

CHARGE OF HARBOURING THE KELLY GANG.**[BY ELECTRIC TELEGRAPH.]****(FROM OUR OWN CORRESPONDENT.)****WANGARATTA, THURSDAY.**

Anne Jones, late of the Glenrowan Hotel, was charged before the Wangaratta Bench this morning, under the 275th clause of the Criminal Offences Statute, with harbouring a felon.

Mr. Chomley prosecuted on the part of the Crown, and Mr. J. Dwyer appeared for the prisoner.

Constable Thomas M'Intyre was examined as to the fact of the murder of the police at Stringybark Creek, with a view of subsequently establishing a knowledge of the murder on the part of the prisoner. Nothing new was elicited in this witness's cross-examination.

Detective Michael E. Ward deposed as follows:—I know the prisoner, and had frequent conversations with her at her hotel at Glenrowan about the Kellys between October, 1878, and June, 1879. Asked her if she could give me any information as to where I could find the Kelly gang. I said it was a pity they should be at large; that they had killed intimate friends of mine, naming the three police who had been shot. I said, "You can have the money, and I would have the credit of capturing them." She said she had no knowledge whatever of where they were, and that it was not likely they would come to her place, but if she could find out anything as to their whereabouts she would let me know. She said that Hettie, sister of Steve Hart, was stopping at her place, and she would try to find out from her where they were, as Kelly had killed her brother, and done away with them. She stated also that Kate Kelly and Mrs. Skillian would not speak to her.

Cross-examined by Mr. Dwyer.—Prisoner never showed any hostility to the police. I brought her up from the Melbourne gaol. She always promised to give me any information she could get, and her house appeared to be kept respectably.

James Reardon deposed that he was a railway line repairer, and knew prisoner. Some time after the shooting of the police witness said to prisoner "It was a great pity the Kellys shot the police." She said, "It was; but if they did not shoot the police, the police would shoot them." I asked her if she would take the reward. She said she would not take any blood-money. She said there were a lot of police after the Kellys, and she gained very well by them. I was in Mrs. Jones's house on the 27th June. On that Sunday morning, about 2 o'clock, my dog made a great row. I went out, and met Edward Kelly about 100 yards from my place. He did not then speak to me. I had some conversation with his mate, and Kelly then presented a revolver, and said he wanted them to take up the line, saying, "I am Ned Kelly." He took them to the railway station, where there were several people. Mrs. Jones and another woman and the station-master were there. Ned Kelly told them in prisoner's presence to pick out what tools they wanted, and then turning to Hart said, "Take these men where you want to break the road." Miss Jones (prisoner's daughter) and the accused went with them. When they returned after taking up the rails Mrs. Jones was still there. She went up to her own house some time after. She returned in about

Jones was still there. She went up to her own house some time after. She returned in about 20 minutes, and said to Ned Kelly, "Come on, old man, and have some breakfast and a wash; it will do you good." One of the gang said, "There is no room in your house," and she said there was plenty of room. She then said, "Come on and have a drink," and they all then went up to the house. Dan Kelly ordered breakfast, and said he would pay for it. They remained there until 10 or 11 o'clock the next morning (Monday). During the night Ned Kelly asked my wife if she would not like to go home, and she said she would. Mrs. Jones said no one should leave the house until Ned Kelly gave them a lecture. Mrs. Jones locked one of the doors; she might have locked the other. She gave one key to Dan Kelly and kept the other herself. Edward Kelly was at the back, and came and cautioned me not to leave my bed without permission. When the police came and fired, and when the boy was shot, Mrs. Jones said to the bushrangers, "You cowards, why don't you go out and fight them hand to hand?"

Cross-examined.—I took up about 22ft. of the rails. I could have done it in five minutes, but took about an hour and a half to do it. I was summoned here by Constable Armstrong. When they returned the four men were all there. An old woman had gone away, and Byrne went and fetched her back. It was Dan Kelly ordered prisoner to get breakfast. I was afraid of my life. Prisoner's son was shot in the house. Sergeant Steele told witness it was he shot him. That was on Monday morning. Young Jones, Miss Jones and Martin Cherry were shot from out side. I heard that Mrs. Jones demanded compensation from the Government for her house. Saw the house burning. There was very little drinking going on in my presence. I knew nothing against Mrs. Jones. She kept a decent, respectable place, as far as I knew.

