

Third Draft
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The Sash

by

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1 EXT - TIMBERED AREA BEHIND GLENROWAN INN - JUST BEFORE DAWN

Caption: June 28th, 1880, 6:15a.m.

The final stages of the siege at the Glenrowan Inn

NED badly shot and bleeding stumbles through the forest wearing his armour, but struggling with his helmet in one hand

After a short while he is met by TOM Lloyd who rushes over to support him

NED

Tom.....

TOM

Ned.....where are the others

NED

They are....they're.... *(he looks around and an awful realisation dawns on him as he realises the others are still in the inn)they haven't.....Joe's done for...but Dan and Steve (looking around he is overcome by blood loss and faints)*

TOM lays NED out and takes his pulse - he looks over NED'S body and sees profuse bleeding from his left elbow and hand - he sits NED forward to remove his oilskin coat, and then tries to stem the blood flow with a handkerchief - NED starts coming to

TOM

Ned....listen to me - there are still thirty men in the bush here – not everyone wants to go – they're waiting your command - we can over run them

NED

No....no....leave them - we've lost enough as it is - I don't want anymore blood – it's not their fight now.....and besides the dogs can't shoot me now *(he thumps his breast plate - then struggles to sit up)* help me reload these

TOM

Ned you've got to let us

NED

No! Now reload this - I'm going back for them.....time to get it over with

TOM

Ned.....

NED

You know how it is Tom – no backward steps

TOM doesn't say anything and just pauses and nods - the guns are reloaded and NED struggles to stand - TOM helps him then places NED'S oilskin over his shoulders, and lowers the helmet over his head - NED stumbles away with out saying any more and TOM watches him go

2 EXT - EDGE OF TIMBERED AREA IN FRONT OF GLENROWAN INN – JUST BEFORE DAWN

We see a number of policemen from side on, rifles and revolvers aimed, waiting patiently behind trees, one of them is Constable James ARTHUR who his squatting down lighting a pipe while he waits - he just has it lit as he sees something in the bush to his right

He looks over and he sees NED'S incredible silhouette stumbling down the slope towards him, ARTHUR stares disbelievingly and the pipe drops out of his mouth

ARTHUR

Who goes there?.....I say who goes there?

NED says nothing, still stumbling forward looking almost drunk

ARTHUR

(To himself) What are you?

Constable PHILLIPS

(To ARTHUR) What is it?

ARTHUR

I don't know.....some kind of madman who's lost his way (to NED)
stop I say stop - go back - don't come any further - you could get shot here

NED

I'll be doing the shooting sonny!

NED raises his arm from behind the oilskin to reveal a revolver - ARTHUR however gets in the first shot which bounces off NED'S helmet and he staggers back, NED re-aims with his revolver but has difficulty lifting it and the shot hits the dirt in front of ARTHUR, who then takes another shot - again bouncing off NED, who staggers backwards - ARTHUR then kneels down and lines up a careful shot just below the eye slit of the helmet, he fires and NED then jolts backwards and returns fire again with poor aim and misses

ARTHUR

It's no use shooting at him!

PHILLIPS

It's the devil!

NED

Good shots boys! Come on fire away you buggers - you can't hurt me

Constables HEALY and MOUNTIFORD run up with in about ten yards of NED (in front and to the left of PHILLIPS) and fire both barrels of their shotguns at NED

NED

(Laughing) Is that the best you can do? Is that all?

NED fires a few misdirected shots and we then see Sergeant STEELE looking over from a distance, near the side of the inn, he squints as he tries to make out what it is they're firing at - he then thinks he knows

STEELE

Steady firing! - it's a blackfellow! *(he then leaves to make his way over)*

We see NED now beating his breast plate and yelling out to the inn

NED

Come out! Come out boys! Dan ! Steve! Come out and we'll whip the beggars!

We see ARTHUR looking to NED, and then to the inn - a rain of bullets comes from the inn and splinters the trees near STEELE – he takes cover

CAWSEY and MOORE – positioned near STEELE – start firing as well – NED returns fire unsuccessfully – HEALY and MOUNTIFORD are caught in the cross fire – HEALY moves up the slope to NED'S right, and MOUNTIFORD moves down towards the railway fence on NED'S left, where he joins Constables KELLY and BRACKEN and Railway Guard DOWSETT – and ARTHUR who arrives as well

This leaves the path to the Inn clear for NED and he stumbles forward, injured and weakening, with bullets bouncing off his armour. He soon finds himself surrounded with Constables ARTHUR and KELLY moving around behind him. He makes it to a group of three small trees, and is momentarily overcome, he kneels down to reload his pistols when MUSIC – Joe Byrne's grey horse – wanders over to him – there is a pause and a look of disbelief on the faces of the police as they watch this – expecting him to take the mount and ride away – NED looks up then ignores the horse – MUSIC starts to gallop away but is shot by MOORE, and falls

NED throws his colt revolver away – too injured to reload it – and reloads the webley revolver – but before he can shoot it, it is shot out of his hand, and he draws his last gun – another colt revolver

STEELE looks down to the Inn, with Dan and Steve still firing – and then to NED – he is potentially caught in the cross fire and decides to chance it while NED is still

reloading – he sprints towards NED who sees him coming – NED raises his gun to shoot and STEELE dives to the ground – NED shoots and hits the ground in front of him – spraying dirt into STEELE’S eyes

NED stands and receives more fire – HEALY shoots him through the hand, and then BRACKEN shoots the tip of his little finger and the edge of the revolver grip

NED

(striking his revolver against his helmet) You bloody dogs – you can’t shoot me now

NED turns from the direction of the Inn and staggers towards a large fallen tree, towards the railway line. NED approaches the tree as STEELE recovers and sneaks up behind him and DOWSETT approaches from the railway line. DOWSETT gets near to the trunk and fires six times – they all bounce off NED’S armour

DOWSETT

Hasn’t touched him! This man must be the devil!

MOUNTIFORD, KELLY and DWYER all close in on NED, as he leans on to an arm of the fallen tree

DOWSETT

You better surrender now!

NED turns slowly

NED

Never! Not while I have a shot left, you dogs!

DOWSETT shoots at his helmet – it bounces off NED – STEELE is now close enough to study NED and sees his legs are now vulnerable

DOWSETT

How do you like that old man?

NED

How do you like this *(he raises his gun and shoots- narrowly missing DOWSETT’S head)*

The injured MUSIC stumbles between NED and STEELE – NED is distracted and STEELE drops to one knee and shoots buckshot through NED’S right knee – NED is losing blood and stumbles with his legs asplay – STEELE advances and fires again – through NED’S hip and thigh – NED stumbles more

NED

I’m done!.....I’m done!

NED crashes against the tree and STEELE jumps on to him and wrestles with the revolver – DOWSETT and KELLY join in as well – the revolver goes off next to STEELE’S face, but he is unharmed. They fall to the ground and the wrestle continues – DOWSETT secures the revolver – almost breaking NED’S finger in the trigger guard. A few others have gathered around now and STEELE is under NED but works his way out as volunteer RAWLINS moves NED’S injured arm out of the way

Constable KELLY removes the helmet as STEELE gets to his feet

STEELE

By God! it’s Ned! *(he grabs the helmet from KELLY and holds it up)*
It’s Ned! I’ve got him! You bloody wretch – I told you I’d be here at your death and now I am!

NED looks up at him – shivering and white – his face is covered with bruises, and his eyes are swollen and black – blood runs down from his nose and cheek injuries – and he just stares at him with a wild and wasted look – finally speaking softly and breathlessly

NED

That’s enough.....I’ve got my gruel

DOWSETT

Take him alive – take him alive

STEELE

No he’s mine

STEELE lowers his rifle and points it right at NED’S face – NED breathes quietly and just stares at him – in a world of his own

BRACKEN steps across NED’S body and stares at STEELE

BRACKEN

I’ll shoot any bloody man that dares touch him

There is a stand off for a moment, and then STEELE lowers his rifle and BRACKEN steps back. The men all look around and at NED and others join the crowd

3 EXT – RAILWAY SHED AT GLENROWAN - AFTER DAWN

Wide shot as NED, unconscious and with out his armour on, is carried into the shed - a large group follows behind

4 INT – RAILWAY SHED - AFTER DAWN

We see DR NICHOLSON from NED'S POV fading - in and out as leans over NED

DR NICHOLSON
Ned.....Ned.....can you hear me.....Ned

NICHOLSON turns to Constable ARTHUR who is watching from the back of the small crowd that has gathered around

DR NICHOLSON
He's alive but not for long I fear - he's in a desperate way - I don't know how much longer he'll last.....*(to HAWTHORNE by NED'S left arm)* see if you can halt that bleeding there *(to McWIRTER by NED'S feet:)* better cut those boots off and have a look *(turns to NED)*
....Ned.....Ned.....can you hear me?Ned

The boots are torn off and the pain suddenly wakes NED into consciousness, albeit very faintly

NED
Argghh.....

DR NICHOLSON
Ned listen to me – I'm Dr Nicholson – I'm going to look after you – you've lost a lot of blood – we're going to take care of you – just hold tight

NED
I feel so cold *(he passes out again)*

DR NICHOLSON looks over NED'S body – determines he has only fainted again and moves down to his feet

DR NICHOLSON
Here *(he moves in in place of McWIRTER who has an old shirt – he takes it off him and rips it in half – he bundles one half up and gives it back to McWIRTER)* you hold that against his knee *(he then holds NED'S foot)* he is cold....deathly cold.....someone heat up some water in a kero tin *(WOODS nods and leaves – DR NICHOLSON turns to HAWTHORNE)* that's good just hold it there.....poor chap – I don't think there's much we can do for him – he's lost so much blood..... we'll just keep him comfortable and let nature take it's course..... he might survive

A pillow is brought in by McCALLISTER and DR NICHOLSON places it under his head and looks over NED again – loosening and adjusting some clothing – he then notices the sash tied tightly around NED'S waist like a cumber bun

DR NICHOLSON

Would you look at that (*he undoes the sash and looks at it – we see a close up of it*) tch there's more bleeding here

DR NICHOLSON throws the sash over his shoulder – we see it sail through the air in slow motion and crumple on the ground

Fade out

OPENING CREDITS MONTAGE WITH SCENES

Opening credits with music start and intertwine with the following scenes

- 5 A conscious though bloodied and injured NED drinking from a tea mug - under armed guard
- 6 NED on a steam train being taken back to Melbourne
- 7 NED being offloaded from the train on a mattress under guard with a crowd gathered around
- 8 A sick NED in the hospital at the Melbourne Gaol
- 9 NED now noticeably better in the hospital at the Melbourne Gaol
- 10 NED in the dock at the Melbourne Supreme Court in confrontation with Judge Barry
- 11 Judge BARRY placing the black cloth over his head to pronounce the sentence
- 12 NED being led out of the court by four WARDENS - he turns and blows a kiss to KATE Lloyd in the public stands
- 13 NED jostling with the WARDENS in a hallway outside the Supreme Court
- 14 NED being placed in a police wagon and driven off

Credits and music finish and we come to

15 EXT - MELBOURNE GAOL - LATE AFTERNOON

We see the Gaol from the outside – grey and foreboding.

16 INT - HOLDING CELL IN THE MELBOURNE GAOL - LATE AFTERNOON

NED'S mood has changed – there is an apparent stand off as he stares at a pile of clothes – his prison garb – as two wardens look on - finally the stand off is broken

NED

Well you don't expect me to get changed in front of you lot do you?

17 INT - SUPERVISOR'S OFFICE MELBOURNE GAOL - LATE AFTERNOON

Supervisor HILLARD is sitting behind a desk, writing and talking to Warder William BUCK at the same time.

HILLARD

He's to be taken to cell 38 where he's to be kept under constant observation, by yourself in the day shifts and Warder Herbert at night

BUCK

Yes sir.

HILLARD

I don't expect he should try and take the easy way out, but you never can tell with that class of man.

18 INT - HOLDING CELL MELBOURNE GAOL - LATE AFTERNOON

NED is now in his prison garb and having chains fitted around his leg.

NED

Careful now, not too tight – I've got a whole lifetime ahead of me in these

Warder BUCK enters and approaches NED

NED

So my room's ready now is it?

BUCK is a bit taken aback and doesn't know what to say – the BLACKSMITH stands up

BLACKSMITH

They're done.

BUCK looks to one of the WARDERS who nods in return.

BUCK

Come with me

19 INT - OLD WING CELL BLOCK, MELBOURNE GAOL - LATE AFTERNOON

NED appears through the door in full prison uniform and chains, BUCK follows behind him and they walk along the walkway and down some stairs and another walkway – eventually making it to cell 38

20 INT - MELBOURNE GAOL - OUTSIDE CELL 38 - LATE AFTERNOON

BUCK unlocks the outer door, NED walks in and then BUCK does.

21 INT - CELL 38 - LATE AFTERNOON

We see them both as they walk in. It is a large cell with a row of iron bars dividing it in two – Ned walks in to his side, and then turns around

NED

Well here we are then

NED looks around at the bars and his cell as BUCK shuts and locks the door – BUCK then goes and sits at his table and chair in the corner on his side

NED

And you're to stay in here with me

BUCK

That's right

NED smiles a little and strolls over towards the bed – he sits on the edge of it and feels the mattress with his hand – and then turns and sits quietly for a bit – in a bit of a mood – finally speaking after a while

NED

And what would your name be – seeings though we're to enjoy the pleasure of each other's company for quite a while

BUCK

It's Buck – William Buck

NED

(NED gets up and walks towards him) Well Mr Buck - pleased to make your acquaintance

BUCK smiles a little - NED turns and wanders for a little

NED

(turning back) I've not seen you before Mr Buck

BUCK

No that's right.....I haven't worked in the hospital for over a year now
- since before you were put in there

NED

And you're to stay in here now and watch over me

BUCK

That's right

NED

Tell me Mr Buck - what is it you think I'm going to do

BUCK

It's only procedure

NED

Aye - *(starts to laugh)* couldn't rob the colony of the joy of hanging me
could we

BUCK smiles a little - NED wanders away chuckling a little to himself - he wanders
over to his bed

NED

This is good though - it seems the worse your crime the better your
bedding! *(he sits down right back on the bed, with a groan)*
Argghh...let me tell you it's been quite a day

NED contemplates things for a while - he doesn't know what to do and his thoughts
drift off as he sighs out - after a while he looks back to BUCK

NED

So what time's tucker?

BUCK

Soon enough - at seven o'clock - that'll be the change of shifts - you'll
get Warder Herbert then - it'll just be the two of us rotating the shifts

NED

Well aren't I the lucky one

BUCK

You're very jovial for a man in your position

NED

(Pause, shrugs it off)done nothing to be ashamed of..... and so are
you just going to sit there for the whole shift?

BUCK

That's right

NED

What a lark - I should get a job like that - who's the bank robber here?

They both laugh a bit - NED looks away - bored and decides to start singing - BUCK thinks about it for a moment but decides not to stop him

NED

In the sweet county Limerick one cold winter's night
All the turf fires were burning when I saw the lights
And a drunken old midwife all tipsy with joy
As she danced around the floor with her slip of a boy.

Singing banya na mo is an ganna
And the price of the barley for me

Well when I was a gossoon of eight years old or so
With me turf and me primer to school I did go
To a dusty old school house with out any door
Where lay the school master drunk on the floor

Singing banya na mo is an ganna
And the price of the barley for me

At the learning I wasn't much of a genius I'm thinking
But I soon bet the master entirely at drinking
Not a wake or a wedding for five miles around
But meself in the corner was sure to be found

Singing banya na mo is an.....

A rattling and a thump at the door is heard, Warder HERBERT and the rations officer, John PARKINSON enter – NED stops singing, BUCK stands up.

BUCK

Ah...*(he turns to NED)* – this is Warder Herbert now - I'll see you in the morning

NED

(Wryly) I'll still be here

PARKINSON approaches NED and passes him a bowl through the bars – just soup and bread

PARKINSON

There's your meal, Mr Kelly

NED

Thank you John

NED looks at it a bit bemused and goes and sits on his bed. PARKINSON leaves. NED starts eating. HERBERT pulls his chair up and sits down and starts reading a book, right near the end of it – NED eats and looks up at him every now and again – eventually asking

NED
What are you reading?

Pause – no reply

NED
What are you reading?

HERBERT
(Looking up – a bit annoyed and disturbed) Dickens (he glares at NED and then turns back to his book)

NED eats for a bit.

NED
Which book?

HERBERT
(Puts the book away and just stares at NED) I don't think that's any concern of yours

NED
Just thought I might have read it

HERBERT
You can read can you?

NED
Aye.....you think because I'm from the bush I can't?we might be lightly educated but that's better than bein' taught everything but knowing nothin'

HERBERT
(Temporarily putting the book down) Is that the way of it is it?

NED
Aye

HERBERT
Well if you're so smart then – why are you on that side of the bars and I'm on this side

NED

Is that right? – here was I thinkin *I* was on *this* side and *you* were on *that* side.....thanks for straightenin it out for me...(NED smiles - looks down and keeps eating - HERBERT goes back to his book).....aren't you afraid I might try somethin while you're reading

HERBERT

You're very talkative for a condemned man

NED

Well that's the way of it isn't it

HERBERT looks at him and then returns to his book - NED continues eating and looking at HERBERT occasionally - after a while he starts singing again - HERBERT looks up but lets him go – deciding this is the lesser of the two evils - and tries to concentrate on his book more

NED

One Sunday the priest thread me out from the altar
Saying you'll end up your days with you neck in the halter
And you'll dance a fine jig between heaven and hell
and his words they did frighten me the truth for to tell

Singing banya na mo is an ganna
And the price of the barley for me

So the very next morning as the dawn it did break
I went down to the vestry, the pledge for to take
And there in that room sat the priests in a bunch
Round a big roaring fire drinking tumblers of punch

Singing banya na mo is an ganna
And the price of the barley for me

Well from that day to this I have wandered alone
I'm a jack of all trades and a master of none
With the sky for me roof and the earth for me floor
And I'll dance out me days drinking whisky galore

Pause – NED has finished his meal – he looks at HERBERT trying to read his book – then walks over and slides his bowl back through the bars on the floor

NED

My compliments to the cook

He smiles – no reaction from HERBERT – then turns his back and walks back towards the window and starts singing quite loudly

NED

I'm traveling down the Castlreagh, I am a station hand
I'm handy with the roping pole, I'm handy with the brand
And I can ride a rowdy colt or swing an axe all day
But there's no demand for a station hand along the Castlereagh

22 INT - MELBOURNE GAOL - LATE AFTERNOON

We see various shots of the walkways and interiors of Melbourne Gaol as NED'S voice echoes around.

Ned (*Voice over*)

Shift, boys, shift, there's not the slightest doubt
It's time to make a shift to the stations further out
Your pack horse running after, he follows you like a dog
We travel a lot of country at the old jig-jog

This old black horse I'm riding – if you wish to know his brand
He's branded with the crooked R – none better in the land
He takes a lot of beating, the other day we tried
For a bit of a joke, with a racy bloke, for twenty pound a side

23 INT - CELL 38 - LATE AFTERNOON

NED continues singing

NED

It was shift, boys, shift, there wasn't the slightest doubt
We had to make him shift for our money was near run out
But he cantered home a winner, while the other one had to flog
He's a good old sort for a pick up, with his old jig jog

HERBERT has put the book down and is just staring at him – unimpressed

I asked a bloke for shearing once, down on the Marthaguy
“We shear non-union here” he said “I call it scab” said I
I looked along the shearing shed before I chanced to go
Saw eight to ten dashed Chinamen all shearing in a row

It was shift, boys, shift there's not the slightest doubt
For it's time I made a shift with the leprosy about
I saddled up my horses and I whistled to my dog
I left that scabby station at the old jig jog

I called at Illawarra where my brother keeps a farm

Supervisor HILLARD bursts in and walks straight up to the bars.

