

About this CSI@SBC document: Initial team member BILL DENHELD cannot agree to this document (content) because the camp site selection by the team and their findings are not based upon historic fact.

For reasons explained in blue italic text in the following pages, I made the team aware they must re-consider and take into account glaring mistakes made by McIntyre in his map -orientation, and together with the lack of 'on the ground' historical evidence such as hut sites (fireplaces or debris), plus ground slope steepness and heights by comparison to historic photos at their selected site **near the Kelly tree**.

The clasping by some team members to believe in stated measurements (yards) as absolute measurements that were also documented elsewhere to be 'foot steps' taken by either a short or tall person, meaning the measurements were only estimates. In addition, the miss- interpretation of a (water) spring at SBC, when Stringybark Creek is the spring.

Plus the belief that botanical grass species that predominant over a large swampy area today, is erroneously seen as a guiding light to where the shootout with police had occurred, and consider that when the drainage of the SBC area has been disrupted by the carving out of the road alongside the creek some hundred years earlier, the natural occurrences of 'spear grasses' have been affected.

This following document highlights only the relevant pages of 'their' CSI@SBC document and is in no way meant to represent the team's entire document which has been recently published (July 2011), and now that it has been, I am at liberty to share with anyone my concerns in the interest of historical truth for future researchers. In essence, the texts of subsequent versions are unchanged, and I wish to highlight the most obvious ill- founded notions presented. This document critique was emailed to Linton Briggs for the team to consider, and I was then dropped from the team – and advised I should write my own paper, which I did. – see http://www.ironicon.com.au/stringybark_ck_the_authentic_location.pdf

‘C.S.I. @ S.B.C.’

**THE VICTORIA POLICE EXPEDITION AND THE ENCOUNTER
WITH THE KELLY BROTHERS AND THEIR ASSOCIATES AT
STRINGYBARK CREEK, NORTH EASTERN VICTORIA,
OCTOBER 25 – 26, 1878.**

**AN INVESTIGATION TO REVIEW AND EVALUATE THE
EVIDENCE TO ESTABLISH THE AUTHENTIC LOCATION
OF THE POLICE CAMPSITE AT STRINGYBARK CREEK.**

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

THE INVESTIGATION TEAM:

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FEBRUARY 2010

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Note; as team member at the time, I have the right to publish these comments that were submitted in this format to the team, and in places I have added a more descriptive explanation to help the unfamiliar reader better understand the issues.

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1. INTRODUCTION.

- 1.1 Cradled deep within the Wombat Ranges of North Eastern Victoria, Stringybark Creek and its environs became forever embedded in Australian colonial history and folklore when a party of Victoria Police, dispatched from Mansfield to search for and apprehend the Kelly brothers, camped in the afternoon of Friday October 25th by the creek.
- 1.2 The police party was led by Sergeant Kennedy together with Constables Lonigan, Scanlan, and McIntyre. Kennedy, Lonigan and Scanlan were shot and killed. Constable McIntyre escaped on horseback and, having trekked overnight on foot through the Ranges, eventually made his way back to the Mansfield Police Station the following afternoon.
- 1.3 From 1878, until the early 1990s, the police campsite was generally understood to have been established on the western side of Stringybark Creek, in the vicinity of the present day picnic area and the nearby present day marked Kelly tree.
- 1.4 In 1993, Mr Ian Jones, the celebrated Kelly historian, presented a paper which located the police campsite south on the eastern side of Stringybark Creek, a distance of 240 metres (262.5 yards) south of the present day Kelly tree.
- 1.5 In 2009, as a result of a growing concern that the accepted position of the police campsite on the eastern side of the creek (to which a walking track was recently established) may not, on all the evidence available, be correct, a team of Melbourne and North Eastern personnel interested in the authentic development of the Stringybark Creek historic site decided to pool their investigative resources with the objective of achieving certainty in the form of historical accuracy.
- 1.6 The investigation team began to work towards the compilation of a brief of evidence that would unambiguously locate the site of the police campsite for independent evaluation by the appropriate Government agencies - Heritage Victoria and Department of Sustainability and Environment (DSE) and others with an interest in the area.
- 1.7 This paper, through extensive field survey and exhaustive review of all the evidence available to the investigation team, concludes that the police campsite was established on the western side of Stringybark Creek, in the vicinity of the present day picnic area, to the south of but in close proximity to the present day marked Kelly tree.

This cannot be proven by lack of ground slope as seen in Burman photo1. Recent elevation tests show no ground rise near this site. Apart from a slight decline to the creek on the west bank, there is a slope on the east bank but this is at or below the west bank elevation contours and no photo comparison can be made here. Also the N. east bank slope is too far away from the viewer to be taken seriously as a slope contender.

