.¹⁷

This is the most detailed of the reports of an event in which no famous last words were said. Probably for that reason it has all but vanished from the voluminous Kelly commentary. Ian Jones, Australia's most prominent and influential Kelly historian, conceded that the *Telegraph* "might have come closest to the truth" in its coverage.¹⁸ It is clear from the above that only those on the scaffold could have heard anything that was said in a quiet voice, and that it was the officials who then dutifully provided the reporters with the actual words and their associated guessed meanings.

Kelly's effective reduction to silence on the drop was corroborated by the *Age*, which reported that "the condemned man made no speech, though he had expressed his intention to do so".¹⁹ Henry Glenny, J.P., uniquely thought Kelly might have said something about the placing of the rope.²⁰ Police Sergeant Anthony Trainor, who was present, told Stringybark Creek ambush survivor, Thomas McIntyre, that "immediately before the cap was drawn over his head [Kelly] glanced upwards through the skylight, and muttered something which I think was a reply to a question".²¹ This would most likely have been when he was asked if he had any last statement to make, but the exchange was inaudible to Trainor. So whence the last words?

JOURNALISTIC LICENCE

The *Argus* reported that Kelly "walked steadily on to the drop; but his face was livid, his jaunty air gone, and there was a frightened look in his eyes as he glanced down on the spectators." It then condensed the story, stating "it was his intention to make a speech, but his courage evidently failed him, and he merely said, 'Ah, well, I suppose it

¹⁷ *Daily Telegraph*, 12 November 1880, 3; Syndicated in *Kilmore Free Press*, 18 November 1880, 4.

¹⁸ Ian Jones, *Ned Kelly: A Short Life*, new ed. (South Melbourne: Lothian, 2003), 288.

¹⁹ *Age*, 12 November 1880, 2, which had two reporters at the event. The *Illustrated Australian News*, 4 December 1880, 231, similarly wrote that Kelly "had intended to make a speech, but he uttered no audible sound". Given that it was published three weeks after the trial with time for reconsideration in an atmosphere of intense public interest in the Kelly affair, it should be given full corroborative weight.

²⁰ Henry Glenny, *Jottings and Sketches, at Home and Abroad*, 3rd series (Adair: Belfast, 1889), 54, wrote that "After the noose was put over his head, he said something in a low tone of voice anent the placing of the rope, and before he had time to say anything further, the cap was pulled smartly over his eyes, the bolt immediately drawn...". Glenny stood with the other witnesses on the ground floor and similarly could not have heard any quiet words; his interpretation may be based on his seeing lip movement as the rope was being placed.

²¹ Thomas McIntyre, *A True Narrative of the Kelly Gang* (typescript, Victoria Police Museum, Item 2991, ca. 1922), 110.

has come to this', as the rope was being placed round his neck".²² The statement that Kelly had intended to make a speech, but could not, is almost identical to the wording of the *Telegraph* and suggests that this detail was told to the reporters directly afterwards, probably at the same time as they were told that, when about to be pinioned in the condemned cell by Upjohn, Kelly had said, "'There's no need for tying me', but he had to submit".²³

The extra information about the interpretation of a sighed expression by the officials is not given by the *Argus*. Readers are instead told that these were Kelly's actual last words. Even here, it is a rewriting or tidying up of the second of the two interpretive comments noted by the *Telegraph*, "this is what it had come to".²⁴ The story with its newly-minted 'last words' was promptly relayed through its syndicated news service, and became widely embedded in Kelly commentary.²⁵

A different version came from the *Herald's* reporter, James Middleton.²⁶ He stood with the other witnesses on the floor below, gazing upwards toward the gallows, and therefore at least 20 feet back from the drop.²⁷ With a flair for the dramatic and keen for a salutary tale, Middleton, who would have heard the same comments by the official(s) as the other reporters about Kelly's sighed words, penned that "as he stepped on the drop, he remarked, in a low tone, 'Such is life'".²⁸ As can be seen, it is simply a further, catchy, condensation of an official's interpretation of "'Ah, well, I suppose' with a sigh, probably meaning to say he supposed this was the last of it, or this is what it had come to". The pithy statement certainly grabbed attention. It was reproduced in a range of syndicated papers, sometimes with further creative additions.²⁹ A rival to the *Argus's*

²² *Argus*, 12 November 1880, 6.

