

Historical Commentary

Ned Kelly's Shooting of George Metcalf, Labourer.

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Abstract: *A core component of the popular Ned Kelly myth is that he had never taken innocent life. Against this, there is a documented case in which he directly caused a quarryman's death. George Metcalf was one of the persons made prisoner by Ned Kelly in Ann Jones' Glenrowan Inn during the siege of 27-28 June 1880, and it has been widely held that he was injured, and later died, in consequence of a police bullet fired during the siege. Metcalf, who could not afford medical treatment, stated that his injury occurred while he was sheltering in a fireplace during the shooting, and his surgical and related costs were paid by the police. However, subsequent enquiries by a detective found that the injury was caused by Ned Kelly on the afternoon before the siege, when he accidentally shot Metcalf in the face while fiddling with a revolver he had taken from a gravel contractor that morning. The Metcalf story was effectively forgotten for a hundred years after Ned Kelly's death. When it was rediscovered, following a series of Kelly histories critical of the police, evidence concerning Kelly's responsibility for Metcalf's injury was typically overlooked or disregarded by those who clung to a belief in Kelly as a heroic figure who was more victim than criminal. The case of Metcalf illustrates how ready pro-Kelly historians have been to blame the police for every misadventure in the Kelly saga. In fact, however, Metcalf's death must be laid squarely on Ned Kelly's hands.*

In a recent work, historian Doug Morrissey wrote of "a new generation of Kelly-philes, who unabashedly glorify Ned's memory and give a false legitimacy to the Kelly myth".¹ A core component of that myth - maintained to the end by Ned Kelly himself, in a letter written in his condemned cell – is that he had never taken innocent life. In this context, this was the life of anyone other than the police who

* I wish to thank Sharon Hollingsworth, my two anonymous referees, and the editors for their valuable comments. Please forward any comments or queries to stuart.dawson@monash.edu

¹ Doug Morrissey, *Ned Kelly: A Lawless Life* (Ballarat: Connor Court, 2015), 182.

were searching for him, and whom he believed intended to shoot him on sight rather than arrest him.² Were it the case that Kelly did directly cause an innocent person's death, an important claim made in his defence by those sympathetic to him would be significantly weakened. This investigation shows that there is such a case, and that pro-Kelly historians have repeatedly disregarded it to preserve a popular myth of Kelly as more victim than criminal.

Quarry worker George Metcalf was one of the persons made prisoner by Ned Kelly in Ann Jones' Inn at Glenrowan during the siege of 27-28 June 1880, which exterminated the Kelly gang of bushrangers. It has been widely held that Metcalf was injured, and later died, as a result of ricochet from a police bullet fired during the siege.³ This story resulted from a claim by Metcalf—who could not afford medical treatment—for an injury that he stated had occurred while he was sheltering in the hotel fireplace, when a surrounding cordon of police were shooting into the building.⁴ Yet despite its recurrence in much contemporary Kelly commentary, the story is false.

Metcalf attended the Eye and Ear Hospital on Thursday 1 July, stating that he had been injured “during the attack by the police”.⁵ He was temporarily admitted while surgeon Andrew Gray sought instructions from the Chief Commissioner of Police, Captain Standish, as Metcalf had said that he was unable to pay for treatment.⁶ Standish replied by letter on 2 July, “I consider that under the circumstances of the way he met his injuries, the patient referred to who is utterly without means is a fit case for the charity”.⁷ Gray commenced work upon receipt of the authorisation, as he advised Standish on 3 July.⁸ The police took Metcalf's claim at face value, and paid his medical bills and board and lodging in Melbourne.⁹

² Letter, E. Kelly to the Governor, 10 November 1880, VPRS 4966, Unit 2, Item 10, 144-147.

³ For example Paul Terry, *The True Story of Ned Kelly's Last Stand* (Sydney: Allen & Unwin, 2012), 177; Peter FitzSimons, *Ned Kelly: The Story of Australia's Most Notorious Legend* (Sydney: Heinemann, 2013), 522; Grantlee Kieza, *Mrs Kelly* (Sydney: HarperCollins, 2017), 407.

