

Submission to Yoorrook Justice Commission

Dr Katrina Kell
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Preface

My name is Katrina Kell. I am a fourth-generation matrilineal descendant of Captain James Donaldson Liddell (1807-1878). James Liddell was captain of the *Thistle* which brought the Henty Brothers to Gunditjmarra Country where they took up land illegally. The *Thistle* arrived in Portland Bay on 19 November 1834 with livestock, seeds, gunpowder, other personal goods, and materials to build a house, as described in the *Thistle's* manifest of cargo. Edward Henty, the 24-year-old manager of the family's new farming trespass, immediately began planting a vegetable garden 'while his men constructed a hut.' He also started making plans for the family's whaling venture.ⁱ

James Donaldson Liddell was born in Alloa, Scotland. He was 22 when he arrived in Sydney, New South Wales, where he found work on the Lord Liverpool, a cutter trading between Sydney and Newcastle. By 1830, he was an officer on the Admiral Gifford, a brig that traded between Sydney and New Zealand. According to an 1833 entry in Swan River colonist George Fletcher Moore's diary, Liddell spoke the Māori language and translated details about New Zealand and its culture when a Māori seaman was discussing his homeland with Moore.ⁱⁱ

In late 1832, Liddell met the Henty family in Launceston. He was appointed master of the *Thistle*, a Henty-owned schooner engaged in trade with the Swan River Colony. James, Stephen, and John Henty had arrived in the Swan River Colony in 1829 to take up land for farming. By 1831, after claiming a grant of 84,413 acres, it became clear that the sandy soil was unsuitable for their purposes. The family made plans to relocate to Launceston, hoping to claim a grant in Van Diemen's Land while the *Thistle* continued trading. But soon, grants were no longer available in Van Diemen's Land, and land now had to be purchased; this change in the Henty Brothers' plans resulted in them illegally taking up land in Gunditjmarra Country.

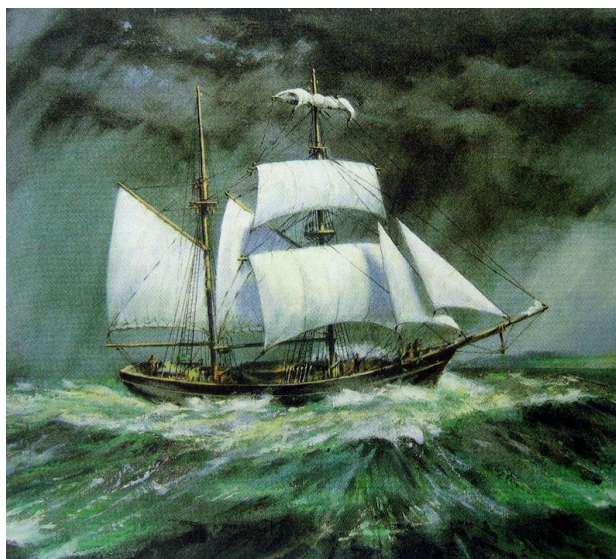


Fig 1: *The Thistle* – Artist Jack L Koskie



Fig 2: James Donaldson Liddell

Submission

This submission will discuss the following:

- (a) Claims made by Captain Liddell's daughter, Janet Liddell (1846-1891), from evidence found in her father's memoranda, that in December 1832, after anchoring the *Thistle* in Portland Bay, Captain Liddell saw the farming potential of the fertile land there, and 'took a sod of Portland soil to Launceston to show to Thomas Henty, the father';ⁱⁱⁱ
- (b) Questions concerning Liddell, Edward Henty and Thomas Henty relating to the timing of The Convincing Ground massacre.
- (c) The pride within several generations of my family regarding Captain Liddell's role in the settlement of Portland;
- (d) My critical thoughts and analysis (as an adult) of available historical records, including diary entries, regarding early colonisers' impacts on First Nations communities (including the treatment of Kalloongoo, William Dutton's Aboriginal servant/wife);
- (e) Stories I was told as a child, including - The kind and sharing relationship between an Aboriginal Elder, known as King Billy, and my great-grandmother, Winifred Wheal (James Liddell's granddaughter); and possible unrecorded massacre sites in South Australia northwest of Portland.
- (f) How researching and critically analysing my family legacy has informed my writing, and
- (g) My perspectives on the importance of non-First Nations Australians critically analysing their family's histories and engaging in truth-telling.