²³ *Ibid.* The *Daily Telegraph* named warder William Buck as providing the summary, and wrote that Upjohn "proceeded to pinion Kelly. To this the prisoner demurred, saying there was no necessity for it. Upjohn, having performed the operation, left the cell". The *Herald* perhaps more glamorously wrote that Kelly "remarked, 'You need not pinion me' but was, of course, told that it was indispensable".

²⁴ A truncation into similar last words occurred in the *Sydney Morning Herald [SMH]*, 12 November 1880, 5, whose attending reporter wrote that "Kelly, on coming out [of the cell onto the gallows], exclaimed, 'Ah, well! It's come to this at last'. He...stepped on the fatal spot, where the noose was adjusted and the white cap was pulled over his face. The bolt was drawn..." The phrasing combines the two parts of the interpretive comments detailed in the *Telegraph* ("he supposed this was the last of it, or this is what it had come to"), and Kelly's sighed words have become an exclamation. This version was repeated in *SMH* syndicated papers, e.g. *Maitland Mercury and Hunter River General Advertiser* (13 November 1880, 7 Supp.).

²⁵ E.g. *Australasian Sketcher* [owned by the *Argus*], 20 November 1880, 315; *Hay Standard*, 17 November 1880, 3; *Bacchus Marsh Express*, 13 November 1880, 3; *Border Watch* [S.A.], 17 November 1880, 4; Commentary, e.g. Charles Chomley, *The True Story of the Kelly Gang of Bushrangers* (Melbourne: Pater & Co., 1907), 156; William Fitchett, *Ned Kelly and His Gang* (West Melbourne: Fitchett Bros, 1938), 50; Max Brown, *Australian Son* (Sydney: Angus and Robertson, rev. ed. 1981), 224.

²⁶ Witness list, VPRS 4969, Unit 2, Item 78, Record 1.

²⁷ *Herald*, 11 November 1880, 2.

²⁸ *Ibid.*; "A graphic report of an execution written in a decorous spirit enables those who are tempted to appreciate the awful consequences they expose themselves to when outraging the laws of this country, and in this respect may be thus expected to act as a deterrent". Middleton noted that "No sooner was the rope fixed than without the prisoner being afforded a chance of saying anything more, the signal was given, and the hangman, pulling down the cap, stepped back and [withdrew] the bolt".

²⁹ E.g. *Goulbourn Herald and Chronicle* (via the *Evening News*), 13 November 1880, 5; *Australian Town and Country Journal*, 13 November 1880, 14; *Warwick Examiner and Times* (via the *Observer*), 11 November 1880, 2. For creative variations see e.g. *Bendigo Independent*, 12 November 1880, 2, "as the

version, the *Herald's* account became equally well-established in Kelly lore.³⁰ From these twin peaks the creative juices of Kellyphilic historians began to flow, and over the years there has been considerable rivalry about which of these two versions should be given primacy, or even mentioned at all.³¹ A few have sought to place both in the story.

INVENTING HISTORY

Long-time Kelly enthusiast, Frank Clune, read an inspired comment in the *Bulletin* of 20 November 1880, that Kelly had "merely remarked, in unconscious paraphrase of the historical dying remark of Blind King George, 'Such is Life!'" Clune searched diligently without success for the alleged deathbed remark of King George III until a British Museum cataloguer advised him that any such attribution was "unreliable hearsay". Clune then declared that "until it's proved wrong", he would "ascribe the credit to Edward Kelly for having originated the saying, widespread in Australian usage, that signified regretful acceptance of the inevitable: 'Ah, well, such is life!'"³² This is an extraordinary claim, as the expression was long in use. The day after the execution, the *Ballarat Star* wrote that Kelly's "last exclamation, 'Such is life'-a colloquialism that is used frequently in connection with the most trivial worldly affairs-appears to have been dictated, if it were not indeed his last effort at bravado, by a cool indifference for his fate in this world or the next".³³

