

Stringybark Creek, the authentic location Ned Kelly

A place in the Wombat Ranges where troopers were shot by
Bill Denheld February 2010

This document investigates the authentic location of the Police camp at Stringybark Creek of Oct. 1878

Partial Image of Burman photo Citation PROV Burman photo -0030-010-001- VPRS 4966 Consignment
P0 Unit 2 Item 30 Record 1 Document: Photo of Wombat Ranges where troopers were shot.

Authors foreword,

Few other Australian stories of endeavor have captured our imagination like the short life of Edward (Ned) Kelly., Native born Australian, son of Irish immigrants, like many marginalized by the British colonial autocracy, Ned Kelly was a social warrior for his class.

Whether we think of him as a criminal or hero depends on a pre-conceived notion of justice. We can be law abiding, meek and buckle under, or rise to challenge the laws, at a time when a people's parliament was still a life time away.

When I was growing up in the fifties, it was only 70 years since Ned Kelly was hanged. All I knew he must have been bad to have done what he did. However, bad political systems breed bad outcomes and Ned Kelly was no exception. His exploits coined the phrase 'as Game as Ned Kelly'.

Having been victim of crime myself, I cannot condone the actions of free loaders, cheats and unscrupulous thieves, let alone those that willingly go out to harm. After careful study of the circumstances surrounding life in those turbulent colonial days of the nineteenth century, we see not a criminal thug Ned Kelly, rather a way for him to survive a brutal system intent on diminishing a person's rights according to his class. The story of Ned Kelly and his times continue to resonate perhaps because we are many generations removed and hanker for the past. But history must be recorded correctly, and sometimes not quite so.

Let me start this story not at the beginning of his strife but sometime later when he and his younger brother Daniel were 'wanted' for an alleged crime 'supposedly' done, which ended with their mother Ellen being arrested and gaoled for three years with babe in arms.

A police party had set out to apprehend the wanted boys with a large 'reward' offered. Unbeknown to the police party, they were camped only one mile from the Kelly camp of six months across a rise and a creek.

The resultant outcome of the pursuit had three police shot dead at a place in the Wombat Ranges, a creek called Stringybark north of Mansfield town. As with much of history, the exact location had faded into obscurity. This research aims to explain and pin point on the ground the true site

where the Kelly saga began. What started out as a symposium to have the right place of the conflict identified, has become a disagreement between grown men who are not prepared to accept they may be wrong.

This paper '**Stringy Bark Creek, the authentic location**' is in response to a SBC site document authored by Mr. Linton Briggs of Glenrowan. The aim was firstly to demonstrate that the current East bank site is wrong and to identify the true site on the western bank of Stringybark Creek. In May 2009 Linton and I agreed to lead an investigation to find the site where the police were shot by the Kelly gang because 132 years after the event there was still uncertainty as to its true location.

A team was brought together consisting of Linton Briggs and Gary Dean of Glenrowan, Kelvyn Gill, Glenn Standing and myself from Melbourne. Each had spent considerable time in the past studying the various scripts that Thomas McIntyre, the surviving police trooper wrote for the case against Ned Kelly and his gang. The team's final document was to be agreed to by all members before it would be published.

The final Draft copy known as CSI@SBC was issued to me for perusal during February 2011. One thing we did agree about is that the gunfight was on the western bank of the creek, but I disagreed with the selected site near the existing 'Kelly tree' area on the western bank. In my view, their document failed on many fronts and I could not put my name to it.

My well researched case was issued to the team members but rejected by them in favour of Linton's Kelly tree scenario. I tried to persuade them to my views, suggesting they were neglecting a most fundamental piece of evidence- the slope in the Burman photo. However, I received a letter from Linton dated 20th March 2010, which stated that -

"I could no longer remain a member of the team if I did not agree with the Kelly tree selection by the team. ~ The team advises me that I present my own case for consideration by Heritage Victoria and the team is supportive of this course of action, in the interest of providing Heritage Victoria with an opportunity to add rigour to their assessment by evaluating another proposal. "

Well thanks gents, there are now three sites claimed, but only one can be correct ? Bill Denheld

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For consideration by the following organisations -

Heritage Victoria,

Victorian Police Historical Unit Museum . (VPHU)

Department of Sustainability and Environment. (DSE)

Now- DELWP

The Rural City of Wangaratta (The Ned Kelly Touring Route)

Tourism Victoria.

Public Records Office Victoria . (PROV)

An investigation to establish the authentic location of the Police Camp at Stringybark Creek in the Wombat Ranges north of Mansfield Victoria.

The evidence, newspaper reports, and photographs help to identify the correct site.

The true site of the police camp is where the photo fits the scene on the ground.

No matter what has since been written, the photographs taken by Fredrick Charles Burman only days after the shootings as well as written reports closest to the event are the primary sources.

['Primary Source', as defined, 1, first or highest in rank, 2, first in order, 3, first in time. 'Secondary source' as a derived or derivative; not primary or original - Macquarie dictionary.]

Items for study in this document are the Burman photos and newspaper reports as primary sources, closest to the event.

Constable Thomas McIntyre, together with Ned Kelly's witness statements are **secondary sources**. No account of any event can be captured as well as a photograph, even though words may help clarify the details. **Photos do not lie**

At right are the two 'primary source' photos of the place where Constable Lonigan was shot dead by Ned Kelly 26 October 1878.

This document sets out to allow you the reader, to decipher and unravel the numerous puzzling aspects that have tricked the unwary historian who too often has relied upon secondary sources.

Image lower right –held by VPHU museum. Original size approx 110 mm x 58 mm
VPM208 Carte de Visite, A.W. Burman Stringybark Creek Re-enactment.
Reproduced with permission from the collection of Victorian Police



Burman photo1 post card used by Ned Kelly at his trial 1880 held by PROV
Image Citation PROV Burman photo -0030-010-001- VPRS 4966 Consignment P0
Unit 2 Item 30 Record 1 Document: Photo of Wombat Ranges where troopers were shot
Reproduced with permission from the collection of the Public records office Victoria.



The Burman photos are the primary source.

On the ground are some sizable logs the centre of which served as a Bon-fire lit to help guide the two returning police troopers. The figures re-enact the time when Sgnt Kennedy returned to camp. McIntyre sits on a log with Kelly behind.

After the shootings McIntyre managed to escape and eventually made it back to Mansfield on foot the next day, raising the alarm. The following day he returned with a team of helpers including local Edward Monk back to the scene to recover the bodies of two of the three dead police. (Kennedy's body was not recovered till several days later.)

News of the killings soon spread and was reported in The Argus dated 28th October 1878. These reports are **primary sources**.

Now, 132 years after the event, nobody is sure of the exact site of the shootout. I believe my quest to find the site is conclusive with convincing terrain photo matches for the site.

Having read through Constable McIntyre's numerous accounts, statements and memoirs it is clear he had a keen eye for detail. His accounts read as a man doing his police duty. While his earliest reports made press headlines within days, the bulk of his texts come over the following 23 months leading up to Ned Kelly's committal hearing as reported in The Age and The Argus 6th August 1880. These statements vary slightly, as they were made long after the event. They do not qualify as primary evidence.

McIntyre also later drew map sketches that show where the protagonists were located. His witness statements and maps, even though he was giving a first person account, are (as are Ned Kelly's statements) secondary source evidence. But to locate the actual site we must rely only on the photographs first and foremost.

Newspapers reported the tragedy only **'two days'** after the event while Burman's photos were taken within **five days**, and except for McIntyre's original reporting to his superiors, his witness statements had been recorded **months or even a year** after the event

McIntyre's document titled - *"The Manuscript of Thomas McIntyre, The Sole Survivor, of The Massacre of Police, at Stringybark Creek"*, states on Page 2 that it has been "24 years since the Kelly Gang of Bushrangers attracting much attention." [1]

This dates his manuscript at around 1902, and it could have been **embellished** or **modified** by tricks of his memory or by efforts to reconcile previous statements. Yet this 1902 document forms the basis for the source material relied upon by most historians to determine the shootout site ! It is very important to know which are 'Primary' or 'Secondary' sources.

A difficulty remains to reconcile McIntyre's map sketches with the Burman photos. The sketches are not referenced, and give no clue to where they fit on SBC. However in his texts McIntyre wrote that while waiting for the returning police **'they faced north'** with Kelly to his right **on the creek side**. So secondary sources allow one to conclude the site is on the west bank of SBC.

However, Burman being guided by a reliable second hand witness Ted Monk, would have been able to **locate the logs quite precisely**. They were far to big to be confused with other logs in the area, and were associated with the huts, the burnt logs, the camp site and the location of the bodies.

Hence, Burman with Monk's help could easily identify **the general location with confidence**. It is not clear that they would have had all the facts needed to place the actors in their correct relative positions, except that McIntyre does say that Kelly, McIntyre and Kennedy formed a straight line at the time Kelly first fired a shot at Kennedy that missed him as McIntyre was in line. Thus we can be confident the photo does show the actors in a relatively correct line even though they may be in the wrong place in relation to the log configuration.

We can be confident that Burman had photographed the correct logs , irrespective of the details of the reenactment,

The earliest [primary source text](#) -

'The Argus' newspaper (29 Oct 1878) reports where the police camped. *"They reached Stringy-bark Creek, 20 miles from here, on Friday evening, and camped on an open space on the Creek. It was the site of some old diggings. They pitched the tent near the ruins of two huts"*. [2]

All references to a burnt hut, or 'an old hut' stem from McIntyre's notes or subsequent manuscript but this newspaper paragraph is the primary public source. Historians can dispute how the written texts should be interpreted,, [but I believe the true site can be identified by comparing the photographic evidence with the topography along Stringybark creek.](#)

The current East bank site was first shown to Jack Healy, and was based on information told to him by someone who knew, and retold to Ian Jones. The fact that J. Healy's site is right opposite the fireplaces of two huts that I had located is a positive sign that we were on the right track. But both Healy, Jones's and Linton Briggs's Kelly tree sites fail the photo test as no steep slope comparable to that in the Burman photo can be photographed at either site.

[If one cannot photograph a slope resembling the slope in the Burman photo at the proposed site, it cannot be the site.](#)

We also have to take into account the photo's orientation. There is overwhelming evidence the photo was taken looking **South** rather than North East or west. This information comes from McIntyre's own Manuscript. *"they faced north looking down the creek"* waiting for the returning police. [3]

The photos show two men facing one way while the third comes from the opposite direction. It is a fair conclusion to suggest the seated man (Mc) is facing North as is the man with the gun (Ned) behind the log.
[The photo is looking South.](#)

The only site that fits the 'primary source' photos is near the two huts fireplaces on the **western** bank diagonally opposite the current signposted Healy / Jones's east bank site.

Therefore the **[background slope in the photo](#)** can be used to help pinpoint the location of the logs and also identify the correct location of the shooting. It also constitutes secondary evidence for the manner in which the incident took place.

[I simply cannot agree that current East bank or the Kelly tree West bank site locations match the evidence in the primary source 'Burman' photos.](#)

[For those who want to read more on the unraveling of this Stringybark Creek puzzle, a more comprehensive dialogue can be read at Appendix 1 \(Page 21\)](#)

But now let me show you how we can eliminate most selected sites by the use a Viewer Scope.

This apparatus can be compared to a camera in reverse. A camera takes in light from outside through a lens and etches the image onto a plate. A viewer scope is an etched outline image onto a transparent film that is viewed through a peep hole to the outside scene.

We have to find a site with a significant slope when looking south, and in front, an area of flat ground large enough so that when photographed it can encompass the crucial elements of the Burman photo.

A viewer scope was made to contain the Burman photo1 outlines. The figures with hats, the ground level at the base of a large tree on the right of the photo are target features to be visualized while looking through the peep hole. The only site that fits the 'primary source' photos is near the two huts.

The image of the Burman photo is etched onto the transparent film.

The peep hole on the apparatus can be slid along and fixed to the alloy tube. This action enables a wide or narrow view to be set.

The outline etched lines can be seen. The red lines indicate; (i) the base of a large tree in the Burman photo, and (ii) where flat ground begins to rise up to a slope level. These lines need to be sighted when looking through the peep hole to a site.



To prove whether the area near the Kelly tree site could be where Burman took his photos we set up the Viewer Scope. Looking through the peep hole we bring the tripod towards or away from the two figures till they line up with the engraving.



This set up near the Kelly tree facing Easterly was to test Linton Briggs's preferred Kelly tree scenario.

Linton Briggs and some members of the team believe the tent stood near the road south of the Kelly tree, and the background of the photo should then be to the other side of the creek, to where **a slope should be**. Linton also believes the current Kelly tree can be seen in one of the Burman photos. To test this theory we set up the viewer scope facing exactly as suggested looking to the Kelly tree and across the creek. If a suitable slope could be seen from this site on the western bank, the slope will have to line up with the image in the viewer scope.

The viewer scope was set up just like an old wooden box camera on a tripod and the view angle was adjusted to be parallel with the ground which meant the viewer was set to 4 degrees (dipping down), to get the $1/3^{\text{rd}}$ flat ground foreground proportion correct as in the photo.

We then ventured over SBC (the 'spring') to the east bank. I went to the highest point beyond the bank and I placed a white plastic sheet 50 x 30 cm against a tree about 1 metre off the ground. This white marker could be easily seen from our vantage point on the West bank.

In this image below we see the set up. A figure sits on an imaginary log representing McIntyre (as in the photo). Kennedy's figure hat was equal to a standing figure about 5 foot '8" inches high. Looking through the peep hole we aligned the hats on the viewing window with the figure's hats, making sure both hats aligned simultaneously.

With these references in place we can peep sight to the slope in the back ground **and the slope is nor present!**.



Image below : A well calibrated laser level was set up to aim at the distant target. The white dot (arrowed) was placed on the highest ground on the East side of the creek. The laser level proved the West bank was lower by 4 degrees from our vantage point.
Conclusion: **There is no slope on the other side to compare with the Burman photo, so this cannot be the site.**



For example, this image below is closer to the terrain we wish to match. Photos do not lie.

Anyone coming to see the shootout site at SBC from a historical point of view should be able to stand where Burman took the photo. Nobody that I know has been able to say 'ahh this is the site! but this image below may change that.

Arboricultural expert Mr. Steve Parton in a red jacket stands halfway up the slope to the south of the site of Two Huts at SBC. Notice to the right is a 'super imposed' portion of the Burman photo¹ known as 'Exhibit A' the Post card. See how it matches the terrain and ground levels quite well. (please note it is quite difficult to reproduce images seen through the viewer scope, but the combination of the two images helps convince that this is the site. When the imaginary outlines of the Burman photo are traced over this scene it all fits perfectly.