- 1.8 The paper also traces the route of the police party to reach Stringybark Creek on the afternoon of October 25th, 1878, and critically examines and tests Constable McIntyre's description of the establishment of the campsite and its location, as well as his detailed account of the subsequent encounters with the Kelly brothers and associates.

- 1.9 The paper maps McIntyre's descriptive accounts: **it examines the two (now) known campsite diagrams made by McIntyre**, matches his accounts to the area topography, other features, and the area's flora. *One as in K.McMenony's book, and a more detailed map from McIntyre's / Kelly document folder recently found at the Police Historical Unit Museum.*
- 1.10 Statements made by Ned Kelly and other contemporaries, site photographs, early area survey maps, and analysis/research performed by others over the past thirty years or more have also been reviewed.
- 1.11 The paper addresses in detail the following:
- The route taken by the police party from Mansfield to Stringybark Creek on the 25th October 1878.
 - The case for the eastern bank police campsite location.
 - Information leading to the team's finding that the police campsite was established on the western side of the creek.
 - The location and layout of the police campsite on the western bank and the events that took place there from Constable McIntyre's **two known diagrams** and his descriptive accounts of the place. *As above, 1.9*
 - Descriptions of the place and the events that took place there by Ned Kelly and others.
 - The significance of campsite photographic evidence over the period 1878 – 2009.
 - The significance of local botanical knowledge assisting the investigation.
 - An assessment of the campsite precinct's topography, including the course of Stringybark Creek, the location of a **natural spring and the identification of the "declivity" described by McIntyre. .** ***SBC is the Spring, and a declivity is a downward slope (Oxford dictionary)***

4 INFORMATION ASSISTING THE CASE FOR THE WESTERN BANK POLICE CAMP SITE LOCATION.

4.1 Thomas Newman McIntyre.

A mounted constable of the Victoria Police and the surviving eye-witness of the four man Police party, sent out from Mansfield to locate and apprehend the Kellys, and a member of the subsequent initial search party that returned to Stringybark Creek the next evening (27th October) to recover the bodies of the slain policemen.

McIntyre's recorded accounts of the campsite layout and the encounters provides information that materially assists the investigation team to map the layout of the police campsite and its environs on the western bank, assists the team to arrive at findings which determine the actual location of the campsite, and enables the team to confidently reconstruct the tragic events as they unfolded late on that fateful spring evening of October 26th, 1878.

McIntyre's widely published sketch, shown at Figure 4 illustrates the layout of two logs, the camp fire position, the position of Lonigan and himself, and the Kelly brothers and their associates, when the two police were bailed up at the commencement of the affair.

The sketch shows the "Men advancing" (Ned is on the right side of the four men) from the south of the campsite. *Figure 4 should be 2*

15. Ibid.

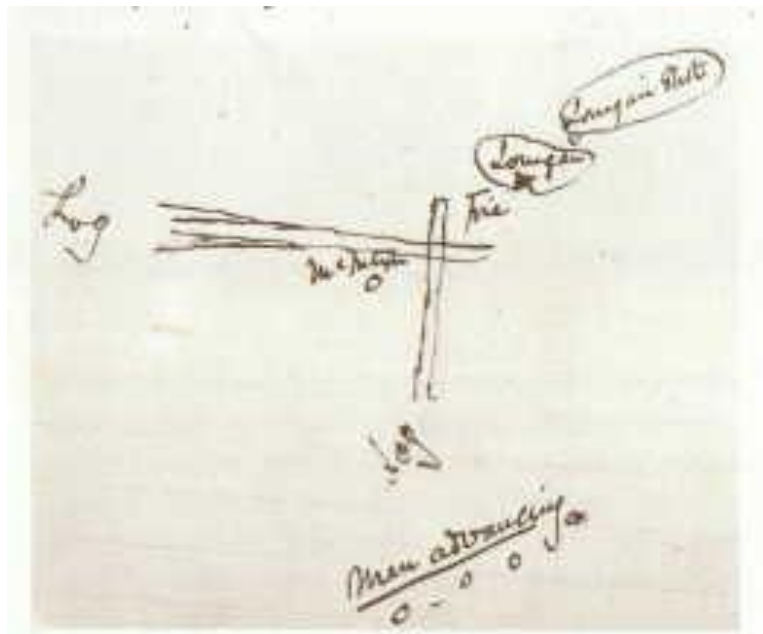


FIG. 2. McIntyre's rough sketch of the encounter at Stringybark Creek.
Reproduced with the permission of the Keeper of Public Records.
Public Record Office Victoria, Australia.

In the past I have been in touch with PROV and PHU and neither have this sketch. In McMenomy's foot notes it says "A sketch thought to have been made by McIntyre" I believe this sketch could be a copy drawn for McIntyre's memoir book sketch recently found.

