

Submission to Yoorrook Justice Commission**From: Sally Gibson****Dated: 30 April 2024****Submission:**

I descend from several colonists. Thank you for the opportunity to make a submission to the commission. It is a privilege. All descendants on both sides arrived in the District of Port Phillip (eventually, Melbourne). All descendants on both sides arrived in the District of Port Phillip (eventually, Melbourne) before 1860; 3 arrived by 1840, only 5 years after Batman arrived. They came from Ireland, England or Scotland.

The Kidds, a Scottish family on my maternal side, arrived on 15 March 1840. They had followed their cousins, the McCraes who were, in turn, cousins of Andrew and Georgiana McCrae. My ancestors were two brothers James and John (my grandfather x 3) and their cousins, the Browns. In-law Peter Hutchison was also aboard. [Port Phillip Gazette, 18/3/40, p3]

Very soon after arriving James, John (a Saddler by trade) and Peter Hutchison took on a pastoral lease in the Portland area. It was known as Bushy Creek after the creek which went through the leasehold, a tributary of the Hopkins River. It was some 37,425 acres and claimed to be able to accommodate 15,000 sheep. The farming capacity was, of course, based on the claim that it was no one else was using the land.

The Kidd family was based in Melbourne and I don't know how often they attended the leasehold given it was some 3 days' travel. As a hut was erected on the property, it is possible they built that themselves when they went to inspect it. There is the remains of a small bluestone building/hut on the property and I was told that was a possible Cobb & Co post. So perhaps they travelled by coach from Melbourne to there at times.

John Kidd had a saddlery business in Lonsdale St and a wooden house in Queens St with his wife and 2 daughters around which his other relatives lived. On about May 28, 1851, an aboriginal man, who was called 'Murray' in the newspaper account, was killed at Bushy Creek by a bullock driver called William Hinkley. Hinkley was employed by Hutton and Co. which in turn was presumably engaged by Kidd and Hutchison.

The newspapers, including those in Queensland, reported the case and here is the Moreton Bay Courier's reporting of The Argus' original report: "MURDER OF AN ABORIGINAL About ten days ago, a shocking murder was committed on the station of Messrs. Hutchison and Kidd, of Bushy Creek, by a bullock driver in their employment. It appears that the bullock driver wished to seize a black lubra, and went down to the miamias of the blacks, between nine and ten o'clock at night, for that purpose; but her cries having awakened her coolie, he got up, and, in attempting to protect her, he was struck by the bullock driver, who was armed with a heavy piece of wood. His cries roused the other blacks, who, on perceiving their black-fellow lying covered with blood, seized their spears, and pursued the man up to his hut, which they surrounded, yelling and shouting for vengeance. They remained round the hut till morning, when it was found that the black was dead, having had his jaw broken and his skull fractured.

The mounted police were sent for, and on their arrival the bullock driver was given into their custody, on a charge of wilful murder. — Argus.” [Moreton Bay Courier, 7/6/51, p4]

On 5 August 1851, only 3 months later, the Hopkins River Ram Fair Sale Society was formed in the area of Bushy Creek. James Kidd and Peter Hutchison were appointed to the committee whose aim was the advancement of pastoralist wool and sheep interests. [Melbourne Daily News, 5/8/51, p3/6] Given that the society was formed only 2 months or so after the murder, it is possible that it was created as much for mutual intelligence and support around what the colonists were finding they were up against including the recent Bushy Creek murder.

