

# JOHN KELLY'S FORMER HOUSE



JOHN KELLY'S FORMER HOUSE SOHE 2008



john kelly's former house whiteside street beveridge chimney 2



john kelly's former house whiteside street beveridge site view



john kelly's former house whiteside street beveridge restored chimney nov1993

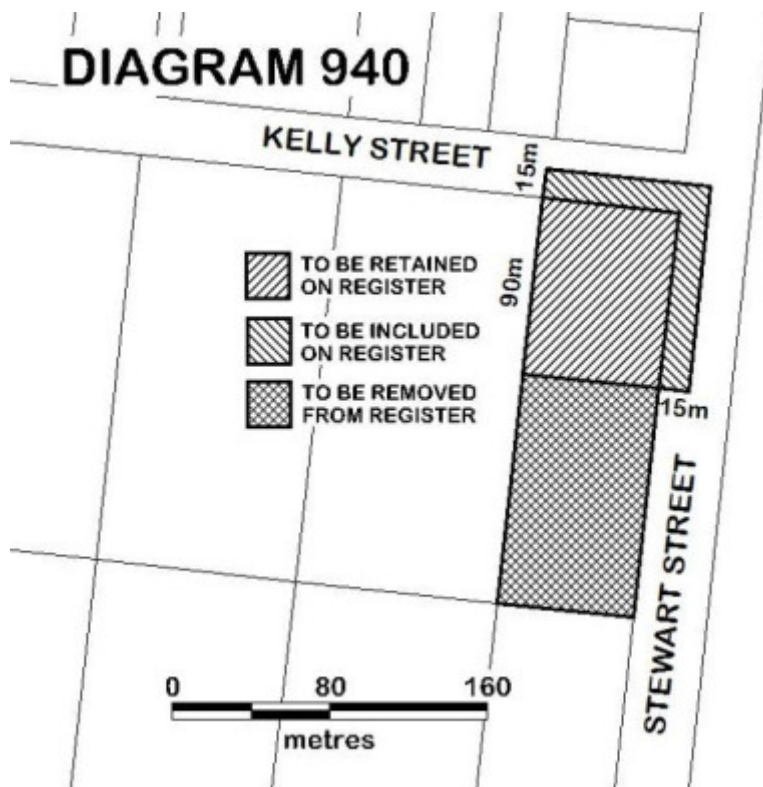


diagram 940.JPG

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## Location

44 KELLY STREET BEVERIDGE, MITCHELL SHIRE

## Municipality

MITCHELL SHIRE

## Level of significance

Registered

## Victorian Heritage Register (VHR) Number

H0940

## Heritage Overlay Numbers

HO4

## VHR Registration

September 30, 1992

## Amendment to Registration

August 20, 2015

## Heritage Listing

Victorian Heritage Register

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## Statement of Significance

Last updated on - February 9, 2000

What is significant?

John Kelly's Former House at Beveridge, c.1860, a substantially intact example of vernacular timber construction.

### *History Summary*

As a child, Ned Kelly (1854-1880) one of Australia's most infamous bushrangers, lived in John Kelly's Former House which was built by his father John 'Red' Kelly in 1860. John Kelly was born in Tipperary, Ireland in 1820 and transported to Australia in 1841. Once a free man, he moved near Wallan Wallan in 1849 and in 1850 married Ellen Quinn and bought a forty one acre farm at Beveridge in 1854 which he later sold. In 1859 John Kelly purchased a smaller 21 acre (8.5ha) property and in 1860 the dwelling known as the John Kelly House was constructed using materials he could obtain from the bush, including local bluestone for the chimney. The Kelly family, including Ned, resided in the Beveridge house until 1864 when the family moved to Avenel.