Not content with presenting fantasy as fact and turning Kelly into a coiner of national idiom, Clune wrote in his later *The Kelly Hunters* that "as Upjohn adjusted the noose Ned looked around him resignedly and said, 'Ah, well, I suppose it has to come to this!'. A white cap was put over his head and face. As it was pulled down over his eyes, Ned spoke three words with a sigh: "Such is life!"³⁴ Clune ignored the precise plain reporting of the *Telegraph*, and the fact that no source – including the "very rare pamphlet" that he himself reprinted as *A Noose for Ned* – has both sets of words recited on the scaffold. By making the two most quoteworthy 'last words' from the papers of the day separate and sequential, Clune distorted them into a false glorification of Kelly's

slack of the rope touched his face Kelly shook it aside with a disdainful toss of his head"; ditto *Geelong Advertiser*, 12 November 1880, 3; *Portland Guardian*, 13 November 1880, 2.

³⁰ It was perhaps most widely promulgated by belligerent Kelly advocate Jerome J. Kenneally in his *Complete Inner History of the Kelly Gang* (1929, with many subsequent editions. This was first serialised in *Stead's Review* in 1928, described in the *Horsham Times*, 9 March 1928, 2, as "a fascinating account").

³¹ Keith Dunstan (*Saint Ned*, Sydney: Methuen, 1980), 119, noted that the Melbourne Gaol tourist could "repeat those last words 'Such is life' or 'Ah well, I suppose it has come to this,' according to which Kelly historical school he belongs to". Many have remained uncertain; Keith McMenemy, *Ned Kelly: The Authentic Illustrated History* (South Yarra: Hardie Grant, 2001), 269, noted the *Argus's* "Ah, well," wording, but his chapter 19 reproduced the full *Herald* report of the execution; Peter FitzSimons, *Ned Kelly*, 688, similarly followed the *Herald's* "Such is Life" and uncritically footnoted the *Argus's* as an "alternative version". Typically the more overtly pro-Kelly writers privilege "Such is life".

³² Frank Clune, *A Noose for Ned: Reprint of a Very Rare Pamphlet with a Foreword by Frank Clune* (Melbourne: Hawthorn Press, 1948), 7-8.

³³ *Ballarat Star*, 12 November 1880, 2. The *Star* evidently sourced its last words by wire from the *Herald*.

³⁴ Frank Clune, *The Kelly Hunters* (Sydney: Angus & Robertson, 1954), 333.

last moments, wrongly describing them as ‘a speech’ under the sway of his long-held belief that the claimed last words showed that Kelly “died game”.³⁵

Partisan academic, John Molony, seized upon an obscure hand-me-down tale from the Testro family history that he wrongly claimed as an ‘account’ by a warder, Edward Adams, to place both sets of last words in the story. In Molony’s retelling, Kelly, while being pinioned by the hangman, “turned and said to Adams, ‘Well, it has come to this’, as indeed it had...The two priests went before him...As Upjohn tied the knot, Ned looked at the crucifix steadily, stood in the full vigour of the health to which it had been deemed proper to restore him, and said ‘Such is life’”.³⁶ The original tale is striking for its claim that Adams had befriended and aided Kelly to the extent that Kelly felt comforted that Adams would be at his execution.³⁷ It also claimed that the “shocked witnesses...recoiled in horror” at the post-drop muscle contractions, despite them being described matter-of-factly by the press.³⁸ Most striking, however, is the remarkable similarity of its wording to that of the *Herald*.³⁹ No other source has any last words being spoken during the pinioning except Kelly’s widely reported objection to it, which took place within the condemned cell before he was led out onto the platform. Adams may have been one of the two warders with Kelly at the time, but the Testro tale is

³⁵ Clune, *Noose for Ned*, 9: “he expressed himself in a speech from the scaffold that was a model of terseness. Yes, he died game”.