Guditjmara Land Theft and The Convincing Ground

During the late nineteenth century, views concerning ‘The Settlement of Portland’ began appearing in Victorian newspapers. The sworn declaration of William Dutton, first a whaler and later a farmer, was published in the *Hamilton Spectator* in 1876. Dutton claimed to have built a house at Whaler’s Point or Single Corner in 1829, and during the early 1830s, the house was his permanent base. When the Hentys arrived in the *Thistle* in November 1834, Dutton had already established a vegetable garden, a whaling fishery, and other buildings he had erected.

A second sworn declaration by James Liddell, acknowledging certain aspects of Dutton’s statement, appeared in the same edition of the *Hamilton Spectator*. However, Liddell contradicted Dutton’s claim of being the first colonist in Portland, and declared ‘Whatever honour attaches to being the first colonist belongs, I consider, to Mr Edward Henty, whose settlement I vouch for in the subjoined declaration.’^{iv}

As a descendent of James Liddell, I feel ashamed and find it appalling that the Guditjmara People, the rightful owners of Portland Bay and surrounds, people who have occupied and farmed these lands for at least 30,000 years, were not mentioned or acknowledged in either Liddell or Dutton’s sworn declarations.

Further adding to this inherited shame, is a letter written by my g-g-grandmother, Janet Liddell, where she claims her father, Captain James Liddell, was the first person to identify the farming potential of the land at Portland Bay. Janet Liddell’s letter first appeared in the *Argus* newspaper, and soon after, in the *Queenscliff Sentinel* on 19 November 1884. A full transcript of the letter is attached to this submission. Below are the key points supporting Janet’s claims about James Liddell’s involvement:

Janet believed her father had received insufficient justice for a man ‘who played a more important part in the early history of Portland than he is usually credited with.’ In her letter she states her father was:

Particularly reticent concerning early events . . . but from letters of instructions to him, as master of the *Thistle*, from the Hentys (to whom she belonged), and memoranda in my possession, I claim that he was the direct cause of the Hentys’ attention being called to the advantages of Portland Bay as a place of settlement.

During this period, Liddell was regularly transporting the Henty brothers between Launceston and the Swan River Colony, and from his letters, Janet gathered:

He sailed from Launceston in the *Thistle*, December, 1832, bound to King George’s Sound, Port Augusta, and Swan River, having Mr Stephen George Henty on board as supercargo. Arrived at King George’s Sound, discharged some cargo there took on board Mr J Henty, landing both gentlemen at the Swan River. On the return passage to Launceston, whilst beating up the coast, stood into Portland bay [*sic*], and being impressed with the locality as a site for a bay whaling station, anchored his vessel there and went on shore. The fertility of the soil so pleased him, and knowing that the Swan River settlement was much inferior, he, to quote from his own memoranda, “took a sod of Portland soil to Launceston to show to Thomas Henty, the father.”

Following the Henty's instructions, Liddell made a direct voyage to Swan River in April 1833, but Janet could find no record of 'his calling into Portland bay [*sic*] on that trip.' However, in December 1833, 'the Thistle was commissioned for sealing, in conjunction with her voyage to Fremantle, and when outlining details of this trip, Janet quoted directly from her father's written memoranda:

Sailed again for Swan River, having as Passengers Thos Henty, Esq., and his son Mr Edward. Took two whale boats and crews; left them at the Western Group to catch seals; whilst the schooner was on her way to Swan River. Called at King George's Sound and landed some of the cargo. The Governor, Sir Richard Spencers, was there at the time,, and opened the mail bags to see if any letters were for him. Thos. Henty, his son Edward, several of the inhabitants, and self, dined with Sir Richard. On our return to Launceston, picked up the whaleboats and crews, and what sealskins they had got. Thomas Henty and his son Edward both returned with the vessel, and we called at Portland Bay on our way back. **My instructions from James Henty and Co. were to leave a boat and crew at Portland, but it was not done; I forget the reason why.** Thomas Henty liked Portland very much.

December 1833, the month and year when James Liddell, Thomas Henty, and Edward Henty called at Portland Bay with their whaleboats and crews, is both concerning and significant. **The Convincing Ground Massacre**, when European whalers massacred a large number of the Kilcarer Gunditj clan at Portland Bay, was a terrible incident that occurred sometime between March 1833 and March 1834, leaving only two survivors of the Kilcarer Gunditj clan.^v

Based on Liddell's memoranda, he was a keen observer who maintained meticulous records, which raises a disturbing question. Why did he 'forget the reason' for not leaving a whaleboat and crew at Portland? Furthermore, the original plan to leave the whaleboat and crew suggests that James Henty's company was whaling at Portland as early as 1833.