### *Description Summary*

John Kelly's Former House c.1860 is a vernacular timber cottage with a corrugated iron roof. It was originally a three room cottage but has had additions most likely during the second half of the nineteenth century. It now has eleven rooms. There is a well on site, water tank, early fence posts and two trees, one on the eastern and one on the western boundaries of the property. The plan form of the original section of the house appears to relate to Irish cottage traditions. The construction and detailing of the roof, including the use of bush poles, shingles, transverse split timber boards, gutter details and the absence of eaves are not known elsewhere in Victoria. There is a bluestone chimney with brick-lined sides and a brick paved verandah structure of chamfered posts, a low pitch roof with machine sawn rafters. Internally the house has a main room and a second room opening off it. The main room is entered by a door in the western wall which has a Carpenter Patent Lock. There is a former cupboard to the left of the fireplace, an adzed timber post on the north eastern side corner of the room, a former window and a 0.91mx0.61m (3ftx2ft) sash window in the eastern wall. There is a plywood and strapwork dado. The second room opening from the main room appears to have been originally divided in two. It is of exposed split 30.5cm (12inch) timber. This second room has a cupboard and a 0.91mx0.61m (3ftx2ft) sash window in the western wall. A former door opening from the main room into what was the third room is visible inside the cupboard. The eastern wall of the house collapsed prior to 1992 but has been made good. The original house has been extended across its southern side and a door has been set at the south end of the verandah which runs along the eastern external wall of the original house. This door leads to a hall way with six rooms opening off it. The extensions are of split paling weatherboard and include three brick fireplaces. On the western side of the house a brick paved laundry with former fireplace and copper and a bathroom have been built off the west end of the former verandah that was located along the eastern, southern and western side of the extensions. There is evidence that two other rooms were formed by enclosing sections of the verandah. The house was originally surrounded by a fence.

This site is part of the traditional land of the Wurundjeri people.

#### *How is it significant?*

John Kelly's Former House is of archaeological, architectural and historical significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

#### Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

#### Criterion B

Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

#### Criterion C

Potential to yield information that will contribute to an understanding of Victoria's cultural history.

#### Criterion H

Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

#### *Why is it significant?*

John Kelly's Former House is significant at the State level for the following reasons:

John Kelly's Former House is historically significant because of its association with Ned Kelly, one of Australia's most infamous bushrangers, and the notorious and influential series of events in Victoria's history known as the 'Kelly outbreak' of the 1870s. After Ned Kelly's death in 1880 a Royal Commission investigated the Victorian Police Force focusing public attention on the tensions between Irish Catholic selectors and English protestant squatters and the issue of police harassment. The Commission led to many changes in law enforcement and policing in Victoria. Since that time the 'Kelly Legend' has become a polarising narrative in Australian history, with some claiming Kelly as a hero and others remaining critical of his use of violence to achieve his goals. The Kelly Legend is aligned with a particular strand of Australian nationalism which celebrates rugged individualism, anti-authoritarianism and the rural environment. [Criteria A & H]

John Kelly's Former House is architecturally significant as a rare example of vernacular timber cottage construction based on Irish principles. The plan form of the original section of the house is uncommon in Victoria

and relates to Irish cottage traditions. The construction and detailing of the roof, including the use of bush poles, shingles, transverse split timber boards, gutter details and the absence of eaves are not known elsewhere in Victoria. [Criteria B]

John Kelly's Former House is archaeologically significant for its potential to contain archaeological artefacts and deposits which may provide significant information about the construction and use of the place by Irish settlers in mid-nineteenth century Victoria. The site has the potential to contain artefacts and deposits that relate to Ned Kelly's early family life. [Criterion C]

John Kelly's Former House is also significant for the following reasons, but not at the State level:

John Kelly's Former House is significant for its association with Irish Catholic selectors who settled in mid-north of Victoria during the mid-nineteenth century and the Kelly family.

## Permit Exemptions

### General Exemptions:

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR). General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which don't harm its cultural heritage significance, to proceed without the need to obtain approvals under the Heritage Act 2017.

**Places of worship:** In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must [notify](#) the Executive Director of Heritage Victoria before you start the works or activities at least 20 business days before the works or activities are to commence.