³⁶ John Molony, *I am Ned Kelly* (Ringwood: Penguin, 1982), 252 with note 19. The “account” is in fact a piece of oral history from Adams’ brother-in-law’s side of the Testro family, two generations prior. It is not a direct account by Adams but a digression within the Testro family history to claim and narrate a link to the famous event of Kelly’s execution, the relevant chapter being titled “The Cartwrights and Ned Kelly”.

³⁷ Rex Testro, *The Testro Story 1811-1970* (Melbourne: Hawthorn Press, 1970), 89-92; An extract is reproduced in John Meredith and Bill Scott, *Ned Kelly After a Century of Acrimony* (Sydney: Landsdowne, 1980), 134-5: “Edward had been doing a few favours for his namesake outlaw which Ned apparently appreciated and Ned asked if Adams would be present at his execution. When told he would be Kelly replied ‘that comforts me’. Maybe he was also fortified by his mother who had just left requesting: ‘Mind you die like a Kelly, Ned!’...[The next day:] Before the hangman put a white hood over Kelly’s head, Ned looked across to Adams and laconically commented: ‘Well, it has come to this, Mr. Adams.’ (Some newspapers of the day erroneously reported that Kelly said this on the scaffold.)...As Upjohn placed the oiled rope around his neck Ned lamented: ‘Such is life.’ The hangman then stepped quickly...like a ballet dancer to the side...” The ballet dancer was too much for Molony, who gave the 57-year old Upjohn “the agility of a cat” instead. (The “hangman’s jig” role was already Kelly’s.) The *Argus* had said, “the hangman stepping to the side quickly drew the bolt”. In the *Herald*, “the hangman ... stepped back and withdrawing the bolt had done his work”. The claim that Ned’s mother told him to “die like a Kelly” is in the *Daily Telegraph*, 12 November 1880, 3.

³⁸ The *Herald*’s layout emphasised that the “legs were drawn up...and fell” several times, but the reporter himself “had been present on such similarly mournful occasions” and was not shocked; *Daily Telegraph*, “the slightest muscular contraction, the natural result of the sudden shock”; *Argus*, “death was instantaneous, for although muscular twitching continued for a few minutes, he never made a struggle”; *Express and Telegraph*, “beyond a slight lifting of the shoulders and a spasmodic quivering of the lower limbs, no motion was visible”.

³⁹ Most obviously, “Adams” in Testro: “Upjohn, the hangman, now walked onto the scaffold for a last minute professional check. Adams recalled that he was a big, burly, horrifying-looking man, with heavy lips and a huge nose with a carbuncle on the end”; *Herald*: “Upjohn the hangman...stepped across the scaffold quietly...he is...broad shouldered and burly...a ghastly appearance. He has heavy lips and heavy features altogether, the nose being about the most striking and ugly. It is large in proportion, and appears to have a huge carbuncle on the end”. The *Argus* described Upjohn only as an “elderly grey-headed, well-conditioned looking man”. The *Daily Telegraph* said that “his worst expression of countenance is one of sulky doggedness”.

patently a gilded lily.⁴⁰ The claim that Kelly said "Such is life" on the drop is clearly false and did not originate with Adams. Molony's unargued elevation of the Testro tale into the primary narrative of Kelly's last moments is simply an unhistorical mythologization.⁴¹