Six months after the crime, a Supreme Court case was held. On 22/10/51, the case finalised with the Geelong Advertiser [23/10/51, p2] reporting it as follows: “MURDEROUS ASSAULT. William Hickley was indicted for assaulting an aboriginal native named Murray, at Bushy Creek, in May last. Creek, in May last. The Attorney-General stated the case to the jury, describing the assault, which terminated in manslaughter. For the prosecution he would call Thomas H. Williams, sworn □ I was hutkeeper in Hutton and Co.'s employ on the 16th May last. The prisoner was in the hut, and went to a black's camp after supper, and returned in about twenty minutes or half an hour after; I was absent but soon returned, when the natives surrounded the hut and throw a spear into it. The natives had used the camp for several weeks ; they were always quiet up to that evening. They seemed anxious to get into the hut the prisoner was in the hut. The following morning the prisoner told me that Murray had taken up a weapon to strike him, when he got up a stick to defend himself, and in doing so struck the black on the shoulder. He did not say how many blows were struck. I visited the camp on the following morning, and found the black with a cut on the head. The prisoner stayed in the hut till taken by the constables, during which time the blacks watched the hut. In three days the black died; I saw the others taking the body to put it in a tree. Cross-examined by the prisoner. You were not on good terms with the blacks, who were always pilfering goods from the hut. Alexander Dunlop. I was at the same hut with the prisoner on the Bushy Creek, on the night in question. Corroborated the last witness's evidence, and stated that he never saw Murray after the third day, but all the other blacks. A. Creelman, Surgeon. I remember examining the body of a black called Murray, on the station mentioned. It was in agree, and I had to get up to it; saw a fracture about two inches in length on the back of the head, the bone was fractured, and brain protruding. The stick produced might have occasioned the wound, which was sufficient to cause his death. The body was so decomposed, that I could not have seen any wounds. Thomas Simpson. I am a constable and conveyed the prisoner to Horsham; while doing so the prisoner turned round, and pointing to the stick on the pummell of the saddle said "that or one much like it, is what I struck the black with; I hit once or twice." When I found the stick, it had marks of blood on it. The prisoner in defence stated, that during the day he had been washing two shirts, and missing them, went to the blacks encampment, where he saw his shirts, and was attacked by the blacks. In self defence he took up the stick and knocked the black down, after being pursued for some distance by him. His Honor summed up the evidence carefully, and the jury returned a verdict-not guilty. Prisoner was discharged.” No witnesses were called for the victim though he had many relatives witness the assault.

In March 1853, my ggg grandfather John Kidd was killed by a horse in Lonsdale St. Within a couple of months, the Bushy Creek lease was on sold by James and Peter to the Beggs family from whom the former Australian First Lady, Tamara Fraser nee Beggs descends. [Argus, 29/6/53, p8] I discovered the information related to my ancestors' first contact and the murder

because I was convinced that they would have had first contact given how early was their arrival in Port Phillip District and their take up of a Portland leasehold.

It was only after Trove was launched that I was able to search the newspapers and Gazettes of the time to locate this information. The research took me some years and many permutations and combinations of various words to locate the initial report of the murder. I was advised by a person working in indigenous issues that there would likely have been no trial but I continued to search and finally found the report of it a few years ago.

I have since determined to do what I can to make amends for the crime, though its perpetrator was acquitted. I purchased a very cheap house in a town not far from Bushy Creek and am looking to create a Reconciliation Room for descendants to tell their stories of the local impacts of the British invasion including the murder at Bushy Creek. impacts of the British invasion including the murder at Bushy Creek.

I believe strongly that descendants of colonists have an obligation to find their first contact stories and links to the British invasion of this country. I do have sympathy for my ancestors' who were basically sold the pup of terra nullus — once here, after a dangerous 6-month journey by small ship with young children, it would have been difficult, if not impossible, to return home. Their land too in the lowlands had been overrun by highlanders who were cleared off their land by the British... However, all descendants of colonists will have either family stories, diary records, sometimes photos, newspaper reports or, in some cases artefacts, related to their first contact. (I have relatives in SE Queensland who retain an original leasehold from the mid to late 1800s, with photos, stories, diaries and a vast number of huge grinding stones and other artefacts.)

For descendants, it is only a matter of being interested to find this material and share it. The names of all the colonists are all available in newspapers via Trove and the details of owners of various leaseholds as well. Of course, people cannot be compelled to locate and provide this material but my own experience has shown how valuable it is personally to know and understand how one's family was connected to the British invasion. It provides an opportunity to seek ways to make amends and personal reconciliation, including by making submissions towards truth and justice, such as this.

END OF SUBMISSION