**Subdivision/consolidation:** Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director of Heritage Victoria as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

### Specific Exemptions:

#### PERMIT EXEMPTIONS

##### General Condition 1

All exempted alterations are to be planned and carried out in a manner which prevents damage to the fabric of the registered place or object.

##### General Condition 2

Should it become apparent during further inspection or the carrying out of works that original or previously hidden or inaccessible details of the place or object are revealed which relate to the significance of the place or object, then the exemption covering such works shall cease and Heritage Victoria shall be notified as soon as possible.

##### General Condition 3

All works should be informed by Conservation Management Plans prepared for the place. The Executive Director is not bound by any Conservation Management Plan, and permits still must be obtained for works suggested in any Conservation Management Plan.

#### General Condition 4

Nothing in this determination prevents the Heritage Council from amending or rescinding all or any of the permit exemptions.

#### General Condition 5

Nothing in this determination exempts owners or their agents from the responsibility to seek relevant planning or building permits from the relevant responsible authority, where applicable.

#### Specific Permit Exemptions

##### Landscape Exemptions:

The following landscape maintenance works are permit exempt:

- . Landscape maintenance works including mowing, maintaining paths and roadways, and maintaining and repairing non-original fencing, provided the activities do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits.
- . Removal of dead or dangerous trees and emergency tree works to maintain public safety and to protect buildings and structures providing the Executive Director is notified within 21 days of the removal or works occurring.
- . Management of trees in accordance with Australian Standard; Pruning of Amenity Trees AS 4373.
- . Management of trees in accordance with Australian Standard; Protection of Trees on Development Sites AS 4970.

##### Fire Suppression Duties

The following fire suppression duties are permit exempt:

- . Fire suppression and fire fighting duties provided the works do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits;
- . Fire suppression activities such as fuel reduction burns, and fire control line construction, provided all significant historical and archaeological features are appropriately recognised and protected

Note: Fire management authorities should be aware of the location, extent and significance of historical and archaeological places when developing fire suppression and fire fighting strategies. The importance of places listed in the Heritage Register must be considered when strategies for fire suppression and management are being developed.

##### Weed and Vermin Control

The following weed and vermin control activities are permit exempt:

- . Weed and vermin control activities provided the works do not involve the removal or destruction of any significant above-ground features or sub-surface archaeological artefacts or deposits.
- . Removal of plants listed as noxious weeds in the Catchment and Land Protection Act 1994.

Note: Particular care must be taken with weed and vermin control works where such activities may have a detrimental affect on the significant fabric of a place. Such works may include the removal of ivy, moss or lichen from an historic structure or feature, or the removal of burrows from a site that has archaeological values.

## Theme

## 2. Peopling Victoria's places and landscapes 6. Building towns cities and the garden state 7. Governing Victorians

Construction dates	1860,
Architect/Designer	Kelly, John 'Red',
Heritage Act Categories	Registered place,
Other Names	JOHN KELLY HOUSE, KELLY HOUSE, KELLY HOUSE, KELLY RESIDENCE, NED KELLY HOUSE, NED KELLY'S CHILDHOOD HOME, RED KELLY,
Hermes Number	149
Property Number	

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### History

#### HISTORY

John (Red) Kelly was born in Tipperary, Ireland in 1820 and was sentenced for stealing two pigs in 1841. He was transported to Van Diemen's Land, a long and treacherous journey by sea, aboard the *Prince Regent*. When his seven year sentence expired in 1848 he sailed to the rapidly expanding Port Phillip District. Kelly moved near the settlement of Wallan Wallan in 1849 and was an itinerant worker in the area as a fencer and splitter. On 18 November 1850 he married eighteen year old Ellen Quinn, the daughter of James and Mary Quinn. Ellen was a skilled horse and cattle handler from her life on the Quinn family farms. Ellen had worked at a Melbourne saddlery for a time. John Kelly tried his luck on the Bendigo goldfields and in December 1853, after some success, returned to Merri Creek. Ellen Kelly had given birth to Anne Kelly in November.

