

John KELLY

23/10/2012

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Constable

Assault – Rock

Yass

10 April, 1835

On **10 April, 1835** the constable was serving summonses on a number of offenders in the Yass district in relation to the sale and purchasing of alcoholic spirits without a licence.

Between Yass and Bogolong he met a man named **Andrew Gillies** and after a conversation both men went to have a drink of water in a nearby creek.

Another man, **John Hoy**, witnessed the event and told the Supreme Court of New South Wales on **13 February, 1837** that *"...when we came to the creek, Kelly and the prisoner went down to drink, while I held the horses; Gillies first drank; then Kelly went, leaving his musket on the bank; when he (Kelly) stopped to drink, I saw Gillies pick up a stone of about two or three pounds weight, and threw it sideways at Kelly; I know it struck Kelly, because he immediately fell on his mouth; Gillies then rushed down and seizing him by the collar, struck him several blows towards the back of the head with a stone which would weigh perhaps seven or eight pounds..."* □

The body of the constable remained undiscovered in the bush outside Yass for **about eighteen months** before witness **Hoy** revealed its location to **Chief Constable Edward Roach** of Yass Police in late 1836.

The accused **Gillies** was convicted and sentenced to death. He was executed on 15 July, 1837

*The Australian newspaper of **17 February, 1837** reported that "**Andrew Gillies** underwent the awful sentence of the law on Monday last, for willful murder. The unfortunate culprit was attended in his last moments by the Rev. Mr. McEnroe, and he appeared to pay great attention to the Reverend Gentleman's instructions, and joined firmly in prayer. He protested to the last moment that he was innocent of the charge for which he was to undergo the awful sentence of the law."*

At the time of his death the constable was aged 28 years and was stationed at Yass. The scene of his murder was Jugyong (Jugiong) Creek, Yass.