The only other source of the "Such is life" comment is found in one syndicated wire service report. It was sent soon after the execution it describes, and was published in the South Australian *Express and Telegraph* of 11 November. It later appeared in the *Ovens and Murray Advertiser* [O&M] and elsewhere. In the *Express and Telegraph* version, "Mr. Castieau, the governor of the gaol, informed the condemned man that the hour of his execution was fixed for 10 o'clock. Kelly simply replied, 'Such is life'. His leg irons were then struck off, and after a short time he was marched...to the central building".⁴² In this version Kelly is told the time of his execution on the day itself, and no last words are reported from the scaffold. It would seem that in the absence of any other last words, the wire service, which had already got the day of the conversation wrong, simply threw in Middleton's "Such is life". It fitted the context, as once Kelly knew his fate was certain he became "morose and silent".⁴³ The O&M edited the source story down to less than half the size of the *Express's* version, moved the "Such is life" sentence to the end of the article, and dropped the next sentence that had clearly placed Castieau's exchange just before Kelly's irons were removed. This editing had an interesting outcome.

Before Trove's historical document digitisation program commenced in 2008, ready comparison between variations of syndicated newspaper articles was difficult. John McQuilton, writing on Kelly three decades before Trove, and using O&M here, was alert to the timing of events and correctly allocated the claimed "Such is life" exchange with Castieau to the day before the execution.⁴⁴ Nothing prevented this, as the same-day context from the wire service had been removed by O&M. The tradition of Kelly's last words from the scaffold was long established, and McQuilton duly provided them, again referencing O&M, "As the rope was placed around his neck he said simply 'Ah, well, I suppose it had to come to this'".⁴⁵ Yet the scaffold quotation does not appear in O&M

⁴⁰ *Daily Telegraph*, 12 November 1880, 3, Kelly "emerged from the cell between two warders" for the drop. No surviving warders' roster could be located by the Victorian Public Records Office.

⁴¹ Molony (*Kelly*, 292, note 19) also erred in stating that Adams was the warder who signed Kelly's Governor letter of 5 November 1880. It was signed by warder G.W. Evans (VPRS Series 4966, Unit 2, Item 10).

⁴² *Express and Telegraph*, 11 November 1880, 2; *Ovens and Murray Advertiser*, 13 November 1880, 4; *Camperdown Chronicle*, 12 November 1880, 2; *Bunyip*, 12 November 1880, 3; *South Australian Advertiser*, 13 November 1880, 2S; *South Australian Chronicle and Weekly Mail*, 13 November 1880, 26; *Burra Record*, 19 November 1880, 3.

⁴³ Kelly had professed "to look forward to his execution without fear but he was then evidently cherishing a hope of reprieve...Latterly, however, his talkativeness ceased, and he became morose and silent", *Argus*, 12 November 1880, 6.

⁴⁴ "When told the hour of his execution had been set for 10 a.m. the next day, he murmured 'Such is life'", John McQuilton, *The Kelly Outbreak 1878-1880* (Carlton: Melbourne University Press, 1979), 174, citing *Ovens and Murray Advertiser* (Beechworth), 13 November 1880, 4; *The Sydney Morning Herald* (12 November 1880, 5), from a report sent on the 11th, wrote that "Yesterday [i.e. 10 November] the governor of the gaol informed him that there was no hope, and told him he must prepare for the worst".

⁴⁵ McQuilton, *Kelly Outbreak*, 174 and endnote.

and presumably strayed into his book from the *Argus*. These two particular quotes never appeared together in any article of the day. The claimed Castieau exchange was alone in, and unique to, one syndicated news source. It seems that a simple mistake in referencing conjured both sets of “last words” into the story. Once there, they became an authoritative and seemingly unchallengeable statement of fact. On such mistakes legends are built.