On page 11, last paragraph CSI@SBC

Of interest also to the investigation **is a burl on the trunk of a large eucalypt gum which is depicted in both the Burman and the 1897 'Beautiful Mansfield' photographs.**

***This is not good research.** The dark spots on the 1897 Beautiful Mansfield booklet image could be just a bunch of leaves, whereas the sap burl in 1878 Burman photo is a prominent mark not exhibited in the Mansfield booklet picture.*

You need to use the Burman 1 photo as well to show the slope because we know there was a slope where the photo was taken.

The burl conformation and position on the trunk of the tree to the far right hand side of one of the 1878 Burman photographs (4.4 below) corresponds with the position of the burl on the tree on the left side behind the three men of the 'Beautiful Mansfield' photograph above.

The investigation suggests that the Burman 2, 1878 photograph and the *Beautiful Mansfield* 1897 booklet's photograph feature the same tree, which may be the first "Kelly tree marked by **a stray bullet**", and which was harvested for timber in 1908.

*The bullet marked Kelly tree was just near where Scanlan's body was found some thirty yards further down the creek from the police camp. 30 yards = 90 feet. By my analysis of the Burman photo camp site 'scale map', this burl tree is only 9 yards or 27 feet behind the right log. Also, the Burman photo is looking South, and by the light dark shadows in Beautiful Mansfield picture, the sun light comes from the left indicating north and this photo is looking East. **So this cannot be the Kelly tree.***

Burl conformation and position



Burman photograph 2, 1878 (Photo 5 below).

Beautiful Mansfield 1897 booklet.

The present day Kelly tree *first identified in this photo by Bill Denheld in 2003.*



Photo 3. Mr Cuddon at Kelly tree. Photo by R. A. Black, 1938.
[Copyright – Engelke Photo Collection.]

Please notice the lack of suitable slope in this above view. Even if at the time of the shootings, the creek had not been dug up there would not be sufficient slope as in the Burman photo1 below next page.

Page 14,

4.4 The *Mansfield Guardian* of 9th November, 1878, reported that on Saturday the 2nd November, five days after the police killings, Frederick Charles Burman, guided by E. Monk – a local saw-miller and member of the search party that retrieved the bodies of the slain police, had gone to the scene at Stringybark Creek.

At Stringybark Creek, Burman re-created a panorama of the police campsite using actors to portray the adversaries, and took two (known) photographs of the campsite.



Photograph 4

Stringybark Creek Clearing, Burman Plate1.[PROV.VPRS 4966, Unit2, Item9]

This image was No.1 in a series of 17 postcards produced by Burman and is titled 'Wombat Ranges Where Troopers Were Shot'.

Whilst the (PHOTO) campsite layout with the two logs is consistent with McIntyre's descriptions and diagrams, the positions of the three actors, assumed to represent Ned – far left crouching behind the log with McIntyre to his immediate left (sitting on the log) and Kennedy approaching on foot,

No, Kennedy was not on foot but on horseback. As to the actors, I agree there is a problem here but can be justified if we can accept they were placed incorrectly for photo convenience.

does not accord with McIntyre's descriptive accounts of the affair, or positions shown in his scale diagram of the camp site.

My explanation is not hard to follow if you accept Mc's map two logs are not the same face on logs as in the Burman photos. Mc is using the Burman photo to create his map.

*Sitting man McIntyre should have been placed on the **log Right of picture** and looking to the camera being (northerly) and Ned Kelly crouched left of the fire (black area just behind middle stump) and (Kennedy actually on horseback) is represented by the man with raised arm as if to surrender, but we know this did not happen. Kennedy came into the scene from the right of the photo. In fact Kennedy could not have been in the photo proper because he would be out of the photo view **on higher ground,* a continuation of the slope which curves around to north at the two huts site.***

** As stated on page 31 of Mc's memoirs.*

This note below refers to Burman photo1 photo4 (the postcard above) not photo 5

In an undated note, Sub Inspector Kennedy states:

"Frederick C Burman Photographer Bourke St. states:

The Photo provided is a picture of the ground where Constables Lonigan & Scanlon were shot. I took it myself – The place was pointed out to me a few days after the murders – by Mr Monk – the spear grass in the neighbourhood is about 6 or 7 feet high.

*Note Monk was with McIntyre when the bodies of Lonigan & Scanlon were found McIntyre identifies the photo: & draws attention to **an upright post** the remains of an old hut, See right hand corner of picture"²³ (see above image photo)*

But he does not say this upright post of an old hut is the old hut behind which they pitched their tent. He only confirms the photo was of the Ground where Const Lonigan was shot. I emphasis 'a picture of the GROUND where Lonigan was shot.'