HILLARD

That's enough Kelly. (*NED stops singing*) Your conduct is thoroughly unbecoming a man in your situation. You'd do well to consider the gravity of your situation and not waste it on frivolous song.

NED just stares at him with a slight smile - HILLARD exits - NED starts singing under his breath in a whisper - with a big smirk

NED

Shift, boys, shift, there's not the slightest doubt
It's time to make a shift to the stations further out

He looks to HERBERT for a reaction - he hardly gets one and trails off

24 EXT DAVID GAUNSON'S HOUSE - EVENING

DAVID Gaunson is pouring a whisky for his brother WILLIAM

DAVID

A farce, a complete miscarriage from go to whoa (*he finishes pouring and passes the glass to WILLIAM*). Here have this (*they sip*) Molesworth should have stayed – he should have waived his fee. I have for goodness sake. The fat bastard – how much does he want? He must know these people can't afford that kind of money.

WILLIAM

Well the crown should have covered it. .

DAVID

They should have – what kind of a Barrister can you get for seven guineas?

WILLIAM

Exactly the kind they want you to.

DAVID

Yes but that shouldn't have backfired. Barry should have ordered another adjournment. We could have got the money in that time. God what kind of use is a Barrister who wasn't even here for most of the events? I could pick any child off the street in Melbourne who'd know more about Ned Kelly than Bindon. How can you justify that? How can you say a man is getting a fair trial when that's who's speaking for him in court? How can Barry live with those kinds of decisions? The ignorant ass.

WILLIAM

Well it should never have been tried down here – it should have stayed in Beechworth.

DAVID

It still would have been Barry presiding... at least the jury would have been fairer. They should have been instructed that the police went into the ranges with the express purpose of killing the Kelly's. Damn it, I should never have let Bindon object to the Jerilderie letter being admitted. And he never let Ned appear for himself once. God what a mess it's been.

WILLIAM

So where to now?

DAVID

(pauses, thinks) Well the only people who can overturn it is the Executive Council.

Pause

WILLIAM

But they won't do that, not in all reality.

DAVID

No, they just want the legal process – it doesn't matter how wrong it is. It went through a court that's all they want.....the only thing that will sway them is the weight of public opinion.

DAVID looks to WILLIAM

25 EXT - MELBOURNE GAOL - MORNING

We see the early colours of morning lighting the gaol

26 INT - CELL 38 – MORNING

It is 7am and BUCK is entering the cell with PARKINSON

NED

Well thank goodness for that

PARKINSON

You hungry Mr Kelly?

NED

No I've been waiting for Mr Buck - (*looking to HERBERT who is leaving*) waiting for this coot to shut up - I tell you I haven't got a word in edge ways - didn't get a wink of sleep

BUCK

Good morning Ned

NED

Good morning - what kept you?

BUCK

Had a rough night did you

NED

Let's just say Mr Herbert has a deep and irrevocable love for Mr Dickens

PARKINSON

Here's your breakfast Mr Kelly (*passes him the bowl*)

NED

Ah now there's the shot

PARKINSON

I'm sorry Mr Kelly I wanted to give you the same fair you were getting in the infirmary but they wouldn't let me

NED

That's alright John

PARKINSON gathers his things and goes, BUCK sits on his chair and NED sits on his bed and starts eating

BUCK

So you're settling in alright

NED

Aye

BUCK

You must be a bit more rested now after the long days at trial

NED

It's alright - and your self?

BUCK

Fine - fine - well as much rested as small children will let you be

NED

You have children Mr Buck

BUCK

Yes

NED

Well there's something special - what ages would they be?

BUCK

Three and four.....they're sleeping through the night now - but the early morning starts here aren't a problem for me!

NED

Well you're a lucky man

BUCK smiles - doesn't know what to say

BUCK

So how's the breakfast - what have they given you

NED

(Starts laughing) Wish I knew! .. ah god love Parkinson - he tries - I think it's meant to be porridge *(they laugh a bit)* ...and what about you Mr Buck - what did you have

BUCK

Oh.....tea and toast and marmalade

NED

Is that all? - would you like some of this

BUCK

(Smiling) Oh no I couldn't *(NED smiles)*

NED

You know about Parkinson don't you - his story?

BUCK

No

NED

Used to be a chef in a gentleman's club back in England when he was a youngster - till one day he had a run in with one of the patrons - so he tried to poison him but he got caught and transportedto this day he swears he never tried to do it and it was just his bad cooking that naturally made him sick.....*(lifts up his spoon and lets the porridge run off it)* I tend to believe him on that account *(they smile)* ...anyway after he got his ticket of leave no one was game to employ him - this was the only place that would take him - and he's been here near on thirty years

- I suppose they reasoned it didn't matter if he poisoned any of his customers here

BUCK smiles - NED continues eating but loses interest in it after a while and wanders over looking up at the window, leaving the bowl on the bed

NED

Well another fine day in Her Majesty's Hotel.....was it a lovely day when you left home this morning Mr Buck

BUCK

It was

NED

Aye it was - would you look at that sunlight

BUCK

You'll be able to have exercise from twelve to one today - and each day - out in the exercise yard

NED

Well that'll be something won't it - so tell me are you a gambling man Mr Buck?

BUCK

Not really why?

NED

Well Saturday - lovely day - just wondering if you take an interest in the fillies

BUCK

Not really - not into gambling - never have been..... the races are just a breeding ground for criminals and miscreants

NED

Aye - which is why all high society's there.....what about the Cup

BUCK

Well I suppose that's alright - once a year doesn't hurt - sometimes I have a little wager on it

NED

And who do you fancy this year

BUCK

Well I don't know I haven't really looked at it.....most of the mail seems to be for Lord Burghley

NED

No - Grand Flaneur - best horse in the country - best trainer too

BUCK

But favourites never win the Melbourne Cup - I do know that

NED

Sometimes they do

BUCK

So have you ever been to the Cup yourself

NED

No - plenty of big country meets - but not the Cup

BUCK

I've heard you're quite the horseman you know

NED

No.....nothing special.....everyone's good with horses in the bush - you've got to be - you ever been to the bush Mr Buck?

BUCK

I've been but I've never lived there - no

NED

Always in the city?

BUCK

Yes - Melbourne and

NED

Is that right - you have no idea how different it is

BUCK

How's that?

NED

(Smiles) Out there.....there's a closeness you don't get anywhere else - not just to each other - to the land.....you're not just looking at it - you're part of it.....best feeling in the world

BUCK

So why'd you never settle down?

NED

That's all I ever wanted to do but I never got the chance - corrupt bloody police and squatters takin' every chance they can to keep you on your knees and more - I tell you Mr Buck - people think I'm the

worse kind of criminal there ever was - but I ask you what's worse? - a cur dressed in the clothing of the law who'll abuse it to no end for his own purposes.....or someone who'll stand up for his and his own against it.....if my story ever came out in full it'd be a different tune those gallows'd be swinging to.....that's the truth of it

Pause

BUCK

Well why didn't it in the trial

Long pause - NED thinks about it for a bit

NED

I don't know.....a man can't appear too flash - my counsel did a fine job.....it might yet though - it would do them good to know the full details of it all.....not much use talking about it now though is there

BUCK looks down - not sure what to say

NED

But back to the horses - let's not worry ourselves with that which can't be changed - I seen Lord Burghley race once - at Ballarat - he had a gate that suited a name like that let me tell you.....come in fourth - it was his first race if I recall correctly - Steve knew the jockey - even then they had tabs on in him - said he was destined for greater things.....who knows - maybe they'll be right come Tuesday (*NED wanders a bit then turns around*) So you'll be here on Tuesday won't you - won't get the day off

BUCK

That's right - what did you have in mind?

NED

Was going to ask you to place a bet for me

BUCK

(Smiling) Oh I don't know about that Ned

NED

Just a little wager - no harm

BUCK

...well.....look I'll have to think about it

NED

No matter - it's just if you don't I'll be relyin on Mr Herbert.....what a flamin' character he is - I sware I've met pine cones with more

personality than him.....what's his story - does he spend all his shifts with his nose buried in a book

BUCK

(Smiling) No

NED

Just as well - a man could die of boredom around him

BUCK

He's actually a pretty decent cove once you get to know him

NED

Is that right? I'll have to have the pleasure then *(NED smiles and walks away - back to his bed)* Well would you look at that - haven't even finished all me feed - better not let it go to waste

NED sits and continues eating for a while - BUCK watches him for a bit and then drifts off into his own thoughts - finally NED speaks after a while

NED

Have you heard the barrier draw for the Cup? - you must have seen it in the papers? Is Grand Flaneur drawn on the inside or the outside?

BUCK

Couldn't tell you

The door opens and HILLARD walks in - BUCK looks over to him

HILLARD

Mr Buck good morning.....*(he walks up to the bars)* I've got some news for you Kelly - since sentence has been passed they've decided to lift your visitor restrictions.....you'll be permitted to see small groups of individuals under supervision.....a number of your friends and relatives have already made application - you'll be able to see them today

NED

Aye and not before time too

HILLARD looks at him twice then leaves, not too impressed - NED watches him go then turns to BUCK - happy

27 INT - GOVERNOR CASTIEAU'S OFFICE - MORNING

Governor CASTIEAU is seated at his desk, Supervisor HILLARD is standing in front of him

CASTIEAU

...they're to be transferred with the others – Ross, O'Hanlon and Casey

HILLARD

Aye Sir

CASTIEAU

Now tell me how's Ned settling in?

HILLARD

Wellperhaps a little too well for my liking Sir

CASTIEAU

What do you mean?

HILLARD

He's as happy as a lark - as cocky as one too (*CASTIEAU smiles*) I had to admonish him from singing last night and Warders Buck and Herbert have both reported he's generally in high spirits ever since his trial - I don't understand it - he's in an infinitely worse position now than he was two days ago - but he's far happier

CASTIEAU

Well the knowledge of one's impending death can do strange things to a man's mind I might go and see him this afternoon - I haven't seen him since he was moved from the infirmary - you told him about his visitor restrictions being lifted

HILLARD

Yes Sir

CASTIEAU

And what did he say

HILLARD

He said it was not before time

CASTIEAU

(*Smiles*) Well you've got to admire the bravado of the man - even if it is misplaced

HILLARD is unimpressed

28 INT - CELL 38 - MID MORNING

NED is talking to his sister, MAGGIE Skilling, and TOM Lloyd – the camera arcs around them

MAGGIE

I'm sorry Ned I didn't stay to the end of the trial - I just couldn't bare to hear it – and now I feel I've let you down, deserted you when you most needed it.

NED

(quietly) Hssshhh no... no... you haven't deserted me. We all knew what the verdict would be. You've been a rock for me Maggie - and you too Tom – you couldn't have helped me any more than you have.

MAGGIE

But we should have done more

NED

You've done more than enough – now be done with it! You're likely to make a man sad *(smiles)* and that's the last thing you need in here *(she smiles, Ned looks to Tom)* my own sister and all - I tell ya

TOM

You bearing up?

NED

Aye... I'll be grand *(pause)* You look after her Tom.

TOM

I will... Ned, we're going to see the Gaunson's this afternoon – they have some ideas on what we can do *(NED looks at him and then at MAGGIE)* - they say the trial was faulty and they're going to push for a reprieve

NED

Ah... well... *(NED is a bit taken aback and doesn't know what to say)*

MAGGIE

The weight of public opinion is in your favour Ned – people are already talking about you all over town.

NED

(nodding, quietly) ...right *(the caution gives way to a happiness and smiling)* well this is good – we shall see what becomes of this

TOM

It's our best hope Ned

NED

Aye.....

Cut to NED talking to his cousin KATE – they are holding hands through the bars.

KATE

It's not too sore now?

NED

No.

KATE

Because I may be permitted to bring in medicinal supplies if I ask them
– Governor Castieau is a decent man.

NED

I'm alright Kate.

They stare in each other's eyes for a bit. KATE can take it no longer and finally
breaks – almost crying.

KATE

Oh Ned.

NED

I'll be alright Kate.....have you heard the Gaunson's are continuing
with the case – they're pushing for a reprieve - who knows there'll
probably be a retrial – I'll be out of here in no time – going to be home
for Christmas dinner

KATE

Oh Ned

NED

You still remember where to shoot the best ducks on the creek don't
you?

KATE

Ned, don't joke about it.

NED

I'm not - right on the bend where the mallards roost - I'm going to be
wanting one all to myself – and it better be cooked by you

KATE

(Smiles) Oh Ned

NED

No I'm serious - and it better be shot by you too - your pellets and all

KATE

Ohr Ned.....if only it were that simple.....but you're right I have heard
about the Gaunson's - Maggie and Tom told me.....oh Ned
whatever's to become of us?

NED

You know what... you know what I've realised – if you can meet your maker with peace in your heart, that's all you can ask for. Everything else in life is just a gift - a temporary gift – like sunlight on the plains on a cold frosty morning... No matter what happens here – I will see you there Kate - we will have our sunshine together

KATE

Oh Ned (*she hugs him through the bars*)

BUCK is looking down – his eyes flit from their direction to the ground in front of him

NED

Now don't you worry about it – it'll all work out (*she looks at him – he wipes a tear from her cheek*) now what are you doing for the rest of the day

KATE

Oh I don't know....just waiting with Dinny and Susan – I wanted to see the Gaunson's.....but I couldn't bring myself to – Maggie and Tom are far better with practical matters than I – I'll wait to hear from them and then do what I can

She is about to cry again – NED holds her against his chest through the bars

NED

(*Soothing*) Ooohll Kate

KATE

I'm sorry - I just don't know what to say Ned - I never thought it would come to this - it was never meant to

NED

And it never will either - now you be strong Kate - you have to be strong - we'll find our way through this - the Gaunson's are good men - if there's one damned hint of justice in the English legal system they'll be the ones to find it and I'll be out of here in no time - you can't keep a man imprisoned when the evidence of his persecution is so plain to see.....(*he holds her at arms length with a hand on each shoulder*) now you go now - and you give whatever help you can to Tom and Maggie - now's not the time for worrying - now's the time for doing Kate

KATE

.....I know

NED

I'll see you soon - I'll see you soon

They have one last hug and she leaves hurriedly in tears - NED is left watching after her, upset but suppressing it - BUCK glances over to him

NED

.....well this is all what happens isn't it.....

BUCK

(Slowly, softly)she seems like quite a lady

NED

She is.....you'll never see as fair a one as her again - and look at what they're doing to her - the bastards.....the things those women have been through - the Skillings and Lloyds and my sisters.....the traps'd wait till there were no men about and then go in and terrorise them - brandishing their pistols and threatening to shoot them - hoarding them into a room so they could shoot them first if they were hiding anyone - and then turning everything upside down - emptying the milk dishes and flour bags out on the floor - throwing the provisions out when there was nothing else in the house.....when we was first outlawed they poisoned the water hole at the homestead and killed the only horse and only milking cow they had - and this was while my own mother was held in prison with a new born babe at her breast for something she never done - leaving five children to look after themselves.....and they wonder why we want to fight them.....there's nothin lower than what they done

29 EXT - MELBOURNE GAOL EXERCISE YARD - MID DAY

NED has started exercising – walking up and down slowly with his injuries – dragging his chains as he goes – BUCK looks on – NED speaks after a while

NED

Not much point in exercising these limbs I'm afraid.....but still the sunshine's nice

BUCK

Well make the most of it – you've only got an hour

NED

Aye

NED continues walking – dragging his chains

NED

It's good of them to let me do this without a hood on – can't say I would have been missing much though.....you should have stayed up in the cell Mr Buck - no need to be down here

BUCK

How long are you going to keep asking me things like that for

NED

Ohr....till you fall for it (*NED winks at him*)

30 EXT - MELBOURNE STREET - MID DAY

MAGGIE and TOM are walking along in an inner suburban street looking for David GAUNSON'S house – checking the numbers as they go

TOM

This is it

They approach the door and knock – David soon answers it

DAVID

Tom (*shakes hands*) Maggie – good to see youcome in....come in

They walk into his drawing room

DAVID

Take a seat

MAGGIE

Thank you Mr Gaunson

DAVID

Tom

They sit

DAVID

Would you care for some refreshments

TOM

Ah no I'm right

DAVID looks to MAGGIE

MAGGIE

No thank you Mr Gaunson

DAVID

Alright well straight to business then- time is of the essence.....look William and I were talking last night – oh he can't come by the way – called away at the last moment – but we were talking last night and

have decided that probably the best course of action is to pressure the Executive Council to commute the sentence – and the best way to do that we believe is by the weight of popular opinion. Now despite what the papers would have you believe there's a ground swell of support for Ned – people are aware of the situation in the north-east and there's a great deal of sympathy for him because of it – and what we've got to do is harness that and pressure the Executive Council with it

TOM

Aye and how do we do that?

DAVID

Two ways – public meetings and petitions. The Executive Council meets the day after tomorrow and we've got to have something in the works by then – even if it's just at a rumour or rumblings stage so long as they know there's general unrest among everyone about it and that something's going to happen.....now it's fortunate that the date for the sentence hasn't been set yet because that gives us some time but not much

TOM

When do you think they'll decide it

DAVID

I don't know – soon – I know there's a lot of points of legislation they're going to discuss on Monday but I wouldn't be surprised if they decided then – and it'll probably be set for within a week.....and I must stress the most we can hope for – the most – out of all of this is just that they will exercise the Royal Prerogative of Mercythere's no way that the court case is going to be over turned – as much as it should be – and I can tell you it has caused a furor in certain circles – but turning it over is a whole different thing – what we've got to focus on now is just getting a reprieve

TOM

I agree (*MAGGIE nods her head*)

DAVID

William and I will start organising a public meeting with speakers if you two would like to organise the petition and a pamphlet as well (*they nod*) I'm sure I can organise somewhere to get it printed cheaply if you two just want to work on the text of it

MAGGIE

That's not a problem Mr Gaunson we'll be on to it right away

DAVID

Perhaps we could meet at this time tomorrow to see where we're up to

TOM

Aye

MAGGIE

We'll have the text done by then – we'll do it this afternoon

DAVID

Very well (*they look at each other and smile*)

MAGGIE

Thank you so much for doing this Sir

DAVID

Oh no that's the least I can do

TOM

Yes I've got to thank you too

DAVID

No no it's alright

TOM

No, many a man wouldn't do what you're doing – and we appreciate it – especially a man in your position – we've seen how you're taking a lambasting in the press about it

DAVID

Well that's one of the joys of being in parliament isn't it – unfortunately most people don't seem to understand the difference between the parliament and the landed gentry – but I'm happy to remind them at every opportunity I can

They smile

MAGGIE

Ned will be greatly buoyed by this

DAVID

Yes - when do you see him next

MAGGIE

I don't know – we're permitted limited access – we can't just see him at our own wish unfortunately

TOM

I think we should be able to see him next week

MAGGIE

We told him this morning that we were going to see you – he was greatly interested by it

DAVID

Ah good.....we should be able to get word to him some how before you see him next (*DAVID'S maid PENNY comes in and courtesy's*) Now Penny I've told you you don't have to do that

PENNY

Begging your pardon Sir

DAVID

Is it lunch?