John Kelly bought a forty one acre farm at Beveridge in 1854 and later that year he bought an additional half acre block and built a house to rent. Edward (Ned) Kelly is understood to have been born at a location in Beveridge in December 1854 and he was baptised by Father Charles O'Hea. The Kelly's did not prosper at Beveridge and John Kelly sold the farm and half his town block. He and Ellen shifted the family to a hut which was built on the remaining quarter acre.

In 1859 John Kelly purchased a 21 acre (8.5ha) property and in 1860 the dwelling known as John Kelly House was constructed. Records held in the Melbourne Titles Office give details of a conveyancing transaction between Charles Mc Dougall and John Kelly for Lot 41 in that year with John (Red) Kelly's signature authenticated as the same as that on the birth certificates of his children at Beveridge.

Ian Jones in his book *Ned Kelly ; A Short Life* paints a poetic picture of the almost five year old Ned Kelly watching his father build the house:

Over this landscape he would move with his father - on foot, by cart, on horseback - watching Red fell trees, strip bark, split palings and shingles with a paling knife, adze tree trunks into posts, split rails with maul and wedges, harness the cart horse, saddle and bridle the saddle horses, milk cows, set and skim the cream. All of this was part of Ned's earliest education; this and the tales told by the hearth, of Ireland and Van Diemen's Land and the goldfields, evergreen stories of Irish odyssey with the bloodline of English authority running through them.

Jones describes the house as having a shingle roof and walls clad with split palings:

A drain in the dirt floor divided the living and cooking area from the space where Red and Ellen slept with their three children. Behind this was a walled off dairy and tack room. At the back Red sank a deep well lined with bluestone which gave, beautiful water... always cool. In this cottage three more children were born to Red and Ellen : James in 1859, Daniel in 1861 and Catherine in 1863.

The Kelly family, including Ned, resided in the Beveridge house until 1864 when the family moved to Avenel.

John Kelly died on 27 December 1866. Ellen Kelly and her five daughters and three sons moved to a cottage at Eleven Mile Creek between Greta and Glenrowan in northern Victoria where her father James Quinn had purchased a cattle run of 25,000 acres in 1862. The Quinns and two Lloyd brothers, who had married into the family, were well known in the local area and suspected by the police in connection with the theft of horses and cattle. The Kelly family saw themselves as victims of police persecution. The exploits of the Kelly family and in particular, the bushranger Ned Kelly, were to become a part of Australian folklore and the north eastern area of Victoria later known as Kelly Country.

Bushranging in nineteenth century Australia received strong public sympathy and Ned Kelly and his gang had many supporters. Aged fifteen Ned Kelly was arrested in 1869 for allegedly assaulting a Chinese trader and was held on remand for ten days. The charge was subsequently dismissed. The following year Ned Kelly was arrested and held in custody for seven weeks as the suspected accomplice of the bushranger Harry Power, but that charge was also dismissed. Ned Kelly was captured at Glenrowan in 1880 for the murder of Constable Lonigan at Stringybark Creek on the evening of 26 October 1878. He was hanged in Old Melbourne Gaol on 11 November 1880.

John Kelly House was the subject of numerous newspaper reports and letters in 1992 expressing concern at its deterioration. Heritage Victoria investigated its significance in that year and there was considerable public interest at the time of the hearing with the general community valuing the house as a tangible link with the Ned Kelly legend. John Kelly House was listed on the Victorian Register of Historic Buildings in September 1992. The publicity generated at the time of listing has ensured that John Kelly's Former House is well known by Victorians as a place of historic significance for its association with the life of Ned Kelly.

#### KEY REFERENCES

Ian Jones, *Ned Kelly ; A Short Life*, Lothian Books, Melbourne, 2003.

