



BERRIMA DISTRICT HISTORICAL & FAMILY HISTORY SOCIETY Inc.

NEWSLETTER No 543 November 2021 Founded 1960 Located in the Wingecarribee Shire, Southern Highlands of NSW

ABN 29 362 616 937



From the President's Desk

As New South Wales has now exceeded 85% double vaccinated, current restrictions are being lifted on a regular basis working towards fully opening from 1 December.

Given the improved situation we are enthusiastically planning our first Annual General meeting for two years and our first General meeting since May. The date for the combined meetings is 25 November 2021.

Our long-suffering mid-year lunch at the Hermitage Restaurant has been re-scheduled as a Christmas lunch to be held on Wednesday 8 December. Anyone who has paid but cannot attend will be given a refund. All members on the original list will be contacted for confirmation of their attendance or not.

Discussions with the Wingecarribee Shire Council regarding the upgrade to the Mittagong Memorial Hall are ongoing and final plans should be released before the end of the year.

The Berrima District Museum is planning to reopen on 1 December with an exciting new exhibition for our Digital Gallery. We are partnering with the Southern Highlands branch of the Australian Garden History Society and it is being co-ordinated by Bud Townsing. Stay tuned for the details, yet to be revealed. John Schweers, our present Museum manager has announced his relocation to Kiama to be near his wife Bev, who is in care in a nearby complex. John will be resigning his position as Manager and Museum representative on the Management Committee and will be greatly missed. He will continue to travel to Berrima to carry out volunteering work. We are looking for a Museum volunteer who would like to act as co-ordinator to attend Management Committee meetings and give a brief report.

On page 3 Linda Emery gives an account of a visit by 10 Society members to the archaeological dig site at Bong Bong Common, the site of the earliest public buildings in the Southern Highlands located on the northern bank of the Wingecarribee River adjacent to the highlevel road bridge connecting Bowral and Moss Vale. The village was abandoned in the 1840s when Berrima became the centre of local administration.

Our financial year having ended on 30 September, on pages 4 and 5 are the BDHS annual reports providing information about key areas of the Society's activities.

On pages 6 and 7 is a feature on the history of Bowral Court House, an iconic building featuring Mt Gibraltar trachyte, provided by solicitor and notary Mr Bohdan Bilinsky MA, LLM, who read it at the last sitting of the Court in May 2005.

Ian Mackey

NOVEMBER

MONTHLY MEETINGS 2021

Thursday 25 November at 2:00pm –BDHS Annual General Meeting and November General Meeting, back in our upstairs Meeting Room, in a covid compliant setting. Linda Emery will speak about the recent Bong Bong Common archaeological dig and show some objects.

AFTERNOON TEA is served after the meeting. Members are asked to please bring a plate or make a donation.

NOTE: on the first Wednesday each month, at 1pm the **Family History Interest Group** meets at the Mittagong Archives





THE LOST ART OF CONVERSATION?

An enterprising friend came up with the idea of 'it's Melbourne Cup

Luncheon at my place, and please dress up.' After months of lockdown, we were so excited to be visiting other human beings.

My bride and I looked forward to the moment by finally ditching the old trackies and slippers retrieving our Sunday best. The lace and feathers came out of the hat box and we strode into the sunshine looking like Lord and Lady Muck from Dishcloth Island.

We preceded a couple of invited guests who were dressed in jeans and t-shirts. Were we over-dressed, we wondered?

On arrival we were seated at a table decorated with Mummy's good china surrounded by cucumber sandwiches and lots of tantalising finger food.

At the table sat a very talkative male who didn't seem to acknowledge anyone else in the room. He was too preoccupied describing his recent operation and at breakneck speed recalled all his allergies, drug reactions and prescribed medications.

Not to be upstaged, at the other end of the array was a lady who knew every drug known to mankind, dexterously weaving her discourse in and out of TV shows and people she knows.

This scene turned into a battle of the hypochondriacs.

Constantly referring to her cell phone, not stopping to draw breath, she sounded like a demented soul just released after years in a dark dungeon.

No room for sharing quiet talk here, leaving the rest of us stunned and speechless. My bride, quietly washing down her scone with a glass of bubbly, couldn't get a word in edge-wise. Glancing a smirk and a wink at each other, we signalled it was time for us to leave.

This scene perhaps reflects the Covid Crisis over the past 18 months, confirming we are slowly losing touch with reality and the gentle art of **2way** conversation. Yes, we have zoomed, face-timed and occasionally phoned others on a device but I feel we're seriously out of practice talking and listening to each other.

We couldn't wait to get home, watch the famous race on TV, reflecting on the outing over a cheeky glass of scotch.