On Sunday 16 May 1841, when George Augustus Robinson (Chief Protector, Port Phillip Aboriginal Protectorate, 1839-1850), was exploring the Portland region, he dined with Mr Blair, the Police Magistrate, Mr Tyers, a surveyor, and Mr Edward Henty. During this meeting, Robinson was investigating relations between Aboriginal people and Europeans. During the dinner meeting Edward Henty told him the following:^{vi}

The blacks at Mt Clay are a bad set . . . He [*Henty*] said that some time ago . . . a whale broke from her moorings and went on shore. And the boats went into get it off, when they were attack by the natives who drove them off. He [*Henty*] said the men were so enraged that they went to the head station for their firearms and then returned to the whale, when the natives again attack them. And the whalers then let fly . . . right and left upon the natives. He [*Henty*]said the natives did not go away but got behind trees and threw spears and stones. They, however, did not much molest them after that.

Less than a year later, on 23 March 1842, Robinson met with Captain Alexander Campbell of Port Fairy. Campbell was a partner in an agricultural enterprise with John Griffith and Michael Connolly of Launceston.^{vii} During the meeting, Campbell told Robinson 'It was eight or nine years ago the collisions between the whalers and the blacks took place at the Convincing Ground,' a fight he claimed had been caused by whalers interfering with the Aboriginal women.^{viii} Campbell's claim about The Convincing Ground massacre, suggests the incident occurred between March 1833 and March 1834. In 1833, Griffith and Connolly had a whaling party at Portland Bay under the control of William Dutton. Edward Henty and

Liddell would have met this whaling party when the *Thistle* called into Portland Bay during a mid-year voyage in 1833.^{ix} Additionally, by 1836, Griffith, Connolly, and James Henty had formed the Launceston Fishing Company.^x

On May 26 1834, Captain Liddell received new instructions from the Messrs Henty, during a period when the Hentys were trading with New Zealand Māoris. The letter read:^{xi}

To Captain Liddell, brigantine *Thistle*.

Sir,—You are aware of the unfortunate condition of Captain McLean, of the John Dunscombe schooner, and his crew, we believe prisoners in the hands of the natives of New Zealand. We hereby authorise you to use every exertion to ransom the whole of the party, and if the articles put on board your vessel by Messrs Campbell and others, which we authorise you to receive, are not sufficient for the purpose, you are hereby authorised to make use of any article on board belonging to us, and if you cannot succeed without the loss of the voyage to the *Thistle*, we would prefer that, provided so desirable an object as the rescuing so many unfortunate people from the hands of savages can be effected. (signed) HENTY and Co.

The *Thistle* embarked on its rescue mission and Liddell succeeded ‘in relieving the crew and supplying them with articles for trade.’^{xii} On its return to Launceston, the *Thistle* was ‘fitted out for the conveyance of stock, etc., to Portland.’^{xiii}

The Henty Brothers and Liddell in Portland

Liddell was master of the *Thistle* when it made its ‘historic’ voyage from Launceston to Gunditjmara Country, arriving in Portland Bay on 19 November 1834.

The manifest of cargo on board the *Thistle* confirms the Henty family’s intentions:^{xiv}

Manifest of Cargo on board the Brigantine *Thistle* James D. Liddell, Master for Portland Bay

2500 Bricks	600 feet of Flooring Boards
2 Casks Beef	600 feet of Weather Boards
2 Casks Pork	18,000 Shingles
4 Bags Flour	2000 Broad Paling
2 Bags Sugar	2 Cases of tools etc
1 Chest Tea	3 Bundles ditto
3 Keg Nail	1 Cask of Grape Cuttings
10 Bags Potatoes	1 Box of Plants
2 Bags Oats	1 Bale of Clothing
1 Box Soap	1 Cask Earthenware
1 Bag of Salt	1 Whale Boat
1 Bag of Peas	1 Cask Gunpowder
1 keg Spike Nails	1 Keg of Tobacco stores for the whaling party at Portland Bay
1 Bundle Saws	1 Bag of wheat
1 Malt Mill	1 plough
1 Bundle Chains & Tools	1 pair of harrows
3000 feet of Sawn Timber	1 Bullock <i>Dray</i>
Frame of House	