The picture is of the ground North of the logs where Lonigan died as depicted by the two actors who are also placed North of the logs with Ned behind the logs on the south side of the logs. The Burman photo shows Lonigan's death spot somewhere near the middle stump left of the fire logs.

Page 16

4.5 The two Burman photographs provide corroborative evidence for McIntyre's descriptive accounts of the campsite layout.

They show the two large logs that became central to the unfolding drama of that fateful evening and they portray the remains of **the burnt hut, a few yards behind which the police party pitched their tent.** Remains of two of the hut's timber posts and the burnt butts of split timber wall slabs can be identified.

Text the Burnt hut should read a burnt hut as there were two huts there.

To write the burnt hut we read into that the Only hut and the comment should refer the post in the photo. And if this was the hut 'behind which the police party pitched their tent' may refer to Mc's map but not the photo because Mc said the front of his tent was 25 yards from the fire.

My scale reconstruction map places the two posts only 6.5 yards from the fire. Add a few yards as Mc said and we have only 8 yards – not 25. So he did not pitch the tent behind these posts because it was not an old hut. – it was burnt down.

The positions of the hut's end posts and the earthen drain along the **north-west side** of the burnt hut provides clues for the alignment of the hut facing Stringybark Creek.

*As there were two huts there Mc said they "pitched their tent a few yards **behind an old hut**". Not a burnt hut but an old hut*

4.6 Out of frame **to the right** of the photographs is the **swampy ground** McIntyre refers to in his descriptive accounts (see 6.3 below) as being 20 yards from the tent.

Truly, I can hardly believe this, you say " to the right of the photos there is swampy ground ?? Can anyone see that?

But there is a steep slope there too big to ignore- see Burman photo1

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- 4.6 Out of frame to the right of the photographs is the swampy ground McIntyre refers to in his descriptive accounts (see 6.3 below) as being 20 yards from the tent. The significance of this description to the development of the case for the western bank location of the police campsite is further discussed later in the paper, incorporating local botanical knowledge which contributed to locating the position of the police tent on the western bank.

What ! So we can develop the case to show that botanical knowledge can help to show where the tent stood ?

Image courtesy of K. McMenomy's book Ned Kelly,



- 4.7 Careful study of the Burman photographs' middle left background reveals the presence of a moderately large forked Manna gum (*E. viminalis*), partly obscured by the presence of a tall narrow leaf Peppermint gum (*E. adiate*), closer to the camera.

The trees concerned are directly in line with, and behind the hat of the actor sitting on what later, in this commentary, will become known as the east/west campsite log.

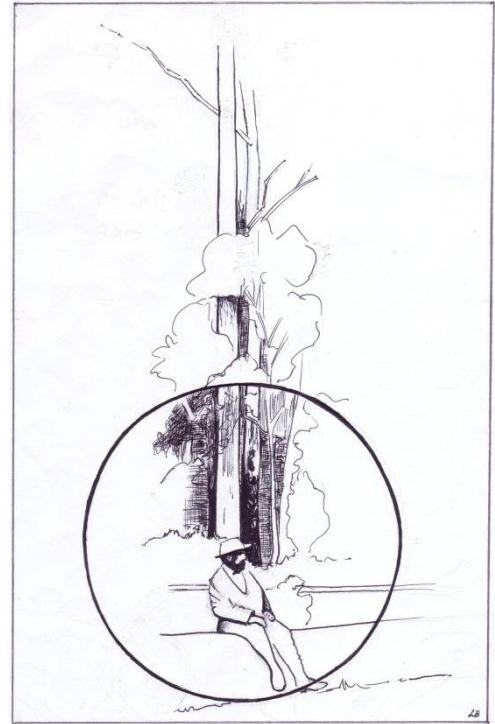
For clarity and interpretation purposes, **FIGURE 3** (and at **APPENDIX 7**) is a line drawing illustrating the proximity of the trees with one another.

The Burman photograph and the present day Kelly tree

Only the right hand fork of the obscured tree is clearly visible but the bole of the tree standing behind the Peppermint gum is well defined.

The investigating team submits that the said forked Manna gum in the photographs and the illustration later became the third, **and current, "Kelly tree"**, close to the picnic ground area on the western bank of Stringybark Creek and that it is the same tree featured in the left background of the Cuddon photograph above at 4.2..2

Fig. 3. Line Drawing by Linton Briggs



Oh boy, this is a real problem,

Yes it was I that first identified the current Kelly tree in the Mr Cuddon photo, but to suggest this same tree is in the Burman photo behind the HAT is ridiculous. This cannot be substantiated if you cannot prove the photo was taken here.