This image below demonstrates; **(i)** a 1/3rd flat foreground having enough room for the log configuration, **(ii)** the rising slope being 1/3rd proportion of the photo height and a further 1/3rd to the top margin. This by-thirds division is a good guide to using this viewer scope scene to consider a potential site. **This without doubt is the site where the photographer Burman took his photos of the police camp of Oct 1878 ?**



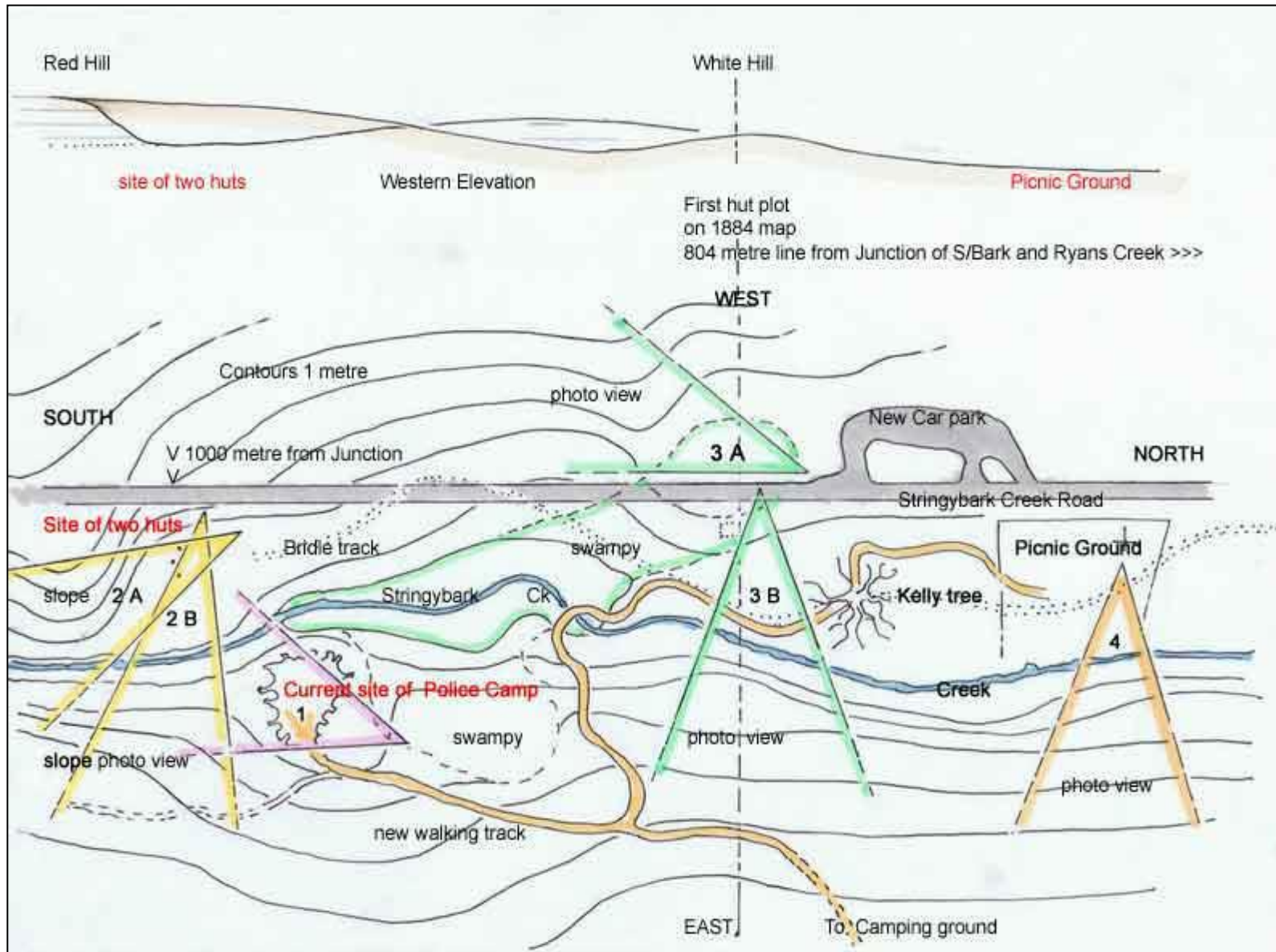
Composite image uses part of - Image Citation PROV Burman photo -0030-010-001-VPRS 4966 Consignment P0 Unit 2 Item 30 Record 1 Document: Photo of Wombat Ranges where troopers were shot.

The white horizontal lines define the slope in the 1878 images. The fresh green on the slope is re growth since DSE pushed over some dead trees after the 2005 fires.

The fireplace of one of the old huts are indicated, -, see page 33 details. The creek that Ned Kelly referred to as the 'spring' is to the far left. It is evident the police tent was pitched to the far right out of view. This photo is looking Southerly and is shown on map page11 as 2A

This diagram map of the area along 350 metres of Stringybark Creek road shows where the potential sites are located.

Please note Linton Briggs's preferred site is 3A and or 3B, but both sites lack the required steep slope on the west or east bank.



The current site1 is preferred by Kelly historian Ian Jones. This site was shown to him by Mr Jack Healy during the 1960's. [4]
This site has no credibility for neither of the Burman photos fit, nor historical written accounts, yet is where the multitude of tourists guided to.

Site 4 similarly lacks the pre requisites. Contours on the other side of the creek indicate a slight slope but this is not the site despite many believing it looks like the site.

Only site 2A exhibits a steep slope without a creek in between. This contour map was drawn from topographical information at 1 m increments.

Each of the coloured 'site' array contain the two Burman photo camera views with the camera position at the apex of each array, - as the next re construction map illustrates.

WEST

The pink array represents Burmans photo No1

The contours here are rising ground

Steep slope

20 yards

20 yards

1

Police Tent pitched a few yards behind an old hut

70 yards from the creek

Burman's Camera position 2

a large patch of Spear Grasses

25 yards

8. Four men advancing

SOUTH

Declining ground

Stringybark Creek

rising ground

Green array is Burman photo 2

Burman's camera position 1

Bridle track

NORTH

EAST

map drawn by Bill Denheld copyright June 2009

Notice the steep slope to the south if the photos were taken from North.

The police tent (1) was pitched behind **an old hut 2**, (however this drawing was made according to McIntyre's notes and hut 2 in reality should be moved to between logs 11 & 13. McIntyre³ standing at the tent entrance facing East, **and on his left** there was a log **4** laying nearly East West, it was joined by another log **11** laying due North South. [ref 3] McIntyre said, a fire **9** was burning about 25 yards from the tent, (and Mc **7** had his back to the advancing men **8**, some 40 yards 'from us' to the south, Lonigan **10** facing south with his head down could have seen the advancing men advancing.

Sergeant Kennedy **14** returned and was asked to surrender. Scanlan **15** being 30 yards behind. On his return to the scene McIntyre said -, starting at the burnt tent remains he identified the log **4** and headed to between it and the stump **12** and went to the creek and followed it a short distance and found the Bridle track **6** and Scanlan's body. McIntyre said the Tent **1** was pitched in the North West corner of the clearing on an acre or two. **13** Third log the man sits on in the photo, but later told to sit on log 4.

Examination of the slope.



Burman Photo 2 (green array on previous page map)

In both photos some saplings 'A' are seen laying along the slope.

The slope shows grasses and light forest debris. The grasses are seen to go past the bases of two trees 'B', the bases of which are slightly obscured by some vegetation in front. We know the trees 'B' are higher up on the slope and indicate a minimum height above the flat fore ground. The tree bases are clearly higher than the man's hat.

If we were able to locate this site we would be able to stand there and shine a laser to the base of where these two trees 'B' stood.

Since we can see the photo is made up of three portions, - foreground, slope and sky trees, (See page 9) it is not difficult to calculate how high the slope would have to be, but because Photo2 is a wider angle view, the slope viewed is the receding part, and it is proportionately a smaller part of the overall height of the photo.

We are only concerned with Photo No1 because photo2 does not exhibit the slope very well. Had it not been for Photo1, we would struggle to identify any site from this photographic *primary source*.

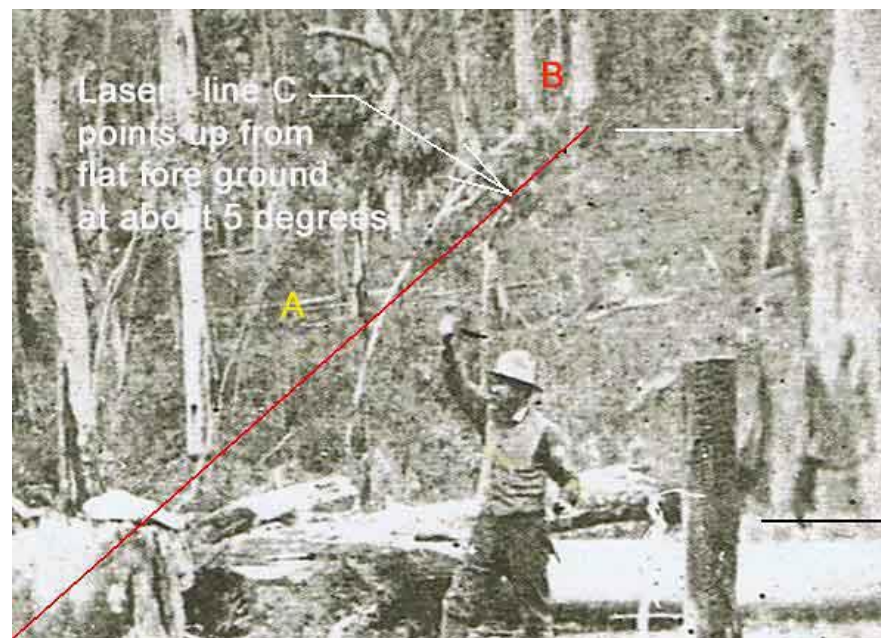
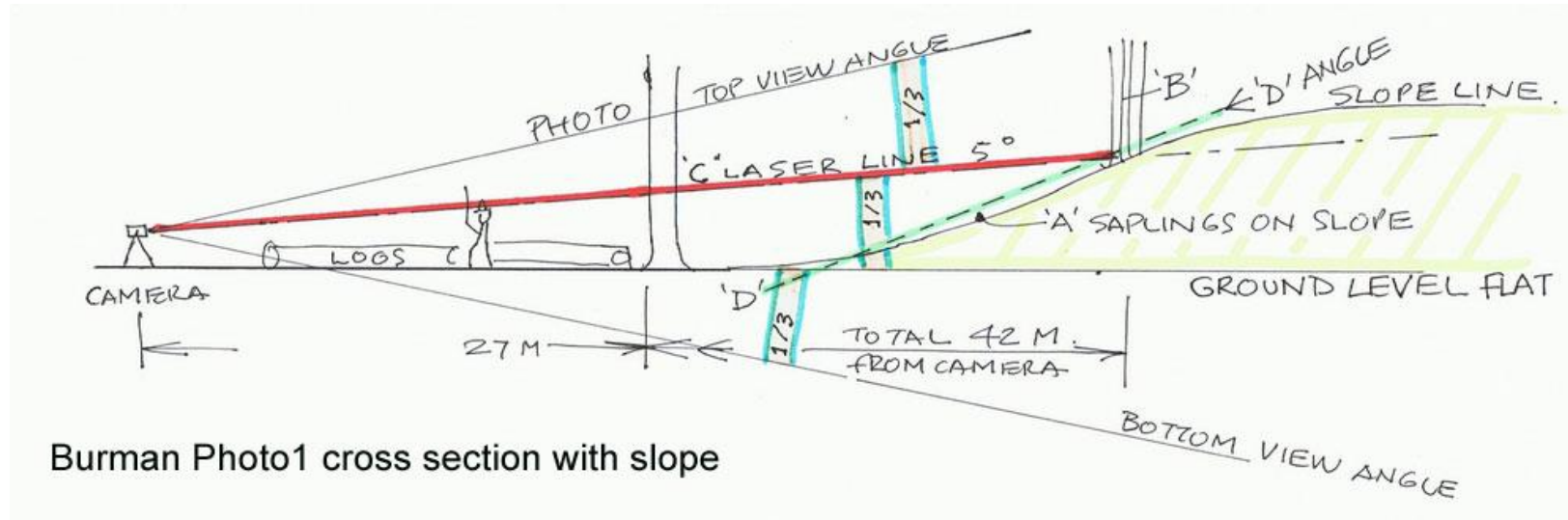


Photo 1 (pink array on previous page map)

Note ; This portion of the slope in Photo1 cannot be seen in Photo2 because it is hidden behind the big tree right in photo2.

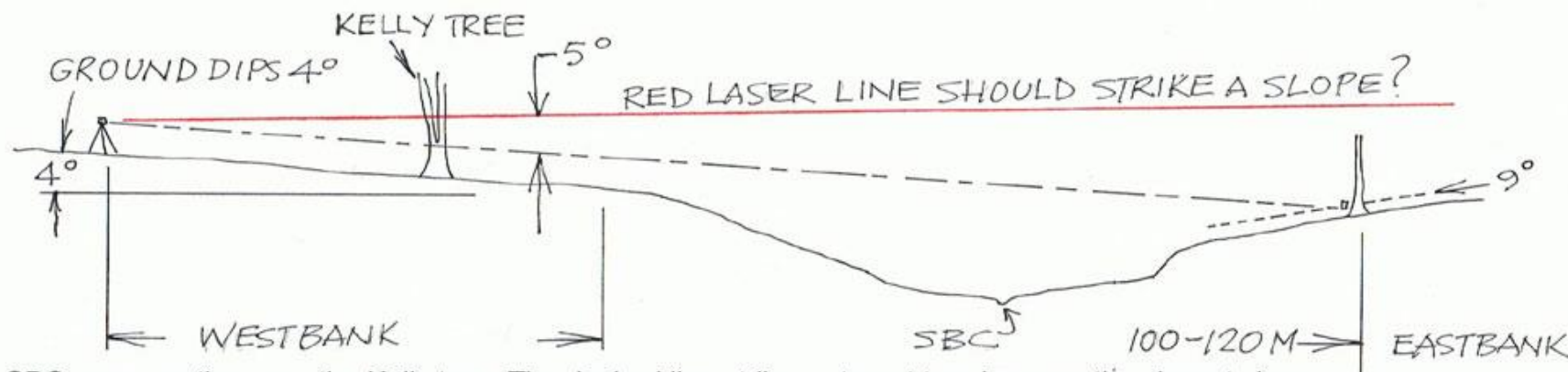
The photographer has moved the man forward - closer to where the fire was. This view of the slope demonstrates a close proximity to the logs, and if we were to aim our imaginary laser line 'C' up to the trees 'B', an angle could be calculated from level ground. I have made a model of the scene, (see pages 14 -16) and this angle is calculated at around 5 degrees if the two trees were about 42 metres away. This calculation also gives us a height to the base of trees 'B' being about 4.8 metres above our level ground, (indication only). It has been argued the slope is a long way away, but the further away it is, the higher the slope then needs to be in order to capture this view of the slope. If the Kelly tree site were to be the site, then the nearest high ground to match the photo would be on the east bank more than 120 metres from the camera, and that would mean point 'B' should be about 11 metres higher than the camp site west bank. But the highest point on the other side is in fact below the west bank and exhibits only a slight gradient up with no slope to compare.