⁴ *Kerang Times and Swan Hill Gazette*, “Another Glenrowan victim”, 22 October 1880, 4, “... when the first volley was fired into the house, Metcalfe [sic] ... received very severe injuries to one of his eyes, it is thought that a splinter from the chimney struck by a bullet was the cause. Owing to the pain he suffered therefrom, he was taken to Dr Nicholson at Benalla, and that gentleman recommended him to place himself under the care of Dr Gray, of the [Melbourne] Eye and Ear Hospital”.

⁵ Letter, Gray to Standish, 1 July 1880, VPRS 4965, Unit 3, Item 146.

⁶ Ibid.

⁷ Letter, Standish to Gray, 2 July 1880, VPRS 4965, Unit 3, Item 146.

⁸ Letter, Gray to Standish, 3 July 1880, VPRS 4965, Unit 3, Item 146.

⁹ Nicolson, Memo, 9 December 1880, VPRS 4967, Unit 2, Item 53.

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Metcalf did recover to some extent, but subsequently died in October, possibly as a result of infection.¹⁰ The fact that Metcalf's costs were paid was widely taken as an admission of fault and liability by the police, and was subsequently used to bolster criticism of their actions during the siege. The *Kerang Times* opined, "should the injury sustained have accelerated the death of the deceased, as appears to have been the case, it is a question whether some compensation should not under the circumstances be awarded to the family by the government".¹¹ The police determined otherwise, and Metcalf was effectively forgotten for a full hundred years after Ned Kelly's death. However, when his tale was rediscovered, it would be uncritically and wrongly hailed by many as further evidence of police recklessness and duplicity at Glenrowan.

The Kelly story largely slipped from the public mind in the years after the 1881 Royal Commission into the police force and its handling of the Kelly outbreak. In George Boxall's 1899 *Story of the Australian Bushrangers*, the Kelly gang occupy less than nine percent of its pages. By contrast, the Kelly story occupied just over half of a popular general history of bushrangers in the mid-1960s.¹² To Boxall, the best known histories of the Kelly gang in his day were those of ex-Superintendent Francis Hare (1892), the only policeman wounded at Glenrowan, and reporter John McWhirter from the *Age*, "largely compiled" from *Age* articles.¹³

After Boxall, C.H. Chomley's *True Story of the Kelly Gang of Bushrangers* (1900) held sway until J.J. Kenneally's *Inner History of the Kelly Gang* (1929), which was the first narrative that sought to see the actions of the Kellys as a justifiable response to police persecution.¹⁴ This was regardless that the allegation, "that either

¹⁰ Metcalf recovery, letter, 12 September 1880, <http://www.geocities.ws/heartland/8267/GeorgeMetcalf.htm>, accessed 10 September 2016; died 15 October 1880, VPRS 4967, Unit 2, Item 53. Died of peritonitis, Ian MacFarlane, *The Kelly Gang Unmasked* (South Melbourne: Oxford University Press, 2012), 28.

¹¹ *Kerang Times and Swan Hill Gazette*, 22 October 1880, 4.

¹² Tom Prior, Bill Wannan, and H. Nunn, *A Pictorial History of Bushrangers* (Dee Why West: Hamlyn, 1968).

¹³ George Boxall, *The Story of the Australian Bushrangers*, (London: Swan Sonnenschein, 1899), 354; Francis Hare, *The Last of the Bushrangers* (London: Hurst and Blackett, 1892). McWhirter was one of only five witnesses called to testify before the Kelly Reward Board. There is no trace of a published book by McWhirter, so Boxall may mean McWhirter's 1880 *Age* articles, or some work that drew on them.

¹⁴ Chomley, C.H., *The true story of the Kelly gang of bushrangers*, Melbourne: Wyatt & Watts, [1900]; Jerome J. Kenneally, *The Complete Inner History of the Kelly Gang and their Pursuers*, ([1929], 4th edn., Melbourne: Roy Stevens, 1945). For Kenneally as Chomley's successor in Kelly narratives,