Bruce Moore

Our Christmas Lunch

Wednesday, 8 December 2021 at 12:00 for 12:30pm

Marist



Brothers Hermitage Old South Rd, Mittagong, a

place with a rich and interesting history. We will be having a talk on the history going back to the early days of settlement in Mittagong.

Lunch will be a two-course meal of main and dessert, with tea and coffee provided, and there will be the usual door prizes and raffle.

The cost is \$35 per person, but this is not required of those who paid to attend the June Luncheon that had to be postponed. You will already have been contacted about this.

Anyone else who wishes to attend should contact the Society as soon as possible to see if spaces are available and if so, to make payment.

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NOTICE

2021 Annual General Meeting

The AGM of the BDH&FHS will be on Thursday 25 November at 2pm along with a monthly meeting, in the upstairs meeting room at the Mittagong Archives.

Members are asked to consider being nominated as an Office Bearer and/or committee member, or to apply for a non-elected position. A Nomination Form for elected positions on BDHS management committee, museum sub-committee and for office bearers, and an Appointment Form for positions, are available from the Secretary and must be lodged two weeks prior to the meeting.

LAST CHANCE: MEMBERSHIP RENEWALS NOW OVERDUE

We are happy to receive payment by cash, cheque or money order, OR funds can be deposited to our bank account, details of which are shown on the Renewal Form, sent out in September and available on request from the Society.

From 1 December **Berrima District Museum** will be open WEDNESDAY TO SUNDAY, 10.00am to 4.00pm. This includes during school and public holiday periods. Groups welcome at other times by arrangement. Phone John 4854 0165, museum 4877 1130, or email bdmuseum@bigpond.com



Art of Conversation: The Cup Party by Chris ('The Bride') Moore, 2021

Bicentenary of Bong Bong settlement

Bong Bong Common, located between Moss Vale and Burradoo, is the site of the first European settlement in the Southern Highlands. It is where from 1820 the South Road forded the river and where 30 acres were reserved in November 1821 for a government village.

As that is now 200 years ago, this November marks the Bicentenary of local European settlement.

The Bong Bong Common Management Committee is staging a low-key ceremony and commemoration to mark the 200th Anniversary in consultation with local Aboriginal people.

Bong Bong Common Stage 1a Works Project

Information on the Wingecarribee Shire Council website about this project includes that Bong Bong Common is the site of "a convict period settlement that dates from 1821 to c1843 which consisted predominantly of government buildings where soldiers and public servants would have worked and lived". This is the first European settlement of the area which "was progressively abandoned from 1837 in favour of the new settlement at Berrima, with only two buildings remaining in 1843."

The Master Plan for the Common is well underway, including improvements to the Eastern Precinct, purchased by Council in 2017:

- Obelisk shifted back and set in new display area
- Explanatory plaque erected re significance of obelisk, former poplar plantings, etc
- Improved parking areas and street signage
- Some walking paths improved.

The Plan also includes provision for mapping of the archaeological sites in the Eastern Precinct.

Archaeological investigation

Through its Principal contractor DSA Contracting, Council began an archaeological investigation and digging in October 2021. The main purpose is to determine the location and the line of the buildings and determine what if any risk there is that the proposed works will have an impact on the items of heritage significance.

Project Funding

The project is jointly funded by a NSW Government Arts and Culture Grant and Wingecarribee Shire Council. Completion date is 28 February 2022.

> Photo opposite shows post holes at the dig site, taken by Denyse Barker on 12 October 2021

A report on the archaeological dig

Linda Emery

On a cold and rainy morning in October, several members of the Society had the opportunity to do a site visit to an archaeological dig on the site of the first European settlement in the area at Bong Bong.

This was prompted by the work by Wingecarribee Shire Council to upgrade the car park and facilities at the Common, as noted opposite. We were lucky enough to see the open trenches which revealed evidence of some of the buildings that were constructed on the site in the 1820s and 1830s.

The archaeologists found evidence of post holes where the lock-up was located, together with bottle fragments and handmade nails.

More revealing was the site of the Commandant's building or Commissariat store on the eastern side of the main road, where a cess pit or latrine was identified, along with what appeared to be brick drains. Fragments of 19th century pottery, bricks and plaster were very evident. A third trench dug in the existing car park exposed an area of brick paving that probably belonged to the soldiers' barracks.

The archaeologists working on the site gave us an interesting outline of their preliminary work and a fascinating insight into what the site might reveal when the final report is produced.

Thanks go to Wingecarribee Council engineer Andrew Maskiell who invited us to participate in the inspection and is continuing to keep the community engaged in the process.