Denis Sullivan, another line repairer, corroborated the last witness's evidence, adding that while the people were all at the station he saw Mrs. Jones give Byrne a drink out of a bottle. Mrs. Jones told her daughter to make ready the breakfast. The daughter was playing a concertina on the verandah. Dan Kelly let down the front blind. He tried to lock the door. Mrs. Jones said, "That is not the key, Dan; I will get you the key;" and went and got it, and she herself locked the door, and handed the key to Dan, saying, "You take this key, Dan, and give me the one you have, as it is the key of the bar." Mrs. Jones kept the people from going away by locking the door. When the police came, Mrs. Jones called the bushrangers a lot of cowardly fellows, and asked them why they did not go out and fight the police. Ned Kelly was not with the three others when she said this.

Cross-examined.—Ned Kelly, Byrne, Mrs. Jones, myself, and Reardon were at the taking up of the rails. Miss Jones might have had a revolver. When they returned Mrs. Jones had a bottle in her hand, as well as I remember. Hart asked me to have a glass, but I did not take any. It appeared as if they were all prisoners when Mrs. Jones locked the door, the Kellys as well as the rest of them. I withdraw my statement as to the Kellys appearing to be prisoners. The house was in darkness when Mrs. Jones's boy was shot. I was lying down at the time, afraid of being shot myself. I had never had any conversation with Sergeant Steele about the case before it came on. I spoke to the sergeant just outside the court during the adjournment. I drank no liquor whatever in the house that day or night. Left the house when all the rest left, perhaps between 9 and 10 on Monday morning. Was not in any fright when I was taking up the rails.

To Mr. Chomley.—Before I went to take up the rails Kelly tapped me on the shoulder

To Mr. Chomley.—Before I went to take up the rails Kelly tapped me on the shoulder with a revolver and said, "You have to do it." When the police were coming, Mrs. Jones or her daughter threw water on the fire. Saw Byrne with a candle looking for Constable Bracken, who had then made his escape. Young Cameron said to Reardon's son in the yard, "I think we can go home now." Miss Kelly said, "if you do I will tell the Kellys." I repeat that the Kellys appeared to be prisoners in so far as Mrs. Jones locked the door.

John Lowe, a labourer from Benalla, was employed at Glenrowan in June last. Saw Edward Kelly there on the 27th of that month. He took witness to Mrs. Jones's, and then to the railway gate. The four bushrangers were there. James Simson was there. Heard Ned Kelly tell some one to open the tool chest or burst the lock. Mrs. Jones was there outside. She appeared a prisoner, the same as the rest.

Mrs. Stanistreet, wife of the stationmaster at Glenrowan, deposed,—I saw the prisoner come into my bedroom at about 3 o'clock on Sunday morning, the 27th June. Ned Kelly was outside speaking to my husband. Mrs. Jones first came to the window and said, "Let him in." I asked who, and she said, "Ned Kelly." The door was broken open, and then Mrs. Jones came into the bedroom; my husband then came, and also Ned Kelly, and the latter then took them to break up the line. Ned Kelly asked my husband to break up the line. Mrs. Jones was present. Kelly said the police and black-trackers were coming up in a special train. He had his armour on; he had one or two rifles and two revolvers. Mrs. Jones went out with Ned Kelly and my husband. Mrs. Jones came back about an hour after. Some of the other bushrangers were keeping guard outside. Mrs. Jones said to Kelly if he went over to her place he could have something to eat. When the men came back from the line Mrs. Jones and her daughter were there, and the former told the latter to go and get breakfast for the bushrangers. Kelly was again at her place on Sunday evening, about 5 o'clock, and Mrs. Jones asked Ned Kelly what he would have for tea. He laughed, and said, "Oh, there are plenty of fat dogs about."