Slope steepness. The steepness of slopes we have measured along SBC is highest at the Two huts (2A and 2B. See map page 10) Steepness is checked using a tight string line set 1 m above the ground over a distance of 10 metres and the angle recorded using a spirit level and protractor. The steepness angles for 'D D' (sketch below) at the two huts site **14** degrees, and on the East bank near the Kelly tree 3B is **9** degrees along the 804 line (see map page 10) – and at site 3A was **6** degrees considered a mere gradient similar to site 4. **Image below**, notice the 1/3rds divisions that make up the photo. A slope represents 1/3rd of the photo height.



Burman Photo1 cross section with slope

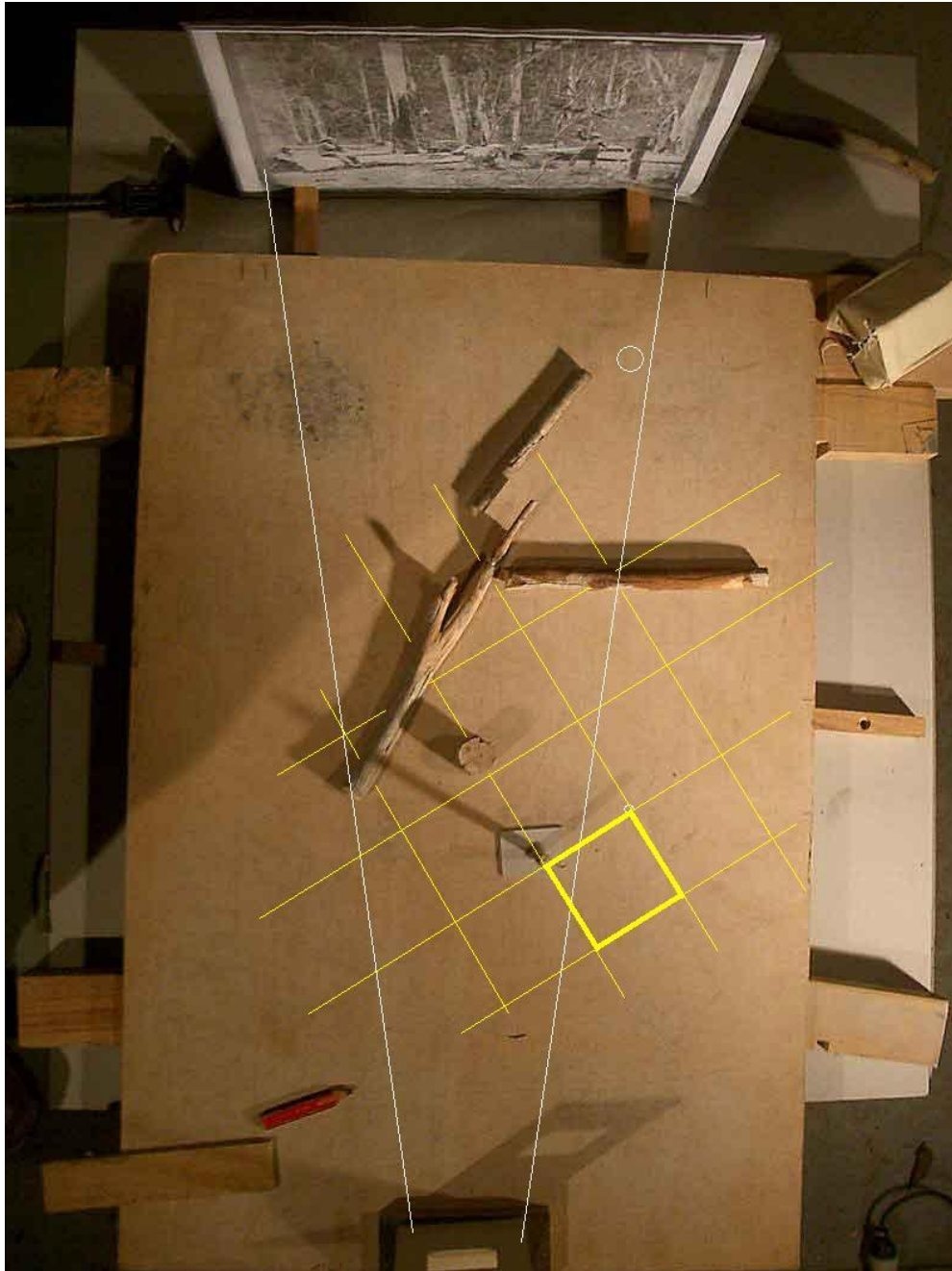
Below . By comparison a cross section is drawn as near the Kelly tree. The distance to the east bank slope is approximately 120 metres. The red laser pointing to the base of two trees (as in the above sketch at 5 degrees) cannot strike a suitable slope across from the Kelly tree.



SBC cross section near the Kelly tree. The dashed line strikes a target tree base on the closest slope.

The configuration of the logs. A miniature set of log models were crafted to simulate the logs in the Burman photo. The purpose was to establish a bird's eye view of the scene because McIntyre had made a few sketches of the logs which formed 90 degrees. The Burman photo does not exhibit a 90 degree set of angles. We viewed the model board through a viewer to position the log models as accurately as we could to match the photo. These log models have to run parallel with the logs in the photo, as do the stump and the post.



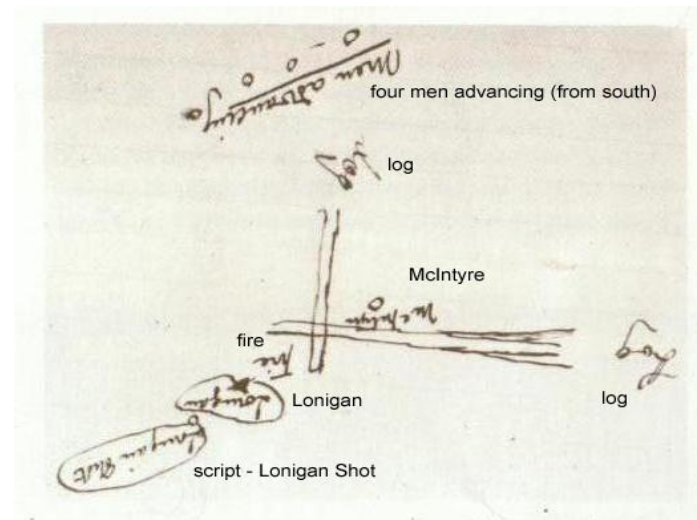


The resultant layout of the logs is interesting as seen from above. It would be hard to believe the logs form this configuration, but photos do not lie.

This model exercise will also give us a scale to distances even though there could be a margin of error.

A single blackened post in the foreground is one of a pair about 8 feet apart. The man with the raised arm is estimated to be 5 foot 8 inches tall, and we can extrapolate that the hut that once stood here had a foot print of about 10 feet, or 3 metres across, so we can lay down some grid lines based on that being 3 metres with grid starting from over the two burnt posts of a hut. Using this scale we can determine how far the big tree (white O) was from the camera, can be estimated to be from 24 to 27 metres

The sketch below reputedly by McIntyre must have been drawn from memory as he leaves out the third log nearest the camera altogether. This image is orientated with the four round dots – men advancing – the same orientation as the model picture (left) so you can see the two logs McIntyre was referring to.

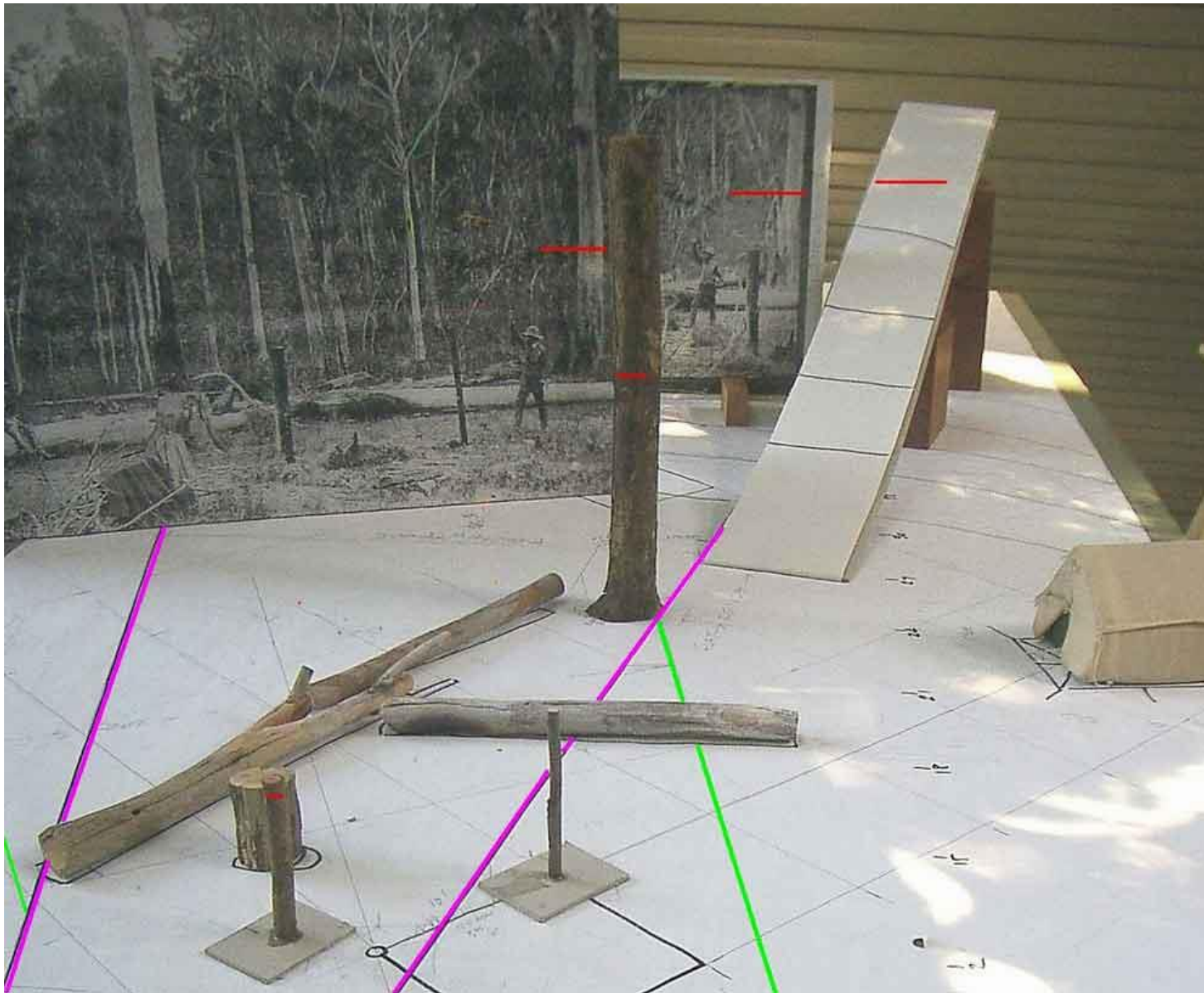


Sketch thought to have been made by McIntyre

Image source, [PROV. VPRS 4966 Unit 2, Item 10]

The explanation text, has been added.

This view shows Burman photo 2 (green line edge) Burman photo1 (pink line array)



Notice the grid and placement of the cardboard ramp representing the slope.

The scale of the rear image is wrong but serves to show how the slope is an integral part of the Burman photo image.

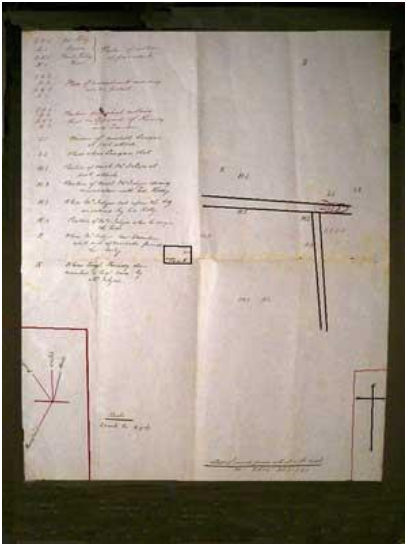
The red lines are where a laser line would strike the front post, the big tree, and the slope to the background.
Notice one post position is in one photo1 and in photo 2 there are two posts.

This model layout has proven the logs configuration and also helps give dimension to the photo.

Note the posts are only 6 metres from the fire logs junction – meaning the police tent was not behind the viewer of this picture, rather 25 metres to the right of these two posts (in the foreground). However we show the tent closer in view.

When McIntyre placed the tent on his map, [ref 5] he must have referred to the logs closest to the tent facing east with one log lying east west, the other he described as laying due north - south, but this reconstruction clearly shows the left log was actually laying North East to South westerly and not north and south.

This view (left) is looking South towards the slope.



Thomas McIntyre's map in readiness for Ned Kelly's trial. [5]

This is a thumbnail copy of McIntyre's map that indicates N.S.E.W and shows relative man positions during the Kelly gang encounter with the police.
A tent is drawn relative to two logs.

Map Image, Reproduced with permission from the collection of Victoria Police. Reference to - VPM3847 Map, Thomas McIntyre Stringybark Creek Ambush site
This is secondary source material.
Map drawn months perhaps a year later.
Image below, for clarity a facsimile of his map. The tent length = 4 yards

Notes from McIntyre's map -

EK1 Ed Kelly Position of outlaws at first attack
B1 Byrne
DK Dan Kelly
H1 Hart

EK2 Place of concealment awaiting men on patrol
B2
DK2
H2

EK3 Position from which outlaws fired on approach
B3 of Kennedy and Scanlon
DK3
H3

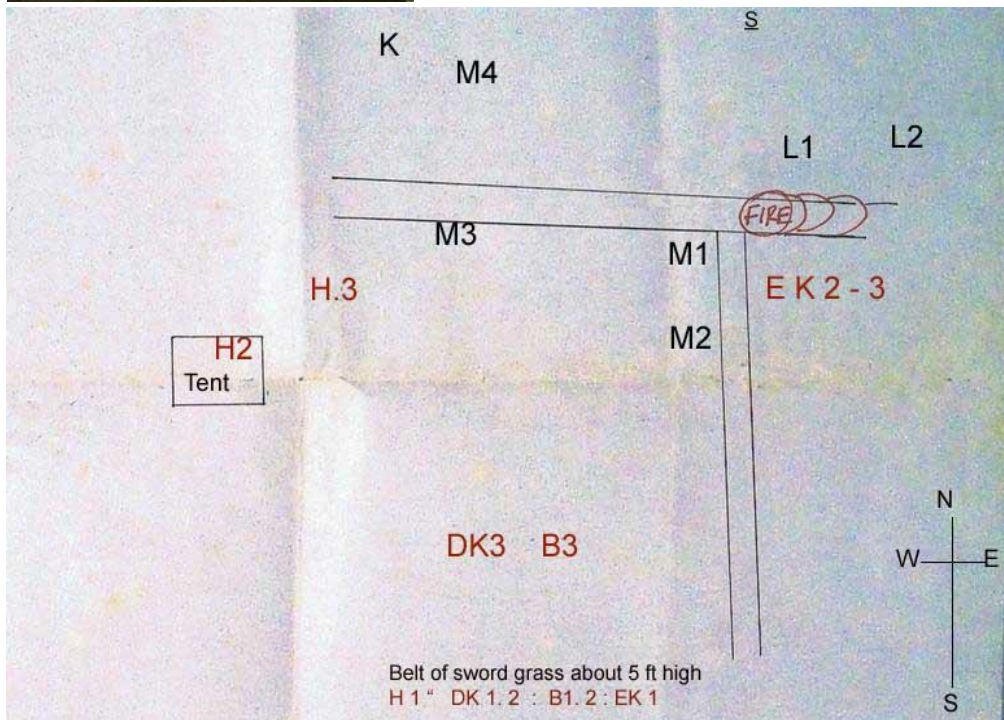
L1 Position of Const Lonigan at first attack
L2 Place where Lonigan shot
M1 Position of Const McIntyre at first attack
M2 Position of McIntyre during conversation with EK
M3 Position Mc sat upon the log as ordered by EK
M4 Position of Mc when he seized the horse
S Where Mc saw Scanlon shot and afterwards found his body
K Where Sgnt Kennedy dis mounted & last seen by Mc.

