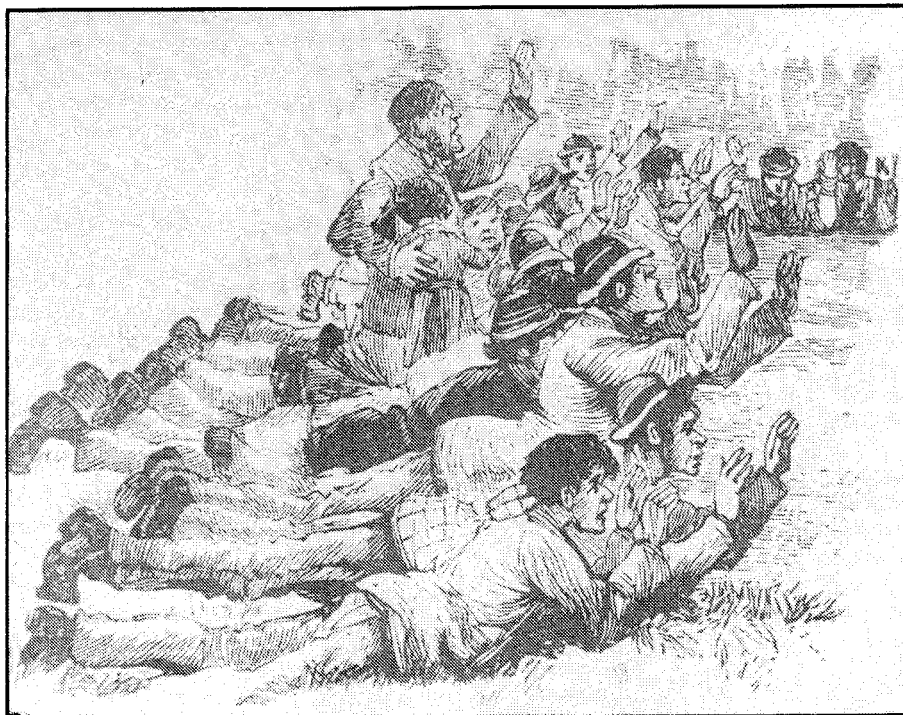


# THE DEATH OF MARTIN CHERRY

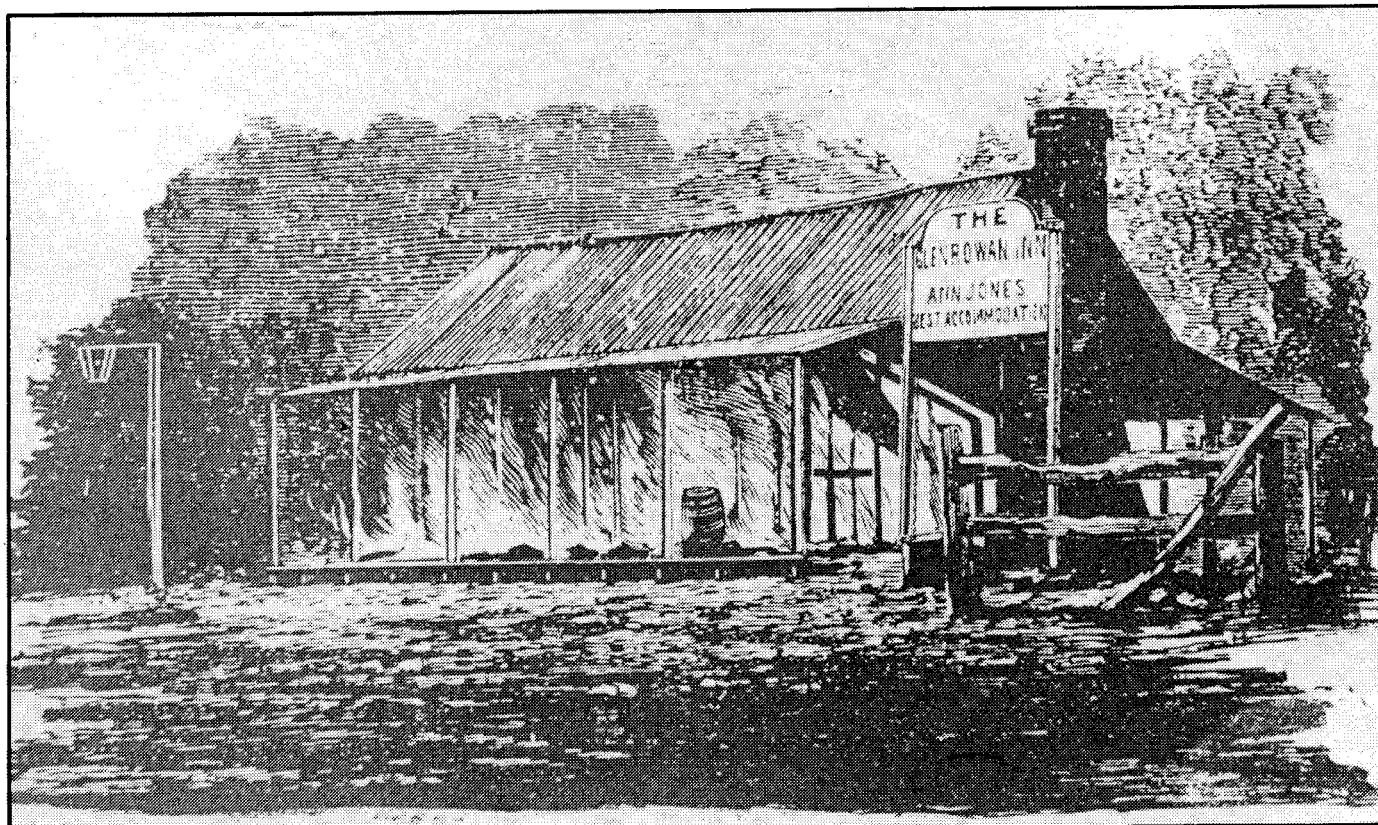
BY JIM KEMMY



*The prisoners on the ground outside the blazing Glenrowan Inn.*

**O**n 12th August, 1880, the *Limerick Chronicle* carried the following report of an incident in faraway Australia:

The Kelly gang of bushrangers, not withstanding their extraordinary career of murder and rapine, and who for so long defied the efforts of the police to capture them, were run to earth on the 27th of June, at Jones' Hotel, Glenrowan, a town on the north-eastern line of railway, about 136 miles from Melbourne. For many months, special parties of police, assisted by black trackers, had been scouring in vain, what has been called the Kelly country, in the neighbourhood of Beechworth. Proclaimed outlaws for the enormous crimes they had committed, many thousands of pounds had been offered by the Government for their apprehension, and it has been stated that they have cost the country upwards of £45,000 in the various efforts made to bring them to justice. Among those who



*The fire at the Glenrowan Inn.*

lost their lives in the fray, was a man named Martin Cherry, who it appears hails from Limerick city, and has been a considerable number of years in this colony.

The same edition of the *Limerick Chronicle* also contained a further and longer account of how Cherry was killed, 'during the destruction of the infamous band of outlaws who, under the leadership of Edward Kelly, for nearly two years had been the scourge of Victoria'. This account included a report from the *Melbourne Argus* of 20 June, 1880:

*In the outhouse or kitchen, immediately behind the main building, Martin Cherry, who was one of the prisoners made by the gang, and who was so severely wounded that he could not leave the house when the other prisoners left, was found still living, but in 'articulo mortis' from wounds in the groin. He was promptly removed a short distance from the burning hotel, and laid on the ground, when Father Gibney administered to him the Last Sacrament. Cherry was insensible, and barely alive. He had evidently suffered much during the day, and death released him from his sufferings within half an hour from the time when he was removed from the hotel. It was fortunate that he was not buried alive. Cherry, who was unmarried, was an old resident of the district, and was employed as a platelayer, and resided about a mile from Glenrowan. He was born in Limerick, Ireland, and was 60 years old. He is said by all who knew him to have been a quiet, harmless man, and much regret was expressed at his death. He seems to have been shot by the attacking force, of course unintentionally.*