Note: State Library of Victoria Record ID 9916398763607636:

The cargo consisted mainly of foodstuffs, building and agricultural supplies, and farm animals. It was shipped by Henty & Co. for the whaling station at Portland, Vic., with James D. Liddell as master. The manifest was endorsed on 11 Oct. by the Collector of Customs, Henry Arthur, and the brigantine schooner sailed from Launceston, Tas., on 13 Oct. with Edward Henty, Henry Camfield, and four indentured servants on board. They began the pastoral settlement of the Port Phillip District on 19 Nov. 1834. The original is accessioned at MS 5081.

On 23 November 1834, Liddell sailed the *Thistle* back to Launceston. When the schooner returned to Portland on 19 December 1834, Liddell's cargo included numerous cattle, 3 Merino rams, 6 Merino ewes, 71 cross-bred ewes, 3 wethers, 4 rabbits, 2 fowls, and plants etc., and one passenger Mr. F [sic] Henty. (Mr T Henty).^{xv}

William Dutton, James Liddell and Kalloongoo

Liddell remained with the Hentys over the Christmas period. The *Thistle* sailed to Seal Rock, south of Kangaroo Island on 27 December 1834, returning to Portland on 4 January 1835. The following day, Liddell sailed the *Thistle* for Launceston.^{xvi} However, this was no ordinary voyage. An Aboriginal woman was to be landed at King Island, as evidenced by this entry in Edward Henty's journal:^{xvii}

5 January 1835, Monday

3 Hands chipping in Potatoes. Fenced around the well, put casks on Skid for getting Water

Sailed the Schooner Thistle for Launceston. Passenger

H Camfield, & **Black Woman belonging to Wm Dutton to be landed at Kings Island.**

Wind S.W. fresh breeze

Plenty of Snappers caught

One of the most distressing discoveries about Captain James Liddell was his involvement in the abandonment of Kalloongoo, William Dutton's Aboriginal slave and wife. Journalist Tony Wright's excellent article "**Kalloongoo's story lays bare the horrors of slavery and subjugation**" (The Age, 10 October 2021), shares the tragic lived experiences of this extraordinarily brave Aboriginal woman.

Kalloongoo was a Kurna woman from the mainland coastal region south of Kangaroo Island. She was still a child when two sealers, James Allen and Bill Johnson, stole her as she was sleeping. The men enslaved her on Kangaroo Island, where the sealers mistreated her and exposed her to atrocities. Bill Johnson eventually sold her to William Dutton, the man who fathered her female child, Sophia. Life with Dutton was no better. Kalloongoo claimed he 'beat her with a rope' and worked her unrelentingly.^{xviii} Based on Edward Henty's January 3 diary entry, it appears that the Portland historian Joe Wiltshire's claim was correct, and the well-healed Henty was appalled that William Dutton would 'cohabit with a black woman, and conspired to get rid of her.'^{xix}

We can never know how Liddell reacted to Henty's inhumane instruction. Was he complicit in the abandonment of Kalloongoo? Did he fret about her welfare after 'landing' her on King

Island? Was he haunted by her cries of distress when Dutton dragged Sophia from her? Another cruel aspect of this story. Or, did he wash her from his mind as he set sail for home and Launceston, eager to meet his newborn son, a third child for him and his wife, Abby, a boy he named Charles Donaldson HENTY Liddell, in honour of his employer?

For more information on Kalloongoo, refer to Tony Wright's article (see attachment). In 2021, when Tony Wright's article was published, Sophias fate remained a mystery. However, new evidence from Tasmanian records sheds some light on her later life. In 1836, her birth was registered in Launceston, Tasmania - Sophia Dutton, born 1830 – she was only 3 or 4 when Dutton took her from Kalloongoo. Sophia Frances Dutton was 16 or 17 when she married Benjamin Lee, a convict, in Port Sorell, Tasmania, on 23 July 1847 (Registration No: 1369). Benjamin and Sophia had three children – Benjamin Lee (1847-1847), Sophia Lee (1850-1934), and Elenor Lee (1854-). Sadly, Kalloongoo's daughter only lived a short life. Sophia (Dutton) Lee's death was recorded in Launceston on 29 January 1857 – Born about 1829 (Registration number: 234).