*With the current Kelly tree in the Cuddon photo taken in 1938, and if the same Kelly tree is in the Burman photo of 1878, how can this be if it would have been a mere sapling at that time. **This is all very fanciful.** I have tried and tried to see such tree similarity, and if anyone can identify with certainty the same tree growing 60 years earlier, it would be a miracle aberration. My own experience in dating trees by counting growth rings suggests the current Kelly tree to have been ten years old in 1878 a diameter of 6 inches or 150 mm.*

*If the Burman photo resembles the same view as the Cuddon photo by reference to the 'tree', **THEN where is the slope to be seen compared with the Burman photo1 ?***

We must solve the slope issue and the photo orientation first.

P17 Photo 7



The second photograph of a "Man in background shows the position of Sergeant Kennedy when shot by Ned Kelly from behind the stump in the foreground."

It is however not possible to determine if this is representative of Kennedy's first encounter or later at, or near, Kennedy's final position where he finally fell.

How can a 1930's photo taken 50 years after the event be considered relevant?

P18

4.13 The *Mansfield Courier* commenced in the 10th February 1894 edition a serialized article describing a tour by the paper's representative around all the properties in the Tolmie district. In the 17 February edition, the serialized article included a description of:

"Kelly gang: Jogging on the road again we came across a solitary miner, living in a hut on the exact spot where the police had their hut pitched at the time the Kelly gang committed the murders. He informed us, that he could only knock out a bare living. Next stop"
(underlined text - authors' emphasis)

This article appeared in the same year (*No it was 10 years later*) the first map of the area was produced. It is possible the only recognizable habitable construction along Stringybark Creek road **was this miner's hut**, and was probably the hut shown on the maps of 1884 and 1885. *No way of knowing if it was a miners hut or a shepherds hut*

There is no proof there was a hut here except for the 1884 map, but this can be demonstrated to be falsely recorded because only 1 year later a surveyor marked a similar hut with Police/Kelly connections on the 1885 allotment map 160 metres further north, and he would not have done so if there was a hut at the 804 metre mark. (804 m from the junction of Ryan's and Stringybark Creeks)

It could have been one of the two huts at SBC

We know from a letter in the possession of a descendant of Ewan Tolmie (who I have met and the letter seen), that lease holders Messrs Heaps and Grice were the original lease holders of Fern Hills lease 1848 of some 60 thousand acres and these gents had built two huts near the southern boundary adjoining Hollands Ck run, Ewan Tolmie wanted clarification of his boundary and in the letter to the Lands department the two huts are mentioned. Ned Kelly refers to the Shingle hut where the police had camped.

By the time the surveyor came by in 1884, (**six years later**) gold miners could have built other huts but prospectors staying not long in any one place **would not build a Shingle built hut** unless he was to be there for a long time. Shingle huts as made with split timbers and overlapping weather boards that take a lot of effort.

In 1985 Bill Stewart aged 81, saw miller of Toombullup and later Mansfield who I met, also mentioned two huts at SBC as I faintly recall, and the names Heaps and Grice mentioned but at the time I did not connect. - But when I saw the Tolmie letter with mention of Heaps and Grice who had built two shepherds huts, it all fell into place, and I knew the two huts fireplaces found at SBC had to be those of Heaps and Grice .

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5.12 Perhaps significantly the investigation team has located, 37 metres (40.5 yards) to the north west of the current "Kelly tree", the stone remains of what probably was the fireplace of a hut.

In *The history of the notorious Kelly gang of Victorian bushrangers or the outlaws of the Wombat Ranges* by G. Wilson Hall he observes that:

"The spot where they established their halt was a small clearing on a 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, named Reynolds, Bromfield, and Lynch"

*"The level space, though pretty well cleared, is surrounded by thick, heavy timber and scrub, and on the right hand side has a patch of very tall spear or sword-grass which affords a jungle-like cover. In front of the tent, and between it and the creek, were two fallen trees, the ends being crossed at a right angle; there were also some stumps of trees that had been felled in the clearing."*⁴⁸

J. J. Kenneally in his *The Inner History of the Kelly Gang* says that:

*"Dan was deputed to find out exactly where the police were camped. After a careful reconnaissance he returned and reported that the police were at the shingled hut on Stringybark Creek, and that their tent was pitched in the open space nearby."*⁴⁹

And later after describing the shooting of Lonigan and with McIntyre bailed up:

*"Ned Kelly then called out, asking McIntyre who was in the hut. The latter [McIntyre] replied, 'No one,' and Kelly advanced"*⁵⁰

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The remains of the stone structure located by the investigation team may be of the hut described by Kenneally in his *The Inner History of the Kelly Gang*.

The remains may mark the location of the second hut referred to by G. W. Hall when he described the location of the police camp. The remains may be that of the "shingle hut" referred to by Ned. The investigation team submits the above three references (Hall, Kenneally and Ned) probably all relate to the same structure – the mysterious shingle hut.