All the press reports of the incident record that Martin Cherry was aged 60 years at the time of his death. This statement is also repeated in many of the books written on the event. Cherry is not a common surname in Limerick, but a search of all available parish records in Limerick City and part of County Clare, for the period, has failed to show the birth of a Martin Cherry in or around 1820. However, the baptismal register of St. Munchin's Catholic Church records that a Martin Cherry was born to John Cherry and Anne Cronin, and was baptised on 10 November, 1826. If this was the same man who was killed at Glenrowan on 28 June, 1880, it would mean that Cherry was only 53 years old when he died.

The date of Martin Cherry's departure for Australia is not known, and little information is available on his life. It has only been recorded that he worked as a goldminer, before he became a railway worker, and that he lived near Glenrowan. He was one of three innocent people killed in the final shoot-out between the Kelly gang and the police, some of whom were Irish. Indeed, it



*Captain Frederick Standish, Chief Commissioner of the Victoria Police from 1858-1880.*

could be said that, like hundreds of thousands of other immigrants in Australia, he would never have been heard of again except for the sensational siege and the terrible circumstances of his death.

The Kelly story, including the chain of events that led to the death of Martin Cherry, is universally well known. The gang of bushrangers was made up of Ned Kelly, his brother, Dan, Joe Byrne and Steve Hart. Ned Kelly had carefully selected Glenrowan, in the heart of the 'Kelly Country', for a showdown with the police. He had planned to derail the train carrying these policemen to the town and to gun down any survivors.

Glenrowan, once a goldrush town,

had a population of about a hundred, and had seen better days. The town consisted of two inns, a store, a blacksmith's shop, a post office, a school, a police station and about twelve houses. Glenrowan Inn was little more than a shanty, and was typical of hundreds of such buildings that had been hastily erected during the early goldrush days.

At daylight on Sunday morning, 27 April, every man, woman and child seen in Glenrowan was rounded-up by Ned Kelly and Steve Hart and detained in the Glenrowan Inn. During the morning, the number of captives grew to 62, as new arrivals in the town were made to join the prisoners. Joe Byrne and Dan Kelly also arrived from their long ride across

the Oxley Plains, after having killed Aaron Skevitt, Byrne's childhood friend who had turned police informer, at the door of his own hut, despite the presence of a police guard.

Throughout the afternoon, the bushrangers and their captives leisurely passed the time in the hotel in drinking, dancing, discussion and in the playing of games. The bushrangers' plan to derail the special train carrying the police and troopers came unstuck when a local schoolteacher raised the alert. Although they could have escaped before the police arrived at the inn, the four men decided to don their metal suits of armour and fight it out.