the outlaws or their friends were subjected to persecution or unnecessary annoyance at the hands of the police”, had been carefully examined and rejected by the Royal Commission, which was itself not well disposed to the police.¹⁵ Despite its claims to impartiality, Kenneally’s reflected a highly partisan enthusiasm for the Kelly gang.¹⁶ A reviewer of the day noted “... the author’s determination to paint every action of the police as black as possible”.¹⁷ It was built largely from selective quotations from the 1881 Royal Commission *Minutes of Evidence*, and informed by the oral history of ex-convict and Kelly cousin Thomas Peter Lloyd (Tom Lloyd Jr.), often regarded as the “fifth member” of the Kelly gang.¹⁸ The work is especially notable for its printing of Kelly’s Cameron/Euroa letter and the “innocent victim” mindset of which it reflected throughout.¹⁹ For Kenneally, “Ned Kelly’s heroism in defending his mother’s integrity; his sister’s honour; and his brother’s innocence, has claimed for him a place in the hearts of fair-minded people of Australia”.²⁰ Kenneally portrayed the Kellys as hounded by the police without cause, starting with a story of “Billy-Jimmies”, mysterious expert horse thieves for whose exploits the Kellys were blamed.²¹ It is reminiscent of other thieving stories, such as the ‘warrigal dodge’, a common fiction of wild horses tempting working horses away, also related by Kelly in his Jerilderie letter.²² Kenneally’s work was reprinted several times but in small print runs, and did not attain a wide readership in its day.²³ It nevertheless found its share of devoted

Paul Eggert, “The Bushranger’s Voice: Peter Carey’s True History of the Kelly Gang (2000) and Ned Kelly’s Jerilderie Letter (1879)”, *College Literature* 34.3 (2007), 125.

¹⁵ Police Commission, *Second Progress Report of the Royal Commission of Enquiry into the Circumstances of the Kelly Outbreak*, (Melbourne: Government Printer, 1881), x. For ex-Superintendent Sadleir’s view that the Commission “went relentlessly for [police] scalps”, John Sadleir, *Recollections of a Victorian Police Officer* (Melbourne: George Robertson & Company, 1913), 240.

¹⁶ Frank Clune, *The Kelly Hunters: The Authentic, Impartial History of the Life and Times of Edward Kelly, the Ironclad Outlaw* (Sydney: Angus & Robertson, 1954), xiv.

¹⁷ *Franklin and Somerville Standard*, 13 July 1929, 4.

¹⁸ Tom Lloyd credited as Kenneally’s informant in his 4th edition (Kenneally, *Inner History*, 10); “fifth member”, Ian Jones, *Ned Kelly: A Short Life* (Port Melbourne: Lothian, 1995), ix; ex-convict, Police Commission, *Minutes of Evidence taken before the Royal Commission into the Police Force in Victoria, together with Appendices* (Melbourne: Government Printer, 1881), Appendix X.

¹⁹ Kenneally, *Inner History*, 104-10.

²⁰ Kenneally, letter to Chief Secretary, *Inner History*, 310-1.

²¹ Kenneally, *Inner History*, 19-21; never mind that Edward Kelly, *Jerilderie Letter* (SLV MS 13661, February 1879), 56, boasted of having “sold horses and cattle innumerable”. If Lloyd had told Kenneally the police painted themselves with woad, he would probably have believed it.

²² For this and similar tales, Boxall, *Australian Bushrangers*, 191-2; Kelly on “old Wombat”, *Jerilderie Letter*, 2.

²³ Stephen Knight, *The Politics of Myth* (Carlton: Melbourne University Press, 2015), 158.

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adherents, and through them it would deeply influence and shape future representations of the Kelly gang by laying the blame for the Kelly outbreak on the police due to their alleged persecution of the family.²⁴ Although Metcalf was not mentioned in these early narratives, his story would resurface as a rebuke to the police in later retellings of the Kelly saga.

There was a revival of interest in Ned Kelly in the 1940s, and Clive Turnbull's introduction to his 1942 *Ned Kelly*—a printing of the full text of Kelly's 1878 Cameron/Euroa letter—proclaimed Kelly “our only folk hero”.²⁵ Turnbull enthused, “rightly or wrongly, [the people] have seen in Kelly those qualities which are deemed the most desirable in the Australian conception of manhood – courage, resolution, independence, loyalty, chivalry, sympathy with the poor and ill-used”.²⁶ In 1943 Turnbull followed this with a sympathetically introduced bibliography of the gang which described Kenneally's work as “... the most complete account of the Gang's doings”.²⁷ Whether intentional or not, this endorsement of Kenneally elevated his influence over that of earlier work, along with its strident denunciation of police activity leading up to and throughout the Kelly hunt.