Legacy: Captain James Liddell

George Augustus Robinson's journal paints a damning picture of the genocide perpetrated on Aboriginal Peoples by colonial invaders in Gunditjmarra Country. During his meetings with Edward Henty, Robinson recorded all the accounts that Henty had shared with him:

The blacks had not visited the settlement at the bay for some years and the blacks at Mt Clay and between the first and second rivers are a wild set and will not allow white persons to come to them.

Robinson's assessment of Henty's revelation was '(in this they [*the Mt Clay Aboriginals*] are wise).'^{xx} On another occasion, when Robinson met with both Blair and Henty, he learnt the following:^{xxi}

In the course of my conversation with Mr Blair and Henty, Henty said he had no doubt but the settlers were dropping them [*the Aboriginals*]. Blair replied he hoped so. Blair said he was going up but he would not go without 12 police for he should have no power to restrain the settlers from shooting the women and children. Henty said if a black was to lift a spear or attempt anything at him he would, if he had a gun, drop him, if the rope was ready to be put round his neck the next minute.

My ancestor, Captain James Liddell, was employed by Edward Henty during a violent period of land theft and genocide in Gunditjmarra Country. Based on historical records, he appears to have happily done Henty's bidding. Which makes it hard to believe he was unaware of the atrocities. It is distressing to consider, as his descendant, that he may have perpetrated some of the violence. After all, he named one of his sons after Henty, a family naming tradition that continued in later generations. Does this imply that Liddell supported his employer's deplorable attitude and actions? Robinson was appalled by what he discovered from his meetings with Edward Henty:^{xxii}

The prejudices against the natives at Portland Bay by Messrs Henty and Blair and Tyers is very considerable. All that could be brought against them was done. They went so far as to say they thought they were hardly human. The natives were not allowed to have one redeeming quality; everything was said that could be to excite prejudice and to create an ill feeling towards them. And I could not help thinking that their hatred to the natives was also

extended to those who were engaged to meliorate their condition, or else why the cold reception I met with at the bay by those gents.

My grandmother told us stories of our ‘illustrious’ ancestor Captain Liddell, the man who took the first plough and settlers to Victoria in his sailing ship the *Thistle*. It’s unlikely she knew about his role in the Henty’s illegal theft of land in Portland Bay, or the atrocities committed against the Gunditjmara People by the so called ‘settlers’. She never mentioned my g-g-g-grandmother, Abby Desmond, an Irish convict who arrived in the colonies in chains. Abby forfeited her name when she married James Liddell. From that day onwards she was only known as Mary, a strategy to hide the convict stain.

Mabel Winifred Barber (1876-1950), my great-grandmother, was Janet Liddell’s daughter. Mabel, who was known as ‘Barney Barber’, grew up in Queenscliff, Victoria, and she shared stories of her Australian childhood with her grandchildren. Barney was a tomboy, and she loved the outdoors. She told my mother about her Aboriginal friend, King Billy, who lived in a mia-mia on land where her family home was situated. When King Billy caught rabbits, he taught Barney how to cook them. Barney said he would lather the carcass in mud and cook the rabbit in the coals. She told my mother the rabbits were delicious. King Billy may have been Willem Baa Nip of the Wadawurrung (Wathaurung) People from around the Geelong region.^{xxiii} In March 1884, according to an article in the *Queenscliff Sentinel*, ‘King Billy arrived from Geelong to grace the Queenscliff racecourse with his presence’.^{xxiv} Barney’s father, Captain John Henry Barber, owned and trained racehorses. So, it is possible Barney may have first encountered King Billy when he visited the Queenscliff racecourse. Barney married an English merchant who took his young family to England where they settled. My mother has fond memories of playing in the mia-mia her grandfather built in his English garden. Perhaps he was inspired by Barney’s stories of her friendship with King Billy.

One of Barney’s sons, who was born in Victoria, returned to Australia after being shamed for defending his mother from his father’s physically violent attacks. This son, my mother’s uncle, started farming on land near Keith, in South Australia, northwest of Victoria. After my great-uncle retired, his sons continued farming on the family holding. When my mother and her twin sister visited their cousins’ farm in South Australia, they were given a tour of the extensive property. They were both surprised and shocked when their cousins pointed out sites where they claimed Aboriginal people had been massacred. On her return, my mother shared this distressing story with us, her children. She was distraught by the experience and unsure if she should take it seriously. Her cousins’ claims still concern our family; we believe they should be investigated.