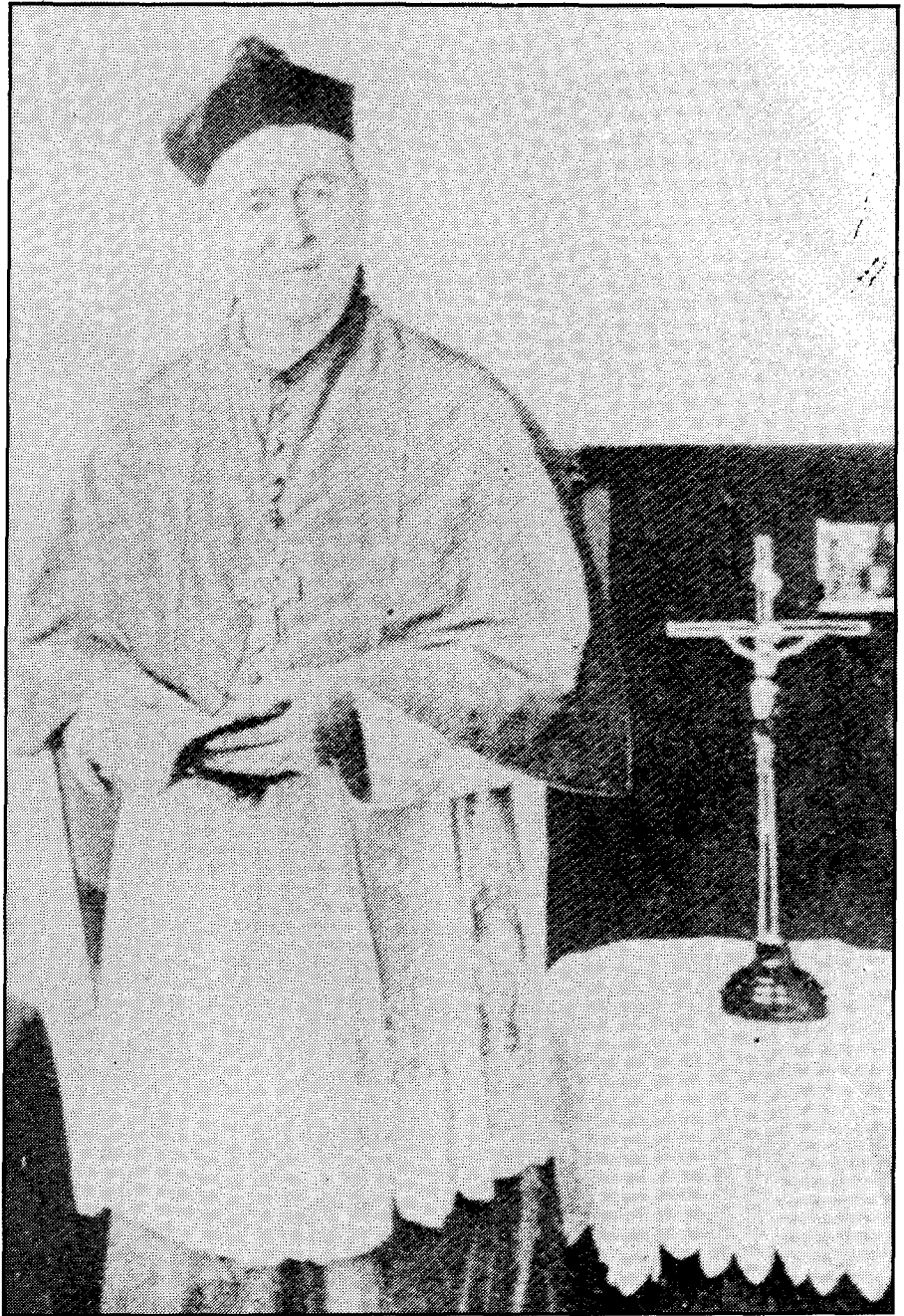
The police, under the command of Superintendent Francis Hare, surrounded the hotel and began to fire at will. They were to be augmented with reinforcements as the siege continued. Among the early casualties were Hare and Ned Kelly, who were both wounded. John Jones, the young son of the owner of the hotel, was shot in the abdomen. His mother, Ann Jones, frantically appealed for help in carrying him to a bed. Martin Cherry responded, and said to the man near him: 'Come on, lad, we'll carry him in'. The boy later died in hospital. Despite their best efforts to avoid being hit by lying on the floor and hiding behind all available cover, three of the prisoners were killed by the police and some more were wounded. The police also shot the bushrangers' four horses to cut off escape.

Under cover of darkness, the wounded Ned Kelly slipped out of the hotel into the surrounding bush and was later captured. Between 5 a.m. and 6 a.m. on Monday morning, the besieged bushrangers suffered a further blow when Joe Byrne was killed. Some time later in the morning, Martin Cherry was shot in the groin. He had been sitting on the floor with two other men, protected, they thought, by bags of oats. The police were later held responsible for spreading the rumour that Cherry had been shot by Ned Kelly for failing to hold aside a window-blind.