Returned soldier Max Brown was also captivated by the Kelly story, and spent a year researching material for his 1948 *Australian Son*, the first book about the Kelly outbreak to achieve significant attention.²⁸ This was in part due to it including the first readily accessible printing of Kelly's Jerilderie letter, which Brown saw as “by far his

²⁴ Kenneally blamed the Kelly outbreak on a failed attempt by Constable Fitzpatrick to arrest Ned's brother Dan for horse-stealing, in which the constable was shot and wounded, with the subsequent gaoling of Ned Kelly's mother and associates. For a comprehensive analysis see Stuart Dawson, “Redeeming Fitzpatrick: Ned Kelly and the Fitzpatrick Incident”, *Eras Journal* 17.1 (2015), 60-91. On the centrality of the Baumgarten horse-stealing ring to the Kelly outbreak, see MacFarlane, *Kelly Gang Unmasked*, 53-6; John McQuilton, *The Kelly Outbreak 1878-1880*, (Carlton: Melbourne University Press, 1987), 84-5; and Doug Morrissey, “Ned Kelly and Horse and Cattle Stealing”, *Victorian Historical Journal* 66.1 (June, 1995), 33, 43-46.

²⁵ In his foreword to Graham Seal, *Tell 'em I died game: The legend of Ned Kelly* (Flemington: Hyland House, 2002), vi, historian Russel Ward noted that “Up till about the time of World War II most of the material [about the Kellys] belonged to folk or popular culture”, and was absent from general history books before 1930.

²⁶ Clive Turnbull, *Ned Kelly: being his own story of his life and crimes* (Melbourne: Hawthorn, 1942), 1-2. Turnbull's view is centrally based on Kelly's claims about himself in his Cameron/Euroa letter.

²⁷ Clive Turnbull, *Kellyana*, (Melbourne: Hawthorn, 1943), 1.

²⁸ “The first modern account of the Kelly outbreak ... The book has featured prominently in later examinations of the story by authors and historians”, <http://www.ironoutlaw.com/australian-son/>, accessed 14 October 2016.

best single written statement”.²⁹ Brown was strongly sympathetic to Kelly seeing him—as had Kenneally and Turnbull—as a figure of vigorous and distinctively Australian manhood wrongly persecuted by the police.³⁰ To Brown, “blood and bone he was of the Australia that had shown its true colours at Eureka and was carrying on as best it knew the age-old struggle waged against the princes of Europe”.³¹ Based largely on his interpretation of the Jerilderie letter, Brown manufactured a political Kelly with republican leanings, whom he saw as “a new messiah of Australian democracy”.³² Yet Kelly was famously politically naïve: his interest went no further than posting his hard luck story and unrealistic demands for the release of his mother and two convicted associates from gaol to Donald Cameron, M.L.A., and “failing to recognise [Cameron’s question about the gang in parliament] as a routine attempt to embarrass the government”.³³ Like Kenneally, Brown selected evidence that supported or accorded with his outlook, and accepted Kelly’s statements as essentially factual accounts of events.³⁴ In his first two editions (1948 and 1956),

²⁹ Max Brown, *Australian Son: The Story of Ned Kelly* (Melbourne: Georgian House, 1948), 271, Appendix, “from a copy made in 1879 or 1880 by a government clerk”. In his 1980 revision, he added the Cameron/Euroa letter as an additional appendix.

³⁰ Both Kenneally and Turnbull are listed in Brown’s short and only published bibliography (Max Brown, *Australian Son: The Story of Ned Kelly*, rev. edn., edited and compiled by Chester Eagle, Greensborough: Network Creative Services, 2005), and is a clear influence on his approach. Eagle’s editorial foreword noted that Kenneally “kept the Kelly’s side of the story alive, but ... he couldn’t give the gang any respectability. He could only claim they were victims of injustice. ... [Brown] wrote *Australian Son* [to capture] forever the feelings of those whose instincts told them that the Kelly story was about something going wrong with law, justice and morality in the State of Victoria not so many years before” (viii-ix). A cynic might think that what went wrong was a murderous gang of thieving outlaws on the run for far too long, with a large pool of relatives and criminal associates willing to assist them.