Ian Jones brought the vision of a dual set of last words spoken on the drop to cinematic life. Despite his previously noted acceptance of the *Telegraph*'s report of Kelly's last sighed words, “Ah, well, I suppose”, as likely closest to the truth, Jones continued to favour the *Herald*'s emotionally appealing “Such is life”. Privileging it as the only version of Kelly's last words offered in his 1967 Wangaratta Kelly conference presentation, it was used alone in the opening scenes of *Ned Kelly*, the 1970 film Jones co-scripted.⁴⁶ A decade later, in the spirit of Clune, he unhistorically employed both the *Argus*'s and the *Herald*'s sets of last words together in the execution scene of his 1980 television mini-series, *The Last Outlaw*.⁴⁷ This reflected a conscious wish to place both phrases sequentially into the story.⁴⁸ While McQuilton would later praise *The Last Outlaw*'s “scrupulous attention to detail and accuracy”,⁴⁹ no source document is capable of being interpreted to allow both sets of words to be spoken on the scaffold. Such a wilful distortion of history in the face of clear evidence to the contrary illustrates the naive adulation of Kelly, and ready willingness to substitute imagination for research, that has pervaded commentary ever since Jerome Kenneally's highly partisan *Complete Inner History of the Kelly Gang and Their Pursuers* was published in 1929.

Another larger than life story surrounding the Kelly mythology was that Kelly gave a press conference before his execution. There were three steps in the construction of this imagined event. First, the *Argus* wrote that those with “cards of admission assembled in the gaol yard” and were met by the sheriff and gaol governor who “proceeded to the condemned cell, followed by the persons who had been admitted”.⁵⁰ The wording implies the whole group was led to the condemned cell, since it fails to specify that the observers remained on the ground floor while the officials went upstairs to the cell.⁵¹ The absent *O&M* subsequently enthused that “at the hour fixed for the execution, Sheriff Rede marched to the door of the press-room, and demanded...the body of Edward Kelly...Upjohn, the hangman, was shortly afterwards summoned from the

⁴⁶ Ian Jones and Glen Tomasetti, “Kelly – The Folk Hero”, in Colin Cave, ed., *Ned Kelly: Man and Myth* (North Ryde: Cassell, 1968), 102; *Ned Kelly* (1970), 3:18-21.

⁴⁷ *The Last Outlaw* (1980), disc 2, 1:32:06-14, in which his Kelly speaks out clearly and says, “Ah, well, I suppose it's come to this. Such is life”. The series was co-written and produced by Jones and his wife, Bronwyn Binns. A title slide at the start of each episode claims that “All characters [and] events ... are drawn directly from fact”.

⁴⁸ Jones, *Ned Kelly: A Short Life*, 287-8, “As he stepped onto the drop, Ned said something. To the *Herald* man, it was ‘Such is life’...The *Argus* would claim he said moments later, ‘Ah, well, [etc.]’”. In his use of “moments later”, Jones invented the possibility of two sets of last words; but this sense cannot be derived from the *Argus*'s report.

⁴⁹ McQuilton, *Kelly Outbreak*, viii.

⁵⁰ *Argus*, 12 November 1880, 6.

⁵¹ This was stated three sentences later; cf. *Daily Telegraph*, 12 November 1880, 3, and *Herald*, 11 November 1880, 2, where no potential confusion occurs.

room opposite".⁵² This implies that the press were in a combined condemned cell and press room next to the scaffold and opposite the hangman's room.⁵³ Finally, readers elsewhere were definitively told that Kelly "went willingly and submissively to the press-room where he was interviewed by the reporters".⁵⁴ It is amply evident from the detailed eye-witness accounts that no such press conference occurred. It was rather the accidental result of slip-ups in relaying and editing syndicated telegraphic news.

Gaol warder Henry White later wrote of Kelly's execution:

[Ex-Superintendent] Hare says that the coroner who held the inquest on Ned Kelly told him he seldom saw a man show so little pluck, and, if it had not been for his priest, who kept him up, he would not have been able to walk to the gallows. Inasmuch as I was present at the execution, I feel compelled to give this statement the most unqualified contradiction. Ned Kelly walked to the gallows with a firm step, and submitted to his fate without the slightest sign of timidity or fear beyond being a little paler than when in his natural condition.⁵⁵

Had there been any coherent last words, they could have added to the force of White's rebuttal but as the *Daily Telegraph* and at least three other eye-witness accounts have shown, there was nothing there to add.⁵⁶