President's Annual Report 2021

Ian Mackey with input by John Schweers

It gives me great pleasure to present my fourth annual report on the activities of our Society. I would like to thank the Management Committee and the Berrima Museum Sub-Committee for their support and tireless effort through this unusual period. A special thanks to all the volunteers who continued to keep the wheels turning with the monitoring and action on telephone messages and emails. Research enquiries were efficiently handled by Frank Mitchell and the research team. Although both the Archives and Museum have been closed for part of the year activities have continued in the background. In particular, we have continued to produce our monthly newsletter as a means of keeping in contact with our membership. A special thanks to Philip Morton and all the contributors for a valiant effort under difficult circumstances.

Our Christmas lunch in December 2020 consisted of a group of members transcribing the new graves at the Burrawang General Cemetery. With social distancing rules in place, we enjoyed a picnic lunch and also celebrated the 60th anniversary of our society with a birthday cake provided by Ros Dale. It was a very enjoyable day with some members travelling considerable distances including Margaret Bresnahan, a descendant of the local pioneering Bresnahan family, who travelled from Sydney.

During the year many regular events were cancelled including general and management meetings, Australia Day and Anzac Day commemorations and of course our proposed mid-year lunch. There were 11 Management Committee meetings held during the year which includes our Annual General Meeting to be held on 25 November 2021. One public General Meeting was held in May and three Zoom meetings from August to October. Our Zoom meetings were a new feature and a technological challenge for some but very successful with all presentations well received. Special thanks to our Archivist Linda Emery for acting as our host and guiding us through the challenges.

A considerable amount of time this year has been consumed with ongoing discussions with Wingecarribee Shire Council regarding the building upgrade to the Mittagong Memorial Hall precinct where our Society is a tenant. The concept plans have been completed and indicate our Society occupying the entire first floor of the building. The whole building will be serviced by a lift located in the entrance foyer of the building on the Bowral Road side. The objective is to eliminate all steps for those with mobility concerns. Our new research room will be located within the existing supper room, part of the original Mittagong School of Arts building and dating from 1899. This is a special room with original architecture. Air conditioning, LED lighting, carpets, electrical and data cabling will be provided and a new library and kitchenette will be constructed. The balance of the floor space will be used for record storage. For our general meetings we will have access to a new community meeting room located on the ground floor with a permanent booking for our monthly meetings enshrined in a new 21-year lease currently being prepared. This project is expected to gain approval by April 2022 with completion scheduled for the end of 2022. Some dislocation to our operations is expected and we may need to close for a time, however it will be exciting to move into a newly renovated space, suitable for another 60 years.

Berrima Museum has been closed for most of this year. A reopening is scheduled for 1 December 2021 when Greater Sydney residents are allowed to visit our district. Thanks to all the Museum volunteers who continue to ensure the Museum is spick and span for our re-opening. A new gas heating system was installed during the year which replaces a unit that was no longer economical to repair.

Finally, I would like to extend a very Merry Christmas and a safe and Happy New Year to all members.

Archivist's Annual Report

Linda Emery

In my report last year, I expressed the hope that 2021 would see an easing of restrictions and a better year. That was not to be – after a few months back in the archives, we found ourselves in lockdown again and the archives were closed once more. It has been a challenging year, but we have nevertheless been able to keep the business of the archives operating by working at home.

We have had some interesting accessions this year, a highlight of which was the donation of a large collection of glass plate negatives mostly of Mittagong. These have been cleaned and rehoused in archivally safe storage. Unfortunately, the process of scanning the images was interrupted by the lockdown but will continue once we are back to normal operation. We also acquired a large collection of research material on the Wood family of Bong Bong gathered over many years by Jeanne Bow. We are grateful for the generosity of donors who continue to support our ever-growing collection.

The August/September issue of Highlife featured a five-page article on the archives and the work we do, beautifully illustrated with images taken by the magazine's photographer Tony Sheffield. The piece generated a lot of positive comment and enquiry,

particularly from people interested in the history of their houses – a growing area of research.

Frank Mitchell has again led the research team in handling the large number of enquiries we receive. His enthusiasm and meticulous research have helped many people this year and given us a steady income stream. Family history in particular is something that people have been able to do during the lockdown.

As ever, I thank our wonderful team of volunteers. We are a happy team and really missed our regular contact this year. Happily, the archives are open again and we are getting back into the swing of things.

Publication Officer's Annual Report

Jenny Frost

During the past year we have continued to sell our large range of publications relating to the history of the Southern Highlands, mostly via online ordering through our website, as over the counter sales at the museum and archives have been limited by Covid 19 restrictions. Total sales were \$5,211.