³¹ Max Brown, *Australian Son: The Story of Ned Kelly* (Sydney: Angus and Robertson, rev. edn., 1981), 36.

³² *Ibid.*, x.

³³ Ian Jones, *Ned Kelly: A Short Life* (South Melbourne: Lothian, new edn., 2003), 144: Kelly demanded the release of the “suffering innocents”, his mother and associates William Williamson and William Skillion, who were convicted of aiding and abetting the attempted murder of a constable in the Fitzpatrick Incident; and 145, of the Cameron Letter, “they [Ned Kelly and Joe Byrne] mistook the political football for a genuine opportunity to make their case”. MacFarlane, *Kelly Gang Unmasked*, 211, “None of Ned’s letters – including the one he sent to Cameron – indicate that he had the slightest grasp of political shenanigans”.

³⁴ Brown, *Australian Son* (1981), ix. In the foreword to his first, 1948, edition, Brown says, “It may have been better to have written a novel”, but that he “finally decided...to select, as I believed the most valid aspects of the myth” (12). Imagined dialogue populates many of the events in his narrative, e.g. pp. 94, 151. Unlike Kenneally, Brown made no claim to impartiality; his preface concludes, “So does the myth become greater than reality to act upon reality!”. A comparative review with Bill Wannan’s *Tell ‘em I died game* (1963) remarked the severe extent to which Brown

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Brown did not mention Metcalf, but in his 1980 revision he wrote that “Medcalf [sic] lay in the [hotel] parlour, a bullet through the eye”.³⁵ Brown decried “the wanton killing of Johnny Jones, Jane Jones, George Medcalf [sic] and Martin Cherry” by police fire during the siege.³⁶ Yet he almost certainly knew that the Metcalf story was false, as he had closely read the Royal Commission *Minutes of Evidence*.³⁷ He cannot have overlooked the sworn testimony of Superintendent John Sadleir in respect to a police report:

“There is another [incorrect] statement...: ‘A man named George Metcalfe has also been forwarded by your instructions to Melbourne, for treatment to an injury received in the eye while the firing was going on.’ That was the man’s own statement to Captain Standish, and myself, but, on further enquiries, I found that the injury was caused by Ned Kelly on the Sunday before the capture, the gun having accidentally gone off in his hands, and shot this man in the eye”.³⁸

Brown’s decision to privilege an old newspaper story over sworn evidence, and to use it to berate the police, says much about his partiality. In Brown, a false history was manufactured that would not accept the unpalatable truth of Kelly’s callous carelessness as revealed by Sadleir, which was simply ignored. In his summary critique of the police, Brown instead held the false tale of Metcalf’s death against them.³⁹ Nothing would be allowed to fault Brown’s construction of the ideal man: “the father of our national courage - our General - our King - whose mystical presence is still growing about us, never to die”.⁴⁰ In 1954, Frank Clune, who had also pored over every page of the Royal Commission evidence, dealt with the problem of Kelly’s shooting of Metcalf by ahistorically placing Metcalf among the

over-romanticised Kelly, and observed that “Wannan is forced to conclude that for most bushrangers, the Kellys included, life was nasty, brutish and short” (*Canberra Times*, 28 December 1963, p. 13).

³⁵ Brown, *Australian Son* ([1980] 1981), 174.

³⁶ *Ibid.*, 194.

³⁷ Brown, *Australian Son*, 228-233.

³⁸ Police Commission, *Minutes of Evidence*, Q.16700, p. 616.

³⁹ Brown, *Australian Son* (1981), 232.