Photo 10. Stone pile location hidden by forest floor litter, **approx 1 metre** in diameter, 37 metres North west of the present day Kelly tree

A pile of rocks, but absolutely no other indication it was a hut site? What a lot of crap trying to tie these few rocks as a 'stone structure' to G. W. Hall and the Shingle hut . This is an insult to all rational researchers.

By comparison here is a bush hut fireplace remains, one of two huts site approx. 250 metres up the creek from the Kelly tree. The C shaped rock pile is 4 metres wide and was cleared from over growth to show its full size in Jan 2004.



Extensive research tells us this fireplace was drawn by the artist for the Australasian Sketcher that visited the site just after the shootings of the police in Nov 1878

See- <https://ironicon.com.au/twohuts/images/sketcherdoublepagefireplacenov1878.jpg>

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Kenneally states that the shingled hut was not in the open space but close to it in the bush. This is also consistent with McIntyre's descriptions that the police had camped in the north west corner of a clearing, and later describing the finding of Scanlan's body just outside of the clearing.

Can someone please refer to the source of the highlighted sentence?

"Kenneally states"- on page 50 that Mr Tolmie took Kennedy to SBC and "showed him the Shingled hut on Stringybark Ck near which the police party afterwards pitched their tent" It also mentions Ned followed horse tracks on their way to "this hut"

So by that, we can see that one hut was standing at the time. The other 'burnt hut' as reportedly burnt down by Walter Lynch 15 months previous with Sergeant Kennedy as the court witness (Source, S. Hutchinson), is probably the fireplace shown above.*

See this also- <https://ironicon.com.au/twohuts/images/burman1photofireplace.jpg>

The police tent was pitched "a few yards behind an old hut" - the hut that was standing at that time. If the hut entrance faced the creek and you pitched your tent between it and the creek you would be pitching the tent in front of the hut. It was pitched behind the hut.

It is my assertion, the un burnt hut behind which the police pitched their tent was the one on the far right of the Burman photo.

see – <https://ironicon.com.au/twohuts/images/burman2photositeof2huts.jpg>

The fireplace (stones) of the other hut hidden behind the tree and stump in middle picture was probably described by GW Hall as the one which had been burnt down.

Hall was the Mansfield Gaurdian paper proprietor and he had reported the hut burning 15 months earlier, so he would have known.

Clearly this K28 CSI@SBC document avoids the two HUTs site altogether because it would spoil a pre conceived notion for the West bank Kelly tree scenario. The two huts site plays a pivotal role in the location of the police camp yet the authors of this document can't admit they may be wrong.

Page 32

"That he had been reconnoitering our position was evident from his next question which was :- "Who owns that brown mare over there". . . . Kelly was kneeling on one knee behind the log and in looking down the creek he looked over the body of Lonigan which was about 8 yards from him and a couple more from myself. He had the two rifles laid up against the log on his right hand, and I stood upon his left **with a log between us.**"⁷²

"with the log between us" – that should tell you something of a third log

"The sun had sunk behind the tall trees **on our left**, where the ground was elevated, and I thought the men would really not come that evening."⁷³



Stringybark Creek Clearing, Burman Plate1.[PROV.VPRS 4966, Unit2, Item9]
titled 'Wombat Ranges Where Troopers Were Shot'.

With Mc sitting on the log on the north side and facing northerly. "The Sun sank on our left". means - The picture is looking south and up the creek (a creek behind Mc's back is consistent with the two huts site).

I say, McIntyre's map was drawn from the Burman photo information so his map was consistent with the photos. But this makes his NSEW 180 degrees arse about.
If this photo view (above) was looking North as suggested by the Linton team, then McIntyre's left is to the East and we know the sun sets in the west.

In a copy of his map (below) you will see McIntyre M3 is on the wrong side of the log if his North is to be believed ?