#### FROM REGISTER OF THE NATIONAL ESTATE

John (Red) Kelly was born in Tipperary, Ireland in 1820 and was sentenced for stealing two pigs in 1841. He was transported to Van Diemen's Land, a long and treacherous journey by sea, aboard the Prince Regent. When his seven year sentence expired in 1848 he sailed to the rapidly expanding Port Phillip District. John Kelly moved near the settlement of Wallan Wallan in 1849 and was an itinerant worker in the area as a fencer and splitter. On 18 November 1850 he married eighteen year old Ellen Quinn, the daughter of James and Mary Quinn. Ellen was a skilled horse and cattle handler from her life on the Quinn family farms. Ellen had worked at a Melbourne saddlery for a time. John Kelly tried his luck on the Bendigo goldfields and in December 1853, after some success, returned to Merri Creek. Ellen Kelly had given birth to Anne Kelly in November.

John Kelly bought a forty one acre farm at Beveridge in 1854 and later that year he bought an additional half acre block and built a house to rent. Edward (Ned) Kelly is understood to have been born in December 1854 and he was baptised by Father Charles O'Hea.

It was noted that drunkenness was a problem in the Beveridge area. The Kelly's did not prosper at Beveridge and John Kelly sold the farm and half his town block. He and Ellen shifted the family to a hut which was built on the remaining quarter acre.

John Kelly who purchased the 21 acre property in 1859 and shortly afterwards the dwelling known as John Kelly House was constructed. Records held in the Melbourne Titles Office give details of a conveyancing transaction between Charles Mc Dougall and John Kelly for Lot 41 in that year with John (Red) Kelly's signature authenticated as the same as that on the birth certificates of his children at Beveridge. Ian Jones in his book: *Ned Kelly ; A Short Life*, paints a poetic picture of the almost five year old Ned Kelly watching his father build the house :

"Over this landscape he would move with his father - on foot, by cart, on horseback - watching Red fell trees, strip bark, split palings and shingles with a paling knife, adze tree trunks into posts, split rails with maul and wedges, harness the cart horse, saddle and bridle the saddle horses, milk cows, set and skim the cream. All of this was part of Ned's earliest education; this and the tales told by the hearth, of Ireland and Van Diemen's Land and the goldfields, evergreen stories of Irish odyssey with the bloodline of English authority running through them. "

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Ned Kelly attended school with Tom and Sarah Wall his teachers at the former Roman Catholic Church at Beveridge from May 1863 to December 1863. This building was originally erected as a school and church. Ned learned to read and write to second class standard.

The Kelly family, including Ned, are believed to have resided in the Beveridge house until 1864 when the family moved to Avenel.

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Ned Kelly was captured at Glenrowan in 1880 for the murder of Constable Lonigan at Stringybark Creek on the evening of 26 October 1878. He was hanged in Old Melbourne Gaol on 11 November 1880.

John Kelly House was the subject of numerous newspaper reports and letters in 1992 expressing concern at its deterioration. Heritage Victoria investigated its significance in that year and there was considerable public interest at the time of the hearing with the general community valuing the house as a tangible link with the Ned Kelly legend. John Kelly House was listed on the Victorian Register of Historic Buildings in September 1992. The publicity generated at the time of listing has ensured that the former John Kelly House is well known by Victorians as a place of historic significance for its association with the life of Ned Kelly.

## **Extent of Registration**

### NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by modifying Heritage Register Number H0940 in the category described as Heritage Place.

John Kelly's Former House  
44 Kelly Street  
Beveridge  
Mitchell Shire

All of the place shown hatched on Diagram 940 (less the part shown cross-hatched) encompassing part of Section 41, Township of Beveridge, Parish of Merriang and parts of the road reserve of Kelly Street and Stewart Street.

Dated 13 August 2015

TIM SMITH  
Executive Director



[Victoria Government Gazette G 32 13 August 2015 p1757]

#### CORRECTION TO NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I correct the notice published in the Victoria Government Gazette G 32, 13 August 2015, page 1757, such that Heritage Register Number H0940 John Kelly's Former House, 44 Kelly Street, Beveridge, is now included in the categories of Heritage Place and Archaeological Place.

Dated 20 August 2015

TIM SMITH  
Executive Director

[Victoria Government Gazette G 33 20 August 2015 p.1802]

*This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.*

*For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>*