⁴⁰ *Ibid.*, viii, paraphrasing Robbit Clow, *The Cause of Kelly* (Ballarat: Baxter & Stubbs, 1919), 5-6, whom Brown also quoted in his front matter. Clow contributed a letter of endorsement to Kenneally’s fourth edition.

outdoor spectators the morning after the siege began, where he is struck in the eye by a stray police bullet during their “wild firing”.⁴¹

The story of historical falsification worsens. Police correspondence shows that Detective Alexander Eason conducted enquiries at Glenrowan in the aftermath of the siege, during which he discovered the facts of Metcalf’s wounding, and reported:

“I see that a man named George Metcalf now an inmate of the Eye and Ear Hospital Melbourne from injuries received to his eye on this occasion has made a statement to the effect that when a prisoner of the Kellys in Jones’ hotel and sheltered in the chimney he was injured from a bullet fired from the outside striking the brickwork which struck him in the eye. Now I find that Ned Kelly before daylight on the Sunday morning called out a contractor named Adolphus Piazzi from his tent near the railway line and that Piazzi attempted to use his gun when Kelly fired at him and very nearly shot him and afterwards later in the day when Metcalf was bailed up outside the Station Master’s house Kelly was fiddling with this gun of Piazzi’s when it exploded striking Metcalf in the face, the blood came from his face and Mr. Stanistreet’s son got him water to wash it off, and Kelly then said, “I did not mean to fire, it went off accidentally”, and now whatever object Metcalf may have in asserting that he was wounded when inside Jones’ hotel by a shot fired from the outside this account of the cause is the correct one”.⁴²

Eason appears to have come across the Metcalf story by accident. His memo commences with a report on the actions of Kelly sympathisers Denis and Patrick McAuliffe, who were inside Jones’ Inn during the siege.⁴³ He then says that he had noticed Metcalf’s statement, which he presumably sought to corroborate.⁴⁴ There is no indication that Eason was initially seeking to question Metcalf’s claim. Eason’s report is undated, but it was originally attached to a memo by Supt. John Sadleir of 26 July 1880, from which it has become separated in the PROV file. A portion of Sadleir’s memo notes that:

“The information furnished by Det. Eason as regards the injuries suffered by George Metcalf can be supported by several witnesses and disposes of any

⁴¹ Clune, *Kelly Hunters*, 301.

⁴² Undated report by Detective Eason, VPRS 4967, Unit 3, Item 60, pp. 241-2 of the PDF file.

⁴³ *Ibid.*; cf. Ian Jones, *The Fatal Friendship* (rev. edn., South Melbourne: Lothian, 2003), 185.

⁴⁴ Eason’s report, *op.cit.*

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claim that he may make for compensation on the grounds of being shot by the police".⁴⁵

The police files that contained these two reports were accessible from late 1966.⁴⁶ They should have prevented any suggestion in Brown's 1980 revision that Metcalf's injuries resulted from a police bullet fired during the siege, with the evidence that his suffering was the fault of Ned Kelly. Historian John Molony also followed Metcalf's story of events, omitting any reference to Eason's findings.⁴⁷ Both reports are now acknowledged, together with a content summary, on the PROV website,⁴⁸ and a case was mounted by historian Ian MacFarlane for their acknowledgement in regard to the issue in 2012.⁴⁹ As a cult figure however, Kelly had numerous defenders who sought to dismiss the reports.

MacFarlane's presentation has been rejected outright by adherents of the work of prominent Kelly historian Ian Jones, whose interest in and subsequent impassioned study of Kelly was inspired by Kenneally and Brown.⁵⁰ As with those authors, no opportunity is lost by Jones for finding fault with the police at every turn, a view ultimately rooted in Kenneally's "loaded dice" view of police persecution.⁵¹ Jones aggressively promulgated the Metcalf myth in his 1995 biographical study, *Ned Kelly: A Short Life*, from whence it has been propagated as fact in other Kelly commentary, including Justin Corfield's widely consulted *Ned Kelly Encyclopaedia*.⁵² Jones claimed by misreading the source documents, that Metcalf's eye "was injured when a bullet ricocheted from a chimney he was sheltering in" during the siege, and alleged that Metcalf's employer, gravel contractor Adolphus Piazzzi, "came up with a

⁴⁵ Report by Supt. Sadleir, VPRS 4967, Unit 3, Item 60, pp. 173-5 of the PDF file.