PENNY

Yes Sir

DAVID

(*To TOM and MAGGIE*) Would you care to join me for lunch - you may as well the hour's good

TOM

No Sir we couldn't possible intrude – we've taken up enough....

DAVID

(*Cuts in*) Nonsense – there's no need to be proud – it's charming but totally unnecessary – I have more than enough for all of us and it's the least I can do – Penny will you set the table for three (*he turns back to TOM and MAGGIE waiting for them to agree – they nod – DAVID turns back to PENNY*)

31 EXT - MELBOURNE GAOL - EARLY EVENING

We see the gaol - the sun has all but fallen

32 INT- CELL 38 - EARLY EVENING

BUCK

Sounds like you've got quite a group of well-wishers Ned all come down from the bush

NED

Aye they're all staying at the Robert Burns.....ah I'd love to be there – the craic'd be something fierce - everyone there.....Tom and Wild.....Jim'll be down soon

BUCK smiles - picturing it

NED

.....there's nothing like family is there.....that's all you've got in the end - that's all that matters - just your family and the people around you.....you got family here Mr Buck? - or are they all back in England

BUCK

(Pauses) All back there.....two sisters - parents have both passed on.....but they had a good innings you know.....both my sisters are married with young families

NED

Well that's grand to hear

BUCK

Yes, I know they'd both like to come out sometime - when the little ones are bigger - it's just fraught with so much difficulty.....the ship that came out the same time as us broke out with chicken pox after we got round the cape - by the time we got here twelve were dead and the rest were still sick so they kept them in quarantine for another six months in Port Philip - this was on the ship mind you - no one was allowed off.....they must have been going mad by then - we were just lucky on our's - no one got it

NED

Aye.....

BUCK

It's just the luck of the draw - what can you do

NED

Aye - and what was it like traveling here?

BUCK

Cold and wet! particularly across the roaring forties.....and when you leave Plymouth - coming down.....it's nice down the African coast.....fascinating land - thank god we never got ship wrecked there - don't think we'd last long! *(laughs a little)* It's an adventure like no other - once you get your sea legs though it's alright.....all you hear is the constant woosh of the waves and the creaking of the boat.....which actually becomes quite reassuring after a while - reminds you this wonderful thing is going to take you right around to the other side of the world - and all you can do is put your faith in it.....it's a wonderful age we live in - isn't it

NED

.....I always thought it would be nice to go and see Ireland - see what they're all talking about - the rolling green and the Cliffs of Mohr - just feel it.....would love to see it

BUCK
I've heard that from a lot of second generation Irish

NED
You ever been there Mr Buck

BUCK
My grand mother was Irish

NED
Is that so

BUCK
Yes

NED
Where from?

BUCK
Galway

NED
Ah by the sea

BUCK
Yes my grandfather was a sailor - but unlike most he did the decent thing and settled down - they lived in Galway for a while before returning to England

NED
So have you been there Mr Buck

BUCK
I have

NED
And what's it like

BUCK
Exactly as you described it - rolling green and the richest verdant forests

NED
Aye

BUCK
Not like here

NED

No

BUCK

And the farm land is criss-crossed with stone walls and little lane ways

NED

Ah it is a magic place for sure.....just as it has been described to me

The cell door opens and PARKINSON and HERBERT come in - PARKINSON goes straight up to the bars with the food

NED

.....good evening John

PARKINSON

Here's your evening supper Mr Kelly

BUCK

(To HERBERT) Gee the time had got away from me there.....

HERBERT

You can stay if you want

BUCK

No.....

NED

(Pleasantly) Better get home to the wife and kids

HERBERT glances to NED then BUCK - unsure of this amount of closeness between the two

BUCK

Yes.....better go.....*(to HERBERT)* well it's all yours.....good talking to you Ned I'll see you in the morning

NED

Aye *(to PARKINSON who has just finished passing a bowl in)* thank you John

PARKINSON

It's not much Mr Kelly - but it's the best I could do

NED

It's fine John - don't worry

PARKINSON nods and leaves - HERBERT sits down, then talks after a bit

HERBERT

So you're making yourself at home then Kelly

NED

That'd be the thing to do wouldn't it

HERBERT looks to him a little skeptically, then looks away - NED continues eating for a bit

NED

I see you've finished your book Mr Herbert - was it a good one?

HERBERT

It was fine - not his best but it was alright

NED

And what would be Mr Dickens best book?

HERBERT

Tell me why are you so concerned about everything that's going on around you Kelly?

NED

Well what's a man supposed to do - sit and boil in his own stew

HERBERT

(Pause) Not a bad idea

NED

I've got nothin to be thinkin over.....and how about you - must have pulled the short straw - be stuck in here all night

HERBERT

(Shrugs) Doesn't matter

Pause

NED

So how long have you been working here in the prison for

HERBERT

Long enough.....I've seen all sorts through here Kelly - murderers, liars, thieves.....don't think you're any different to any of them *(leans forward)* you can spot the criminal class a mile off - you're no different to any of them

NED

Is that right?

HERBERT

Yes seen it all before - and I'll tell you what it is about criminals like you from the bush - all that bravado - just puff and wind.....you're no different to any of the other laggors in here

Pause

NED

Tell me Mr Herbert - in your opinion what makes a criminal

HERBERT

What makes a criminal?

NED

Aye

Pause

HERBERT

I don't think they're born to it - I don't believe in phrenology or the like - but it's true they do make a class - but it's of their own choice

NED

The choices they make.....you have no idea what you're talking about do you.....I've had to wear everything from beatings to imprisonment for things I didn't do - to attacks on my family.....

HERBERT

(Cuts in) Heard it all before Kelly - there's not a man in this prison who doesn't think he's innocent or hasn't been wronged in one way or another.....how you deal with it is your choice - you make your bed - you lie in it

NED

Aye - I have no problem in accepting my fate - I don't fear it at all - but I won't accept what brought me to it

HERBERT

As I said Kelly - heard it all before - and in your case I've heard enough about you to know what you're talking about is bulldust

NED

Is that right is it

HERBERT

What is it - three police, two banks - the siege, trying to derail a train

NED

I never done anything that wasn't in response to something that was done to me

HERBERT

That's what they all say - you just want to avoid the responsibility for your own actions

NED

(Getting visibly angry) Alright Mr Herbert - picture this

33 We see what Ned now describes

NED

I'm fifteen year old - a friend lends me a horse - doesn't tell me it's stolen - I'm riding it around Greta - Constable Hall sees me - tells me I've got to sign something in the police station - as soon as I'm there he jumps me - I fight back - he draws his revolver - aims it right at my head - misfire....tries again - misfire - tries again - misfire.....by this time I'm not going to wait for another chance - so I jump him - we fight again - right across the road - it ends with him sitting on top of me beating me senseless with the gun

We see HALL, a huge man, sitting on top of NED repeatedly bashing him with the revolver butt - then a close up of a badly bloodied NED with deep gashes in his head and blood streaming down all over his face

NED

so exactly which part of that do you think I chose

HERBERT

None of it - but that doesn't justify anything

NED

No but it goes to show the police aren't all they make themselves out to be - and if the true details of my case....

HERBERT

(Cuts in) Doesn't matter - it's what you choose to do - not what's done to you that matters

Pause

NED

You have a very simple view of the world don't you

HERBERT

Not at all - there's plenty that have experienced worse than you and have come up good

NED

Aye by lieing down and getting pushed over - there's only so much you can take before you fight back.....and when you push a man that far - who's fault is it?

Pause - a clunk is heard as the door opens - Governor CASTIEAU comes in - HERBERT looks around - sees who it is and stands up

CASTIEAU

Mr Herbert.....be seated (*he approaches the bars*) well Ned - how are you - trust you've settled in satisfactorily

NED

Aye Sir....Mr Herbert and I were just having a little tête-à-tête

CASTIEAU

(*CASTIEAU looks back over his shoulder at HERBERT with a smile*)
Well plenty of time for that I'm sure.....so you're all settled in now - not quite as comfortable as the hospital but still sufficient I trust

NED

Aye Sir

CASTIEAU

And I hear you've been in good spirits and fine voice

NED

Well have to pass the time some how

CASTIEAU

Yes and a number of your friends and relatives came in today

NED

Aye Sir it was a great pleasure - thank you for the permission and the lifting of the restrictions.....I was wondering though Sir about my mother - if may I be permitted to see her

CASTIEAU

.....yes I'm sure that can be arranged.....it will have to be at a time that is agreeable to the Women's Prison - but I'm sure it can be arranged.....also Dean Donaghy the Prison Chaplain is keen to see you - unfortunately you won't be able to attend the service in the prison chapel - but he'll come here tomorrow afternoon to see you

Pause

NED

Is that an offer or a threat?

CASTIEAU

(Smiling) Come now Ned I'm sure he'll have many kind and re-assuring words for you

NED just grins

CASTIEAU

.....also Ned I've got to tell you the Executive Council will be meeting on Monday to determine the day of the sentence.....which should help ease your mind a little

NED

No I'm as easy as can be.....makes no difference

Pause

CASTIEAU

Alright.....well I'll let you know as things happen - and I'll discuss the meeting with your mother with the Women's Prison tomorrow

NED

Thank you Sir - that would be greatly appreciated

CASTIEAU nods and turns around

CASTIEAU

Mr Herbert

HERBERT

Sir

NED watches him go

NED

(After CASTIEAU has left) Now there's a gentleman

HERBERT looks in the direction of the door

fade out

34 EXT - MELBOURNE GAOL - EARLY MORNING

We see the gaol in some early morning light - about 7:30 am

35 INT- CELL 38 - EARLY MORNING

NED has had his breakfast - and is sitting on his bed

NED

So did the little one's get you up nice and early this morning Mr Buck

BUCK

No they slept in for once - god love them - they were still asleep when I left home.....makes no difference though - I've still got to get up early myself anyway

NED

Aye - and how do you make it here to the prison

BUCK

Bicycle

NED

Ah of course.....a good bit of exercise to start the morning.....and then you get to sit still for twelve hours

BUCK

Yes.....and how have you pulled up yourself after the exercise yesterday

NED

Oh fine.....a bit stiff (*looking at his limbs*) there's not much hope for most of these limbs I'm afraid (*pointing to wounds above and below his left arm*) shot here and here - no use (*looking at his right hand*) shot through the hand a few times..... (*looking at his right foot*) shot through this foot (*looking at his right knee*) this knee and the hip - pellets got through, half of them are still in there.....you know I often think they should have just finished me off when they could - but no they can't do that - can't kill you when you're down - they've got to nurse you back to health and then hang you....that's the English sense of decency for you

BUCK doesn't know what to say

BUCK

Well you're a brave man Ned - even with all that armour on.....did you really think it was going to work

NED

The armour or the siege?

BUCK

Both

NED

.....yes I did.....but as they say - the best laid plans of mice and men.....that's the one thing we didn't plan for - the police inefficiency.....if the train had come sooner I wouldn't have had to start letting people go.....to think I trusted that dog Curnow and then he goes and warns them

BUCK

But what was it going to achieve anyway

Long pause

36 We see this as NED describes it

NED

If it had all gone to plan.....the train'd be derailed.....any surviving traps'd be picked off by us above the embankment.....and a new order would be proclaimed.....a republic - for the common man - the battler - not the squatters or the police or the upper class - the common man - and a fair go for all.....and I had enough supporters for it.....but it all went belly-up

BUCK

So why'd you go back by yourself at the end

37 We see NED holding his last stand - shooting at the police in his armour

NED

Because it didn't matter.....the truth is - it was going to be over one way or the other.....it had all failed by that stage - so it didn't matter - I just had to get it off my chest.....which was the whole point of the armour - get as many of them before they can get you.....(*looks at BUCK*) you can only live like an animal for so long

Pause

BUCK

But there's always another way Ned

NED

(*Lightly, disbelievingly*) Is there?

BUCK

You just bide your time - find another way - don't take on the system - you'll never win.....just find your place with in it

NED

But what about when the system's wrong?

Long pause

BUCK

So what's Mr Gaunson doing now about your case

NED

Don't know.....see there's never an easy answer is there Mr Buck.....but Gaunson - he's a good man - they're not all tarred with the same brush

BUCK

Well there is some cause for hope then

NED turns to him

NED

You have all the optimism of a new comer to this colony don't you.....how long have you been here for

BUCK

In the colony - well the whole land - just over a year

NED

Well give it a bit longer - you'll come to see all the prejudice and injustice of England is still here - just reapplied to the native born sons.....and the sons and daughters of Erin's Isle

38 INT - DAVID GAUNSON'S HOUSE - MIDDAY

TOM, MAGGIE, DAVID and WILLIAM are seated in the drawing room - TOM is reading out the text of the petition

TOM

There's not much to it really

MAGGIE

We thought it best to keep it brief

DAVID and WILLIAM nod

TOM

(reading) "Petition for reprieve to his Excellency the Governor-in-Council. Your humble petitioners having carefully considered the circumstances of the case respectfully pray that the life of the condemned man, Edward Kelly, may be spared." Then we wrote "NB this list to be sent to Mr David Gaunson MLA, solicitor for the prisoner so as to reach Melbourne on Monday morning next, the 8th November 1880." Then it's just columns - names - residences. We thought with that note there no matter where the petitions ended up people would

take it upon themselves to forward them on to you when the time came,
if we can't see them

DAVID

Yes.....that's a good idea - I have a printer lined up - a friend of mine -
Tom Haslett who is going to do it for us at cost price - which I'll cover

TOM and MAGGIE look down

TOM

Sir you shouldn't have to pay for things out of your own pocket.....

DAVID

Nonsense - it's my pleasure

MAGGIE and TOM still look awkward

DAVID

You can show me around those ranges one day that you and Ned are
always talking about - that'll be payment enough

They smile

39 INT - CELL 38 - JUST AFTER LUNCH

The cell door opens - NED and BUCK are returning from NED's one hour of exercise
- they walk up to the second door and BUCK opens it for NED - NED walks in

NED

Thank you

BUCK

Feel good?

NED

(Wandering over and sitting on his bed) Well.....it's not so much the
exercise but the sunshine.....these bluestone walls can put a deathly
chill in you

BUCK

They can

NED

I might just have myself a little lie down

BUCK nods a little and sits down

NED stares vacantly ahead - cross fade to

cross fade back to

41 INT - CELL 38 - JUST AFTER LUNCH

NED is still sitting lying on his side - eyes glassed over - he rolls onto his back and goes to sleep

42 EXT - MELBOURNE GAOL - MID AFTERNOON

We see the gaol in the softer mid afternoon light - but it is not yet fading

43 INT - CELL 38 - MID AFTERNOON

NED is sitting on his bed and BUCK is in his chair - each minding their own business when the cell door opens and Dean DONAGHY comes in

DONAGHY

(Nodding) Mr Buck.....*(walking towards the bars)* good afternoon Ned

NED

Father...

DONAGHY

Just want to have a chat about a few things - Mr Buck if you could be so kind - I'm afraid I'm not quite what I used to be on my legs

BUCK

By all means

DONAGHY

Thank you

BUCK lends DONAGHY his chair who then sits by the bars as close to NED as he can

NED

Didn't you see me enough in the hospital

DONAGHY

Ah but things have changed drastically now Ned.....although we did speak about the likelihood of it coming to this didn't we

NED

Father as I said in the hospital - I appreciate you coming to see me - but I made my peace with the Lord a long time ago

DONAGHY

And that's as well may be Ned - but we need to talk about now - and make sure your soul is right with the Lord now

NED

Father.....I gave my confession to Father Gibney when they captured me at Glenrowan

DONAGHY

Aye Ned.....but what of things now - the health of your soul now

NED

Nothing has changed

DONAGHY

Has it not?

NED

No

DONAGHY

Ned I don't think you know how serious the situation is - and until you're delivered into the arms of our Father you are entrusted to my care and I have to do all I can to ensure your well being - because nothing you do or have done will ever be as important as the choice you now have to make - an eternity of everlasting life with our Father - or the pain of the eternal separation from Him

NED

As I said I already made my confession to Father Gibney

DONAGHY

Aye Ned but to what? - you were weakened and at death's door then.....it is my job to make sure you fully confess yourself in order for you to be fully received by our Father.....now lets go over what happened - before the siege - before the bank robberies - before the murders of the policemen at Stringybark Creek.....

NED

(Sighs and looks way) Father.....there's no need to go over this - as I said I've already confessed - and what I haven't confessed to - I've got no shame for

DONAGHY

Ned....

NED

I've not done a thing that hasn't been prompted in one way or another by something that was done to me - is that not acceptable before the Lord - the good book says an eye for an eye

DONAGHY

Yes Ned but it also says "Thou shalt not kill"

NED

I only ever killed in self defence

DONAGHY

None the less Ned a command is a command

NED

A man has a right to protect himself

DONAGHY

I know it can be difficult Ned

NED

Difficult?! - what am I supposed to do when someone's trying to kill me - just let them and not fight back?

DONAGHY

But if we lived by our Father's rules these situations would never arise in the first place

NED

Because the small and the meek would constantly be pushed over by the big and the strong.....if you want a decent world you've got to fight for it

DONAGHY

And that's what destroys the decency..... look I'm not here to judge you Ned - I'm just here to steer you to your own salvation - and you can rest assured in our Father's bountiful love he holds a special place for those who have lived troubled lives - you shall be received if you want it so - but it's something only you can do yourself - by confessing to all of your sins - regardless of the worldly reasons for them.....just as you come to Him Ned so too will He come to you

Pause - NED is looking away disinterested

DONAGHY

Look Ned - there's still time to consider it - I'm not going to push you now, but in due course I will come again and I will receive your confession - there's not a soul yet that I've let slip away with out first forging a link to our Father - and you're not going to be the first one.....I'll leave you time to think on it - but I'll see you soon Ned

DONAGHY gets up and leaves, BUCK opens the door for him

DONAGHY

Thank you Mr Buck

BUCK closes the door and looks back to NED - who speaks after a short while

NED

Bloody priests - they think it's all so simple don't they - two hundred mile away from the bush

44 EXT - MELBOURNE GAOL - MID AFTERNOON

We see the gaol - a little later in the day

45 INT - CELL 38 - MID AFTERNOON

NED is staring at the floor in a bit of a mood - BUCK is thinking to himself happily, tapping his foot - after a while the cell door opens - HILLARD comes in with ELLEN Kelly

HILLARD

Mr Buck - this is the prisoners mother - they are permitted a brief visit under maximum supervision - there's to be no body contact at all

BUCK

Sir

HILLARD goes - ELLEN watches him go - very non-plussed - and then walks up to NED who is also walking up to her on his side of the bars

ELLEN

There's my boy

NED

Ma

ELLEN

Ohll God love you son - how are you baring up

NED

I'm fine Ma - and you

ELLEN

Fine *(takes a big breath and sighs)* let me look at you - you're looking fighting fit...the wounds have all healed

NED

They're all right

ELLEN

(Looking around) And so they've got you out of the hospital into this God-forsaken hole

NED

Aye - best room in the house *(he smiles)*

ELLEN

Ah would you look at ya.....have you seen any of the others?

NED

Aye - I've seen Tom and Maggie and cousin Kate - and Dinny and Susan

ELLEN

They're all keeping well?

NED

Aye

ELLEN

I've got word that they're here - I haven't been able to see them though

NED

No.....have you heard the Gaunson's are continuing with the case - lobbying for a reprieve

ELLEN

They are? - well there's as fine a man as you'll ever see - and he's not even a Kelly

They both smile

ELLEN

Ah it's good to see you son

NED

Aye and not before time - I don't understand why they wouldn't let me see you all sooner

ELLEN

They're just being their own natural selves Ned.....you be strong now

NED

Aye Ma.....never doubt that *(he smiles)*

ELLEN

There's my boy.....and so how are they treating you here?