Scale, 1 inch to 4 yards (tent length = 4 yards)
Belt of Sword Grass about 5ft high.
H1 DK 1-2 : B1 -2 : EK1

While McIntyre accurately drew his map there are **some glaring mistakes** that have been the cause for much confusion. It is my belief Mc used the Burman photos to construct his map without realising the two logs he referees to are not the same two logs show in the photos.

This mistake is understandable since he was not present during the photography.

We do not know when McIntyre drew his map in readiness for the pending trial after Ned Kelly was captured



By reference to Mc's map layout (above) we see the tent is in the SW corner and his two logs lay East west and North south . McIntyre also wrote in his report **"the photo was taken from the bottom left hand corner"** of his map. But this is a problem as he said he faced North.



Image VPM208
Carte de Visite,
A.W. Burman
Stringybark Creek
Re-enactment.
Reproduced with
permission from
the collection of
Victorian Police



Image
Citation PROV
Burman photo -
0030-010-001-
VPRS 4966
Consignment , Unit
2 Item 30 Record
1 Document: Photo
of Wombat Ranges
where troopers
were shot.

Upper image wide
angle view ,
Image left shows
how steep
the slope in
background
actually is using
another camera.

On Page 21 of Mc's Manuscript, " Kelly was in the angle formed by the logs, on the creek side, and I was in the angle other, on the tent side".

By this Mc tells us the creek was to the East according to his map. You will see McIntyre (M1) is marked on the wrong side of the log if **" they faced North looking down the creek, the Sun sank behind the tall trees to our left "** (source Page 23 McIntyre Manuscript) Then Kelly realized he would be in danger with Mc sitting so close, and Mc " was ordered to sit on that log at (M3) while Kelly was at (EK2) Mc wrote " I went to the place indicated about ten yards off." (M3)

The contradiction is this - we have to believe what he said above " they faced North looking down the creek", on Mc's map he sits on the log looking south with the main tree logs on his left. But he should have marked M3 on the other side of the log if he faced north. He then would have the logs **on his right, - whereas,** in the photo Mc is positioned on the wrong log. He has the tree logs on his **left**. The photo shows a man (Mc) sitting on the Left log facing North with the other log also on his left. The right log in the picture is the one Kelly told him to sit on.

Both the map and the Photo is wrong. On his map Mc should have placed (M3) on the North side of the log if he was facing North, and the photographer should have placed the seated man on the far right log, because the tree logs should be on his RIGHT.

Mc said **" the Sun sank behind the tall trees to our left** (West) where the ground was elevated ". In the photo his left is to the WEST which means **the photo is looking SOUTH -** and Mc said - to our left **"where the ground was elevated"** clearly says the ground rose up to his left. **Note** in the photo, the slope in the back ground is also on his left -to the west where the ground rises.

If we were to move the seated man (Mc M3) to the other log –far right and the crouching man with the gun (EK) to the centre left of the fire, the photo and map information would be consistent with McIntyre's map. **In the photos there are three logs but Mc's map only two.** Mc is referring to the two logs behind the man with raised arm. The tent was not behind the camera, but to the far right of the photo by some 20 yards, pitched **"near the ruins of two small huts". (The Age, 28 Oct 1878)**

Image right, The model tent bottom left hand corner, that McIntyre said was 25 yards from the fire and they “pitched their tent a few yards behind an old hut “. [3]

Confusion arises amongst historians because in the Burman photo there are two posts of an old burnt hut. But there were two small huts there, (primary source) See map page 36 for the location of the second hut.

The Argus Oct 28 1878 ” the police camped from Friday evening at Stringybark on an open space on a creek - the site of some old diggings - and they pitched the tent near the ruins of two huts “. [2]

The Outlaws of the Wombat Ranges, Author Mansfield Guardian proprietor CW Hall 1879 Page 24 “The spot where they established their halt, was a small clearing on the rise alongside of the creek near the ruins of two small huts, one of which was burnt down and had been the temporary residence of three prospectors, Reynolds, Bromfield and Lynch who worked the creek for a short time with indifferent success.” [6]

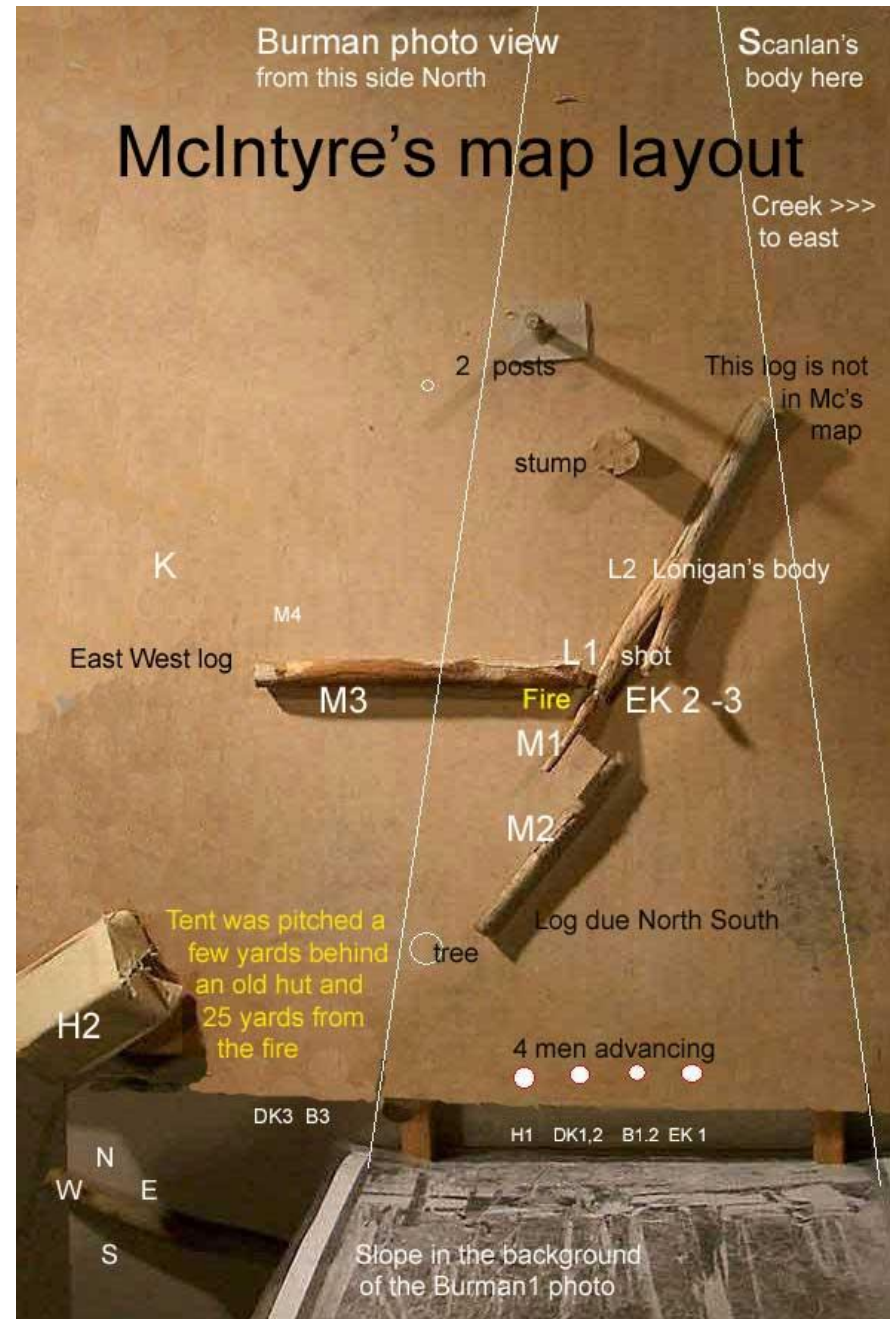
Image right, note locations (M3) = where McIntyre sat looking North. Note he has marked M3 on the wrong side if he faced north. And in the Burman photo M3 is shown on the end of log far right near the stump.

On Page 21 Mc Manuscript - Edward Kelly (EK)
“ Kelly was in the angle formed by the logs, on the creek side, and I was in the angle other, on the tent side”
(EK) crouched near the fire.

McIntyre said to find Scanlan’s body – “from the tent he turned left past the log and the stump to the creek – and found Scanlan near the bridle track”. (see S)

Please notice the image (right) the Burman photo is placed to the south, so the slope in the photo has to be seen from the north end looking south.

See page 18 for McIntyre’s reference notes.



Appendix (1)

Why the current East Bank and the Kelly tree west bank sites are wrong.

The evidence, text by McIntyre, newspaper reports, Illustrations and photographs help to find the correct site. [The true site of the police camp is where the Burman photo fits the scene on the ground.](#)

One of the most important exhibits at Ned Kelly's trial was a photo postcard by Melbourne Bourke Street photographer Burman of the 'Scene of the police murders by the Kelly gang in the Wombat Ranges' North of Mansfield Victoria.

The postcard recorded as 'Exhibit A' at Kelly's conviction trial shows a bunch of logs on relatively flat ground behind which a reasonably steep ground slope is seen.

It will be this slope that will give us the best clue to the proper location despite the thousands of words that have been written by numerous Kelly historians. Text and descriptions may or may not fit that scene if Mc was miss-orientated. We have to prove the site by other means as well.

McIntyre, while probably a very reliable witness was traumatized by his experience at seeing his fellow work mates shot dead.

Psychologists say traumatized people sometimes recall a different version of what actually happened during an incident. McIntyre was not only traumatized, he was criticized by his own people for running to save his life and then seen as a coward!

This unfortunate pressure to honour his allegiance to the Vic police force who employed him, required him to keep personal notes for later reference. His shaky recall had him change his story several times leading to Ned Kelly's trial two years later.

McIntyre none the less gave detailed accounts of the Stringybark Ck incident that allow us research and pin point the true site of the killings.

Had someone at the time placed some kind of permanent marker in memory of the dead police we would not have to question this. The first Kelly tree was a living memorial to the dead police I am sure but someone cut it down for the valued timber.

If McIntyre was required to write a report in the interest of the Victorian Police he would have to be accurate of the evidence to present in the court.

McIntyre makes numerous references to North, south east or west, but it is questionable whether compass points would be high on his mind during his ordeal, rather how did I get into this.

For the Police the main priority was to charge Kelly with the murder of Constable Lonigan. It would therefore be essential for the prosecutor to be concise and convincing.

The SBC incident had occurred some twenty months before Kelly was captured, Ned Kelly and McIntyre are the only witnesses to tell the tale.

Mc's several statements varied but in order to get his story right he also had two photographs as reference. Do these photos show the place where Lonigan had been shot ? I believe so. There is no X marks the spot but a professional photographer like Burman would capture the essentials no doubt.

To prepare an accompanying map sketch for the trial documents Mc must have had a copy of the Burman SBC photos. And ironically a postcard series with one showing the 'murder scene ' were for sale on the streets of Melbourne and Mansfield within one month after the shootings. (Mansfield Courier)

Shortly after his ordeal McIntyre returned to SBC with a party to recover the bodies led by local guide Edward Monk.

McIntyre you can imagine had explained everything to Monk and the others present - the situation and orientation of what had occurred. The bodies were taken out on pack horse much the same way the police had intended to take out the dead wanted men - not outlaws at that time.

Edward Monk was also the guide for photographer Frederic Charles Burman who came to SBC a few days later to take his photos.

Monk having been with McIntyre on his return more than likely had first hand explanations of the site where the attack took place.

Monk, the only person with this knowledge would have helped select the best angle for Burman to set up his camera to get the best overall views.

It is inferred by our senior team member Linton Briggs's document that the Burman photo shows much the same views as McIntyre's map. Yes it looks similar and it is easy to fall for the trap that Mc's two logs are the same two logs as in the Burman photo.

This inference is because Mc states the tent was placed behind an old hut, that this old hut is the burnt hut in the Burman photo. I believe this is wrong because there were **two huts** where the police had camped. *"Two ruined huts one of which had been burnt down"* (G.W Hall, June 1879)

Linton Briggs follows McIntyre's suggestion that the photo was taken from the bottom left hand corner of Mc's map. I would have no problem with that except the location Linton and the other team members suggest the site is near the Kelly tree, [but this site does not fit with the Burman photo.](#)

[Show me a site where we can take a photo with a serious slope like in the Burman photo and we may agree, - that could be the place of the police camp.](#)

If we take it that the Burman photo was taken from the bottom left hand corner of Mc's map, then Burman did a lousy job by photographing the rear of the logs. This means Lonigan was shot over there behind those logs – on the other side behind there.

It's like taking a picture of the rear end of a smashed car and expecting the viewer understand the damaged front.

What I am suggesting is this, -

The seated figure is on the north side of the logs because Mc said he faced north looking down the creek. Also the man with the raised arm (Kennedy) is also coming from the north, and Ned Kelly crouching behind a log is on the South side of the logs. [This means the photo is looking south.](#) And not as Linton Briggs suggests in his CSI@SBC book which says the photo is looking North East, but- [Show me where you can take a photo with a slope like in the Burman photo and we may agree to the site.](#)

One of the three people in the photos is certainly Edward Monk identified as the seated figure. Monk was a local saw miller who also supplied two other men for the photo shoot.

If you were the photographer you would listen to all the evidence before setting up the camera. You had better know what information the photo had to portray. I believe the photo had to show where Lonigan was shot and where the relative line up of where the players were in the scene.

If all this had to fit into one picture there would be a problem, for a start the standing figure would be far out of frame, so he had to be brought in close.