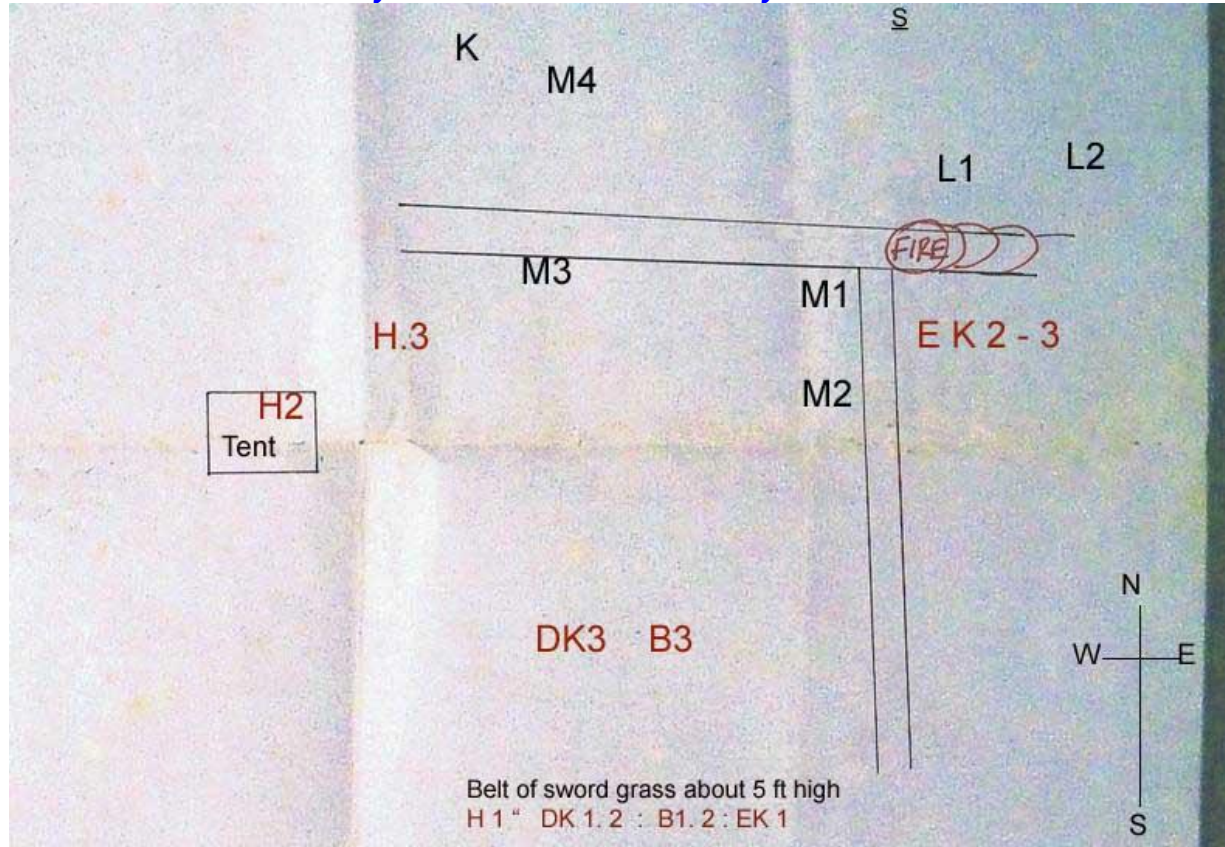
M4 is where he steps forward to K – Kennedy to the west north west
The Burman photo was taken from direction K and M4 looking south.
The two logs behind standing man are the two logs in his map.

Ned was actually at the fire junction of the logs directly behind the stump, and Ned told Mc "to sit on that log" ten yards to his left, - on the log behind the standing man, Mc facing North.

Facsimile copy of McIntyre's map. created for clarity. The original courtesy of the Victorian Police Museum, VPM RN3847

EK is where Ned crouched when he fired a shot at K.

The bullet missed Kennedy because M4 was in the way.



See my document at http://www.ironicon.com.au/stringybark_ck_the_authentic_location.pdf

Page 32 ref 6.8.2

"... He stooped to pick up a gun. Kennedy was on horseback. Prisoner said, 'You go and sit down on that log' (pointing to one), and added 'Mind you don't give any alarm, or I'll put a hole through you.' The log was about 10 yards distant from the prisoner, in the direction of Kennedy."⁸⁵

Note, in the direction of Kennedy . The prisoner (Ned Kelly) had Mc on his left about 10 yards distant in the direction of Kennedy meaning this side of the logs being north of the logs.

But this K28 CSI@SBC document says north is to the background left of the photo? This is totally wrong by 180 degrees

Whereas the photo is looking south and the log on which McIntyre actually sat is on the right of the photo.

Notice in the Burman photo Kennedy stands on the right.

Now, if Mc actually sat on the right log 10 yards from Ned being near the fire, we see that for photographic convenience the photographer has moved Mc to the left log and Kennedy right in close just for the photo.

Both actors are placed on the northern side of the logs with Ned behind on the south side.

“ I was in a direct line between him and Kennedy, who was on higher ground, Kelly had to shoot over my head and in doing so fired too high to hit him Scanlon who had not lessened the distance between himself and Kennedy and further that he saw the body of Lonigan.”⁸⁹ I stepped towards Kennedy and was about to explain the position to him



Stringybark Creek Clearing, Burman Plate1.[PROV.VPRS 4966, Unit2, Item9] titled 'Wombat Ranges Where Troopers Were Shot'.

If, as this K28 CSI@SBC document states , “Kennedy came from the north- yet you say from somewhere to the back ground Left of the picture, is totally erroneous .