NED

Fine.....fair bed - company all the time - who could ask for more?.....and how are the little ones - have you heard?

ELLEN

Oh I hear from time to time - little John's quite the young man now and Kate and Grace are turning into women before your very eyes Alice is talking now like you wouldn't believe.....or so I'm told

NED looks at her - knowing she is upset though she hardly shows it

46 INT - GOVERNOR CASTIEAU'S OFFICE - MID AFTERNOON

CASTIEAU is sitting at his desk looking over a letter - HILLARD walks in shortly

HILLARD

You wanted to see me Sir

CASTIEAU

Yes take a seat.....I've had a very unusual request.....this is a letter from Brigette Kennedy – widow of the murdered Sergeant Kennedy - one of the policemen who Ned Kelly killed at Stringybark Creek.....she wants to see him.....have a read of this and tell me what you think

He passes the letter over to HILLARD who starts to read it

Cross fade to

47 INT - BRIGETTE KENNEDY'S STUDY - NIGHT TIME

BRIGETTE is writing the letter - we hear what she is writing in voice over

BRIGETTE (*in voice over*)

My Dear Governor Castieau,

Please forgive my imprudence in writing to you but I fear I have no other course at this juncture. I am the widow of the late Sergeant Michael Kennedy murdered at Stringybark Creek by Edward Kelly. For two years I have lived with the pain of those events, and have found no solace in memory or belief, and none in the support of my family that can fully bear the terrible load I have been given. And in my children where once there was laughter I still see an empty pain that the years

cannot dull. They're yearning for a soothing and understanding that they can not possibly have. As I too cannot, I have now come to realise.

I am asking that I may be permitted to visit Edward Kelly . I need to know the details of my husbands last moments – his last thoughts, his last words, his last breath – that I may cover them with love in my heart and feel he did not die alone. And that in meeting a man that could do such a vile and evil act I may come to understand it more, and learn to live with it – because I fear if I don't I don't know what shall become of me.

I have approached Police Commissioner Standish over the matter of seeing Edward Kelly before and alas he wishes to deny me all chance and hope. I am writing to you now as my last hope – please don't deny me as I have been denied before. The loss of my husband is too great and you are truly my last hope.

Yours in expectation

Brigette Kennedy

We see a very upset BRIGETTE – cross fade back to

48 INT - GOVERNOR CASTIEAU'S OFFICE - MID AFTERNOON

CASTIEAU and HILLARD – HILLARD passes the letter back

CASTIEAU

The poor woman is in a terrible state – it's hard to know what to do

HILLARD

Aye Sir

CASTIEAU

It might be just what she needs.....and it has crossed my mind that it might be good for Ned as well - get him to see the results of some of his actions.....sometimes that has a most useful effect on a criminal

HILLARD

But rarely though Sir

CASTIEAU

True - but Kelly is not a man with out scruples.....who's in there now - it's Buck isn't it?

HILLARD

Yes - Kelly's seeing his mother - should be over soon though

CASTIEAU

Well you stand in for Mr Buck - go and get him for me - I just want to canvass his opinion - he's spent more time with Ned than anyone since the trial - he should know his state of mind the best

HILLARD

Alright Sir

HILLARD leaves

49 INT - CELL 38 - AFTERNOON

HILLARD walks in and looks at NED talking to ELLEN then whispers to BUCK - he nods then gets up and leaves

50 INT - CASTIEAU'S OFFICE - AFTERNOON

BUCK is standing opposite CASTIEAU reading the letter - after a while he puts it down

BUCK

Very sad

CASTIEAU

Yes.....so tell me what's your estimation of Ned's state of mind at the moment

BUCK

What do you mean Sir?

CASTIEAU

Well it's not the first time I've had a request like this.....victims - or the loved one's of victims have sometimes found it useful to confront their attacker - and in rare cases it's even been useful for the attacker - if they've got a shred of decency about them it can often help set them on the right path to reform.....it had crossed my mind this might be one of those occasions - although of course Ned's a condemned man but it might help bring him closer to his conscience - which can only be a good thing.....the danger is of course it could all back fire - in which case the state of mind of the lady involved, Mrs Kennedy, is of paramount importance - and as you can see from the letter she's already on a knife's edge.....so in your estimation what do you think Ned would do if he was to meet Mrs Kennedy - do you think it would be a good thing or a bad thing ?

BUCK

Well he's hardly ever spoken about Stringybark Creek since he's been there - not that I've seen anyway - I don't know what Mr Herbert would say - but from the little he has said to me about it he shows no regret for it and has justified it all in terms of self defence.....I think if she's looking for some kind of sorrow or remorse I don't know if she would get it

CASTIEAU

Yes but I have read the letter he wrote two years ago to Donald Cameron the Parliamentarian - and in that I do recall he expressed pity for the wives and children of the slain officers - do you not think he would afford her as much now

BUCK

It's hard to say Sir.....he may well - but I don't think he'd back down from the action - I'm sure he'd still argue that it was justified

CASTIEAU

Yes.....it's always such a risky thing isn't it.....it's probably best to err on the side of caution - particularly given the delicate state she's in already - very well - I'll have a response drafted up for her denying her permission - thank you for your time Mr Buck - you can go back now

BUCK

Sir

CASTIEAU

Oh one thing - don't let Ned know she even wrote - best just to leave it all I think

BUCK

Yes Sir

BUCK leaves

51 INT - CELL 38 - AFTERNOON

BUCK walks in HILLARD gets up and leaves

BUCK

Your mother's gone

NED

Yes.....where'd you go?

BUCK

Ohr just called away

NED nods and looks away - preoccupied in thought

52 EXT - MELBOURNE GAOL - NIGHT

We see the gaol - night has now fallen

53 INT - CELL 38 - NIGHT

NED has had his meal and is just walking around - thinking about things not coming out correctly in his trial - HERBERT watches him go back and forth - after a while NED shakes his head too frustrated and sits down, bored - he looks around trying to get some new stimulation - around the cell, up to the window and then to HERBERT

NED

What parts are you from Mr Herbert?

HERBERT

You're determined to find out everything you can aren't you

NED

Just by way of conversation - I seen a fair bit of the colony - maybe I've been there

HERBERT

(Pause) Geelong

NED

Ah.....not been there - it's a port town isn't it

HERBERT

That it is

NED

You ever been north - out on the plains or the high country?

HERBERT

No.....born and bred in Geelong worked all my life there till I came and worked here.....working on the docks - sixty hours a week by the time I was fourteen

NED

And what was that like?

HERBERT

Hard work - but a good days pay at the end of it - not really what you want to do when you're fourteen - but that doesn't matter - I was just happy for the work - had no other choice really - father left home for the gold fields - didn't see him for years - had to feed ourselves some how - see you and I aren't that much different Kelly - I've had to work for everything I've got too - I just didn't turn to criminal behaviour for it - when I was at the docks I saw all the violence and corruption I needed - I just resolved to steer clear of it and make a clean go of my life - that's what you should have done.....just the choices you make that's all

NED looks at him - not wanting to get caught in the same argument

Fade out

54 EXT - MELBOURNE GAOL - MORNING

Fade back into the gaol - it is now morning

55 INT - CELL 38 - MORNING

NED is sitting on his bed talking to BUCK

NED

The full facts have never been put before them - but that's exactly what Tom and Maggie and David will do - lay it all straight before them.....I don't know what time the meeting is.....but if they're not allowed back in here to tell me - I suppose Governor Castieau will.....but that'll be alright - now more important things - the race tomorrow (*BUCK smiles*) have you made your big decision Mr Buck - can I rely on you to place a wager for me or not

BUCK

Ahr Ned.....

NED

Now don't beat around the bush Mr Buck

BUCK

Look Ned I'd like to - but I don't think it'd be the done thing

NED

Ahr come on now

BUCK

I'm sorry Ned - but tell me who you want to win and I'll find out for you if he does

NED

No not the same.....this means I'll be relying on Mr Herbert...fat chance there.....what about for yourself - you've got to have a little wager for yourself

BUCK

No this is something my wife and I were talking about - we've got to tighten our belts

NED

But it's the one day of the year - come on what can it hurt - just a little bet

BUCK

(Smiling) No I'm serious - we've got to save every penny

NED

But Grand Flaneur's a dead bird - he'll romp it home

BUCK

No....

NED

Go on - you'll never see as good a favourite as this

BUCK

No

NED

Well suit yourself - but don't say I didn't tell you when he comes in.....so what is it your saving for - what is it that's so important you can't afford a bit of fun

BUCK

.....been thinking about the children's future.....their education

NED

Ah

BUCK

We want to send them to one of the Greater Public Schools when they're old enough

NED

And you can do that on a warder's wage?

BUCK

Well this is it - I don't know - might have to change jobs eventually

NED

So what would you do if you weren't a warder

BUCK

Don't know

NED

You should probably join the police force

BUCK

(Almost laughing) I don't know how to take that coming from you

NED

No serious - you've got the makings of a good policeman.....that's all they need up north - just fine and decent men.....you've heard the saying - it takes a rogue to catch a rogue - well they're all rogues - the standard of man in uniform they're sending up there is well below what it should be - go on!.....I'll even put in a good word for ya

BUCK laughs a little

56 INT - EXECUTIVE COUNCIL MEETING ROOM - MORNING

The nine men are gathered around a table, with papers and books in front of them and a drinks set in the middle of the table

BERRY

Gentlemen this meeting is called to order - the agenda is the reports of the Legislative Estimates Committee, the deputation from the Office of the Attorney General to the Privy Council, the trade conference from New Zealand, the changes to the programme of events for the Official Delegation to Flemington for the Melbourne Cup tomorrow and the date of the execution of the condemned outlaw Kelly. Apologies are from Lord Chesterton, although we do have his report here anyway which can be read into the record. Mr Vaughn would you like to begin with what the Committee tabled last week in Parliament

Mr VAUGHN

The reports of the Legislative Estimates Committee are usually taken at face value however the current practise of submission with out informal review.....

57 INT - CHAMBERS OF THE CHIEF SECRETARY - MID AFTERNOON

DAVID and WILLIAM Gaunson are seeing the Chief Secretary Graham BERRY, all men are seated

DAVID

It wasn't decided?

BUCK

Yes unfortunately not - a lot of other general business had to be dealt with first - it's a very busy time of year - as you're well aware

DAVID

So when will the next meeting be

BERRY

There will be another meeting next Monday and the execution date will definitely be discussed and decided then

The Gaunson's look to each other

BERRY

I'm afraid it can't be any sooner - I understand how important this is for the prisoner though and we will set his mind at rest as soon as we can

58 EXT - CITY STREET - AFTERNOON

DAVID and WILLIAM are walking along discussing the meeting

DAVID

As much as I hate their typical beauracatic inefficiency it's hard not to complain isn't it

WILLIAM

Yes

DAVID

It's actually working for us

WILLIAM

Yes but not by much

DAVID

I'm meeting with Tom and Maggie this afternoon at the printers - as soon as we've got the petitions done we'll start to distribute them - if you want to look into the meeting for Friday night

WILLIAM

Definitely - I've already approached the management of the Hippodrome and I thought I might approach Archibald Hamilton, the

President of the Society for the Abolition of Capital Punishment to chair the meeting

DAVID

Stirling idea.....if we can get the petitions distributed in some of the provincial towns it will greatly increase the numbers - and we can present them all at the regular meeting of the Council next Monday

WILLIAM

Yes

59 EXT - MELBOURNE GAOL EXERCISE YARD - MID DAY

NED is exercising as BUCK stands back and watches him - we see this from a distance - essentially CASTIEAU'S POV as he watches him from his window

60 INT - CASTIEAU'S OFFICE - MID DAY

CASTIEAU is at his window watching NED and thinking as the chains drag

61 INT - PRINTING OFFICE OF TOM HASLETT - MID DAY

HASLETT is by the type setting face of the printer reading the draft of the petition - DAVID, TOM and MAGGIE are gathered around

HASLETT

Mmmm - very straight forward and to the point - this won't take long at all - give me twenty minutes to set it and ink the machine - how many do you want done

MAGGIE

Hundreds

DAVID

Thousands! - we want to distribute it to all the provincial centres as well

HASLETT

Alright.....I should have enough paper - I should have it all done by this afternoon.....you could even start distributing them by this afternoon if you like

They all smile and nod

62 EXT- VARIOUS SCENES - AFTERNOON

A montage of petitions being distributed and signed

63 INT - CELL 38 - LATE AFTERNOON

CASTIEAU is talking to NED through the bars - they are both standing fairly close

CASTIEAU

Ned I'm afraid the Executive Council didn't reach a decision today on the date of the sentence....I'm sorry to have to tell you this - I've just found out myself

NED

(Shaking his head) Doesn't matter.....I'm sure they've got a lot of things on

CASTIEAU

They're going to meet again on Friday to decide it

NED shrugs and looks down

CASTIEAU

I'll let you know as soon as word comes in

NED shrugs, CASTIEAU exits

Cut to NED lying on his side on his bed - he is in a quiet mood staring out and the camera slowly dollies around him in an arc

Cross fade to what NED is imagining

64 EXT - A RIVER - DAY

Sometime when the gang was on the run

NED and STEVE Hart are in a river - naked and standing waist deep in the water - they are splashing it at each other and JOE Byrne who is on his horse and refusing to get in

NED

Come on - in you get

STEVE

Come on!

JOE

No way too bloody cold!

NED
Come on - we'll pull you in

NED and STEVE advance towards him

JOE
No you bloody don't

He turns and bolts his horse out of there

65 EXT - MELBOURNE GAOL - NIGHT

We see the gaol - it is night

66 INT - CELL 38 - NIGHT

NED has walked up to the bars and is looking at HERBERT who is sitting there

NED
So are you a gambling man Mr Herbert?.....I say are you a gambling man Mr Herbert

HERBERT
(Turning around from a daze) Hmmm?

NED
Just wondering where the flies go in winter? *(HERBERT smiles)* I said are you a gambling man?

HERBERT
Oh I have a little wager, when the odds are right

NED
How about for the cup?

HERBERT
Oh yes I'll be there

NED
You wouldn't fancy placing a bet for me would you?

HERBERT
Now I don't think that would be in line with the Warders Code of Conduct

NED

Stuff the code of conduct - this is the cup (*NED smiles*)

Pause

HERBERT

What do you want a bet for - you're not going to be around to enjoy it

NED

Thanks for your vote of confidence!come on just for old times sake.....a quid on Lord Burghley - on the nose

HERBERT

And you've got a quid have you?

NED

I'm good for it

HERBERT

Right! I'm afraid I can't anyway and Lord Burghley isn't going to win either

NED

And who do you fancy?

HERBERT

Grand Flaneur

NED

No - over rated - Burghley's come good this season - he's got the form - Flaneur's still pulling up from that fall a month ago - believe me I know horses

HERBERT thinks for a bit - tempted

NED

Come on - just for old times sake.....look I'll be gone in a week - what harm's it going to do?

HERBERT

No.....I can't do that - you know that

NED

But come on there's no harm in it.....look I could just as easy ask Castieau and I'm sure he'd do it

HERBERT

Well.....you're probably right actually.....I suppose there's no harm in it - but if word gets out about this - it was just my bet - alright

NED

For sure

HERBERT

And it won't be for a quid either - I'll spot you for a bob only

NED

Fair enough.....on Lord Burghley - on the nose to win - and don't go placing it with any bester's you don't want to find you've won only to have some bester take off with it

HERBERT

No no

Pause

NED

Well thank you Mr Herbert - you're a good man - you even surprise yourself

HERBERT

Don't kid yourself.....and don't you go skiting if it wins either

NED

Course not

NED smiles

67 INT - CELL 38 - MORNING

NED

You can just imagine it can't you - all the four-in-hands and six-in-hands done to the nines - and all the ladies in their finery - all the toffs trying to out do each other - looking like bloated wombats on a day off.....the race is the thing - Herbert said he'd put a bet on for me

BUCK

Did he?

NED

A bob on Lord Burghley to win

BUCK

But you told me Grand Flaneur was going to win

NED

I know

They look at each other for a bit - a smile breaks out between them as BUCK realises what NED has done

68 EXT - OUTSIDE FLEMINGTON RACE COURSE- MID MORNING

TOM, MAGGIE and others are handing out petitions and receiving a generally enthusiastic response

69 EXT - OFFICIAL AREA OUTSIDE FLEMINGTON RACE COURSE- MID MORNING

Graham BERRY and his wife are arriving in a Landau coach and are greeted by friends - they are all resplendent in their costuming

70 INT - OFFICIAL PARTY LUNCHEON, FLEMINGTON RACE COURSE - MID DAY

The camera pans around as we see the official party having all but finished their lunch - a lovely cold ham meal with waiters and maids waiting in attendance - BERRY is sitting next to Lord WESTHAM

WESTHAM

This Kelly business has got me concerned Graham

BERRY

How's that?