Treasurer's Annual Report

Patricia Doris

I am pleased to present the Society's Annual Financial Statement for the year ending 30 September 2021. The Financial Statement should be available at the AGM and a copy will be sent out with the newsletter. Due to Covid 19, the Society has had another difficult year financially. Our sincere thanks to Auditor, Ross Cowley for our Annual Financial Statement.

Conservation Officer's Annual Report

Denise Mackey

2021 was another constructive and rewarding year for the Conservation Team.

The necessary labelling for the Rate Book collection was finished early in the year. Additional shelving bought in February was used to house copies of the *Southern Highland News* and with this extra space all copies of this newspaper are in one place making accessibility easier.

A substantial donation of \$1000 from the Veolia Mulwaree Trust received in March allowed for the purchase of proper Archival folders to replace the non-standard, deteriorating folders used to store our collection of old newspapers. Transferring the historical newspapers is substantially completed but remains a work in progress at this stage. However, it is reassuring to know our unique and valuable newspaper collection will be safely preserved for future generations of researchers.

This likewise applies to the other conservation and preservation work such as cleaning, repair, framing and reframing of documents, photos and paintings.

During the year numerous additions through much appreciated and generous donations have enhanced our already valuable collection.

2021 saw an increase in the number of researchers visiting the Conservation rooms with newspapers the main request. Other enquiries were directed to artworks, rate books and the collections of local societies.

There is a great variety in Conservation work with considerable opportunities to learn new skills and refine old ones.

I would like to sincerely thank the many volunteers who have generously given their assistance, support and encouragement during the year.

Family History Group Annual Report

Denise Mackey

Even though there was a Covid 19 lock-down our Family History Group was able to conduct meetings from February to August and again in November and December.

Usually there are 10 to 14 lively, enthusiastic family historians at our get togethers who enjoy the presentations from either one of the group or an outside guest speaker. This year subjects covered included Getting the Most out of NSW BDMs, S.I.X Maps, Mysteries Solved using DNA, Aboriginal Research Sources and Strategies and Chart Making using Family Tree Maker. Thank you to all our presenters.

Our self-help group meets at 1pm on the first Wednesday of each month in the research room at the Archives in Mittagong. The resources at the Archives are available to assist in research and provide the opportunity to learn how to use the equipment and facilities.

It is rewarding to work with like-minded people, sharing ideas, successes, frustrations and developing new strategies.

Any member of the Society is welcome to join our informal self-help Family History Group.

The plan is to schedule our first meeting for 2022 on Wednesday 2 February.

A brief history of Bowral Court House

The article presented here has been provided to the BDHS by its author, Bohdan Bilinsky, with permission to reproduce it in our newsletter. Mr Bilinsky is a professional solicitor and notary public with over 50 years' experience in the industry and principal of the Bowral-based firm B. Bilinsky & Co, providing legal advice and guidance for individuals and businesses.

We hope readers will enjoy this history snapshot of Bowral Court House, built in 1895 and featuring trachyte from Mt Gibraltar, considered by many as one of Bowral's most iconic buildings, still standing at the corner of Bendooley and Wingecarribee Streets.

STATEMENT MADE AT BOWRAL COURT HOUSE ON MONDAY, 9 MAY 2005 by Bohdan Bilinsky MA, LLM

Your Honour, I seek leave to make a statement on behalf of lawyers who practice in this Court.

May it please the Court, today marks an historic occasion in that it will witness the last sitting of this Court, and probably any other Court, in this old building. In the circumstances, therefore, it is relevant to note the history of the establishment of the Court and the building of this Court House in the township of Bowral.

Following the founding of the Colony of New South Wales, in 1829, Courts of Requests were established, followed by the creation of Courts of Petty Sessions in 1832 under a local Act, *3 William IV No.3*. The legislation recognised the establishment of country districts for the purposes of administration of justice, including the convening of courts in the townships of Bong Bong and Berrima. The Courts of Request disappeared in 1847 when the Courts of Petty Sessions acquired a civil jurisdiction. Those courts continued until the establishment of the Local Court in 1970.

As the population of country districts of New South Wales grew, the demand for appointment of Magistrates increased, as did their power and importance. In 1824 it was proposed that full-time Stipendiary Police Magistrates be appointed to the towns of Parramatta, Windsor and Liverpool.