Kennedy is shown on the right of the picture – the correct side of the logs, and is also the north side of the logs. McIntyre sits on the north side of the log, and Ned is on the south side of the log

Kennedy’s approach as stated “who was on higher ground” works at the two huts site location because the slope you see in the picture sweeps around to the north like a bowl. There is no creek between the flat ground and the slope. There is no slope at the Kelly tree site like this photo.

Please show me how you could take a photo near the Kelly tree site with a slope as in the background as in the Burman photo above ?

Page 36 Findings

7.18 The remnants of two stone fireplaces referred to in this paper, located on the western bank of Stringybark Creek, 274 metres (300 yards) south from the east/west transect referenced on the location of the present day “Kelly tree” may identify the place occupied by the gold prospectors Reynolds, Bromfield and Lynch mentioned in the historic record, oral history and suggested by some commentators.

In any case, the stone remains of the two fireplaces are important relics of the bygone gold fields era that need to be cared for as touchstones of history.

All the evidence on the ground proves the fireplaces are at the true site of the police camp.

Page 39 Conclusions,

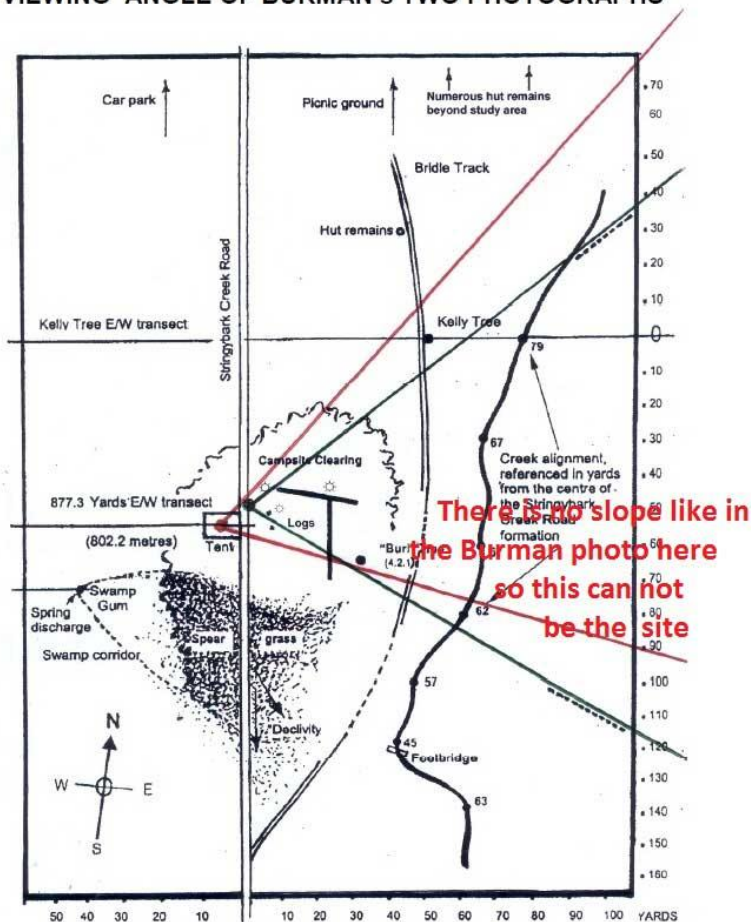
8.3 The analysis in 8.2 places the tent's location a "few yards" (metres) behind the hut, or remains of a hut, mapped in the 1884 survey of goldfields of the area (See 4.14, 7.7 and Appendix 3), noting the place to be the "Scene of the Police Murders by the Kelly gang."

- 8.4 The investigation team also concludes that the Victoria Police campsite layout within the forest clearing, as diagrammatically portrayed in this paper and throughout its commentary, represents a reasonable interpretation and application of the available information, and of the tragic events which occurred in and near the place on the evening of October 26th 1878. The investigating team considers that, should the analysis and its conclusions through independent, expert assessment be validated, it will have the capacity to contribute significantly to the extensive body of knowledge and historical literature that has accumulated about these events over the past 131 years.

The campsite identified by the investigation team is shown below.

APPENDIX 11

POLICE CAMPSITE PRECINCT : CAMERA POSITION AND VIEWING ANGLE OF BURMAN'S TWO PHOTOGRAPHS



This map image left, with the Burman photo angle arrays shown is from the March 2010 version given to me as requested.

The Linton team all agree this site plan best places their findings near the Kelly tree

However, there is no evidence of fireplaces or of any hut or huts!

There is No slope to speak of except the east bank on the other side of the creek some 120 metres away, and the photos exhibit no creek between the camera position and the slope !

This cannot be the site of the shootout, in actual fact, gentlemen, like they say your site up the creek - truly.

Bill Denheld

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*If anyone has an opinion regarding this document please provide feedback to
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