WESTHAM

Have you heard petitions are being distributed and a public meeting is rumoured to be planned for this Friday

BERRY

Yes I have heard

WESTHAM

It's all that damn Gaunson's fault - he's like a dog with a bone - just won't let it go

BERRY

(Smiling) No

WESTHAM

He's a damned disgrace to the Legislative Assembly if you ask me - can't accept he was beaten once in court and just has to keep going with it

BERRY

Yes

WESTHAM

But the danger is the crowds he's going to whip up - can you imagine the gathering of crooks and low lifes and prostitutes that will be present at such a meeting - we'll be the laughing stock of the other colonies

BERRY

It had rather appeared that way to me too

WESTHAM

The whole business needs to be nipped in the bud

BERRY

It does - but the trouble is it's very hard to do that legally - we can't ban them from holding the meeting or distributing petitions - and any over reaction on our part will just escalate the situation and make matters worse

WESTHAM

No - Kelly just needs to be brought to his end quicker - I understand the Executive Council met yesterday but no execution date was set

BERRY

True - unfortunately we just didn't get to it

WESTHAM

Well hold another meeting for God's sake - get it tabled and decided - and head this rabble off

BERRY

Yes.....well at any rate it would have to be tomorrow night - the days full already - I'm sure we could convene a special meeting for the night

WESTHAM

Well do it.....he's become a rallying point for all these undesirables to air the own grievances - the sooner we put an end to that the better

BERRY

Agreed

WESTHAM

(Looking up) What ho? - perhaps we should take our place for the race

We see a medium tight shot of BERRY and WESTHAM as they walk in with others from their table to the official section in the stand to watch the race

Cut to HERBERT out on the concourse with the general population - he is looking at his tickets then suddenly looks up to the race track

Cut to the horses having just left the gates

Cut to HERBERT - he is enthusiastic, though most people around him are more so - with some shouting as they wave their fore-arms

Cut to the official section - they are eager but a picture of modicum and restraint, particularly the ladies

Cut back to the horses - we see them pass the finish post

Cut to HERBERT - he grimaces and looks down - staring at his tickets - then throws them on the ground

72 EXT - MELBOURNE GAOL - EVENING

We see the gaol - in the dieing light of day

73 INT - CELL 38 - EVENING

NED and HERBERT are standing talking to each other

HERBERT
.....and you told me you knew horses

NED
(Hiding a smile) Well what can I say - there's no accounting for luck

HERBERT
Grand Flaneur won comfortably

NED
Ah well.....so favourites can sometimes win the cup

HERBERT
That's the last time I take tips from you

NED
You're not wrong

NED smiles

74 INT - DAVID GAUNSON'S OFFICE - MORNING

DAVID is writing something - after a short while WILLIAM walks in hurriedly

WILLIAM

They're holding a special meeting of the Executive Council tonight to decide the execution date - I've just been informed by the secretary to Mr Berry

DAVID

Damn.....(*thinks for a bit*).....everything is set for Friday and the petitions have only just gone out to the country areas - some are still getting there

WILLIAM

They're just trying to cut us off

DAVID

But they can't do that - it was agreed they'd meet next week

WILLIAM

I know

DAVID

We'll have to try and change it - I'll meet with Berry and see what I can do

WILLIAM

What about the meeting

DAVID

Keep it where it is - I'll try and change them

75 INT - CHAMBERS OF THE CHIEF SECRETARY - MORNING

BERRY and DAVID are standing face to face - it is almost getting heated

DAVID

But the decision to change it is hasty at best and politically motivated at worst

BERRY

I resent that

DAVID

Don't try and pull the wool over my eyes - you know full well an agreement was made that it would be next Monday and that any representation on the prisoner's behalf would be made then

BERRY

Well what can I say - I'm sorry but it's out of my hands.....a majority decision by the Executive Council has been made to hold it tonight and I don't have the power to over turn that

DAVID

Rather convenient isn't it

BERRY

It's out of my hands

DAVID stares at him for a bit

76 INT - CHAMBERS OF THE ATTORNEY-GENERAL - MORNING

DAVID and the Attorney-General Mr VALE are sitting in chairs opposite one another talking

VALE

I can understand your concern David, I really can but it's just not in my basket - it doesn't come under the Attorney General's mandate - the Executive Council is fully within their rights to do this under the terms of the original Decree which established the colony

DAVID

But there must be something you can do - they're clearly perverting the course of justice

VALE

Well.....not really - not under the terms of the original Royal Decree

DAVID

They're entitled to do anything they want aren't they

VALE

No.....they're answerable to Her Majesty or her representative here - the Governor.....I suppose he's the only real one who can help you

77 INT - THE WAITING ROOM OF THE GOVERNOR OF VICTORIA - AFTERNOON

DAVID is waiting, a bit impatiently - after a while a door opens and the Private Secretary to the Governor, Captain LE PATOUREL comes out

LE PATOUREL

I regret to inform you that His Excellency the Marquis of Normanby will be unable to see you

DAVID

It's imperative that I do see him

LE PATOUREL

I'm sorry Sir but that is not possible

DAVID

A man's life is at stake here

LE PATOUREL

I have informed him of the details of your visit and he asked me to tell you that there is nothing he can do - he is completely in the hands of the Executive Council and is unable to effect their meeting times or take any consideration of the Kelly case

DAVID

But he can - he's the Governor.....the Council reports to him

LE PATOUREL

Sir the office of the Governor does not interfere in the democratic processes

DAVID

But they're not democratic! - look we've got hundreds of signatures pouring in on petitions we were going to present on Monday - there's going to be a public meeting on Friday - tickets are already in demand for it - the only reason they're changing the date is so they can head all of this off - hardly democratic

LE PATOUREL

I'm sorry Sir.....the office of the Governor does not interfere in the democratic process

DAVID stares at him for a bit, then storms off

78 EXT - MELBOURNE GAOL - AFTERNOON

We see the gaol

79 INT - GOVERNOR CASTIEAU'S OFFICE - AFTERNOON

CASTIEAU is seated and DAVID is standing on the other side of his desk

DAVID

But you must let me see him

CASTIEAU

I'm sorry David - the Chief Secretary has asked that we restrict him to only seeing close friends and family.....and to be honest I think all this political action has gone a bit far - do you really think you're going to get a reprieve - do you really think you should be getting his hopes up

DAVID

Well what do you expect me to do - just sit by and let this miscarriage of justice go

CASTIEAU

David.....you've got to put his state of mind first

DAVID

If you'd just let me see him - explain to him.....

CASTIEAU

Sorry - I'm under orders.....but look I've been keeping him a breast of developments - I'll tell him about the new meeting tonight

DAVID

Tell him we're still working for him.....there's going to be a mass meeting and march this Friday night

CASTIEAU

David.....I don't think that detail information is appropriate

DAVID

Just tell him we're still working for him.....just tell him something for god's sake - he knows we're trying - he's going to want to know what's happening

CASTIEAU

I'll let him know something - I'll let him know you're still working for him

DAVID

.....thank you

80 INT - CELL 38 - AFTERNOON

NED is sitting on the bed - the door opens and CASTIEAU walks in - he walks straight up to the bars and NED gets up slowly and walks over to him

CASTIEAU

Ned some news that has just come in - the Executive Council has convened a special meeting tonight to set the date for the sentence

NED

Ah.....I thought they were going to wait till next week

CASTIEAU

I know.....it seems they think it's probably kinder for all concerned to set the date sooner rather than later.....the meeting is at seven-thirty tonight.....I should be able to inform you of the decision tonight

NED

(Pause)thank you - that would be appreciated

CASTIEAU

(Nods quietly) I'll let you know

CASTIEAU exits - the mood is a bit sullen - NED just stands there - BUCK is not sure what to say - after a short while NED speaks

NED

Strange isn't it.....that they should change their minds so quickly.....and no news from Tom or Maggie.....I suppose I expected this though - it was always going to be a fate-accomplish

BUCK

Ah well.....

NED looks at him and smiles with a little sigh

NED

I always thought I'd get a decent hearing - somewhere.....even at the end.....I guess the full facts will never been known *(he goes towards his bed)* we'll have to wait till that greater court - I'll give that Barry a measure of his own justice

NED sits on his bed for a while thinking - BUCK still unsure what to say

NED

I wonder Mr Buck if I may be permitted to write a letter - it could be presented to them tonight

BUCK

(Thinks) I can't see why not - I'll have to ask though

NED

Thank you.... and is there any chance too....*(NED's looks at his hands - turning them around looking at the injuries)*

BUCK

If you want me to write it for you Ned I can do that - if you dictate it to me

NED

Thank you - I'm sorry - it's just that these are no use - I couldn't hold a quill steady enough

BUCK

That's alright - now just wait on

BUCK gets up and sticks his head out the door - looking for a warder in the cell block

81 INT - MAIN CELL BLOCK - AFTERNOON

We see BUCK looking through the doorway - he attracts the attention of Warder PETERS who walks down a light of stairs to him - listens to him and then walks off to see CASTIEAU

82 INT - CELL 38 - AFTERNOON

CASTIEAU enters and walks up to NED

CASTIEAU

Ned it's just been brought to my attention that you want to write a letter.....now.....that's not a problem - but I've really got to let you know I don't think it will do any good - I don't think they're going to be swayed Ned.....as unlikable as it is you're probably better off preparing for the inevitable rather than chasing these flights of fancy

NED

Sir it would set my mind at ease - the full details of my case have never been laid before them and I feel if it were they'd be swayed to see it from my pint of view.....what else am I to do?

Pause - Castieau thinks

CASTIEAU

Ned if you want to that's fine - but I don't want you to get any hopes where there aren't any

NED

I understand that Sir - but if I'm to be hanged I want it to be in the face of the truth, and nothing less - at least I'll have that

CASTIEAU

Very well - and Mr Buck you can write this

BUCK

Yes Sir

CASTIEAU

Very well - we'll get the implements for you - and I'll see it's forwarded to the council tonight - make haste I'd say because the meeting's not that far off

NED

(Nods) Thank you

CASTIEAU exits, cut to

BUCK sitting at the table, paper, pen and ink at the ready - waiting for NED, who is walking around thinking

NED

Where to start, where to start.....I've already written a letter - two letters which detailed it all.....it's too bad they weren't looked at in the trial

BUCK

Perhaps you should restrict it to just what the trial was about - what were you formally charged with

NED

.....the murder of Lonigan at Stringybark Creek.....but it goes back before then.....back to me being accused of stealing a horse which I never done.....to that scoundrel Fitzpatrick...to

BUCK

Well Ned you haven't got much time - and really I think they're only going to be interested in what's relevant to the case

NED

But it is relevant as they used it to influence the jury against my character when it was a false allegation... same with that with Fitzpatrick - and they've got to be told that.....but what you're saying is right and I think probably the most relevant thing is McIntyre perjuring himself about Stringybark Creek - and the discrepancies in his witness - none of which was ever challenged - so I'll concentrate on that - but I must make mention of the other incidents too.....look say this....

To His Excellency the Governor.....I have taken the liberty to address you in reference to my case as it is now drawing to a close..... *(looks over - waits for BUCK to catch up, then thinks again)*the first thing I wish to draw your attention to is the warrant issued for me on suspicion of horse stealing as they were produced as evidence against

me in the court and likely to prejudice the jury on behalf of my character - it was merely a warrant for my apprehension on *suspicion* of horse stealing had I have been apprehended they could not possibly have procured a conviction..... (*he wanders over to BUCK*) - have you got that

NED waits, BUCK writes

BUCK

.....yes

NED

the second thing is the warrant issued for the shooting with intent to murder Constable Fitzpatrick.....Constable Fitzpatrick swore that I had no intention of shooting him and that we were intimate friends according to his sworn evidence. I neither murdered him nor had any intention therefore I think there must have been a mistake in granting a warrant on this charge and when this charge was preferred against me it was greatly to prejudice the jury and as I did not actually commit that deed and as there was no murder committed and no intention of doing such.....

This cross fades to

83 We see various incidents as NED describes them

NED

.....they sneaked out of the town before day light disguised as diggers on a prospecting tour and camped at Stringy Bark that night.....some of the party said they did not intend to bring anyone in alive which I can prove. Fitzpatrick I believe will swear an oath that they came to shoot me, not to arrest me. Constable Lonigan in particular bid his friends good bye several times on leaving Violet Town, and he said he might never come back again - Ned Kelly was to be shot, and he was the man that would shoot him.....

This cross fades to

NED

.....what I wish is Constable McIntyre's first depositions statement to be compared with his depositions of both courts and you will at once see the disparity between the two.....also the photograph of the place and the position of the oven at the time of Kennedy and Scanlon's advance.....McIntyre says two men was in the Spear Grass, one in the tent and one at the fire - these being in a direct line in front of Kennedy and Scanlon.....therefore McIntyre told a falsehood to his companions by saying they were surrounded, as they were expecting to meet other parties of Police.

What McIntyre should have said that he was covered by Ned Kelly and three other armed men not to move or they would be shot as Lonigan has got shot - and have pointed to the fact - then his companions would have decided their position and could have pleased themselves whether they galloped away or whether they fought.

McIntyre's first statement was that four men called on them to throw up their arms and surrender "we don't want to take life we want your firearms"that he looked around saw four men armed with guns and one on the extreme right armed with two guns. And when he gives his evidence in Court two years after he says the man on the extreme right had only one gun and one revolver. He saw the man had no revolver in his first statement - also that Kennedy jumped off on the off side of his horse and got behind a tree and commenced firing - when he see Kennedy firing and broke the agreement he got on his horse and galloped away, and that he heard Kennedy say stop it lads.

He swore in Beechworth that he could not see but that Kennedy was dead when he took his horse and that he rolled off on the off side.

You will see if McIntyre's statement is compared the disparity, without me making further mention.

I have not had time to put all the facts as I would liked to have brought under your notice because I have had to write this this morning to be in time for the Executive Council but now as I have time I will forward you a full statement of the facts from beginning to end.

Yours Obediently, Edward Kelly

(to BUCK) I'll have to just cross that.....I sware McIntyre's evidence has got more holes in it than a sluicing tray.....but if I can get it all written out they'll see.....

BUCK

(Just finishing the writing) Do you want to put your mark here

BUCK gets up and takes it over to the bars

NED

Aye

NED wanders over and marks it

BUCK

I'll just get this to Mr Castieau

84 INT - CASTIEAU'S OFFICE - MORNING

CASTIEAU is reading through the letter

85 EXT - PENTRIDGE GAOL - AFTERNOON

We see Pentridge from the outside

86 INT - PENTRIDGE GAOL CELL BLOCK - AFTERNOON

A cell door is opened and Elijah Upjohn walks out, his huge frame filling the doorway as he comes through - he is accompanied by Warder SMITH as he walks along

87 INT - THE OFFICE OF THE GOVERNOR OF PENTRIDGE GAOL - AFTERNOON

UPJOHN and SMITH are standing in front of the PENTRIDGE GOVERNOR who is seated at his desk

PENTRIDGE GOVERNOR

The hanging date is to be set tonight by the Executive Council - you're to be transferred to the Melbourne Gaol today, until the date of the execution

UPJOHN

Aye

88 INT - DAVID GAUNSON'S OFFICE - AFTERNOON

DAVID and WILLIAM are talking

DAVID

They've banned me from seeing him.....and you for that matter I should think

WILLIAM

Ah.....

DAVID

They're just restricting him to close friends and family

WILLIAM

Not the people who can actually do something for him.....but that won't stop us - we expected as much

DAVID

No - after the meeting - let's have a procession - take a deputation straight to the Governor.....see what they think then when there's two thousand people all standing there wanting his reprieve

WILLIAM

(Picturing it, slowly nodding) Good idea.....

DAVID

That'll really show em.....we'll have at least as many signatures by then

WILLIAM

We've got that now.....more even - they're pouring in

DAVID

Good - we'll show them what they should be doing

WILLIAM

The meetings going well too - it'll be full - almost sold out now.....you'll be the main speaker if Hamilton chairs it?

DAVID

Yes.....we'll show em what's in the public's interest alright

89 INT - MEETING ROOM OF THE EXECUTIVE COUNCIL - NIGHT

The nine members of the Council are sitting around a table - Mr GREGORY is flipping through Ned's letter

Mr GREGORY

Conjecture and hearsay - there's not a shred of evidence to it

Mr VAUGHN

Who does he suppose we are to believe - himself a condemned criminal, or an officer of the law

Mr LAWRENCE

Indeed

Mr ABBOT

Due process was carried out - he had his opportunity in court.....and now he's just trying this - can you imagine the precedent it would set if we were to indulge him

VARIOUS MEMBERS

Hear hear!

BERRY

I agree

Mr GREGORY

Westham was right when he said Kelly is becoming the rallying point for all the undesirables in society - he did it in the bush and now he's doing it here - with the help of that rogue Gaunson.....too bad we can't hang him along with him

The others chuckle

Mr GREGORY

The sooner we get Kelly hung the better

BERRY

Well to set a date then - how about a week tomorrow

Mr GREGORY

Too far off - two days time

Mr ABBOT

No no that'll just make matters worse - that'll stir up the crowds more - they'll know we've done it just to get him out of the way - a week is fine - that's usual

GREGORY shrugs

BERRY

.....so a week it is then.....all in favour

They all respond favourably

90 INT - CELL 38 - NIGHT

CASTIAEU has just told NED the date of his hanging, there is a bit of a pause before NED responds

NED

Ah well - it is short.....thankyou

NED nods and drops his head, shuffling back to his bed - obviously wanting to be alone but CASTIEAU doesn't leave - NED sits down and a dark mood grows in him

CASTIEAU

I'm sorry Ned.....the best thing to do now is to just accept it.....it's all there is for it.....I know what I'm saying might seem hard - but you'll come to see the sense of it

CASTIEAU pauses, then leaves - NED just looks - fiery and stern - after a while
HERBERT speaks

HERBERT

.....he's right you know - you should just accept it

NED

Accept that this is all my life is to be? - constant struggle from birth to
death.....not in your life

91 INT - CELL 38 - MID MORNING

NED is walking around - still in a mood

BUCK

And did they say anything about it?

NED

Castieau said they didn't.....he said they did get it and read it though

BUCK

I'm sorry Ned

NED

Well what do you expect.....corrupt bloody politicians - bet none of
them can lie straight in bed at night.....I'm restricted from even
seeing my solicitor now, the bastards - they're just trying to close it all
off - cut off every avenue.....*(smiling)* I must really have them worried
- you know what the most dangerous man is Mr Buck

BUCK

No what

NED

An honest man.....that's why they're so worried - well I'm damned if
I'm letting this go with out a fight - they're going to have to drag me
off kicking and screaming - the bastards - think they can do what ever
they want - that's all they've ever thought.....I'm gonna show em
different

NED walks around angrily for a bit

NED

Have you heard anything Mr Buck - how it's looking out there - what
people are saying

BUCK

Ah....I..... (*NED looks at him intently*)Ned look last night when I came off shift they asked me not to say anything to you about what's happening.....they said to say sentence has been passed and it's best if you just concentrate on that

NED

You don't have to do what they say Mr Buck

BUCK

No I don't.....but Ned don't put me in that position - I'm happy to write letters for you - do what ever I can for you - but this job.....it's all I've got

NED stares at him for a bit, then sighs and turns away - conceding to him.....he walks around for a bit, to himself, ignoring BUCK - who is looking at him - wanting to do more, but not prepared to break his bounds, after a while NED speaks

NED

Just feel so helpless in here.....don't know what's happening out there, can't get to them.....people can't see me.....I write blasted letters - but none of them get paid any notice to.....it's not over yet - that's all I know - it's not over yet

BUCK

Well look if it makes any difference to you I can say the Gaunson's are still pushing your case, I think it's all right to say that

NED turns around

NED

Well.....that's good to hear

92 EXT - MELBOURNE GAOL - AFTERNOON

We see the gaol - it is now clearly afternoon

93 INT - CELL 38 - AFTERNOON

NED and BUCK are both sitting silently - off in their own worlds and thoughts - the door opens and HILLARD brings in NED's sister Kate (KITTY) and his brother JIM - they burst in with enthusiastic energy, HILLARD looks unimpressed and shuts the door, NED gets up surprised

NED

Kate! Jim! - would you look at ya!

KITTY

Ned!

JIM

Ned!

NED gives KITTY a hug through the bars and a quick hug and play fight with JIM

NED

Well would you look at ya both - when did you get down here

KITTY

Just got down today

NED

Ah dear I can't believe it (*to JIM - going to grab his cheek*) Look at you (*JIM fends him off - NED turns back to KITTY*) So how have you been keeping

KITTY

Good.....been looking after two tribes - the Skillings as well as the little ones

NED

Ah you're a Trojan - your bloods worth bottlin

KITTY

And how are you

NED

Fine....as right as rain.....wonderin' what's going on out there though

JIM

It's going well Ned

KITTY

Aye it is

NED

So what news.....