McIntyre had to sit on a log as Ned had told him to. Ned with a gun crouches besides and behind Mc. All faced North. In order to have them all in the scene he had to move them close together into a contrived pose. I believe the resultant photo is the actual place as seen from the north side of the logs looking south but the actors are not in the proper place as during the confrontation.

What the photo does show is the line up between Kelly, McIntyre and Kennedy at the time Kennedy approached the camp when Kelly tried to shoot Kennedy and missed. Kennedy should actually be on horseback.

McIntyre tells us he stepped forward to Kennedy to warn him to surrender with possibly the raised arm. It is curious to note that in the illustration by the Australasian Sketcher drawing Nov 1878 the man with the raise arm is McIntyre trying to reach out to Kennedy. This drawing of the man has a striking resemblance to the Kennedy figure in the Burman photo.

We do know that Monk had taken the recovery party into SBC a few days later. McIntyre had difficulty finding his bearings as the tent was supposed to be 20 to 25 yards from the fired logs and he could not find the tent. Someone called out here it is all burnt down, and probably the old hut in front of the tent as well.

Once the burnt tent remains were found, Mc tells us it was easy for him to orientate to the logs where previously a big fire had been lit to guide the returning two police back to camp. Monk would have observed McIntyre closely to retrace steps that led to the finding of Lonigan and Scanlan's bodies.

When Monk later showed Burman the scenario he took two different angles. One wide view, the other more narrow most likely with a second camera. The first narrow view was published as a postcard.

In Linton's document [7] it is suggested the men in the photo do not count as evidence because it is all wrong and they are only actors, and facing the wrong way - facing south. *I say they are very relevant and are in fact facing North just as Mc said they were.*

The two photos were taken about 12 metres apart with each view crossed over by about 20 degrees. In other words the camera was turned 20 degrees. The narrow view would have been taken with a lens similar to a 50 mm while the other a more wide angle of 35 mm lens.

The narrow view we refer to as Burman photo1 shows a steep slope that the other view does not, *and it is this slope that will ultimately prove the correct site of the police camp at SBC.*

It is my belief McIntyre used the Burman photos to construct his map because both would be critically examined by the defence lawyers.

On the face of it the map and the photo are a match, however he has made a fundamental mistake. He must have looked at the photo with the seated figure and on his map marks the spot where the photographer has him placed. He most likely knew this was incorrect but to keep his map looking similar he marks M3 on the south side of the log.

The problem is, in the photo he has the logs on his left and on his map (if he faced north) he has the logs on his right.

This fundamental error could have been taken up by Ned Kelly's lawyer to discredit McIntyre with un reliable evidence I believe.

During the court case 'Exhibit A', had a note pinned to it reading-
"Doubts as to the accuracy of the scene (leading to reconstructions) perhaps been stimulated by a sense that this is a fairly unusual piece of evidence to Introduce".

(Source; Prosecution file VPHU accompanying the Post Card -citation PROV Burman photo -0030-010-001- VPRS 4966 Consignment P0 Unit 2 Item 30 Record 1 Document: Photo of Wombat Ranges where troopers were shot.)

McIntyre knew the photos would help him as a permanent record of the scene but by the above 'Note', the magistrate thought otherwise.

Was the Magistrate referring to the problem with Mc's map showing him facing the wrong way and on the wrong log?
Photos do not lie, but words can always be misconstrued .
I believe no doubt Mc was to draw his map using the Burman photo as a reference. (please compare his map page18 to the Burman photos)

Mc's map shows the tent within the log angles, but in the photo there are three logs forming two included angles.
To add further confusion, in the photo we see a corner post of a burnt hut. McIntyre also said they pitched their tent a few yards behind an old hut. So it is natural to jump to the conclusions like this SBC Investigation team has done also.

Linton's document makes mention of a number of quotes referring to a burnt hut, as reported in the Argus, the Age and Mc's own manuscript.

We need to rely on earliest newspaper reports because they are a prime source within days of the event. In Linton's scenario little is made of the ruins of two small huts – one of which was burnt down. **There were two huts there - not just one burnt hut.** McIntyre said the tent was 20 or 25 yards from the logs (junction) fire but my reconstruction as a birds eye view shows the burnt hut posts to be only 6 metres from the log fire. Mc said the tent was pitched a few yards behind an old hut, so if you add say 3 yards, we have the tent only 9 or 10 yards from the logs fire.

10 yards is not 20 or 25 yards indicating the tent was behind another hut in another direction to the view in the Burman photo. News papers reported within days the police had camped on a rise besides a creek **“near the ruins of two small huts”** must be seen as a primary source not to be ignored.

McIntyre, to keep his story dead simple does not refer to two huts nor does he need to, **a second hut would only complicate matters.** Mc's case had to be simple, here is the photo where Lonigan was shot, here is my map, I was here, Kelly over there, Kennedy coming from there, Scanlan far behind, bang bang bang - end of story.

Linton's document has also taken the easy road. He uses lots of questionable detail that is **'secondary source'** written many months if not a year later, e.g., - use of a 'spring' in addition to the creek which was the spring !, - a green rise that was cleared ground near where the tent was pitched, and has little to do with a second spring, - or a burl tree, the same burl tree Linton alleges are depicted in both the Burman photo and one taken 19 years later (see picture Beautiful Mans- field next page) and others 50 years later, - the current Kelly tree in Burman's photo2, - the use of the '804' metre mark where a hut may have stood but no proof, - the existence of two Kelly trees close together, - some rocks near a tree N. West of the Kelly tree? That mysterious Shingle hut ? This is not a convincing case. *See web-link to Linton's document [7]*

The only thing Linton's scenario hangs on is his interpretation of a spring, his botanical knowledge, trees species, grasses and is commendable, but a surveyor's hut plotted six years after the event is very **'secondary source'** material and questionable.

With photos taken 19 and 50 years later and a new found map showing the police tent cannot make convincing conclusions. **But unless we can find a slope in close proximity to some flat ground that we can photograph we still have nothing.**

It's easy to present easy facts but a little more difficult to present complicated facts. Linton's document makes un qualified assumptions and fails on many fronts, for example -

Regarding the Spring

In 1985 I was told by Bill Stewart (who built McCashney's sawmill at Kellys Ck in 1929-30), that Stringybark Creek was a spring. I have never followed the creek to check this but I believed him. Apparently while most of upper SBC is dry, at a certain point water just comes out of the ground. SBC is the Spring. Ned Kelly referred to SBC as the Shingle Hut and wrote - they **“approached the spring as close as we could to the camp”**

Linton misses the point that SBC is the Spring and not the area he describes as a soggy bit of ground to the west of SBC road.

The Kellys had approached the creek (Ned's spring) to get as close as they could to the camp (from the creek), and Ned sent Dan back to the spring (creek) and to the green rise* to keep lookout in case the returning police came by that way – from the south.

*see page 10 for a Green rise with the creek/spring to the left of the photo. It is my belief the police tent was pitched to the hard right.

The Current site on the East bank. (secondary source)

During 2002 while at the current 'sign posted' site that Ian Jones prefers on the East bank, Gary and I were there to sort out the Burman photo orientation when I stumbled across one old rock fireplace.

A week later I found another. What made this interesting and ironic was this was just near where everyone believed the shoot-out had occurred on the east bank. For a long time I went along with the east bank but the lack of 'slope' in the background always bothered me. I visualized the slope south of the two huts fireplaces as the slope in the Burman photo – but it was a long way away I thought.



The Hut on the Map. [8] (secondary source material)

On the first map of the area 1884 shows SBC and a hut marked somewhere halfway along its length on the western bank of the creek, and on the east bank it reads -

“Scene of the police

murdered by the Kelly gang”. It is a fair assumption that one of the two huts fireplaces could be the hut marked on the map by the surveyor in 1884. The little rectangle is orientated with the creek *upto where the gold workings stop. This is exactly how it is at the two hut site.* In preparing my own map to see where this hut would end up along the SBC road by using the scale off this map, from the junction of SBC and Ryans Cks, I calculated that hut spot to be 804 metres. But the two huts fireplaces were 200 metres further south up the creek.

Then in 2005 Sheila Hutchinson and friend Fay Johnson doing some research and came across another old map dated 1885 also with a hut attributed to the “Police Killed by the Kellys”. But this time it was on an accurate allotment map showing measurements. This hut was 160 metres further north from the above map (804 m) hut plot.

This hut plot was 644 metres from the creeks junction and places it at the picnic ground where it is today. In the past I had email correspondence with a lady whose husband had worked on creating the picnic ground for the council, but they were told this was not the real place.

Image right, this scene was taken across what is now the picnic ground looking east from a 1897 booklet ‘Beautiful Mansfield’ photo title “Police Camp, Wombat Ranges. Scene of Kelly Outrage” [10]

(Secondary source material)

(See map page 11 as site 4) Any slope as in the Burman photo at this site 4 is very minimal looking east, and cannot be the site.

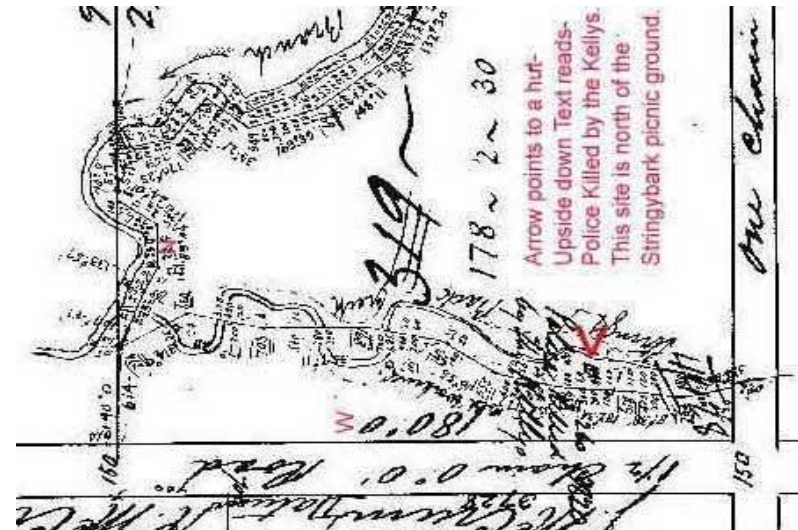


Image above, courtesy of Sheila Hutchinson and Fay Johnson and PROV. Land Selection Files: VPRS: 626/P Unit 645, File 19279/19.20: The red arrow points to a small square noting a hut. [9] **Below**, The scrubby growth behind the men hides the creek. The ridge line in the back ground are the ranges more than 2 km away to the east and can be identified on a topographical map of the area.



Further to the 1884 map, (previous page) I note that the same surveyor also marked a hut at Kellys Creek East NE. It is interesting that this hut is marked about 100 metres from the creek, yet in 1985 Bill Stewart showed me the exact spot where the Kelly hut stood. He knew because during 1929 he helped build the sawmill over it. And this hut was right on the creek not the 100 yards from it.

So I make the point the surveyors simply marked a hut on the map near where they thought it ought to be. There were no fences so it did not matter whether the huts were accurately plotted or not.

With the apparent distance discrepancies of Hut placement on the maps we can see variations of hundreds of metres. And *note*, the first surveyor was there six years after the event and who we presume had previously been told about the shoot out there, he simply saw a hut and marked it as the place of the shootout. Nobody was going to argue with him.

When James McCrum took up this land later (1885) the marked hut was supposed to be on bottom left hand corner of his land. [9]

Later McCrum realised there was a lot of mining on his land and requested the land registrar that the gold diggings on the creek be extracted from his acreage as this was a burden to him if he was required to clear it. His land use was reduced by 17 acres.

The resultant detailed Plan Allotment 25 Parish of Toombullup, (detail map previous page) surveyed then shows the remains of a hut described as where "the police Killed by the Kellys" as being about 160 metres north of the 1884 hut plot supposedly on McCrums land ?.

I ask then, if McCrum had been shown the Lands Department map with a hut on it ascribed to the police murders, and then has it marked 160 metres further north from the first hut plot on his allotment map, then he and the surveyor must have been perplexed not being able to find the hut on the first map at the 804 metre mark ? I think this proves there was never a hut at 804 metre mark at all.

This issue demonstrates two things,

1, that all along the hut marked on the first map was one of the two huts 200 metres further south **and was never on McCrums land**,

2, that McCrum and the surveyor could not find a hut at the 804 m marked area, so they went looking around till they found what may have been a miners hut or humpy 160 metres further north and marked that as the site of the shootings.

This then established the belief the shootings had occurred on McCrums land that is now the picnic ground at Stringybark Creek. **Failure to be able to take a convincing photo similar to the Burman photo¹ proves the picnic ground was not the site of the police camp of 1878.**

The Kelly tree. (secondary source)

Like the hut on the map the Kelly tree is also illusive.

If McCrum did not know exactly where the shootout had occurred as demonstrated , what hope do we have for the Kelly tree. By all accounts we can be sure a tree was bullet marked during the shootout but a few bullet marks would be only minimal and visible for a very short period of time.

McCrums probably never saw the tree otherwise why would he be able to move the supposed hut relating to the shootout 160 metres further north if a tree had marked the spot near where two troopers lost their lives ?

From 1878 till 1908 when a tree thought to be the Kelly tree was cut down = 30 years is a long time (more than one human generation). But it took another generation before the land was taken up again. So 50 years later all that people knew was it happened somewhere along Stringybark Creek.

The new settlers, Beasley, Brond, and Healy families from the 1930's must have had their own thoughts about where the shootout had happened.

The current site on the east bank can be attributed to Jack Healy who came to the area during the 1920's occupied all the land west of SBC. Jack Healy as we read in Ian Jones own account had been shown the east bank site. So this indicates Jack did not believe in the area around the picnic ground at all. But how he came to believe in the site south on the east bank we may never know. Perhaps the two huts site had already faded into obscurity and did not look right to the locals.

A neighbor, Charlie Beasley on whose land SBC ran through was often asked where the shootout had occurred. This slight inconvenience necessitated him nailing a board to a tree near the road (image below) so people did not have to clamber all over his land. Unfortunately he selected a dead topless tree and by 1938 it had rotted and fallen over. His neighbor Mr. Tim Brond later blazed the current Kelly tree nearby as a living memorial to the dead police.

This image taken mid 1930's shows SBC looking NE with the current Kelly tree on the left. Note, some believe this is the site of the shootout. Please compare this image to the one (right) are the same place.



The current Kelly tree is seen on the left of the photo 1938 - shows Stringybark Ck with Mr Cuddon in front of the finger board to read 'Lonigan shot by the Kellys'. Photo courtesy private collection Engelke family. ([secondary source photo](#))

When Linton Briggs's CSI@SBC scenario focuses on the 804 metre mark which incidentally I had marked a year previous near the area south of the Kelly tree. Up the creek from here is some swampy ground that stretches all the way past the Two huts site 200 metres south, and by account fits with what McIntyre describes. *"on your right – course herbage – slight declivity in the formation in that direction afforded a good cover to within 20 yards of our tent "*. (McIntyre Manuscript [secondary source](#))

However, using McIntyre's statement, Linton targets the Kelly tree area as the only place where McIntyre's description could apply, such as Spear Grasses growing today, but they also exist at the site of the two huts fireplaces and up the creek where to the south a declivity (downward 'slope') and fits perfectly well with the Burman photo. But it all depends from which vantage point this description was taken.(see image page10)

Remember too that interference of drainage by the road cutting through the area has changed the ability for certain botanical species to thrive.