Margaret Reardon deposed,—Was taken

prisoner by Ned Kelly on the Sunday morning, and taken in the first place to Mr. Stanistreet's and then to Mrs. Jones's hotel. About 3 or 4 o'clock in the afternoon Dan Kelly asked me if I would like to go home. I said certainly. Mrs. Jones came in as we were preparing to go home. She said no one was to leave the house till Ned Kelly gave them a lecture, and that every one had better mind their own business. The doors were locked long before that. We were then not allowed to go out, and we were frightened. It was Mrs. Jones who prevented our going. Ned Kelly gave one of my children leave to go home for some bread. Kelly said that Mrs. Jones would give them all something to eat. Mrs. Jones said to Ned Kelly and Byrne, "I have plenty of bread, but I am keeping it for you, as I would not give a bite to half of them inside, as they treated me like a black-fellow." I remained in the house till the police came.

John Delany, a labourer, and one of the Kelly prisoners, said,—Prisoner was there, and said, "Old chaps, I've got you. I have a large company here to-day." I asked her to let me and my brother home, as she seemed to be a bit of a boss. She said, "No, revenge is sweet. I would give five shillings a head for some more of the Greta ——" I heard Dan Kelly ask Mrs. Reardon, about 10 o'clock on Sunday night, if she would like

I heard Dan Kelly ask Mrs. Reardon, about 10 o'clock on Sunday night, if she would like to go home, and she said, "Yes, and I would like the others to come too." Dan Kelly then said, "You all can go," and then moved towards the other. Mrs. Jones put her hands across the door and said, "Go back, and Ned Kelly will give us a lecture." Mrs. Jones made her son sing, "The Wild Colonial Boy." She said she wished the "Kelly gang would stop there a week." None of the bushrangers were present when she said so. Kelly cautioned them, saying that if any one passed any remarks after they went away he would shoot him. When the police came Ned Kelly told them all to lie down or they would be shot, and Mrs. Jones said, when the police commenced firing, "This is all — Fitzpatrick's work."

Cross-examined,—I believe my father is a blacksmith. I saw armour on Ned Kelly. I never helped to make that armour, and never knew it was being made by my father. I had a conversation with a policeman about this case. He asked me what passed in the house.

Michael Reardon, also one of the Kelly prisoners, proved having been shot with a slug, which was still in his shoulder. His father had applied for compensation for his wound. Saw money in Ned Kelly's hand at Mrs. Jones's.

Edwd. Reynolds, a farmer at Glenrowan, went with Ned Kelly to call Constable Bracken, who came out in his shirt, without arms, and was taken prisoner. When they were taken to Mrs. Jones's, she said, "Here is that — old Reynolds." Ned Kelly said, slapping his pocket, "Never mind, he's all right." Went out after, and saw Ned Kelly and Mrs. Jones with her arm on his shoulder. She said, "Look out, Ned, he is going to escape." Witness said he was not, and went back into the house.

William Sandercock, a labourer, proved that when the police came Mrs. Jones put out the lights, and threw water on the fire.

This closed the evidence for the prosecution.

Mr. Dwyer contended for the defence that there was no evidence to go to a jury, as the prisoner only acted to the bushrangers as Mr. Stanistreet and others had done, giving them food and endeavouring to conciliate them through terror. The prosecution bore the complexion that it was brought as an answer to the demand of Mrs. Jones for compensation for the loss of her son, for her daughter's wound, and for her house being burned down by the police. He did not, however, blame the Government, for it was essentially a departmental prosecution, instituted by the police to fish for evidence. Mr. Dwyer mentioned during his speech that he was instructed by Mr. Gurnson, whose official duties prevented his being personally present.

The Bench then committed the prisoner for trial at the next assizes to be held in Beechworth.

Mr. Dwyer applied that prisoner be allowed out on her own recognisance on account of her health.

The Bench fixed the bail at two sureties of £50, or one in £100, and the defendant's own in £100.

The Court then adjourned.