JIM

A big meeting tomorrow night - at the Hippodrome

KITTY

The Gaunson's have organised it and it's sold out

JIM

And then we're gonna march to Government house to see the Governor

NED

Well I'll be blowed.....things really are moving

KITTY

The earth is moving Ned

JIM

And the petitions have been distributed around the colony - we're gettin hundreds of signatures

KITTY

Thousands - I saw a pile of them this morning

NED

Is that right

JIM

They're all going to be presented to the Executive Council next Monday

NED

Ah well there you go - maybe that will talk some sense into them.....seems nothing else will

JIM

Don't you go giving up on us now

NED

I'll be doin nothing of the sort (*having a fun dig at him*) you workin' hard enough at it yourself? - shouldn't you be out there handin things out

They laugh a bit

NED

Ah.....this is the breath of fresh air I needed.....you know they won't even let me see Gaunson anymore

JIM

Yeah - but don't' worry - he's working as hard as ever on it - he and his brother

NED

Aye that's good (*to KITTY*) and how have you been coping with all the kids

KITTY

Fine

NED

Fine she says! - a real little mother now (*He laughs with JIM*) No I'm sorry Kitty.....you're growing up fast - I bet you're doing a first rate job

KATE

Thank you

He smiles and they look at each other, it turns from a pleasant acknowledgment of each other to a shared moment of sadness - then KITTY bursts out in tears - NED holds her and comforts her

NED

Ohll no no Kitty, come on there there

KITTY

I'm sorry I just can't take it anymore.....it's not meant to happen.....first Dan and now you.....I just can't take it.....it's so hard at home with all the children, and so little to feed them - and this happening.....it's just not right - I don't understand it - I don't know why it has to be like this

NED

There there Kitty.....you said yourself the earth is moving - things are changing - it'll all change for the better soon

KITTY

I just don't want to lose you Ned

NED

You won't.....now come on - be strong now - your Ma would be so proud of you - running the house with out her there - and looking after Maggie's children too while she's here.....you've just got to be strong and you see out the bad times

She nods her head - disagreeing - and sniffles and cries

NED

There there

NED looks to JIM and they both nod their heads

fade out

94 EXT - MELBOURNE GAOL - MORNING

Fade in to the gaol - it is now mid morning

NED is sitting there solemnly, in a mood, it goes on for a while before he speaks

NED

It'd be alright you know if it was just me.....if you could finish me off with out touching any of the others.....but of course you can't.....when I think of Kitty, and Maggie - and Kate.....and my own mother.....

NED shakes his head and drifts off - doesn't know what to say

NED

It's just not right.....which is why you've got to fight in the first place

BUCK

Do you know what your problem is Ned - if I could be so bold

NED

(With a wry smile) Go ahead - everyone else is

BUCK

You're too revolutionary.....have you ever heard the saying treason never prospers *(NED nods - no)* treason never prospers - because if it does none dare call it treason.....it's just that your revolution didn't work.....that's why they're so afraid of you - you're not just a criminal flying in the face of the law - you're a figure head - you represent a class of people and their concerns - it wasn't just you - it could have been a popular uprising and that's what worries them - that's why they want to get rid of you as quick as they can.....but what did you expect - you hold a town hostage and try and blow up a train full of thirty police

NED

We didn't try and blow it up

BUCK

Well derail it - you know what I mean.....try and get them all in one go

NED

But that was never the plan - the plan was to take them hostage

BUCK looks, doesn't know what to make of this

NED

We were going to hold them hostage in the bush until my mother, Skilling and Williamson were released from prison.....the station master couldn't guarantee that he could stop a special train - so we had the track tore up and my intention was to have the stationmaster flash

the danger light so as to make the train stop - we would then surround it and being as we were in armour they wouldn't be able to touch us and we'd take them off hostage in the bush

BUCK is looking at NED strangely

NED

This is something else they should know - I want to write another letter

96 INT - CASTIEAU'S OFFICE - MID DAY

CASTIEAU is reading NED'S second letter, after a while HILLARD comes in

HILLARD

Sir

CASTIEAU takes his time and keeps reading it - finally putting it down

CASTIEAU

This is Ned Kelly's second letter to the Governor - can you give it to Sheriff Rede - he can forward it to the Chief Secretary

HILLARD

Sir do you think this is going to make any difference

CASTIEAU

I don't think so - but it's his right so see it gets to Rede promptly

HILLARD

Yes sir

97 INT - THE CHAMBERS OF THE CHIEF-SECRETARY - AFTERNOON

BERRY is at his desk working, when his Personal Secretary HIGGINS comes in a presents him with NED'S letter

BERRY

What's this?

HIGGINS

Another letter from Ned Kelly - it just arrived

BERRY sighs and sits back - he reaches for the letter and has a quick look at it then throws it onto a corner of his table and keeps working

98 INT - THE OFFICE OF THE CHIEF COMMISSIONER OF POLICE - AFTERNOON

Captain STANDISH is talking to WILLIAM

STANDISH

I understand you and your brother are to be holding a procession this evening to the Governor's residence to try and win some kind of favour for the out law Kelly

WILLIAM

Where did you hear that from?

STANDISH

It doesn't matter where I heard it from the point is it can't continue - there can be no procession through the city with out the express permission of the Mayor, who of course customarily clears it with the Commissioner of Police

WILLIAM

.....it is true that my brother and I will be making a deputation to see the Governor but how many people will accompany us I can't say - it is not with in our power to check their individual right to see the Governor themself

99 INT - DAVID GAUNSON'S OFFICE - AFTERNOON

DAVID has just finished talking to Captain LE PATOUREL, and is looking unimpressed - just then WILLIAM walks in looking very happy with himself

WILLIAM

Standish tried to get me to stop the procession but I simply told him they were exercising their rights as individuals to march to the Governor's and that I'd have no control over them

DAVID

It doesn't matter anyway

WILLIAM

Why?

LE PATOUREL

Unfortunately His Excellency will be unable to see you tonight

WILLIAM

.....why

LE PATOUREL

He has a prior engagement and won't be in his residences

WILLIAM looks at LE PATOUREL then DAVID

WILLIAM

.....he's just foxing

LE PATOUREL

No I assure you it is true - I have brought the details (*he reaches for a pile of books and papers*) - he has a dinner engagement with the Earl of Wexford which was decided upon some six months.....(*he looks up and trails off - they have apparently accepted his reason*)he did however say that he will be happy to receive a small deputation tomorrow morning at ten-thirty am, and if you could keep it to a minimum of three to four individuals

LE PATOUREL smiles obsequiously - DAVID and WILLIAM look at each other not too happy

100 EXT - MELBOURNE STREET - NIGHT

We see a fire rocket being lit and then a number of explosions in the sky

101 EXT- THE FRONT OF THE HIPPODROME - NIGHT

TOM, JIM and MAGGIE are handing out petitions - there is a great deal of commotion with people walking past - looking at the exploding fireworks, and making their way into the hippodrome

MAGGIE

(*Looking at one of the fire works exploding*) Would you look at that

TOM

Guy Fawkes - now there was a man who knew what he was doing

MAGGIE laughs - a man approaches JIM

MAN

You'd be Jim Kelly wouldn't you

JIM

Aye that'd be right

MAN

I just want to shake your hand sir (*they shake*) it is indeed an honour

The man continues into the building - JIM smiles to the others

TOM

We should really go in ourselves - they'll want to start soon

102 INT - HIPPODROME - NIGHT

The auditorium is full with a few thousand people all talking animatedly - MAGGIE, TOM and JIM take their seats in the first row - DAVID, WILLIAM, ARCHIBALD and the young politician CAULFIELD are waiting in the wings

ARCHIBALD

We should commence - what do you think?

DAVID nods - they walk out on stage to a huge roar - DAVID, WILLIAM and CAULFIELD take a seat, ARCHIBALD walks down the front to address the audience

ARCHIBALD

Ladies and Gentlemen my most sincere thanks for your attendance here tonight. I understand a lot of you have traveled from country reaches to lend your support for Edward "Ned" Kelly and your attendance here is most appreciated.

As you are all aware one of this colonies finest son's is presently awaiting the hangman's noose in the Melbourne Gaol. The man himself and his character needs no introduction to you - his is a name revered and a by-word for decency, courage and trust. In any other age or place he would have been a leader of men - a general - but he had the misfortune of being born into a time and place where a certain steadfastness of character and independence of spirit is not something to be admired but is to be taken as a threat by the ruling order of the day. And this is the tragedy that confronts Ned Kelly and brings us to our present conundrum - for he is as Shakespeare said in King Lear - truly a man more sinned against than sinning.

So what are we to do to save him from his present fate? - sitting behind me are two of the bravest and noblest souls you could ever hope to find - men who have put everything on the line for Ned Kelly - their career, their name, their money - I'm referring of course to the brothers Gaunson - David and William - who will presently outline the state of affairs at the moment, and what can be done to avert this terrible miscarriage of justice. For what we are fighting here are the double evils of an inherently prejudiced system, which we all know has been around for centuries, along with the new found Darwinist support for it.

They say it is in the breeding - that phrenology shows us there is a clear and distinct criminal class and that this justifies the inhuman ways these people are treated and justice is metered out to them.....well let me tell you that is rubbish - a complete misunderstanding of the science of phrenology. For phrenology tell us that someone's brain and the actions it determines are a result of breeding and not free will - and

therefor their actions are not their fault - and they cannot be held accountable for them. To try and do so is not only unscientific it is also inhuman - and that is something that I, nor the Society for the Abolition of Capital Punishment, will never stand for.

If you want people to behave as human beings first treat them as human beings I say.....I give you David Gaunson

The crowd cheers, DAVID walks forward, ARCHIBALD back and sits

DAVID

Thank you for that rousing introduction - any louder and I'm sure Ned would be able to hear you in his cell! (*more cheering - DAVID smiles and tries to quell them*) please please.....as Mr Hamilton said thank you for your attendance here tonight - to see so many come is truly uplifting and would mean a lot to Ned - and will when he finds out. At present he is in a cell by himself, under constant supervision by a Warder, but in good spirits - as any who has known him would know - it would take a hell of a lot to break him - and it doesn't look like getting to him yet (*crowd cheers*) He truly is the most remarkable man I've ever met and who's deserved of everything we can do to save him.

What the government is trying to do is the grossest miscarriage of justice this colony has yet seen - to convict a man on false evidence, not give him fair trial, and then hang him is utterly reprehensible and something that this colony will never live down.

It falls then to us - and you in particular - the common man to make right this wrong - for it is only through the combined weight of public opinion that a reprieve will ever be granted - the Governor, as Her Majesty's representative, can exercise the Royal Prerogative of Mercy - but that will only be done when it is overwhelmingly shown to be in the public's interest. To that effect we have launched the petition campaign which most of you would be aware of - if you haven't signed it yet do so as soon as possible and then take copies of it with you and get everyone you know to sign it.....if there aren't enough copies go to my office and get some more - these are to be handed to the Executive Council on Monday morning - it is imperative that we get as many signatures as possible on it. The other thing we had planned as you had probably heard is a mass march to the Governor's residence tonight.....unfortunately I have just found out that that will be pointless as the Governor won't be in attendance (*the crowd jeer*) - but he has however agreed to meet us at 10:30 am tomorrow - so I propose that we meet at the Town Hall tomorrow morning at 9:30am before proceeding to his residence (*the crowd cheer*)

We see the building with a large crowd gathered around it - and fireworks still going off occasionally

104 INT - HIPPODROME - NIGHT

The camera pans around ARCHIBALD who is now on stage next to DAVID - it is a fair bit later and the meeting is at it's closing stages

ARCHIBALD

So the resolution is that the Governor favourably regard the prayers of this meeting and that the life of Edward Kelly be spared by exercise of the Royal Prerogative of Mercy - all in favour say aye

There is a resounding response from the audience

ARCHIBALD

All opposed say no

There is no response

ARCHIBALD

The ayes have it.....the second resolution is that a deputation of supporters meet tomorrow morning at the Town Hall to proceed to the Governor's residence for the purpose of making good the aims of the first resolution - all in favour say aye

There is a resounding response

ARCHIBALD

All opposed say no

There is no response

ARCHIBALD

The resolution is carried - that being the end of business I declare this meeting closed - thank you all for coming.

A man in the crowd stands up

MAN IN CROWD

Three cheers for Ned Kelly!

He leads the crowd and they respond - followed by much commotion and excitement

Slow cross fade to

105 INT - BRIGETTE KENNEDY'S DRAWING ROOM - NIGHT

BRIGETTE is sitting with the letter from CASTIEAU, she is crying - she is accompanied by her friend AGNES

BRIGETTE

I don't understand it.....I just don't understand it.....why do they want to do this to me?.....why does everyone just want to keep denying me?

AGNES embraces her

AGNES

There there dear

BRIGETTE

I just don't understand it.....what did I ever do to deserve this

AGNES

There there

BRIGETTE

I just want to see him - why should they deny me that - I've been denied everything else - why should I be denied that

She cries - AGNES holds her

Cross fade to

106 INT - CELL 38 - NIGHT

NED is lying on his side in the bed - he is awake and just staring ahead

107 INT - HANSOM CAB ON A MELBOURNE STREET - MORNING

DAVID and WILLIAM are traveling in a cab - WILLIAM is reading from the paper

WILLIAM

(Reading - with a bit of a smile) "I have never in all my experience seen such a number of known vagabonds, thieves and persons who have been convicted in one place, as were at the meeting last night in favour of the condemned outlaw Kelly."

DAVID

(Taking it more seriously) Put it down - I don't need to hear that *(looks out the window)* here we are

108 EXT - OUTSIDE MELBOURNE TOWN HALL - MORNING

DAVID and WILLIAM get out - they are immediately met by CAULFIELD, ARCHIBALD and KITTY, who is dressed in black with a black veil - with a crowd of about 200 hundred supporters further back behind them

DAVID

(Looking at the crowd) Bit of a drop from last night

ARCHIBALD

It is rather

DAVID

But anyway doesn't matter - look I've been thinking - the Governor expressly asked for only a small group to see him, so I think we're much better off just going there ourselves - I think we're pushing things as they are and this will just give him another reason not to see us - agreed?

He looks at them - they all agree

DAVID

I'll just go and explain to them - and we'll just go ourselves

DAVID walks over to them

109 EXT - VARIOUS MELBOURNE SCENES - MORNING

We see the cab on it's way through various streets and vistas - till it finally arrives at it's destination and they get out - ushered in by a BUTLER

110 INT - GOVERNOR'S WAITING ROOM - MORNING

DAVID, WILLIAM, ARCHIBALD, KITTY AND CAULFIELD are all waiting patiently, after a while a door opens and Captain LE PATOUREL enters

LE PATOUREL

His Excellency the Most Honourable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave and Baron Mulgrave of Mulgrave, Governor and Commander-in-Chief in and over the Colony of Victoria and all it's dependencies, will now see you

They look to each other - THE GOVERNOR walks in - they all stand up - he looks around at them expectantly - ARCHIBALD bows then speaks

ARCHIBALD

Thank you sir for your time it is most humbly appreciated - I have for you the motions of the meeting last night (*he passes him the documents*) a unanimous vote calling for the reprieve of Edward Kelly. This was a meeting of some four to five thousand persons...

THE GOVERNOR

Mr Hamilton I can but forward the document to the Government and tell you that it will come before the Executive on Monday. I regret, however, the case has already received careful consideration, and the decision arrived at was not come to with out due care. I would be deceiving you and acting cruelly towards the condemned man if I held out any hope of mitigation

DAVID

But Your Excellency - the weight of public opinion is not something that can be easily dismissed - quite apart from the dubious nature of the way the Government handled the case and the state of the prisoners mind at Stringy Bark creek anyway which precludes him from committing murder in the legal sense

THE GOVERNOR

Enough

DAVID

How are we to compare to other Colony's and Empires with a track record like this - you are aware in the German Empire save in political cases they haven't exercised the death penalty for seventeen years

THE GOVERNOR

I cannot enter into arguments Sir. The duty I have to perform is the most painful one a Governor can fulfill. The decision of the Executive Council has only been arrived at after the fullest and most complete consideration, and the matter can proceed no further

DAVID looks at him - starting to think he is not going to change - ARCHIBALD looks to KITTY and brings her forward

ARCHIBALD

Sir this is Edward Kelly's sister Kate - would it have some effect if she were to go to her knee

DAVID looks away embarrassed, annoyed - KITTY drops to her knee

KITTY

Please Sir I beg of you - my brother is the finest man you could ever know - if you could just issue a pardon - or save him from...

THE GOVERNOR

No no - I have a painful duty to perform and I cannot see that anything can be got by prolonging this interview - good day to you

The GOVERNOR leaves quickly and angrily - the others are left there

111 INT - HANSOM CAB - MELBOURNE STREETS

They are all in the cab - it is silent as it rocks back and forward - DAVID is just staring out the window - despondent - the cab continues on

cross fade to

112 EXT - RIVER BANK - AFTERNOON

DAVID is sitting on the bank throwing some bread to the ducks deep in thought - he is soon joined by his brother

WILLIAM

What are you doing here

DAVID

.....just thinking.....sit down

WILLIAM does

DAVID

They're not going to grant it.....they want him dead

WILLIAM

It's not over till it's over - you always told me that

DAVID

(Nodding his head slowly) It's over.....you saw him - he couldn't care less.....it doesn't matter what we do they're just going to stone wall it

WILLIAM

What are you saying?

DAVID

Do you really think it's going to make one iota of difference what we do?.....do you really think it's going to change anything.....do you really think it's in Ned's best interest?

WILLIAM

You said it yourself last night - he deserves everything we can do for him

DAVID

But what are we doing for him? (*turns to WILLIAM*) - just giving him hope where there is none.....that was the last throw of the dice as far as I'm concerned the Governor's not going to do anything....it can only get overturned if he does.....it's churlish to continue.....they're wrong but they're not going to change - we've done our best - and to give Ned anymore hope of it is not doing the right thing by him

WILLIAM

Well I haven't given up

He gets up and leaves

113 INT - CELL 38 - MID DAY

NED is wandering around restlessly

NED

It's unusual no one has come in isn't it.....perhaps they're clambering at the gates and Castieau won't let them in.....can't come in whenever they like.....it'd be good to get news - know of the meeting

NED looks to BUCK

BUCK

I'm sorry Ned.....I can't.....and to tell you the truth I don't know anything anyway - I haven't heard

NED

That's alright - you've been good to me Mr Buck.....had we met under different circumstances we could have had a fine time together - I could have taken you to the races! - introduced you to the most pure pleasure there is! You're never as free as when your galloping on horseback - though I'm sure bicycle riding is a pleasure all of it's own

BUCK smiles

NED

Ah dear.....

NED doesn't know what to do and goes and wanders over to his bed

NED

Is it not time for exercise Mr Buck?

BUCK

(*Gets his watch out and looks at it*) Shortly

NED

A ray of sunshine will be good - out of these chill walls - it's enough to compress your mind in here.....nothing like some of the lock ups I've seen - out bush - have you ever seen an all wood watch house Mr Buck - wood walls, wood ceiling, wood floor

BUCK

Couldn't you break out of them

NED

Aye but you've got to leave the traps with some sense of self respect don't you - can't be lauding it all over them.....all you need is something - work a hole - loosen a nail - I've heard it done.....(*looking up at the window*) not much of a way out of this place though.....you know what they say - there's only two ways home - death or victory.....it's strange I haven't heard yet when it's so importantwell maybe I'll find out soon.....I'm sure I'll find out soon

He wanders around a bit - restless

fade out - fade back into

114 INT - CELL 38 - AFTERNOON

It is now the next day - Dean DONAGHY is seeing NED again

DONAGHY

Ned it's been a week now - have you spent much time thinking over what I said

NED

Father I told you before I've got nothing to say to the Lord that I haven't already said

DONAGHY

Ah but Ned that's a very easy road to take - and one I've heard many a time before.....let me tell you Ned the Lord is merciful - but he doesn't hand it out easily - it only comes upon those who are true of heart - and believe me Ned you've got to set about fixing the error of your ways before you meet your maker.....now we were going to talk before about the murders at Stringy Bark Creek Ned.....