Both photos = same view looking North East.



Image Citation PROV Burman photo -0030-010-001- VPRS 4966 Consignment P0 Unit 2 Item 30 Record 1 Document: Photo of Wombat Ranges where troopers were shot.

One problem many researchers don't realise is that to the 'eye' we can walk along a creek and look down and see what looks like a steep slope on the other side of the creek, but as in the Burman photo the slope is above the flat ground on which the logs lay. (Refer to Page 14 diagrams)

At SBC there are many places a slope on the other side of the creek can look steep as near the Kelly tree, but the view angles are all wrong. If we try to take photos like Burman did on a tripod with 1/3rd foreground and then a 1/3rd slope, we find this is not possible near the Kelly tree.

Looking at the **log end** far behind the man's left elbow nearest the large tree on the right, there is no creek between the logs and the slope. The ground is level right up to where the slope starts.

There is no creek between the logs and the slope.

This is an important point and can narrow down any potential sites because a steep slope rising directly from flat ground is relatively rare. The creek in this southerly view orientation is to the left of this photo behind the seated figure.

In addition to McIntyre's maps and memoirs there is one image that is important. It is a sketch that was featured in the Sydney Mail 16th Nov. 1878, only three weeks later. The caption reads, -

"The Murderous Attack on Victorian Police, Breaking from Ambush. Drawn by our own artist, from a rough sketch by Constable McIntyre."

Green angle, these are the two logs in the Burman photo facing the viewer. Notice the swampy foreground, the tent facing onto two logs forming an upside down T, one angle as in McIntyre's map, the other angle (green) as in the Burman photo above. The gang is shooting at the police from the south. McIntyre going to get on Kennedy's horse with Kennedy running north. Scanlan is shot by the swampy ground where his body was later found, this is all synonymous with descriptions by McIntyre and what the Burman photos tell us, and this all fits the location near the two huts fireplaces on the western bank about 250 metres south of the current Kelly tree. Part of the Sydney mail article reads, *"Being drawn from a rough sketch, made at our request by constable McIntyre, the sole survivor of the police engaged, very shortly after the outrage, when every detail was fresh in his memory, its general correctness can be relied upon."* [13]

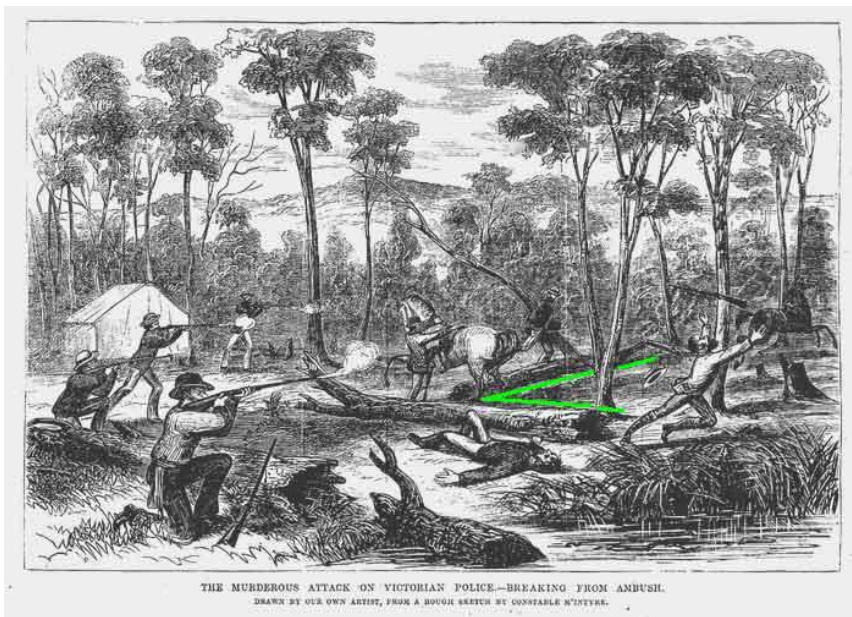


Image above, Courtesy archives Qld State Library, re- Sydney Mail, 16 Nov 1878

Conclusions -

1, That, the true Police camp at SBC was located about 1010 m from the junction of the two creeks S/Bark and Ryans Cks, to the north of a 5 to 6 metre high slope running south east.

(See page 11 map site 2A)

2, That the police tent was pitched on the rise slightly west of the road, with a commanding view overlooking the numerous logs that the police had used as a beacon bon fire far enough from the tent.

3, That the police tent was pitched behind a ruined hut but one still standing maybe slanted over and dilapidated ready to fall, and that north of the logs there had been another hut that was burnt down as was reported in the press of the time.

4, That, the Burman photo is looking South SE with the creek on the left of the photo, and conforms with McIntyre's own description that Ned Kelly was positioned on the creek side and Mc was in the angle other on the Tent side to the South west. (in the photo)

5, That, the tent faced east or easterly to the creek and to his left from the tent entrance a log lay East west with another crossing it that lay due northerly. (at the flat area between the two huts and the road)

6, That, the bridle track along the western bank of SBC ran to and past the two small huts that had been there since 1848.

7, That, McIntyre **has used the Burman photos** as the basis for his map not realising the discrepancy of his left and right hand log dilemma, and that if we believe his M3 position marked he is facing south rather than North.

8, That, the Burman photo is a relatively true scene of the logs near the police camp where Constable Lonigan was killed, and with the figures represented being on the North side of the logs with Kelly on the south side. A contrived scenario to fit the small space to fit the photo.

9, That, McIntyre seated in the photo should have been seated on the right log with Kelly near the centre left of the fire charred logs on the creek side, with Kennedy out of the picture to the right - Kennedy came into the camp from high ground (from the west) exactly as reported by McIntyre and the three would have formed a straight line.

10, That, McIntyre if standing in front of the tent on the rise overlooking the scene, to his right a slight declivity (slope down) in that direction to the creek was a belt of spear grass, and to his left were the fire (logs) about 20 yards distant.

Note this description works quite well at the two huts.

11, That, the Kellys and men came into the (Burman photo) scene on the left hand side of the photo which is the creek side.

12, That, the two huts were shepherds huts built by Messrs Heaps and Grice the first lease holders in 1848, and that a letter exists mention of two huts near the southern boundary of FernHills which adjoined Hollands Ck Run.

13, That 'Shepherds huts' needed to be more than miners huts – so it was build using overlapping shingle boards. The shingle hut Ned Kelly referred to in his Jerilderie letter.

14, That the two piles of fireplace stones are of the original two huts as reported near where the police had camped, and that in addition to those huts other building structures may have stood nearby as more permanent occupiers would need a wood shed and animal cover during wet months.

15, That, Broomfield had built his new hut near the two huts later burnt down is consistent with the Burman photo's two posts of green wood that did not want to burn. This incidence was 15 months before the Kelly / Police shootout.

16, That Sgnt Kennedy while stationed and in charge at Mansfield police Stn had been a court witness to a case of Hut burning. Walter Lynch had been accused of burning down his prospecting mate - Percy Broomfield's hut at SBC. The charge was dismissed due to insufficient evidence. - It can be inferred Kennedy knew exactly where the 'Shingle' hut was at SBC before the Police party left Mansfield town early 25 October 1878.

17, That in JJ Kenneally's book " The Inner History of the Kelly Gang 1929, McIntyre is reported to have asked "who is in the Hut " JJK had Tom Lloyd as his guide around any important places. Tom was considered the fifth member of the gang and was probably present in the back ground when the shootings took place as he turned up at the Kelly camp about the same time as the Kelly's arrived back. [11]

18, That hut burning was not an uncommon practice especially for Kelly, friends and relatives in order to remove / destroy any evidence. The first such incident may have involved Percy Broomfield's hut burning (some 15 months before the shootout) could have been done to discourage mining too close to their stolen cattle hidden at Bullock Ck. Then the burning of the police tent and 'probably' the Shingle hut as well. The firing of the Bullock Ck Kelly camp huts when the gang left the scene. The hut behind the school near Bobinawarrah Vic where the Kelly's are believed to have lived for about a year, - fared no better being burnt to the ground a day before the police were to investigate its location.

19, That in JJK's book Sergeant Kennedy was shown the Shingle Hut at Stringybark Ck by Tolmie only weeks before the shootout. This means the Shingle hut was standing at the time of the shootout. No doubt. Two blackened posts of a burnt hut do not constitute a hut Kennedy had been shown.

20, That the green rise and spring Ned referred to was the rise behind south of the two huts fireplaces site and the creek was the spring. (referred to by Ned)

21, That Burman photo1 was not the result of any special zoom lenses. It has been suggested the slope was far away but this is erroneous as the slope directly adjoins the level ground on which the logs lay with no creek in between.

Recommendations

22, That the site of the two huts and surrounding area become the focus of an archeological investigation in reference to the true shooting site. Note, A press release (On Stateline ABC TV) stated that the SBC nomination for Heritage listing had been accepted 16/05/2008. During a visit by Heritage Victoria archeologist Jeremy Smith, he informed us a limited dig could be done at the two huts because of the historical significance to the Shingle Hut and the Kelly story.

23, That the site of the two huts be drawn into the tourist walk from the picnic ground signage board.

24, That the present East bank site be demoted but could be used as a viewing area overlooking the true location of the police campsite, with a board walk crossing the creek to and past the two huts fireplaces near the police camp site logs and foot traffic to return via the remnants of the 'Bridle track' along the western bank back to the picnic ground and car park.

25, That the 'Bridle track' leading to and past the Kelly tree on the west bank to the Two Huts site be made free of forest litter to enable visitors to see and walk on these historic pathways.

26, That the present day Kelly tree be demoted as having little to do with the Kelly / Police history of the place. That the true Kelly tree stood some 30 yards north of the true site on the west bank near the bridle track now the road.

27, That due credit be acknowledged to this research on all notice boards within the SBC precinct with webpages (under guidance with DSE locality references) to allow the public to learn more, and not only promote the work of Mr. Jones's books. That the proper layout of the three logs this paper reports, be shown on the signage boards and not the layout according to Mr Jones which are clearly wrong in orientation.

28, That the slope at the two huts be cleaned up of wood rubble that was pushed over the edge of the slope by a large machine to clear dangerous trees after the last fires through the area.

It would be a requirement that any clean up there only be done under guidance in conjunction with Heritage Victoria. That No heavy vehicles be allowed onto the site, and the use of a long jib crane be used to lift existing large logs and re arrange these to form the log configuration as in the Burman photos.

29, That the escape path taken by Sergeant Kennedy to Germans Creek and the site where he was killed be sign posted and a suitable cairn be erected there (subject to approval from Kennedy families) . And that this walk become part of a complete triangular return walk to the picnic ground, a round trip of about 1.6 km.

30, That, we can be sure the two huts fireplaces at SBC are important, for together with the steep slope and topography all round, we have three important markers that fit the Burman photo, but the huts fireplaces may now not be in their original position as subsequent miners may have rebuilt the huts later but not far away from the original positions.

~

Acknowledgements,

With thanks to the following people who have taken great interest and whose technical input helped in forming this document.

Bill Keane, Electronic Science Engineering

Yvonne Monk, G Granddaughter of Edward (Ted) Monk
Sean Monk, G.G Grandson of Edward (Ted) Monk

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Mr.Tim Pollock, Environmental Engineer GHD

MS, Anna Dimou, Teacher and lecturer in Mathematics

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Mr. Steve Parton, Arbor-culturist Environmental Tree Technologies

Architect Mr. Penleigh Boyd, Architecture and Design Canberra

Mr. Richard Van De Veldt, F.I.E.Aust

Mr.William Tauschke, Audio Visual Electronics Engineer

Mr.Gordon Byrne, Member of 'The Antique & Historical Arms Collectors Guild of Victoria, Inc' researching the use of Spencer Carbines as imported to Australia, purchased and used by Vic Police, for Gold Escort of the Colony and in the pursuit of Bushrangers from 1864 till circa 1880.

Mr.Terry Scott, bushman, prospector who found the Spencer rifle bullet at Stringybark Creek while prospecting for gold during 1996.

Mr. Peter FitzSimons, celebrated author of numerous Australian History books, amongst them- The Batavia, Eureka, Mawson, Tobruk, Charles Kinsford Smith, Nancy Wake and Ned Kelly to name a few.

Prof. Tim Flannery, Paleontologist, Mammalogist, Environmentalist.

Mr. John Doyle, Writer, Actor, radio presenter and comedian,

Mr. Ian MacFarlane, Author, Australian Historian – Ned Kelly Unmasked.

Mr. Sydney Kirkby, MBE, Eminent Australian Surveyor and Antarctic Explorer, Explored more of Antarctica than Mawson, Scott and Shackleton put together.

Carla, my wife, for her forbearance and patience during this work.



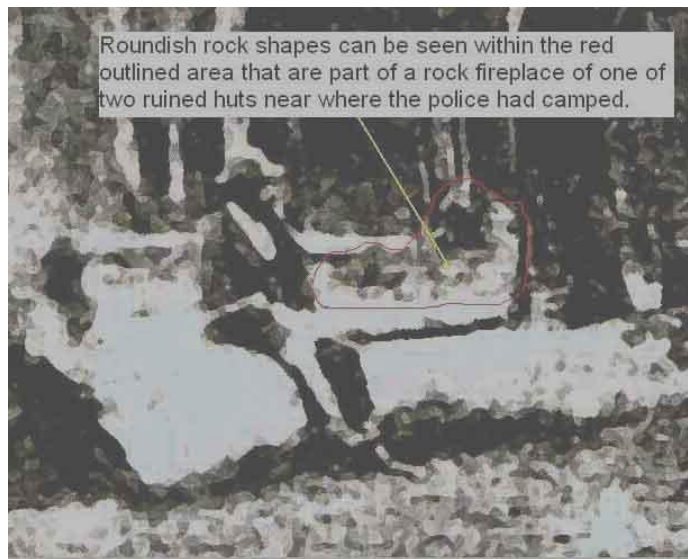
By expert opinion this photo was taken using a standard type portrait lens with a narrow field of view. It would have been a small wooden box camera using small plates for high portability considering the photographer Burman would have to take all his equipment on horseback into rugged outback country that was the Wombat ranges in those days.

Considering the small image size about 90 x 65 mm, there is remarkable detail showing individual sticks and forest debris on the slope that led to the positive location on the ground of this scene at Stringybark Creek area, that became known as Archeton, Victoria.

Image Carte de Visite
Citation PROV Burman
photo -0030-010-001- VPRS
4966 Consignment P0 Unit 2
Item 30 Record 1 Document:
Photo of Wombat Ranges
where troopers were shot.
Reproduced with permission

In the original Burman1 photo, between the seated man and the tree is a previously unidentified form.

