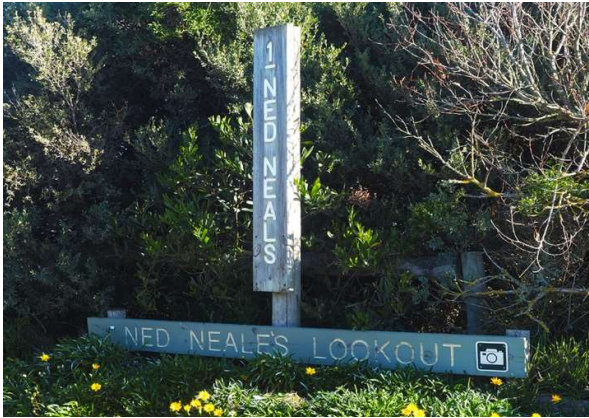


Ned Neal's Story

Despite the sign maker's confusion over the spelling of his surname, Ned Neil / Neale or Neal has been enshrined in Sandy Point history by the naming of the lookout near the junction of Beach Parade and The Boulevard in his 'honour'.

According to the story, Edward 'Ned' or 'Ted' Neil was a cattle 'duffer' (ie cattle thief) who stationed his wife on the high point of the dunes to keep watch and ensure the 'coast was clear' for him to re-brand the cattle he had



stolen. Vi Pilkington wrote "... the highest sand hill was always known as Neil's Lookout where Mrs Neil was stationed to watch with an eagle eye whilst Ted had a little job to pull off"¹. Some of the details of this account can be verified but there is more to the story.

The following account is a summary of the evidence tendered at his trial and reported in various newspaper articles of the time. Information was also sourced from the Victorian Gazettes, the Victorian Births Deaths and Marriages Registry and Ancestry.com.

Signage for the Ned Neil's lookout and beach access track.

The Gippsland Farmers' Journal reported that Edward Neil, a selector from Upper Agnes was arrested on July 23rd, 1888, for stealing cattle from David Fraser (the licensee of the Sandy Point Run from 1867 until approximately 1888). The term 'selector' is at odds with Neil's notoriety as a cattle thief. A selector was someone who had been granted a licence or lease of Crown Land. Success in the selection process required a hearing before the local Lands Board. It was often a competitive process, and the Lands Board would seek to satisfy itself that the successful applicant was of good character and likely to succeed in improving the land.

The Gazette contains records of an Edward Neil in the vicinity of Agnes being granted a licence for 187 acres. He then made the necessary improvements to the selection in order to be granted a lease. There is an additional record showing that an Edward Neil was also granted a grazing licence for 15,500 acres in the parish of Toora. It is probable that this Edward Neil is the same person as 'our' Ned Neil but not certain.



Ned Neil's lookout looking North from the beach

Court and prison records state Neil was born in 1863 and was therefore 25 years old at the time of his arrest. There is only one 1863 record in the Victorian Births Deaths and Marriages Registry of an Edward Neil born to Thomas and Ann (nee Bourke) Neil in Ballarat. Thomas and Anne also had a daughter, Mary Jane born in 1856. The same source has a possible record for the death of a Thomas Neil in 1874 aged 49

¹ Pilkington, V. South of the Dividing Creek, Foster Museum.

years. If this is his father, young Edward would have been eleven years old when his father died. This accords with the evidence in the court records that Neil had looked after his mother. There is a record of a Mary Jane Neil marrying in 1873. It is possible that she then moved to Bendigo a year before her father died.

The Trial and sentencing

Prison records describe Neil as being five feet, nine and a half inches in height with sandy coloured hair and blue eyes. He had a fresh complexion and was of stout build. He had a long thin nose, a scar on his forehead and a freckled face and arms.²

Unusually, both the Crown Prosecutor and David Fraser the 'victim' of the crime gave evidence in Neil's favour. Both described him as being of good reputation and excellent character, always ready and willing to do all in his power to oblige. David Fraser gave evidence that he had known Edward Neil for fourteen or fifteen years and had been his employer for nearly all that time. He recounted how Neil met with an accident by falling from his horse, and his conduct has been very different from what it used to be. It is possible, that as a result of this fall, he sustained both the scar on his forehead and a permanent disability from a head injury that left him with behavioural changes and a diminished ability to tell right from wrong. This was illustrated by his behaviour at the Foster police court when where he appeared 'half lunny'. Instead of being of himself he was described as treating it as a joke which was totally inconsistent with his conduct as it used to be.

The Crown Prosecutor stated that on the 6th of June the prisoner had an interview with Mr Fraser and on that occasion he admitted distinctly and frankly that he had taken thirty-seven head of his cattle and that he was going to make restitution. His conduct at the time seemed to Mr Fraser very remarkable. He observed that a great change had come over the prisoner. The Crown Prosecutor himself had known Neil favourably for years and when he read of the depositions in this case he was very much surprised at the prisoner's conduct. He said here was indeed a great alteration in his character and mode of life since he knew Neil four or five years ago. He supported an appeal to the court for leniency in this case.

The Defence, in addressing the court on the prisoner's behalf said it was the first time he had been before the court. He characterised Neil as having a strong desire to do humane acts to show himself as a charitable hearted young man supporting his mother by means of his small salary. It was inexplicable how such a man could find himself on a charge such as this having destroyed all those years of well doing. He appealed to the court for leniency so that Neil could be restored to his work again as speedily as possible so that he might regain the reputation he held prior to this unlawful act.

The Judge in addressing the prisoner said he found great difficulty in dealing with his case. He could not exercise the prerogative of mercy as it rested with the prisoner to petition for mitigation of sentence. If there were any grounds for so doing. If he were in such a condition of health at the time the offence was committed, as that he was not really conscious of what he was doing, then of course he committed no offence. As the prisoner had not petitioned the court for a mitigation of his sentence or for a finding of "not guilty" on the rounds of insanity, he could only deal with the case as a first offender.

Neil was sentenced to six months imprisonment with hard labour in the Sale gaol.³ The Victorian Police Gazette records that an Edward Neil, farmer, imprisoned for cattle stealing following his trial at Sale was released during the week of January 7th, 1889. There are further records of Neil or his mother after this. David Fraser was soon to lose all his property in the economic 'crash' and subsequent depression of the 1880s and 1890s may not have

² No 2, January 1889

³ Gippsland Times Monday July 23rd, 3

been in a position to offer assistance. With no social welfare or health system to fall back on, it is hard to imagine Neil as ever restoring himself to the position he was in prior to his accident.