Conclusion

As a writer who lives and works on stolen land, one who has inherited a disturbing and shameful ancestral legacy, I am committed to whatever truth-telling is required to expose the genocidal atrocities inflicted on First Peoples by colonial invaders in Victoria and across Australia. Attached to this submission is an Appendix from my PhD thesis *Capturing Chloé: Reimagining a Melbourne Icon* concerning the treatment of Aboriginal soldiers in WWI. Hopefully, this work will demonstrate the research processes and cultural protocols I follow as a non-Indigenous author when writing about aspects of First Peoples’ history in my academic narratives and the historical fiction novel *Chloé*.

Researching and critically analysing my ancestor's role in facilitating the theft of Guditjmara land and the abhorrent treatment of Aboriginal people in southwestern Victoria has been confronting but also cathartic. I believe all non-Indigenous Australians must face this nation's violent past with honest and critical eyes. We must contribute to the truth-telling process and ensure there is justice and reparation for all First Nations Peoples by acknowledging the crimes committed by our colonial ancestors. It is also vital that the truth about Australia's Frontier Wars is included in the Australian Curriculum and fully recognised and honoured at the Australian War Memorial.

Thank you for the opportunity to contribute to this truth-telling process.

1996. *The Henty Journals: A Record of Farming, Whaling and Shipping at Portland Bay 1834 – 1939*, edited by Lynette Peel, Melbourne University Press, Carlton South, 3-6.

ii 1881. "Letters Illustrative of the Early History of the Colony. By Mr. George Fletcher Moore. (Continued.)", *West Australian*, Friday 11 February 1881, 3. TROVE.

iii 1884. "The Settlement of Portland." *Portland Guardian*, 28 November 1884, 3.

iv 1876. *The Hamilton Spectator Directory and Almanac, 1876*, 150-152.

v 2007. Pascoe, Bruce. *The Convincing Ground*, Aboriginal Studies Press (Canberra), 93-94, 266.

vi 2015. Clark, Ian D. *The Journal of George Augustus Robinson, Chief Protector, 1839-1850): Abridged: Observations of Aboriginal Societies* (Extracts of original manuscripts held in the Mitchell Library, State Library of New South Wales, Sydney, 372-373.

vii *Ibid*, 575.

viii *Ibid*, 576-576.

ix 1996. *The Henty Journals: A Record of Farming, Whaling and Shipping at Portland Bay 1834 – 1939*, edited by Lynette Peel, Melbourne University Press, Carlton South, 3.

x n.d. *Plunderers of the Straits: The Sealers and Whalers*, Maritime Museums of Victoria, http://mmv.com.au/2016conf/sealers_whalers.pdf.

xi 1878. "A Pioneer Colonist." *Ovens and Murray Advertiser*, 23 February 1878. TROVE.

xii *Ibid*.

xiii 1884. "The Settlement of Portland." *Portland Guardian*, 28 November 1884, 3.

xiv State Library of Victoria. *Manifest of cargo on board the brigantine Thistle 1834 Oct. 10. [manuscript]*. (1843). Record ID 9916398763607636.

xv 1996. *The Henty Journals: A Record of Farming, Whaling and Shipping at Portland Bay 1834 – 1939*, edited by Lynette Peel, Melbourne University Press, Carlton South, 43.

xvi *Ibid*, 44.

xvii *Ibid*, 46.

xviii 1996. Amery, Rob. "Kaurna in Tasmania: A case of mistaken identity." *Aboriginal History*, Vol. 20 (1996), 24-30.

xix 2021. Wright, Tony. "Kalloongoo's story lays bare the horrors of slavery and subjugation." *The Age*, October 10, 2021.

xx 2015. Clark, Ian D. *The Journal of George Augustus Robinson, Chief Protector, 1839-1850): Abridged: Observations of Aboriginal Societies* (Extracts of original manuscripts held in the Mitchell Library, State Library of New South Wales, Sydney, 368.

xxi *Ibid*, 390.

xxii *Ibid*, 393.

xxiii 'Willem Baa Nip', https://en.wikipedia.org/wiki/Willem_Baa_Nip.

xxiv 'News and Notes', *Queenscliff Sentinel, Drysdale*, 8 March 1884, 1. TROVE.