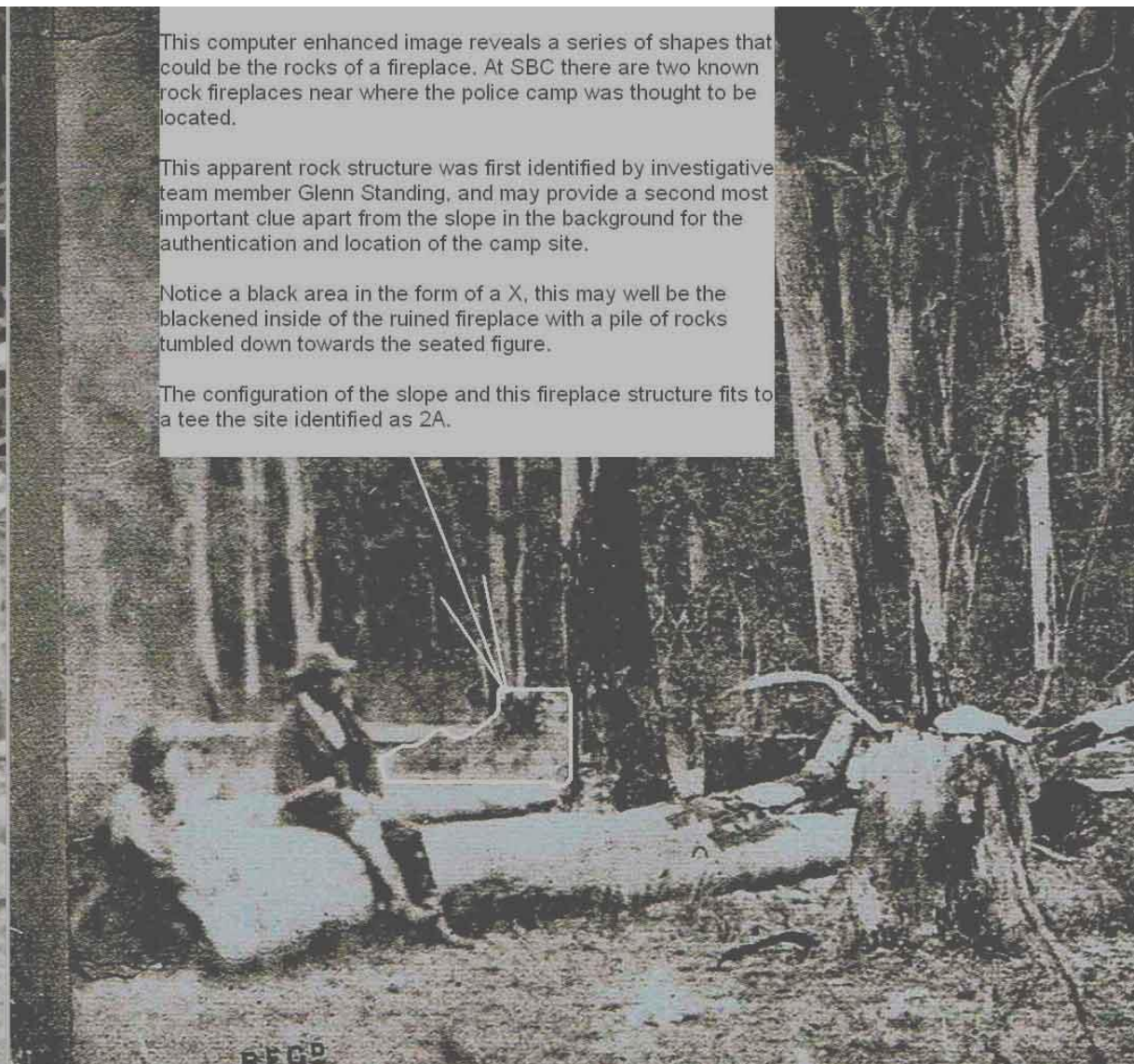
This un- natural form was spotted by fellow researcher and by computer enhancement this certainly looks like the remains of a hut / fireplace.



Roundish rock shapes can be seen within the red outlined area that are part of a rock fireplace of one of two ruined huts near where the police had camped.



REGD



This computer enhanced image reveals a series of shapes that could be the rocks of a fireplace. At SBC there are two known rock fireplaces near where the police camp was thought to be located.

This apparent rock structure was first identified by investigative team member Glenn Standing, and may provide a second most important clue apart from the slope in the background for the authentication and location of the camp site.

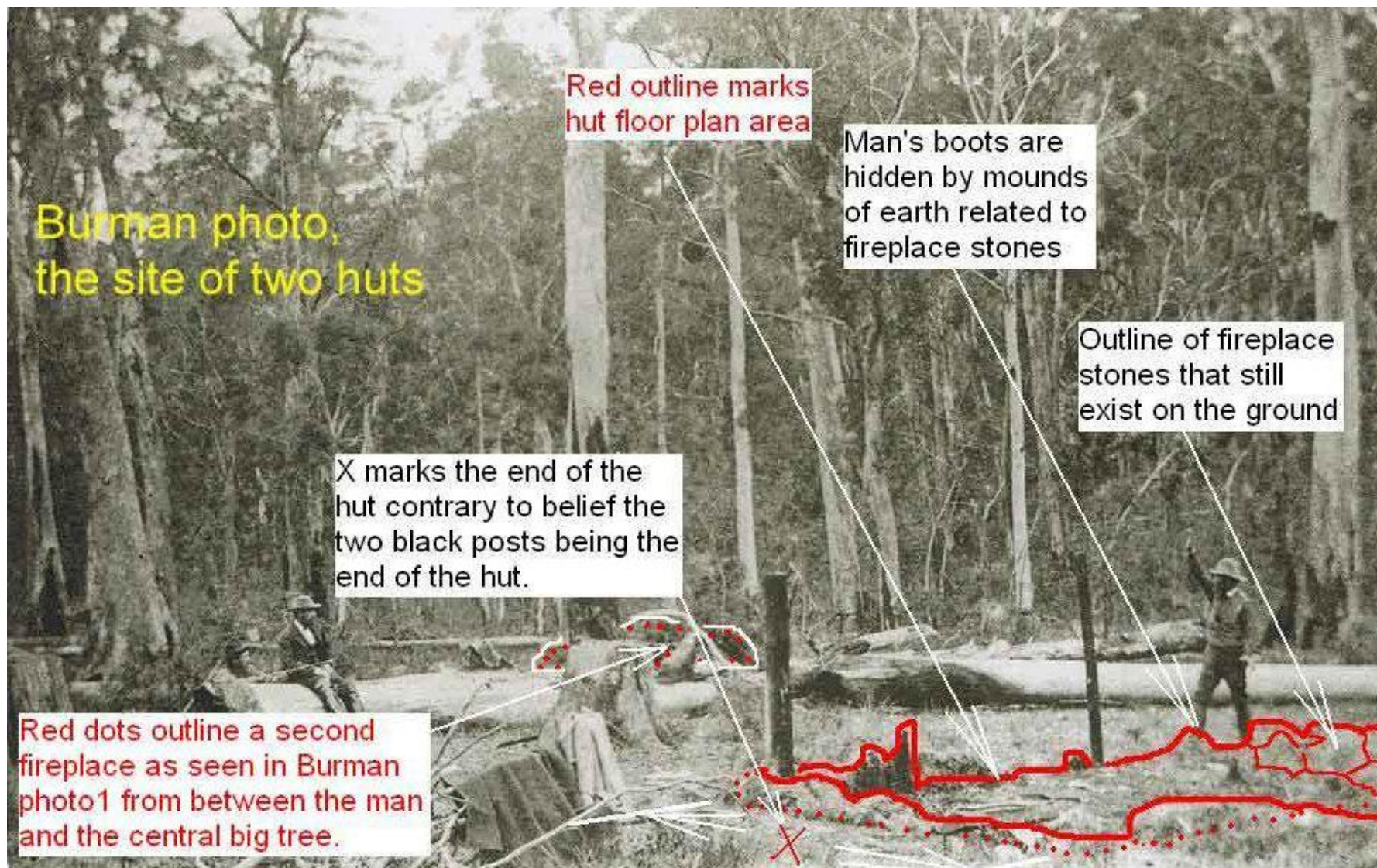
Notice a black area in the form of a X, this may well be the blackened inside of the ruined fireplace with a pile of rocks tumbled down towards the seated figure.

The configuration of the slope and this fireplace structure fits to a tee the site identified as 2A.

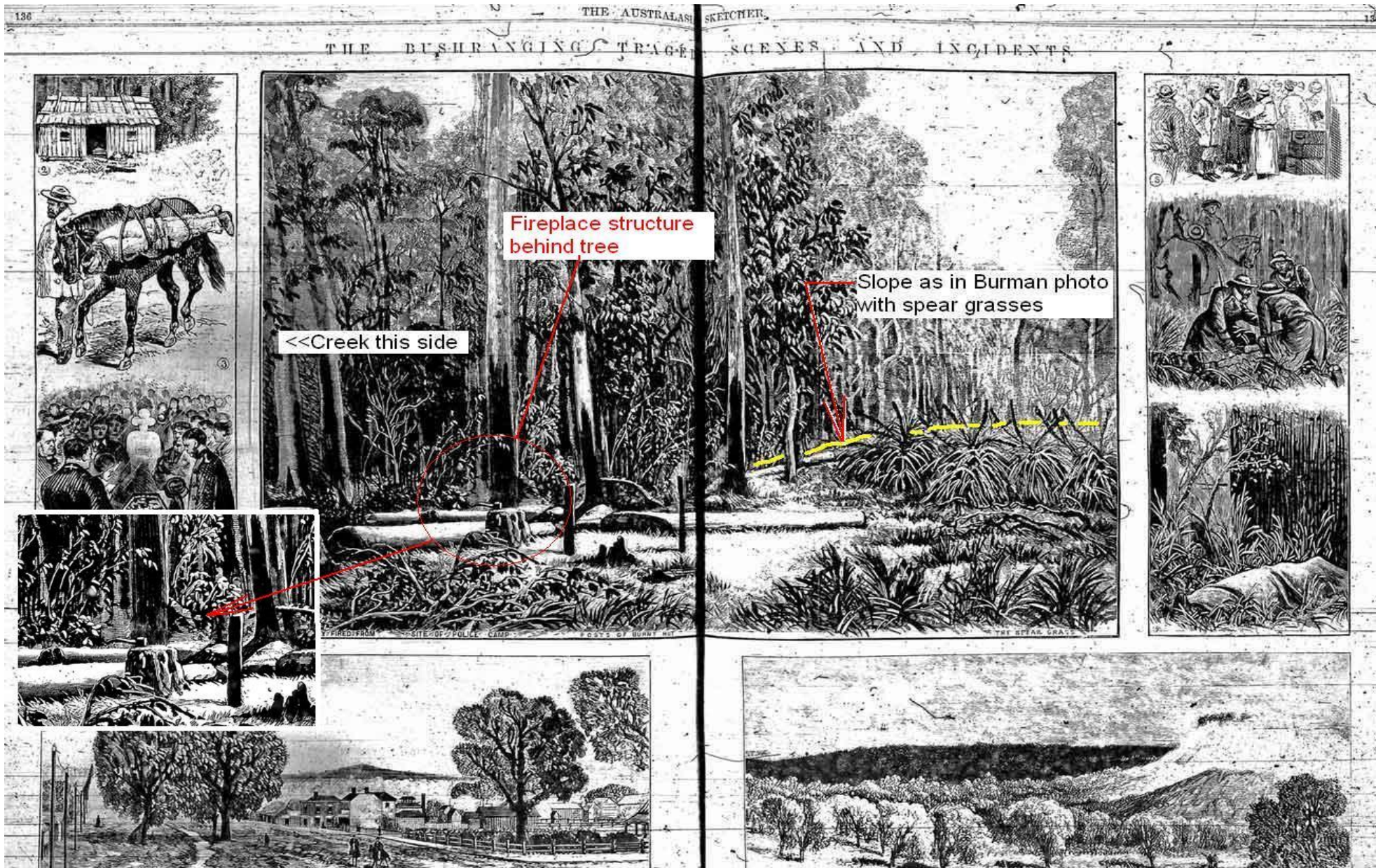
REGD

The possible identification of a fireplace in this photo detail is significant because it matches exactly the scene on the cover page of this document, and (page10) image, shows the location of the same fireplace.

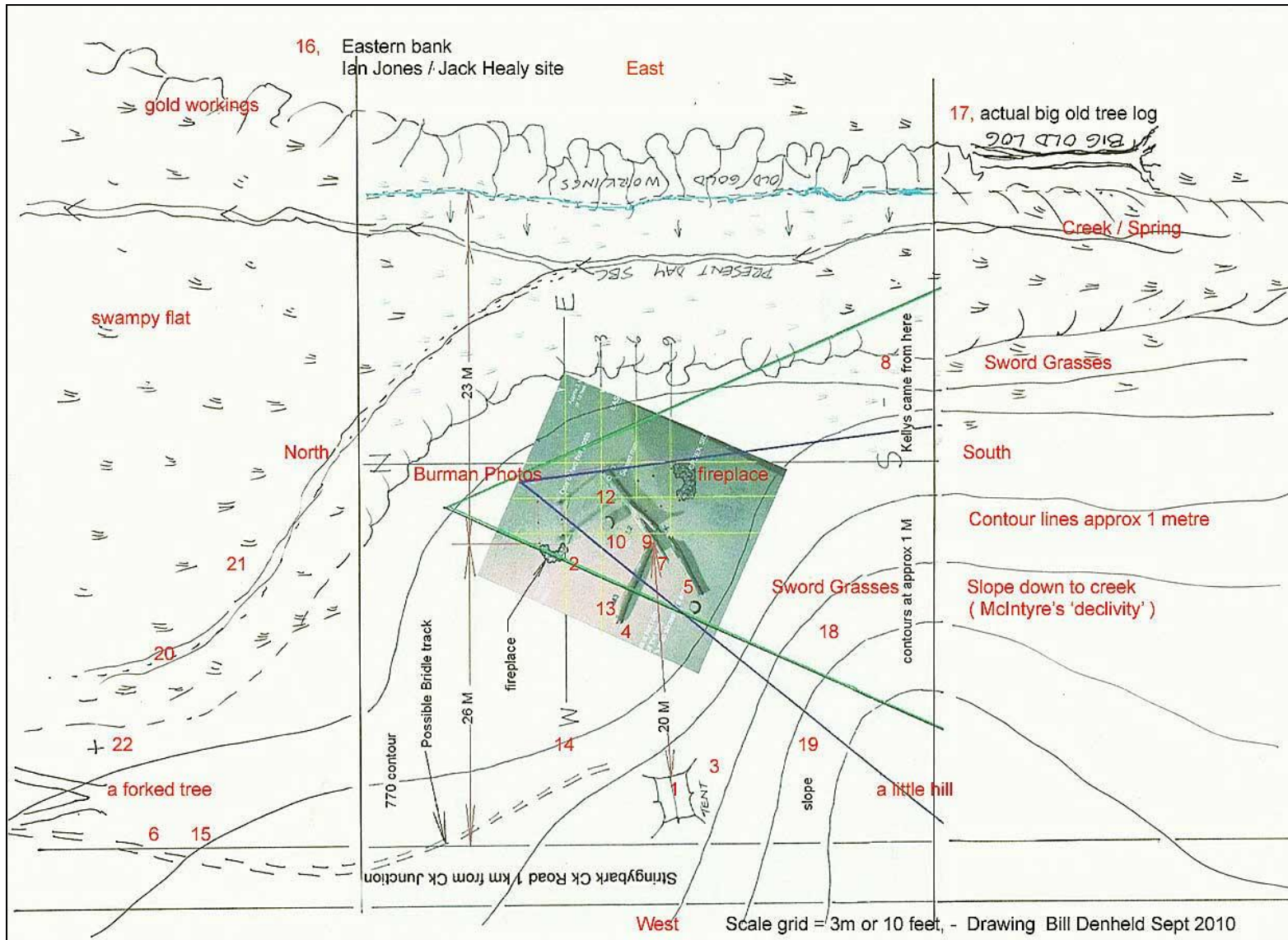
Following the fireplace image (previous page) we can now place this fireplace behind the central tree in this image - Burman photo No2. We have highlighted in red the foot print of the second hut 'behind which' the police had pitched their tent, to the right out of the picture.