NED gets up and walks away

DONAGHY

Now Ned

NED

Well what do you want me to say - there's nothing to say that hasn't been said before - and I don't see that repeating it in front of you is going to make the slightest bit of difference - the good Lord knows what happened that day - and I am happy in his knowledge of that - and what I did

DONAGHY

But what did you do Ned

NED

(Angrily) I protected myself when fired upon - how many times do I have to say this - we only tried to disarm them - they went into the ranges with the express purpose of killing us - there's numerous proof to that - we only fired up on them when they fired upon us.....Lonigan dived behind a log came up to shoot me so I shot him - Scanlon was shooting and got killed in the cross fire - if you want the truth no it most likely wasn't me that killed him but Joe - but we never did anything that wasn't in response to what was done to us

DONAGHY

And Kennedy

NED

.....Kennedy took to the ground and ran - firing at us as he went.....so I took chase.....caught up to him.....I swore he had a revolver in his hand when he turned - but it was just a blood clot.....he was one of the bravest men I ever saw and I'm sorry he died - but they came to kill us - why does everyone forget that? - I don't care if they're police or not - they came to kill us - we were only defending ourselves as everyone has the right to

DONAGHY

But Ned one of the Lord's most basic commandments is thou shalt not kill

NED

Tell that to them - what do you think happened to Joe?....what about all the firing on the inn at Glenrowan when there were women and children in there?.....that bloody coward Steele shot on a woman and her child as she tried to leave!....who do you think killed the boy Jack Jones.....if you're going to be preaching to anyone preach to them

DONAGHY

I will Ned in time.....or someone will.....we all have to account for our actions one day and they're no different - but right now it's you we have to save - their time will come

NED

You're wasting your time - my soul is clear for what I've done

DONAGHY

Ned that's a very dangerous and misguided approach you're taking.....the inevitable truth is your time is coming right now Ned - there's no escaping it - and you have to put yourself right with God or you'll have an eternity to endure in a hell which is infinitely worse than anything you've ever known here.....come on Ned.....I know it's not nice to think about it but I'll do you the decency of speaking openly and honestly about it.....they're going to hang you in just over three days.....now's not the time for wasting

NED

It mightn't even come to that anyway

DONAGHY stops for a moment - can't comprehend this, then realises

DONAGHY

Ned, allow me to put your mind at rest.....I know Governor Castieau has tried to isolate you from events outside - but I'll tell you.....it's going to happen.....there was the meeting on Friday night and his Excellency did receive a small deputation yesterday morning - but it's all been to no avail - he hasn't granted clemency and he's refusing to be swayed.....it's going to happen Ned and the sooner you prepare for that the better

NED

(Quiet and crest-fallen) Well I'll prepare for that in my own time.....I don't need anyone to tell me what to do

Pause

DONAGHY

All right.....as you like it Ned.....but I'll see you again - remember there's nothing you can hide from yourself that you can hide from me - or our heavenly Father.....I'll see you in a few days and I'll take your confession then

NED watches him leave

115 INT - DAVID GAUNSON'S HOME - AFTERNOON

DAVID is talking to MAGGIE and TOM

DAVID

.....I'm sorry.....I don't know what to say

There is a long pause - TOM is looking unimpressed - MAGGIE is being considerate

MAGGIE

That's alright Mr Gaunson.....you've done more than enough and we're highly grateful for what you have done.....there probably wouldn't have been a campaign at all if it weren't for you

DAVID

There would have.....I'm sorry - I've just been on it for months.....and I don't think there's anything else I can do - from the committal hearing, to the case, to the Executive Council to the Governor.....I don't know.....keep going by all means - but I've got to be honest with you - I don't think they're going to change their minds - if they're not going to listen to the weight of public opinion - nine men on the Executive Council ignoring the will of thousands.....I don't know what else I can do.....and honestly I don't think it's going to help Ned - I don't think they're going to change..... but keep going if you want to you - the full resources of my office are open to you

TOM

That's appreciated

MAGGIE

We're getting all the signatures we can today - and we'll present them to the Executive Council tomorrow

DAVID

Well hopefully that will make some difference.....

DAVID nods and the moment dwindles off

TOM

Well thank you Sir - your time and effort has been appreciated

DAVID

I wish I could do more

TOM

No not at all (*to MAGGIE*) we should get out there and continue

MAGGIE

Yes

MAGGIE gets up and extends her hand and curtsies

MAGGIE

Thank you Mr Gaunson - you've been a true friend

DAVID

(*A bit embarrassed*) Ohll no no

TOM extends his hand

TOM
It's been much appreciated

DAVID
I just wish there was something more....

TOM
No no it's alright (*half turns*) anyway we better keep moving...

DAVID
Yes of course

TOM and MAGGIE go to walk off - DAVID looks down just considering

116 INT - CELL 38 - LATE AT NIGHT

NED is walking around nervously - HERBERT is watching

HERBERT
You'll never get to sleep like that

NED
Sleep - what use is sleep

HERBERT
Come on Ned just take it easy

NED
(Taking offence to this, and walks towards him) Keeping you up am I?.....something else you'd rather be doing *(NED stares at him for a bit, then walks away muttering and continuing his nervous walk)*

117 INT - CELL 38 - MORNING

NED is sitting on the bed - just staring sternly - after a while he speaks

NED
You'd think they'd have to listen to thousands of signatures - what with that and the public meeting - they'd have to know.....it never got to them before - you can write all you like and they still only hear what they want to hear.....but thousands of people there and protesting.....it's hard to know what to think.....but there's always hope....there's always a way

BUCK looks to him, then down

BUCK

Ned look I know I'm not meant to say anything to you - but it's probably worth taking the Deans advice - and prepare for the inevitable

NED

Know all about it do you

BUCK

Well if you really want to know - yes - I have seen it all before - and it's futile

NED

That's very easy to say sittin on that side of the fence (*BUCK shakes his head*) - never give up Mr Buck - never!.....that's when they've beaten you - when you let them.....the only person who can bring you down is yourself - I don't need anyone to tell me what to do - I don't need police and magistrates telling me what's right and wrong and I don't need priests tellin me to put my soul right and I don't need you tellin me to lay down.....that's when they've got to ya - when you do what they want you to do.....that's when you've lost.....and believe me there's nothin worse than livin like that - a dog on the run constantly watching your back and your friends - with your own family persecuted and hounded from pillar to post.....I learnt the hard way if you want anything in this world you've got to stand up and get it yourself - no one's going to give it to you - and they can go to buggery if they expect me to do anything else - and if they're going to hang me - fine let em - couldn't care less - wouldn't be going anywhere those bastards aren't going anyway - at least I've managed to take a few of them down with me

118 INT- EXECUTIVE COUNCIL MEETING ROOMS - AFTERNOON

We see bundled after bundle of signatures, held together with ribbons, thrown down on the table, to the disapproving groans of the members of the Executive Council

BERRY

They claim there are thirty-thousand signatures

VARIOUS MEMBERS

Rubbish! Poppy cock! (*etc*)

A few of the bundles are opened and some of the members look through them

Mr GREGORY

There seems to be an inordinate amount signed from Little Bourke Street!

They all laugh

Mr VAUGHN

Look at this signature after signature in the same hand.....it's the one family - even down to the children

More laughter

Mr ABBOT

I don't think much store can be put in these

Mr LAWRENCE

No

Mr GREGORY

Even if there were - getting thirty thousand of the lowest strata of society to sign is not grounds for reversing the sentence

BERRY

No no of course not - he has written a second letter as well - allow me to read it.....His Excellency the Marquis of Normanby, I now take the liberty of bringing under your notice a statement of the facts of the Glenrowan affair.....

Cross fade to

BERRY

.....I should have made a statement of my whole career but my time is short on earth that I have to make the best of it to prepare myself for the other world

There is silence for a moment

Mr VAUGHN

Unbelievable

Mr GREGORY

The gall of the man - does it know no end? To suggest that he never intended to derail the train and commit mass murder is a heresy of the highest order

VARIOUS MEMBERS

Hear hear

BERRY

We're all in agreement then that there's no need to consider this any further and that the original sentence stands

VARIOUS MEMBERS

Agreed. Hear hear (*etc*)

Mr GREGORY

The sooner we put this whole episode behind us the better.....next point of business

Mr VAUGHN

Agreed

119 INT - MELBOURNE GAOL CELL BLOCK - EVENING

Warder BUCK has just finished his shift and is walking along past the rows of cell doors when he is met by Governor CASTIEAU

CASTIEAU

Mr Buck - just finished your shift

BUCK

Yes Sir

CASTIEAU

And how is Ned

BUCK

.....very quiet - he hasn't accepted it all yet - but it's certainly starting to set in

CASTIEAU

Right

BUCK

He hasn't said anything for the last few hours - just sits very morosely on his bed

CASTIEAU

Right.....well to be expected.....I'm just going to see him now

BUCK

Right sir

CASTIEAU

Well have a good night

BUCK

Sir

They continue on their way

120 INT - CELL 38 - EVENING

NED is sitting on his bed with a bowl next to him, just looking out - after a while the door opens and CASTIEAU walks in - NED looks over with no real reactions - CASTIEAU walks up to the bars

CASTIEAU

Good evening Ned.....see you've got your meal....what has Mr Parkinson got for you tonight (*NED glances at his bowl then just looks at CASTIEAU*)how have you been keeping - Mr Buck told me you've been a bit down on your spirits

NED

(*Shrugs then looks away*) I'm alright.....I'm most interested to know what's going on outside

CASTIEAU

(*Pauses, sighs then speaks*) The petitions were presented to the Executive Council this afternoon - along with your second letter.....but I'm afraid it's made no difference to them - the sentence still stands

NED looks away sighs - there is a while as no man knows what to say

CASTIEAU

I'm sorry Ned....best thing is just accept it

NED just stares out ahead not saying anything - he remembers his bare knuckle boxing match with WILD Wright

cut to

121 EXT - THE BANKS OF SPRING CREEK, BEECHWORTH, AUGUST 1874 - AFTERNOON

We see NED'S POV - a battered and bloodied WILD Wright falls backwards in to cheering a crowd

cut to NED from WILD'S POV- covered in sweat and dirt and blood at the height of his anger

cut back to

122 INT - CELL 38 - EVENING

NED turns slowly back to CASTIEAU

NED

It's alright

CASTIEAU

Some good news for you though - you're going to be allowed to see your sister Maggie tomorrow

NED looks a bit surprised and interested then looks down

NED

Well that's good

CASTIEAU

Alright Ned I'll see you tomorrow - try and get some rest, set your mind at ease

123 EXT - MELBOURNE GAOL - MORNING

Fade into morning over the gaol

124 INT - CELL 38 - MORNING

MAGGIE walks in through the door

MAGGIE

Ned.....oh Ned.....

NED

Paddy!

His uncle Patrick Quinn walks in behind MAGGIE

NED

(Surprised)Maggie

MAGGIE

Ohll Ned

PADDY

Look at you my boy - lookin' as strong as ever

NED

What have you come down for?

PADDY

See you of course

NED

You didn't have to do that

PADDY

No

MAGGIE

Uncle Paddy's got some exciting news Ned - he'll swear on an affidavit that he heard Senior Constable Strahan bragging that he was going to kill you in the Wombat Ranges

PADDY

Aye I did - I over heard it in the bar at Greta - bragging he'd cleaned up the rest of your family - even bragging about throwing Ellen and the little one in prison - then said he'd finish you off in the ranges (*NED looks to MAGGIE*)couldn't believe it when I heard it - then when I heard you got the better of them I thought there's our boy!

NED and PADDY smile

MAGGIE

But you can see what this does Ned - this proves that it was self defence - it proves that McIntyre perjured himself and that there has to be a re-trial

NED looks at her - excited but doesn't know what to think - caught between his depression and this kind of news

MAGGIE

.....there's going to be another meeting tonight - we're going to vote that the Executive Council hold another meeting and we're going to present this statement to Mr Berry or the Executive Council - they'll have to act on it then

NED'S eyes flit between them

125 INT - CELL 38 - AFTERNOON

NED is sitting on his bed staring ahead - the door opens and Dean DONAGHY walks in - NED looks over to him quietly

DONAGHY

(In slightly quiet tones) Good afternoon Ned.....Mr Buck *(he walks up to NED)* I trust you are keeping well Ned *(he turns to BUCK)* Mr Buck I

BUCK stands up and brings his chair over, DONAGHY sits in it, close to the bars

DONAGHY

Thank you - you're too kind.....Ned now's the time when we have to face facts - there's a lot more at stake here than you realise and it's time to come forward and make good your fate

NED

Father I've said it before and I've said it a hundred times - I've got naught to say to you

DONAGHY

But Ned I know how you must feel (*NED stares at him*) and it's not easy to admit the error of one's ways - but there's nothing more important that one can do in life.....now time is drawing preciously to a close and I want very much to take your confession Ned - for your own eternal well being

NED just stares at him - no reply

DONAGHY

Ned you must face up to your conscience and ultimately the Lord for the murders at Stringy Bark Creek.....murder is probably...

NED

(Cutting in) Murder?!

DONAGHY

.....murder is probably the worse sin there is before God - save that of denying God himself.....both of which you appear quite willing to....

NED

(Cutting in) Look I don't need a priest telling me what's murder and what's not - and what I should do and what I shouldn't do to save my bloody soul.....if I've got anything to say to the Lord I'll be saying it myself - not through anyone else! Now you're just wasting your time here - why don't you go

DONAGHY looks at him for a bit - not thrown

DONAGHY

All right Ned

He leaves

NED

Damn it all who does he think he is? All this bloody talk of conscience - you'd think I never had one.....I'd liked to see a priest with a bloody conscience that'd be somethin else - he just wants me gone so he can chalk up another soul.....that's all everyone wants - just want me

gone.....don't know what to do listen to them or hold out hopeif they're going to listen to Paddy or.....(*trails off*)

BUCK

Ned.....with all they've done already to get you - do you really think the authorities are going to listen to him

Pause

BUCK

They'll say it's fabricated

Long pause

NED

I know.....let me write another letter

BUCK

Ned do you really think....

NED

(*Cuts him off - shouting*) Let me write another fucking letter! Who are you to tell me not to!

BUCK just stares at him - he believes it's no use - but decides it may help placate
NED so agrees to it

126 INT - CELL 38 - LATE AFTERNOON

NED is dictating the letter

NED

I have again taken the liberty of placing before you the remaining facts of my case which have never been placed in a true light before you. As it has been represented.....

cross fade to

NED

..... there are many members of the police who will swear that they came with the full intention of shooting me not arresting me. But McIntyre's evidence is quite sufficient to show that I did not intend murder - because he swears himself that I could have shot them many times - without saying a word - and it stands to reason that a group.....

cross fade to

NED

.....both for Kennedy and Scanlon's death McIntyre is the man most accountable because he told them a falsehood when he said they were surrounded - and thereon placing them in a wrong position - which can be seen by referring to the photo of the place, and the positions of the men. Also not telling them who they were surrounded by - but as they were *not* surrounded what he should have said to Sergeant Kennedy was "you are covered by Ned Kelly and his men. and if you attempt to fight you will be shot, but if you surrender your arms you wont be shot" Then the men would have known their exact position.

It is as Judge Barry said unlawful to disarm the Police, but then I wish to show the difference between disarming them and doing so with the full intention of murdering them. Even to take the Police evidence all through - the two years career of me and my companions will show that we were anything but bloodthirsty, and likewise in the whole of our career we never ill used or maltreated man, woman or child and always refrained from doing a cowardly act.....*(he has trailed off - his mind on something else now)* just leave it there - I'll finish it tomorrow

BUCK

Are you alright

NED

.....yes.....

BUCK nods and just finishes what he was writing

127 EXT - MELBOURNE GAOL - LATE AT NIGHT

It is well into the night now and quite dark

128 INT - CELL 38 - LATE AT NIGHT

NED is lying on bed thinking - we see him for a long while and then cut to what he is thinking about

129 EXT - BUSH NEAR STRINGYBARK CREEK - DAY

A running gunfight is in progress - Lonigan and Scanlon are already dead and NED is chasing after Sergeant Michael KENNEDY

NED is running up the slope of a gully - trying to find KENNEDY

All of a sudden KENNEDY appears out from behind a tree, aims and fires at NED - the shot grazes NED in the ribs - he returns fire and doubles over a bit to tend his own wound - KENNEDY is hit in the arm pit and starts running

KENNEDY gets about twenty yards away then turns around with his arms out as if to fire again - NED thinks he can see the gun in KENNEDY'S hand but raises first and fires

KENNEDY is shot right through the right side of his chest

NED starts to walk up to him but finds KENNEDY'S gun just in front of himself - he then looks up to KENNEDY - who is sitting on the ground supporting himself with one arm and breathing heavily

We see NED'S POV as he approaches KENNEDY from behind - KENNEDY'S breathing and chest movents become more obvious and laboured as NED approaches - the camera pans around to the front of KENNEDY as NED walks around

KENNEDY is breathing heavily, coughing some blood and holding his wounds

KENNEDY

Don't shoot me Ned.....don't shoot me

NED

.....I thought you were turning to fire

KENNEDY

I've lost my gun.....don't shoot me now (*he grimaces in pain and coughs some blood*)just leave me.....I'm no threat to you now

NED

(*Quickly looking at the bush*) The dingoes would get you in no time

KENNEDY

Well take me back then.....don't kill me - I sware to you - my wife couldn't copewe've not long lost our baby son - and it'd be too much for her to lose me too - I beg of you Ned - don't shoot me

It all hangs in the moment - NED just stares at him weighing it all up - then shoots him through the heart

cross fade to

130 INT - BRIGETTE KENNEDY'S BEDROOM - LATE NIGHT

BRIGETTE is sitting on the edge of her bed in the candlelight - she picks up a small portrait of Michael and looks at it, almost emotionlessly - she then curls up in a foetal position on her bed and leaves the candles burning

cross fade to

131 INT - CELL 38 - LATE NIGHT

Close up shot of NED - he is sitting on his bed - and just stares out despondently

Fade out

132 EXT - MELBOURNE GAOL - MORNING

It is about 8am - the sun has well risen and it is a warm sunny day

133 INT - CELL 38 - MORNING

NED is walking around continuing to dictate his letter

NED

the next thing I wish to mention is the Crown Prosecution tries to point out my bloodthirstiness in wearing steel armour but this is quite the contrary, for without armour I would never have possibly have Robbed a guarded Bank & disarmed Police without taking life - but with armour I had no occasion for taking life (*BUCK looks up disbelievingly but doesn't say anything and continues writing*) and I can solemnly swear now upon God and Man that it never was my intention to take life.

And even at Glenrowan I was determined to Capture Superintendent Hare, O'Connor & the Blacks for the purpose of exchange of prisoners and while I had them as hostages I would be safe as no Police would follow me. And in lieu of taking them I thought it might be as nice to leave them surrounding their Police Barracks at Glenrowan and get possession of their train and horses without an encounter, and get a civilian to claim the reward so when the Police claimed their Horses they would have no enticement to follow me as the reward would have been obtained, so they would not interfere with me until such times as there was another Reward issued. And if they did not give the reward to the man that claimed it - no person would inform on me again.

I know now it is useless trespassing on your valuable time because the expense the Government have been too - which was not my fault - they will only be satisfied with my life. Although I have been found guilty and condemned to death on a charge, of all men in the world I should be the last one to be guilty of it.

There is one wish in conclusion I would like you to grant me, that is the

release of my Mother before my execution as detaining her in prison could not make any difference to the Government now. For the day will come when all men will be judged by their mercy and deeds.....and also if you would grant permission for my friends to have my body that they might bury it in consecrated ground.