As an aside, Molony's assertions that Kelly had been restored to the "full vigour" of health and "looked at the crucifix steadily" as he said "Such is life", are incorrect and heavily romanticised. Hare was wrong in saying that Kelly could not have walked unaided to the drop, but he was certainly not in vigorous health. Jones noted that his hands were disabled from bullet wounds.⁵⁷ The *Argus* recorded he was pale, with "a frightened look in his eyes as he glanced down at the spectators".⁵⁸ To Sergeant Trainor, "He...made an effort to advance steadily but the weakness of his knees caused his legs to bend with each step he took as he walked to the scaffold. When standing upon the drop he was steady. Immediately before the cap was drawn over his head he glanced upwards through the skylight", but said nothing intelligible.⁵⁹ Ned Kelly died without

⁵² *Ovens and Murray Advertiser*, 13 November 1880, 4. As noted earlier, *O&M* drew from the same wire source as the *Express and Telegraph*, 11 November 1880, 2, in which the press room also appears.

⁵³ In some papers this became explicit: "the warders arrived to conduct him [Kelly] to the pressroom, beside the usual place of execution", *Camperdown Chronicle*, 12 November 1880, 2; *Bunyip*, 12 November 1880, 3; *South Australian Advertiser*, 13 November 1880, 2S; *South Australian Chronicle and Weekly Mail*, 13 November, 26; *West Australian*, 23 November 1880, 3.

⁵⁴ *Burra Record*, 19 November 1880, 3.

⁵⁵ Henry White, *Crime and Criminals in Australia* (London: Ward and Downey, 1894), 251.

⁵⁶ Four eye-witness accounts if the two *Age* reporters are counted separately. There is also a widely quoted sentence in Wikipedia ("Ned Kelly") that says, "Kelly's gaol warden wrote in his diary that when Kelly was prompted to say his last words, the prisoner opened his mouth and mumbled something that he could not hear", but I have been unable to find any source or authority for it.

⁵⁷ Jones, *Ned Kelly: A Short Life*, 285: For his final portrait, "Conscious of his crippled right hand, he clenched it into a fist planted on his hip and masked his withered left arm by holding the cord attached to his leg irons"; 287, "undoubtedly suffering pain [when pinioned] as his wasted left arm was forced back and the strap buckled". He could only mark an "X" for his signature on his dictated condemned cell appeal letters.

⁵⁸ *Argus*, 12 November 1880, 6.

⁵⁹ Trainor, in McIntyre, *True Narrative*, 110.

remorse for the havoc and grief he had caused, and he came to an ignominious, mumbling end at the hands of the common hangman.⁶⁰

CONCLUSION

There were no famous last words from Ned Kelly. The image of Kelly standing tall and defiant, saying “Such is life” as the rope was placed around his neck, is nothing but a highly romanticised myth built around and over the *Herald’s* dramatic report. It has captivated many who should have seen through it, including Manning Clark.⁶¹ Centrally indebted to pro-Kelly historians Frank Clune and Ian Jones, furthered by John Molony and John McQuilton, and resting on a collective combination of factual errors, wishful thinking, and a profoundly biased selection of historical evidence, the myth continues to be perpetuated in Australian history, popular culture and school textbooks due to a striking lack of scholarly rigour where Kelly is concerned. Just as Alan Frost recently debunked many longstanding myths perpetuated by scholars about the organisation and purpose of the First Fleet, so too the foundations of much of the history and significance claimed for Kelly are long overdue for reassessment.⁶²

Although speculative, one possible source of inspiration for Middleton’s use of the expression “Such is life” is a scene in Charles Dickens’ *Great Expectations* (1860-1), where Joe the blacksmith’s temperamental wife collapses after a frenzied rage. The long-suffering Joe says to his apprenticed relative Pip, “On the Rampage, Pip, and off the Rampage, Pip – such is Life”.⁶³ Kelly was off the rampage once and for all, and