Notice (above) a blanket or photographer's cloak, and right of X the photographer's camera plate case on the ground.



In another important view is this illustration featured in the Australasian Sketcher. Historians had trouble with this central view, long believed to be a miss representation of the scene. We not only see Burman's photo view, but also the slope to the right with the spear grasses as described by McIntyre from within which some Kelly gang members were able to hide prior to the 'Bailup' demanded by Kelly. At the top right a hut and the body of Constable Lonigan tied to pack horse. Images right shows the finding of Constable Scanlan's body further down the creek, and the covered body of Sergeant Kennedy found several days later at Germans Creek.



Scale map of Stringybark Creek shootout site showing logs, fireplaces, contours of the slope, sword grasses, and general lay of the land.

1 The police tent. **2**, an old fireplace (one of two). **3**, McIntyre standing in front of tent. **4**, and **5**, logs, as in Mc's sketch. **4**, log Mc described log as laying east west, **5** to **12** logs as forming Mc's North south logs. **6**, Bridle track near road. **7**, McIntyre on the inner. **8**, The area from where the Kellys advanced into the police camp, (Mc's map.) **9**, Bon fire behind which Kelly waited for the returning police. **10** Lonigan on the outer. **10**, the stump. **12**, where the seated man sat in the Burman photo on the log and where Lonigan was shot. **13**, Where McIntyre was told to sit by Kelly when Kennedy returned. **14**. See that 9,13 and 14 form a straight line when Kelly fired a shot at Kennedy 14, as Mc said, and Kennedy came from elevated ground. **15**, Where Constable Scanlan was shot and retreated to near the forked tree marked. **16**, Current considered location of the Police camp as marked by the authority Ian Jones and past Jack Healy. **17**, the rough location of a giant log that Ian Jones shows in his 'Ned Kelly a Short life' book Page 177 showing Darren Jones crouching. This could be the log the Herald article [12] of 5 Nov 1878 refers to "behind which 20 men could hide". **18**, to **8**. Area of Sword Grasses 60 foot in circumference. (7 m) **19**, Smaller patches of sword grass. **20**, Alternative

creek course over the swampy area north of the site. **21**, The area where horse tracks were followed north through the swampy area. (Ian Jones, Ned Kelly, A Short Life, description, of horse tracks crossing the creek when McIntyre fled the scene in a northerly direction. These tracks that also led to finding the Kelly camp by Constable James one month later), **22**, Spot where prospector Terry Scott found a conical shaped lead projectile, commonly associated with the ammunition used by the Victoria Police in their Spencer Carbines. This recovered bullet, which had been discharged, was inspected by firearms specialist Gordon Byrne and it physically matched the rifling grooves and bore diameter of a Spencer Carbine, which was typical of that used by the Police at that time. **15**, Scanlan had a Spencer rifle with him when he was shot dead by the Kelly gang.

Regarding the previous map with numbered location points, this text below was part of the Melbourne Herald dated 5 November 1878 [12] - just after the shootings. The SCENE OF THE MURDER was described by the news paper's special reporter confidently identified as G, Wilson Hall, the proprietor of the Mansfield Gaurdian [6], as he was very much in tune with the circumstances, having been allowed to visit the Kellys at their camp. The bracketed () numbers below relate to the map description above but were not part of the Melbourne Herald texts.

" The Scene of the Murders. This was a cleared space, of about ten acres in extent, on a gentle slope, rising gradually, and on the further side having a northerly and easterly aspect. The site until recently was occupied by a prospector's hut (2 fireplaces).

A small race has been cut along the side of the hill, and the Stringy Bark Creek, for some little distance up and down from this spot, has been prospected (16).

About six months ago the party who occupied the hut (2) fell out, and it was burned down. One of them was tried for arson, but was acquitted. The site has been partly cleared as a paddock for a horse, but no fencing was erected. The place was an excellent one for the camping ground of a party who were not expecting to be attacked. For a party assailed by enemies, however, no worse spot could be chosen.

*The police tent (1) was pitched on the northern slope of the hill and faced that direction. (Note Mc also said the tent faced east)
At the rear of the tent, the slope goes gradually up to the summit, receding again to the creek (20, and the creek / spring), which winds partially round it.*

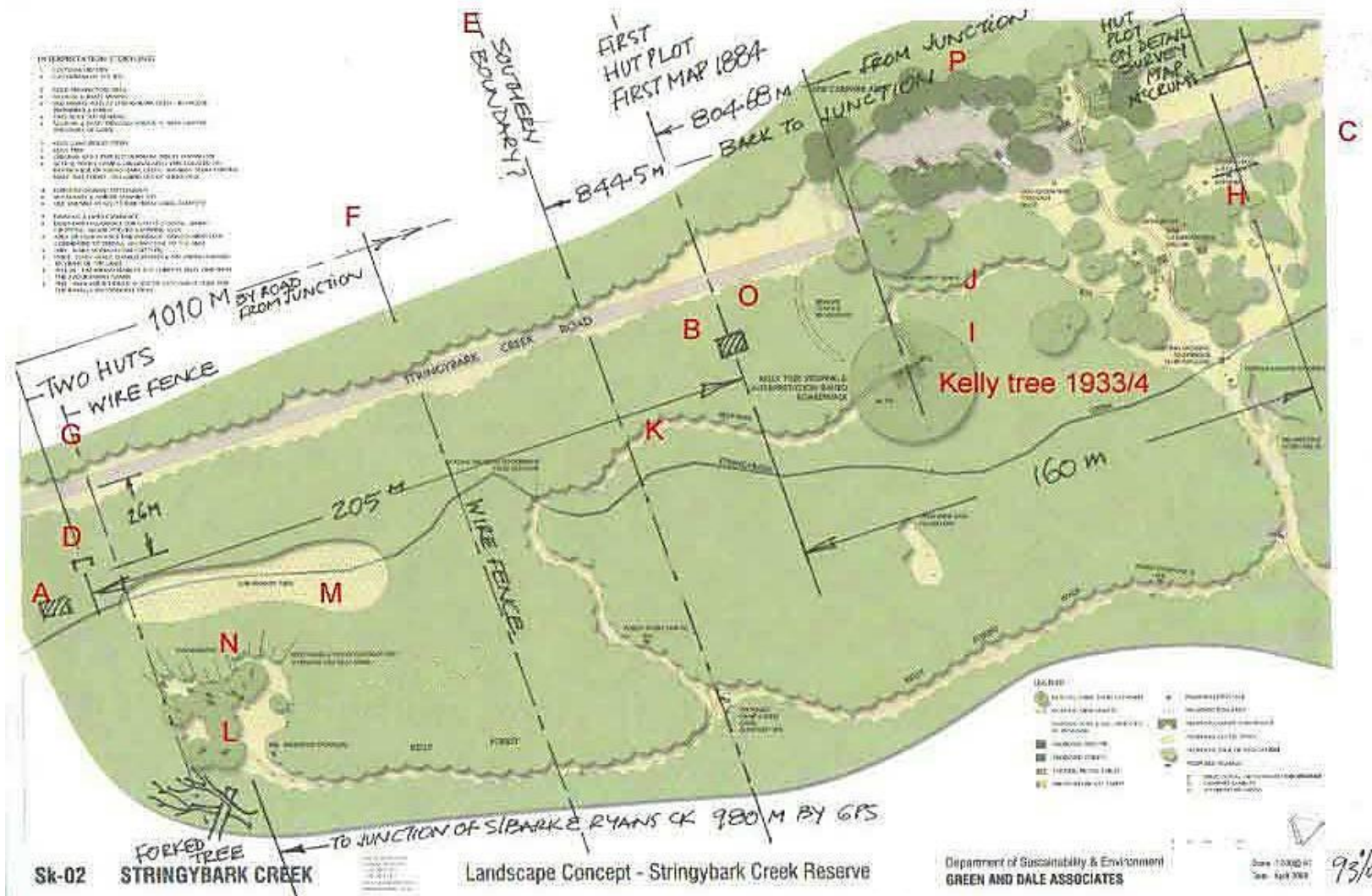
Across the creek, at the back of the little hill, was a fallen gum-tree (17), over six feet high at the butt end, and behind which twenty men could find shelter. This tree can be reached from the scrub which covers the country in the direction of the King River.

At the top of the slope (little hill) and overlooking the police tent, was a clump of scrub and sword-grass (18), some sixty feet in circumference, and in which a dozen men could readily conceal themselves. Standing a few feet in front of this clump of scrub but still overlooking the police tent, are two bunches of sword-grass (19) , four feet six inches high, and presenting a covering surface of some six feet.

It was from behind these bunches of sword-grass (18 and 19) that Kelly and his confederates called on the police to surrender. Having reached the gum-tree (17) from the bush, The hill (slope) hid their approach to the clump of scrub mentioned, the distance being about 20 paces. At the time the call to surrender was made, M'Intyre was at the fire cooking (7). This was precisely 39 paces from the foremost bunches of grass. The tent stood exactly 25 paces from the Kelly's hiding place."

By relating these notes to the map on page 36, we can see strong correlation to the scene of the 'murders' and it should be remembered that the formed road has filled in the area where the tent may have stood.
Also, we can see the creek (when it runs) may well have run in position of (20) and that the current course is the result of mining during the late 1800's and early 1900's where most of the ground has been sluiced.(16)

Map below, was drawn to show the new works plan with gravel paved walking tracks to the current Police camp (L). All other lines, relative distances and markings are the work of the author for the purpose of clarity. Perhaps the authorities will need to re direct the foot traffic to include the fireplaces A and D as the true place of the police camp.



- Notes,**
- A** - Possible site of the Shingle Hut as per Kelly's Jerilderie letter.
 - B** - The Hut as plotted on the first map dated 1884.
 - C** - McCrum's house site.
 - D** - Fireplace from where Burman took the photos looking south.
 - E** - Southern boundary of McCrum's allotment.
 - F** - Wire fence? maybe McCrum's 1885+
 - G** - Wire fence? May be Charlie Beasley's fence.
 - H** - Hut site as on McCrum's allotment map in now within the Picnic Ground.
 - I** - Where the bridle track has been covered over ?
 - J** - New walking track
 - K** - Old bridle track followed the creek west bank.
 - L** - Ian Jones's Police camp
 - M** - Swampy area shown the wrong shape and too small
 - N** - Suggested boardwalk across the creek to 'D' the most probable true site.
 - O** - Place of the second Kelly tree.
 - P** - Bus and car parking..

How to get to the true shoot out site,

Google, maps, Stringybark Creek Road, Archerton, Victoria.

Once you are physically at Stringybark Creek refer to map page 37. Opposite the Kelly tree, drive up the road for 245 metres.

On left walk in 25 metres – see / find two old rock fireplaces A and D approximately 11 metres apart.

The police tent was pitched between the road and the fireplaces. See map page 36.

Constable Lonigan was shot dead between the two fireplaces near position 12 on map page 36 between the two fireplaces.

Constable Scanlan was shot dead about 40 metres to the north near today a forked swamp-gum just off the road embankment.

Sergeant Kennedy was shot dead at Germans Creek about 680 metres North east North from the two huts site.

References,

[1] **Thomas McIntyre's Memoirs**, -

Title page "*The Manuscript of Thomas McIntyre, The Sole Survivor, of The Massacre of Police, at Stringybark Creek*"

On the first page heading "*Reminiscences Of a Victorian Mounted Constable*". "*A Narrative of the Kelly Gang and other Bushrangers*" by T.N.McIntyre, - This document, on page2 first paragraph states it was years ago that "*The Kelly Gang of Bushrangers was attracting much public attention throughout the Australian Colonies*" This dates McIntyre's memoirs at around 1902.

Burman Photo1, image courtesy PROV VPRS 4966 ~ Post Card, Prosecution evidence Exhibit "A" at Kelly's trial

Burman Photo2 image courtesy VPM 208 Carte de Visite, A.W. Burman Stringybark Creek Re-enactment.

[2] *The Argus* Oct 28 1878

[3] *The Age*, 6 August, report, McIntyre's statements and examination at the Beechworth committal hearing:

[4] Ian Jones, The Ned Kelly Seminar Papers, CAE; Man and Myth Revised, Ned Kelly, A Short Life.

[5] McIntyre Map drawn for the trial of Edward Kelly 1880, Collection of Victoria Police Museum.

[6] The Outlaws of the Wombat Ranges, Author CW Hall, proprietor Mansfield Guardian 1879

[7] Linton Briggs CSI@SBC part published July 2011, see, www.ironicon.com.au/csi@sbcbills_comments.pdf

[8] Land Selection Files and Correspondence Files: Public Record Office of Victoria (PROV) VPRS: 626/P Unit 650, File 19725/19.20:

[9] Sheila Hutchinson and Fay Johnson: 'Valid Links with the Past' www.ironicon.com.au/validlinks.htm

[10] Beautiful Mansfield booklet 1897. Photo title " Police Camp, Wombat Ranges. Scene of Kelly Outrage"

[11] The Inner History of the Kelly Gang, by JJ Kenneally 1929.

[12] The Melbourne *Herald*, 5 Nov 1878.

[13] *Sydney Mail* 16th Nov.1878, Sketch of the scene of the murderous attack, drawn from information provided by T M McIntyre.

[14] *The Age*, 28 Oct 1878

Stringybark Creek Investigations from May 2009. See webpage www.ironicon.com.au/stringybarkckinvestigation.htm -

For further reading and developments see www.ironicon.com.au

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