The two remaining bushrangers, Dan Kelly and Steve Hart, kept up a steady defence fire from the back of the building. At 10 a.m., about 30 prisoners, all men, escaped with their hands in the air through the front door, the women and children having left earlier.

At about 3 p.m., a policeman set fire to the inn. When the building was fully ablaze, Dean Matthew Gibney, a Catholic clergyman from Perth, who was in Victoria collecting money for an orphanage, and who had earlier tried to enter the building only to be stopped by the police, walked up to the front door and stepped inside. Gibney, at some personal risk, began to search the burning building for survivors and found the dead bodies of Joe Byrne, Dan Kelly and Steve Hart.

Martin Cherry had been so severely injured that he had been unable to leave



*Dean Matthew Gibney.*

the hotel with the other prisoners. Dean Gibney had been joined by the police and they found Cherry's insensible body in an outhouse behind the main building. He was barely alive and had suffered a great deal during the day. He was removed from the building and laid on the ground outside, where Dean Gibney administered the last sacraments. Gibney later testified:

*Cherry became unconscious on being carried out of the little back house where he lay. He made no statement. His mate told me Cherry was shot by the police.*

The Melbourne Herald commented on the circumstances of Martin Cherry's death:

*In all conscience Ned Kelly's crimes are more than sufficient for one wretch to*

*bear without being charged with another infamous and cold-blooded act, which he did not commit. There is no doubt that Cherry's death was caused by the reckless firing of the police. All accounts agree that after Ned Kelly left the hotel he never got back, and Cherry was undoubtedly alive when Ned Kelly left.*

Martin Cherry's death evoked genuine feelings of sadness in the Glenrowan community. By all accounts, he had been a quiet, law-abiding man. According to J.J. Kenneally in his book, *The Inner History of the Kelly Gang*, Cherry's body was handed over to his sister by Superintendent John Sadleir.

—On Wednesday, 30 April, 1880, Cherry's corpse was brought by train, with the wounded Ned Kelly and dead Joe Byrne, to the town of Benalla. He was



Superintendent John Sadleir.

buried in a quiet ceremony in a corner of Benalla cemetery, a short distance from where the yellow clay covers the bones of Joe Byrne.

No inquest on the cause of the death of Cherry, or of any of the other people who were killed at the Glenrowan Inn, was ever held. Instead, a magistrate's inquiry, conducted by Robert McBean, J.P., was hastily arranged. Chief Commissioner Frederick Standish sat on the bench, beside the magistrate, during the brief hearing.

Superintendent Sadleir wrote the deliberately misleading police report on the death of Cherry. He stated:

*It was known at this time that Martin Cherry was lying wounded in a detached building, shot by Ned Kelly early in the day, as it has since been ascertained, because he would not hold aside one of the window blinds; arrangements were made to rescue him before the flames could approach him. This was subsequently done.*

In response to press and public criticism of the conduct of the police during the Kelly search and shoot-out, on 7 March, 1881, the Berry government appointed a Royal Commission to inquire into the affair.

Superintendent Sadleir gave evidence on oath to the commission on 14 April, 1881. When asked about the magistrate's finding, and confronted by sworn testimony on the death of Martin Cherry,



Superintendent Francis Hare.

he was forced to reply: 'Shot by the police in the execution of their duty'.

These terse words may serve as an epitaph for the seven people who lost their lives in the Siege of Glenrowan, but they offered little consolation to their relatives, particularly those of the three innocent people who were gunned down. And criticism of the conduct of the police 'in the execution of their duty' during the Kelly hunt has continued to reverberate through Australian history to this day.

#### SOURCES

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The author wishes to express his gratitude to Frank Kearney, West Melbourne, for his untiring efforts in searching out and collecting information on Martin Cherry in Melbourne, Wangaratta, Glenrowan and Beechworth.