⁴⁶ The Crown Law Department's Kelly files were accessible in the State Archives from late 1966; then consolidated into the Kelly Papers Collection with the establishment of the Victorian Public Record Office in 1973; and the collection "arranged and described by an archivist" in 1983. See Colin Cave, ed., *Ned Kelly: Man and Myth* (North Ryde: Cassell, 1968) 59 and 141; "Kelly Historical Collection", <http://prov.vic.gov.au/whats-on/exhibitions/ned-kelly/the-kelly-collection>, accessed 10 September 2016; MacFarlane, *Kelly Gang Unmasked*, 219.

⁴⁷ John Molony, *I am Ned Kelly* (Ringwood: Allen Lane/Penguin, 1980), 288 n. 15.

⁴⁸ PROV, <http://prov.vic.gov.au/whats-on/exhibitions/ned-kelly/the-police-case>, accessed 14 October 2016.

⁴⁹ MacFarlane, *Kelly Gang Unmasked*, 1, 27-8.

⁵⁰ Jones, *Short Life* (1995), vii-viii, Kenneally as "the ultimate portrayal of Ned Kelly as a victim and hero"; Brown "inspired and encouraged" Jones' work.

⁵¹ Kenneally, *Inner History*, 30-2; 152.

⁵² Corfield, *Encyclopaedia*, s.v. "Metcalf", cites Jones only, not the source documents.

story that George Metcalf had been shot accidentally by Ned Kelly, not, as Metcalf himself claimed, by police fire”.⁵³ Jones cited Eason’s notice of Metcalf’s claim that he was struck by a ricocheted bullet as proof of its truth, and dismissed the very next sentence in which Eason reported that his investigation had found that the injury occurred earlier, from Ned’s fiddling with Piazzzi’s gun.⁵⁴

Jones’ reference note for the wounding of Metcalf, “Detective Report, quoting Metcalf, Eason to Sadleir”, is wrong.⁵⁵ Eason did not quote Metcalf, but said that he saw that Metcalf had made a statement.⁵⁶ Jones misinterpreted the evidence in the police report in his desire to exonerate Kelly. This required him to simultaneously ignore or dismiss Sadleir’s memo of 26 July, itself an official report, that “several witnesses” supported Eason’s findings, and to ignore Sadleir’s sworn Royal Commission testimony which had been based on these reports, with all of which Jones was thoroughly familiar.⁵⁷

Jones next asserted that Piazzzi “came up with a story” that Metcalf was accidentally shot by Kelly, and that Piazzzi had an “undue eagerness to say what the police wanted to hear”, which may have been motivated by Piazzzi’s claim for compensation for horses shot by the police.⁵⁸ This forgets (or ignores) that Metcalf was the one who had obtained compensation based on a false claim. Jones misread the source evidence in his note at the end of Chapter 20, in which he stated that “Piazzzi claims that Ned shot Metcalf”, referencing Eason’s report.⁵⁹ Yet Eason nowhere said that Piazzzi made this claim. Rather, Eason reported his own findings of what occurred, findings that also involved Mr Stanistreet’s son, one or both of his parents, and at least one other witness identified in Eason’s report.⁶⁰ Jones’ questioning of Piazzzi’s integrity was undeserved and without foundation.

⁵³ Jones, *Short Life* (1995), 250, 284, 386.

⁵⁴ *Ibid.*, 380, rejecting report by Detective Eason, VPRS 4967, Unit 3, Item 60, pp. 241-2 of the PDF file.

⁵⁵ *Ibid.*

⁵⁶ Report by Detective Eason, VPRS 4967, Unit 3, Item 60, pp. 241-2 of the PDF file.

⁵⁷ Jones had studied the Kelly Papers in the State Archives well before the 1967 Wangaratta conference, and had his own copy of the Royal Commission *Minutes of Evidence* before 1968 (*Short Life*, 1995, p. viii).

⁵⁸ *Ibid.*, 284.

⁵⁹ Jones, *Short Life* (1995), 386.

⁶⁰ Witnesses in addition to Mr Stanistreet’s son, who brought Metcalf water, included station master John Stanistreet and railway worker James Reardon, both of whom are recorded on the second page of Eason’s report.