⁶⁰ *Daily Telegraph*, 12 November 1880, 3, “Kelly himself, no later than Wednesday [10 November], expressed himself in profane language that Sherritt only received his desserts, and that he (Kelly) would have shot every policeman up to and in Beechworth. When asked by the gaol surgeon, also, whether he was not sorry for what he had done, he replied that he was not sorry, and that he had nothing whatever to be sorry for”. *Bendigo Advertiser*, 13 November 1880, 2, letter, “Kelly’s career has at last closed in an ignominious death, despite the wicked attempts of his idiotic sympathisers to save his life”; *Bunyip* 12 November 1880, 3, “it is to be hoped that in the face of such an ignominious end we shall not again be troubled by such a despicable lot”; *Age*, 13 November 1880, 5, “Society owes it to generations yet unborn that such men should be stamped out from the midst of us, and should not be allowed to perpetuate their evil influence. ... Precisely those who plead that Kelly was the creature of circumstances, and that we are all moulded by our surroundings, ought to understand that society is bound to put the brand of failure upon crime”.

⁶¹ Manning Clark (“Good Day to You, Ned Kelly”, in Colin Cave, ed., *Ned Kelly: Man and Myth* (North Ryde: Cassell, 1968), 21-2, eulogised that “Those who had loved him ... soon replied [to the *Argus’s* report that Kelly’s “face was livid, his jaunty air gone and there was a frightened look in his eyes” as he stepped onto the drop] that he had died like a Kelly, saying ‘Such is life’”. But the *Herald’s* report, the source of Clark’s claim, was not a ‘reply’ to the *Argus’s*. It predated it, and contained no love for Kelly. Clark seems to be under the unacknowledged sway of Nietzsche in writing that “the spirit of Dionysus ... lives in all of us” with a “nostalgia for the life of the fearless, free and bold” of Kelly’s *Jerilderie Letter*, in contrast to the ‘conformism’ of daily life and the case “for Apollo, the case for order and discipline”. It is as though Kelly symbolised Dionysus for Clark, and madness – both passion and tragedy – inevitably followed. Clark continued this intriguing theme when treating Kelly in Volume IV of his *History of Australia*, but it is a far cry from factual history.

⁶² Alan Frost, *The First Fleet: The Real Story* (Carlton: Black Inc, 2012).

⁶³ Charles Dickens, *Great Expectations* (London: Penguin Red Classics, 2006), 131.

Middleton used this striking phrase, possibly recalled from Dickens, for his condensation of the officials' interpretation of Kelly's last words and sigh.⁶⁴

Prominent Kelly apologist, Max Brown, related the story of a reporter in Kelly's era, who had called on the editor of "a great London newspaper" while in Paris: "I asked him if he would care to come and watch the execution of three communists at Satory. 'I go?' exclaimed my able editor. 'I go? Good gracious no; but be sure you go and write us a graphic account'".⁶⁵ Of the reporters at Kelly's execution, at least two did not disappoint. Analysis of the reportage of the day shows that the treasured stories of Kelly having said either "Such is life" or "Ah, well, I suppose it has come to this", are both wrong. Bad luck for Kellyphiles? Ah, well, I suppose.

ABBREVIATIONS

O&M – Ovens and Murray Advertiser (Beechworth).

VPRS – Victorian Public Record Series, in the Victorian Public Record Office.

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⁶⁴ Meredith and Scott, *Acrimony*, 135, did not mention *Great Expectations* but suggested two other possible sources of inspiration, including Dickens, neither of which fits the context as closely. Middleton was both dramatic and condemnatory: "at the end of four minutes it was all over and Edward Kelly had gone to a higher tribunal to answer for his faults and crimes", a blunt retort to Kelly's well-reported interruption to Judge Barry's pronouncement of the death sentence, "I dare say, but a day will come, at a bigger court than this when we shall see which is right and which is wrong" (*Argus*, 30 October 1880, 8).

⁶⁵Brown, *Australian Son*, 224.

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