Edward Kelly

BUCK takes a few moments longer to finish then brings the letter up to NED - he puts his mark on it

BUCK

Alright - I'll just find Peters

BUCK walks over to the door, opens it but doesn't actually leave the cell, NED sits on his bed, feeling empty and just stares out

PETERS comes and BUCK passes the letter to him

134 INT- EXECUTIVE COUNCIL MEETING ROOMS - MORNING

BERRY flicks the letter to Mr GREGORY somewhat disparagingly

BERRY

More of the same.....none of it's his fault and he should be the last man in the world to commit murder

Mr GREGORY scoffs and flips through the letter

Mr VAUGHN

Wholly unbelievable - I don't know why we're even wasting our time on this - if it were any other criminal we wouldn't even be considering it

Mr GREGORY

Indeed so why are we here

VARIOUS MEMBERS

Hear hear!

Mr LAWRENCE

Is there any reason at all to even consider it.....there appears to be nothing new in it and we've already dealt with this matter a number of times before

VARIOUS MEMBERS agree

Mr ABBOTT

It's a matter of impertinence - that's what it is - that deputation of women thinking they can get us to convene at their beck and call - I tell you some people's dignity knows no bounds

VARIOUS MEMBERS agree

Mr LAWRENCE

Yes I must thank you Graham for calling this early and heading them off

Mr GREGORY

Yes good decision old boy - couldn't bare to face them.....so let's get this over and done with once and for all

BERRY

Alright.....the motion is that the execution of Edward Kelly be carried out as planned tomorrow morning at 10am - all those in favour say "Aye"

Everyone says "Aye"

BERRY

All those opposed say "No"

No one opposes it

BERRY

Very well the motion is carried - and that there being no more business I declare this extraordinary meeting of the Executive Council of the Colony of Victoria closed at 10:15 am, God save the Queen

ALL MEMBERS

God save the Queen

135 INT - CELL 38 - LATE MORNING

Governor CASTIEAU is relaying the news to NED

CASTIEAU

It was considered Ned - but I'm afraid it was a unanimous decision to continue with the sentence as planned

NED nods quietly

CASTIEAU

I think that fully exhausts all avenues of appeal Ned.....it's going to go ahead at 10 am tomorrow morning.....some accommodations can be

made for you - you'll be allowed a number of visitors today and a last meal tonight of your own choosing

NED

.....Sir did they say anything of my last request - that my mother be released

CASTIEAU

....ah...no not they didn't say anything.....that would be a very involved process Ned....I'll keep an eye on it for you - see what can come of it

NED

.....thank you Sir

CASTIEAU

(Nods) That's alright

NED

And what about my body - that that could be released to my friends and family for proper burial in consecrated ground

CASTIEAU

.....there are regulations Ned governing the burial of prisoners bodies.....they'll have to be adhered to

NED

(Pause as he takes it in).....perhaps then a portrait of me for my friends and family

CASTIEAU

By all means - I'll have our photographer Nettleton see you

NED

Thank you Sir

CASTIEAU

That's alright - anything else just ask.....oh Dean O'Hea is coming over from Pentridge to see you.....he remembers you well - says he even Baptised you

NED

.....aye he did

CASTIEAU

Well he'll be here to see you

NED

Aye.....

CASTIEAU

Anything else just ask me

NED

Thankyou sir

CASTIEAU leaves - NED goes and sits on his bed, and just stares quietly for a while

BUCK

I'm sorry Ned

NED

(Sighs, brushing it off) That's alright.....you've got to give it your best then take whatever's left don't you.....and just be thankful for what you've got

136 EXT - EXERCISE YARD - MID DAY

NETTLETON is adjusting his large camera and NED is standing front of the stone wall - BUCK looks on - NED's hair and beard have been brushed

NETTLETON

Alright that's set *(he walks over to NED)* now you're going to have to lean back on this *(he places a stand behind NED)* the camera has a very long exposure time and this will help you keep still - if you don't the image will be too blurred.....perhaps your arms on hips

NED

(Indicating to his left arm) I have trouble bending this one - this is good though *(referring to his clenched right fist)* - I'll just hold this chain *(he pulls up the chain with his left fist - and his hand now looks stronger and healthier)*

NETTLETON

Alright - just hold on

NETTLETON goes back behind his camera and goes under the black material

NETTLETON

Alright.....three....two.....one....

The flash goes off and we see the photo of NED standing against the wall

We hear and see another flash and see the close up photo of NED'S face - staring into the distance

137 INT - CELL 38 - AFTERNOON

NED is sitting quietly on his bed - the door opens and MAGGIE, JIM, KITTY and GRACE all walk in - NED is moved and gets off his bed almost immediately

Ohr... NED

Ned MAGGIE, KITTY

Neddy GRACE

NED
You've all come.....and Grace.....look at you *(they hug through the bars - then look at each other for a bit)*

MAGGIE
I'm sorry we couldn't do it Ned

NED
It's alright - you've done all I could ever want of you

KITTY
I'm so sorry Ned

NED
That's alright.....

KITTY
I'll never forget this.....never forget what they've done to you - ever

JIM
Nor will I Ned.....you'll be avenged

NED looks at him and doesn't know what to say - then looks at GRACE

NED
How are you Grace

GRACE
I'm alright

NED
You working hard at home

GRACE
Aye.....

She can't put her feelings into words and just stands there - a few quivers in her face and a tear starts to roll down

NED hugs her and KITTY and MAGGIE

Cross fade to NED talking to TOM and KATE - TOM is up to the bars, but KATE stays in the background - sullen and quiet - waiting her turn alone

NED

We never could have done all we did with out you

TOM

(Shaking his head - no) I'd trade it all for getting you out now

NED nods as if it doesn't matter

NED

So how's the season looking back home...

TOM

Dry.....no rain for quite a while

NED

Aye

TOM

Won't be the same with out you Ned

NED

You'll be alright Tom *(pause as they look each other in the eye in appreciation)* you know near the head of the Rose River - line up the hill in front of you to the west, and the rocks behind you at the east - and you'll find a place in the creek like a cattle crossing. Just as you come up out of the crossing you'll find a stump - there's a good saddle in there - I want you to have it

TOM nods, they look at each other a bit more then hug - they break it off and TOM moves back

NED

Now Kate

KATE comes forward

NED

.....ah Kate

They hold arms through the bars

KATE

I can't believe they're going to do this to you Ned.....I still can't believe it

NED

Ah Kate it's alright.....

KATE

No it's not *(she shakes herself free a bit and starts to cry)* it's not

She sobs for a bit - NED holds her close to him

NED

Come on now.....*(he holds her hands and lifts them up -she looks up at him)* every dream has it's price Kate - this is just ours

They look at each other for a bit

NED

I'll wait for you there Kate.....I'll wait for you there

He kisses her

138 INT - CHIEF SECRETARY BERRY'S OFFICE - AFTERNOON

DAVID Gaunson is seeing Chief-Secretary BERRY

BERRY

Yes Gaunson what can I do for you - it's a very unusual hour to want to see me

DAVID

I know Sir and I appreciate your time.....I was just wondering if I may be granted permission to see Edward Kelly - just to pay him my last respects

BERRY

Kelly is restricted to just family and close friends now that the execution time is so close

DAVID

I know that Sir but given that I've worked so closely with him for sometime now I thought I might be granted permission to see him.....I just want to pay him my last respects

BERRY

I'm sorry that won't be possible.....but if you'd like to come to the execution though that can be organised

DAVID just stares at him dumbfounded and doesn't know what to say - he turns around and leaves with out saying anything else

He walks out of the building and looks up at the blue sky - distressed and wondering

139 INT - CELL 38 - AFTERNOON

NED is sitting on his bed quietly - we hear the locks rattling and the door open - he looks over - his mother is being brought in by HILLARD who then leaves

Ma...
NED

Ohll Ned
ELLEN

They hug through the bars

ELLEN
They'll rot in hell for what they've done.....they've no right.....no right at all

Ma
NED

ELLEN
We can't let them break us - they never will Ned - they never will - we'll take the fight up to them till Kingdom Come - your death will not be in vain Ned

She starts crying - they hug

ELLEN
They'll rot in hell - the bastards..... *(she looks at him)* Ohll Ned

NED
I'll be fine Ma - you keep your head up

ELLEN
Oh I will you have no doubt about that - they can take away life but they can't take away dignity - you remember that when you're out on the gallows - they haven't beaten you unless you say they have

NED
I know Ma

They hug and hold each other for a quite a while with out speaking

NED

You remember that time.....I think you said I was about four - and the old man caught me slipping bits of my dinner into my pocket so I could feed it to the horses - to my favourite horse - Bess - do you remember that? - he almost hit the roof but you just grinned and told me he was a bit hard and slipped me some more - do you remember that?.....that's what I always think of when I think of you

ELLEN

.....aye - those were the times - we had nothing but each other.....that's all we've got now.....you say some kind words to your father for me and your brother

NED

Aye Ma

ELLEN

Sometimes I think they're in a better world than us.....but there's nothing for it than to fight till this one's as good

140 EXT - MELBOURNE GAOL - AFTERNOON

We see the gaol - time has moved on a bit

141 INT - CELL 38 - AFTERNOON

NED and ELLEN are still close at the bars - HILLARD enters whilst ELLEN is speaking

ELLEN

.....you've showed them Ned - you really have - it'll be a cold day in hell before they think they can get away with anything again

HILLARD

Mrs Kelly.....time to go now

There is a horrible pause as ELLEN feels the significance of what HILLARD just said

ELLEN

You remember son - die as you lived - like a Kelly

She hugs him and is led out - sniffing, fighting her tears and a complete breakdown

142 EXT - MELBOURNE GAOL - LATE AFTERNOON

It is visibly later now - almost coming into evening

143 INT - CELL 38 - LATE AFTERNOON

Dean DONAGHY approaches NED with Dean O'HEA behind him

DONAGHY

Ned, hello.....look I've brought someone with me

O'HEA

Hello Ned - it's good to see you again

NED

.....Father

O'HEA

I thought I'd come and see you again

NED

.....I'm sorry I must have let you down since I left Pentridge

O'HEA

No no nothing of the sort - how are you baring up

NED

Alright

O'HEA

I want to be there with you Ned by the gallows - your minister from birth to death.....you shan't be alone

NED looks at him then looks down

Cut to early evening - it is just BUCK and NED sitting there - BUCK is a bit fidgety - glancing at his watch, knowing this is the last time he will see NED

BUCK

Herbert should be here soon.....and your feed

NED

...aye

BUCK looks around trying to think - but doesn't know what to say - the awkward silence is broken after a while with the rattling of the lock and the opening of the door. HERBERT comes in along with PARKINSON and PETERS who are carrying a small table and chair

HERBERT

William.....Ned

HERBERT approaches the second grille and undoes it

HERBERT

This is for your meal

PARKINSON

Good evening Mr Kelly.....did my best on this one - best lamb I could buy, nice drop of claret too

NED

Thankyou John

PARKINSON

That's alright.....I'll just go and get it

PARKINSON steps out and leaves PETERS to arrange the table and chair - BUCK has walked up to the bars and is watching - his eyes catch NED'S and he smiles - PARKINSON comes back in with a tray with everything on it

PARKINSON

Here you go Mr Kelly Sir

NED

Thankyou John

PARKINSON

It' been an honour to cook for you

NED

It's been a pleasure John - thankyou for looking after me so well

PARKINSON nods and leaves quickly, upset, NED watches him go then notices BUCK - PETERS leaves as well and HERBERT crosses back to the Warders desk

BUCK

Well this is the end of my shift Ned.....

NED walks over to him

BUCK

.....I'm sorry it's all had to end this way

NED nods - disagreeing

NED

(Quietly) No.....you're a good man Mr Buck - thank you for doing everything for me

BUCK

.....that's alright.....they've asked some of us to come tomorrow as witnesses - I won't be

They look at each other through the bars - NED offers his hand out and they shake - BUCK wants to say something but doesn't know what to say and in the end just leaves - NED watches him go, then looks down

Cut to NED at the table eating his last meal - roast lamb and peas with a bottle of claret - the camera arcs around him as he eats in the orange lantern glow and considers things

As the camera arcs round we see some of what he is considering:

- 144 A dinner scene in the Kelly's bark slab hut from Ned's POV- everyone is laughing
- 145 Ned as a little toddler taking some of his first steps
- 146 Ellen holding a baby adoringly
- 147 Ned and other family members over looking a vast view of farmland from on horseback

Ned continues eating and thinks

Cross fade to

NED sitting quietly on his bed - the table and chair now gone, and HERBERT sitting quietly by himself

The door opens and Governor CASTIEAU comes in with his thirteen year old son GODFREY

CASTIEAU

Hello Ned - how are you travelling

NED

.....good

CASTIEAU

I've got someone who wants to see you.....this is my son Godfrey

NED

Well now

NED hops up off the bed and walks up to the bars

NED

Pleased to meet you Godfrey

NED holds his hand out through the bars to shake - GODFREY is very shy but shakes with him

NED
And how are you?

GODFREY
I'm very well thank you

NED
That's good to hear

GODFREY
I'm very sorry they're going to hang you Mr Kelly

NED smiles and CASTIEAU looks down embarrassed

NED
(Smiling) Well so am I - but there's nothing we can do about that is there.....so how old are you Godfrey

GODFREY
I'm thirteen

NED
And what do you want to do when you grow up

GODFREY
I don't know

NED
(Reaching through and patting him on the head) Well son I hope you grow up and become as fine a man as your father one day *(NED smiles to CASTIEAU then leans down to GODFREY'S height and looks him in the eye)* I'll give you a word of advice Godfrey - always look the world in the eye

Pause

GODFREY
Yes Sir I will

GODFREY goes and walks back to CASTIEAU, CASTIEAU approaches NED, and GODFREY stays behind

CASTIEAU
Thanks for that - he's been wanting to see you ever since you came in

NED

That's alright

CASTIEAU

.....you alright

NED

Yes I'm fine

Pause

CASTIEAU

Alright.....well I'll see you tomorrow

NED

Alright

CASTIEAU and GODFREY turn and exit - NED wanders back to his bed and just sits there - after a while he starts to sing

NED

There's a land that is fairer than day and
By faith we can see it afar
For the Father waits over the wave
To prepare us a dwelling place there

In the sweet bye and bye
We shall meet on that beautiful shore
In the sweet bye and bye
We shall meet on that beautiful shore

We shall sing on that beautiful shore
The melodious songs of the blest
And our spirit shall sorrow no more
Not a sigh for the blessing of rest

In the sweet bye and bye
We shall meet on that beautiful shore
In the sweet bye and bye
We shall meet on that beautiful shore

To our bountiful Father above
We will offer a tribute of praise
For the glorious gift of his love
And the blessing that hallow
Our days

In the sweet bye and bye

We shall meet on that beautiful shore
In the sweet bye and bye
We shall meet on that beautiful shore

Cross fade to

148 INT - CELL 38 - SMALL HOURS OF THE MORNING

Warder HERBERT is leaning back on his chair - awake but trying to sleep - NED is sitting on his bed - he finally takes his boots off, and lays down throwing his blanket over him - HERBERT glances at his watch - it is 1:30am, and then tries to get some sleep himself

We see NED restless, tossing and turning - a barely awake HERBERT watches him

Cross fade to more of NED turning, and he eventually comes to rest - HERBERT looks at his watch - it is 2am - fade out

Fade back in to HERBERT - leaning back on the seat asleep - a mumbling can be heard - and HERBERT wakes up - seeing NED on his knees praying by his bed - HERBERT looks at his watch - it is 5:10am - and then HERBERT goes back to sleep - fade out

Fade in to

149 EXT - MELBOURNE GAOL - MORNING

The sun has well and truly risen - it is 8:45 am

150 INT - CELL 38 - MORNING

NED is sitting on his bed singing softly to himself - the door opens and the BLACKSMITH comes in accompanied by Warders HILLARD and PETERS and Dean DONAGHY - NED looks at them

NED

Time already

They enter his cell and the BLACKSMITH chisels off the rivets holding on the leg irons and they are removed - NED is then walked out of the cell by the Warders

151 EXT - GAOL COURTYARD - MORNING

Flanked by both Warders and trailed by Dean DONAGHY, NED walks through a garden on the way to the other wing of the gaol.

He passes the hand cart waiting for his body as he goes and just looks at it - he then notices some roses growing

NED

The flowers are very beautiful this morning

They continue on their way and enter the main wing of the gaol

152 INT - MAIN WING CELL BLOCK, MELBOURNE GAOL - MORNING

They lead NED along a walk way one flight up - he glances at the crowd waiting below - and they walk into the condemned cell, being joined by Dean O'HEA with a PRIEST carrying a cross and a young ACOLYTE as well

153 INT - CONDEMNED CELL, MAIN WING, MELBOURNE GAOL - MORNING

NED

I thought I might try and make a speech out there

DONAGHY

(Sympathetically) Just kneel my son

NED kneels and Dean O'DONAGHY begins to perform the last rites

154 INT - MAIN WING CELL BLOCK, MELBOURNE GAOL - MORNING

One flight up, and in front of the crowd on the ground floor, Sheriff REDE approaches Governor CASTIEAU

REDE

I have a warrant for the body of Edward Kelly

CASTIEAU

Present your warrant

REDE hands over the warrant and bows - UPJOHN emerges from the cell opposite with a leather strap and a white hood - CASTIEAU looks over the warrant quickly

CASTIEAU

Follow me

CASTIEAU, REDE and UPJOHN walk along to the condemned cell and enter

155 INT - CONDEMNED CELL, MAIN WING, MELBOURNE GAOL - MORNING

NED is standing up and UPJOHN tries to pinion his arms behind his back

NED
There's no need for that - I'll go forward quietly

UPJOHN
It's got to be on there

NED grimaces slightly as his arms are pulled back and UPJOHN places the hood on his head - not pulling it down yet, just sitting it on top

156 INT - MAIN WING CELL BLOCK, MELBOURNE GAOL - MORNING

The door of the condemned cell opens and NED walks along - preceded by the PRIEST with the cross, Deans DONAGHY and O'HEA reading the sacrament, and then the ACOLYTE - and then followed by CASTIEAU, REDE, UPJOHN, HILLARD and PETERS, all behind NED

We see a close up of NED'S face as he walks along - this is intercut with quick cuts to the following shots:

157 BRIGETTE Kennedy sitting on her bed holding the photo of Michael

158 Michael KENNEDY begging for his life before he is shot

159 ELLEN Kelly - alone in the Women's Prison, waiting for Ned to be hung

160 A battered and bloodied teenage NED after his beating by Senior Constable Hall

NED comes to the scaffold and he steps out onto the trapdoor - almost mumbling to himself

NED
Oh well I suppose it has come to this

the noose is placed around his neck - he moves his head slightly to allow it to fit on more easily and looks down

NED
(Quietly) Such is life

He looks up to a window, and the camera slowly pans up to his POV – we hear faint screaming - this gets louder and louder as we cross fade to

161 EXT - HUGHE'S CREEK, AVENEL - DAY

It is 1864 and the creek is in flood - a seven year old boy, RICHARD Shelton, is drowning and a YOUNG NED - eleven years old - is on the bank shouting at him, telling him what to do - it is no use - and NED dives in - swimming over to him and saving him - he drags him to safety out of the river, and they collapse on the bank - drenched and breathless

cross fade to

162 INT - THE SHELTON'S HOME - DAY

It is a few days later - YOUNG NED is surrounded by RICHARD'S family - his mother and father ESAU and MARGARET, and RICHARD and the other children as well

ESAU

Ned in honour of what you've done - we present you with this sash for saving our son's life

ESAU gives him the sash and YOUNG NED looks around - breathless and wide-eyed - full of so much love and appreciation and support

fade out on YOUNG NED breathing quickly and elated