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The police paid Metcalf's medical expenses from his admission for treatment onwards, and also reimbursed the costs of his board, lodging and related expenses to hotel landlord Charles Wilson, whom Chief Commissioner Standish had engaged as his carer. On learning that Metcalf had been taken seriously ill on 11 October 1880, Superintendent Nicolson, as Acting Chief Commissioner, arranged for Metcalf's immediate return to the Melbourne hospital, where he died on 15 October. Nicolson also authorised payment of a retrospective bill from Wilson for accommodation and costs that was received after Metcalf's death, despite having learned by then that the claim was fraudulent.⁶¹ Jones disregarded these acts that showed the police in an honourable light, again insisting in his first note to Chapter 21 that because the money was paid, police fire must have caused Metcalf's injury.

Despite a further decade of intensive involvement in Kelly research, Jones kept the Metcalf myth unchanged in his 2003 major revision.⁶² Max Brown, who died in 2003 but had continued to revise his material over the years, similarly could not bring himself to acknowledge that Kelly was at fault. He repeated the tale unchanged in his late life revision of *Australian Son*, posthumously published in 2005.⁶³ Both authors remained under the thrall of Kenneally's impassioned defence of the Kelly gang of bushrangers against the police, a hunt that was welcomed by almost every Victorian of the day.⁶⁴ Both selectively used historical evidence to construct and promulgate unhistorical, sugar-coated images of Kelly as a heroic figure, far

⁶¹ Nicolson, Memo, 9 December 1880, VPRS 4967, Unit 2, Item 53.

⁶² Jones, *Short Life* (2003), 223 and 254.

⁶³ Brown, *Australian Son* (2005), 202, 226. Chester Eagle, the editor, noted in his foreword (ix) that, "Max lived to see several editions of the book... At length he decided he needed to revise his classic, and he did". Mr Eagle advised me in an email of 4 June 2014 that, "The 2005 version was greatly altered by Max, not by Brad [Webb, the publisher] or me. Parts of the book were rewritten, and other parts not. That was Max's decision.... Let me assure you that considerable effort was expended in giving the public the 2005 version of *Australian Son* as Max intended it to be presented".

⁶⁴ *Ovens & Murray Advertiser*, 31 Oct 1878, 2, "We now think that there is reasonable hope to suppose that this bloodthirsty band of young ruffians ... will soon be captured. May such an event speedily be consummated"; *Bendigo Advertiser*, 3 March 1879, 2, on a rumour that the gang had been captured, "the sentiment generally evoked by the rumor was one of sincere gratification"; *Argus*, 2 April 1879, 5, "scoundrels whose deeds of blood have horrified and incensed the whole community"; *O&M*, 29 Oct 1880, 2, "we trust that at all hazards people will scour the country, and never rest until these foul murderers are brought to justice".

removed from the reality of his life and crimes. With this pasteurisation, it is not surprising that Kelly has been wryly called Saint Ned.⁶⁵

The case of Metcalf illustrates how ready many historians have been to blame the police for every misadventure in the Kelly saga. Judith Douthie's investigation of those inside Jones' hotel during the siege acknowledged Eason's report, and noted, "it is understandable that George [Metcalf] would not have wanted the police to know who injured him, as he then would not have received any compensation for his wounds".⁶⁶ Given that he could not afford treatment, Metcalf took the only way he could see to get it, and claimed injury from police fire. The evidence shows that Metcalf was a victim of Kelly's careless gun handling in the afternoon before the siege commenced. He did not then let him go to seek treatment, but rounded him up in the hotel as part of Kelly's human shield seeded with some twenty sympathisers; the same tactic he had used at Euroa and Jerilderie to prevent interference with his plans.⁶⁷ Like many other people who suffered the impact of the Kelly gang, Metcalf was a victim of tragic circumstances beyond his control. However, his death was in no part the fault of the police.

⁶⁵ Keith Dunstan, *Saint Ned: The Story of the Near Sanctification of an Australian Outlaw* (Sydney: Methuen, 1980).

⁶⁶ Judith Douthie, *I was at the Kelly Gang round-up* (Greensborough: Network Creative Services, 2007), 106-7.

⁶⁷ Douthie, *ibid.*, 1, estimated 18 to 20 sympathisers among the 62 prisoners at Glenrowan; for sympathisers among the prisoners at Faithful's Creek (Euroa), see Jones, *Short Life* (2003), 158; and Jerilderie, 172.

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VPRS - Victorian Public Record Series, in the Public Records Office Victoria.