The increased prosperity of mineral and pastoral ventures in country New South Wales led to the appointment by Governor Bourke, between 1839 and 1842, of sixteen additional Police Magistrates, including appointments to Berrima and Goulburn. Magistrates were invariably appointed with the establishment of Police Stations. Those who held the office of Magistrate were often untrained in the law. Initially, a variety of buildings were used for the purposes of serving as a Court House. Sometimes Courts were held in private buildings, whilst on other occasions in halls, hotels and even in slab huts. As late as 1888 the Chief Justice of New South Wales, Sir Frederick Darley, held a Circuit Court at Silverton in what he described as "a galvanised iron billiard room annexed to a public house".

Nevertheless, population and prosperity growth led to a number of country towns requesting the establishment of Courts of Petty Sessions as a Court House added importance and status to a town. The erection of appropriate Court Houses was slow, although some old elegant Court Houses survive at Hartley and Berrima.

The agitation for the establishment of a Court of Petty Sessions in Bowral began in 1883. Mittagong, which had developed as a town before Bowral, succeeded in having a Court House built and in use by 1886. Regrettably, that Court House was closed 43 years ago and converted into Police offices which at present house the Mittagong Highway Patrol.

Moss Vale, which had originally petitioned for a Court House in 1876 and succeeded in having a District Court established there in 1882, did not obtain the use of a separate Court House until the erection of the present building in 1923.

So far as Bowral was concerned, it was not until the 20th February 1890 that a Court of Petty Sessions was set up by proclamation. Initially, the Court sat in the Council Chamber of the Town Hall.

In March 1895, however, tenders were called for a Court House and the building was completed 109 years ago and opened on 22nd May 1896.



The Bowral Court House was designed by Walter Liberty Vernon who was appointed Government Architect in succession to the Colonial Architect Barnet, in August 1890.

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Vernon was the first person to hold the title of Government Architect, his predecessors having been styled as "Colonial Architect". Vernon was an enthusiast of what is described as "Federation Free Style" architecture. He designed a number of Court Houses, including the Central Local Court in Liverpool Street, Sydney, as well as Court Houses in Bourke, Cootamundra, Maitland, Murwillumbah, Nowra, Parkes, Redfern, Wagga and, of course, Bowral.

What made Bowral Court House unlike any other Court House of its time was the fact that it was built with local granite. The term "granite" at that time was used to describe "trachyte" quarried on The Gib and was not real granite. At the time it was described as having a Scottish character and making a harmonious contribution to the architecture of one of the principal towns of the Southern Highlands.

Since its opening, the building has continued to be used regularly as a Court House, not only by the Court of Petty Sessions and its successor, the Local Court, but also the Compensation Court and more recently the Federal Court in its Industrial jurisdiction and the Land & Environment Court, as well as a number of Tribunals, amongst them the Residential, Consumer Claims and Fair Trading Tribunals.

Few records exist concerning those who regularly appeared in this Court House. There was, of course, a time when attempts were made to deny solicitors the right of audience before a Court of Petty Sessions. Long before the building of the Bowral Court House, an attempt was made by Major Henry Colden Antill, a Police Magistrate at Stonequarry within the Picton district, to refuse solicitors the right of appearance.

Although Antill was described as "a fair-minded and reasonably competent Magistrate", he refused to allow a Mr. G.R. Nicholls to conduct a defence on behalf of an accused who was appearing before him. Eventually, in 1839, a full Bench of the Supreme Court, comprising of Chief Justice Dowling and Justices Willis and Alfred Stephen, issued a Writ of Mandamus ordering Magistrate Antill to grant solicitors a right of audience. In typical fashion, the three judges advanced differing reasons as to why the right of audience should be granted. Following that precedent, by the time a Court of Petty Sessions was established in Bowral, the right of audience on the part of solicitors was no longer an issue. Unfortunately, few records remain as to the practitioners who appeared regularly in the Court.

It is quite probable that Henry Molesworth Oxley, a grandson of the pioneer surveyor and explorer, John Oxley, to whom large areas of Bowral were granted, and who was admitted in December 1881, would have appeared in this Court House.

Similarly, Charles Gale and subsequently Bennington Haille Paine would regularly have appeared in this Court. Bennington Haille Paine was admitted to practice in March 1899 and later entered into a partnership with Gale under the name of Gale & Paine. Paine's son, Haille Hands Paine, who was admitted in August 1927, continued the firm which still exists today.

Charles Dunk, who served as Clerk of Petty Sessions from 1960 to 1971, recalls, in recent "Memories" appearing in the *Southern Highland News*, the prominent legal practitioners in his time as being Haille Paine, George Throsby and Owen Edwards.

In more modern times, with the increase in the number of lawyers in the Southern Highlands, Mr. Brian Hanrahan can be acknowledged as a regular advocate in this Court. Mention should also be made of Mr. Rod Loomes who has appeared as Prosecutor over the past decade.

It is regrettable that the bureaucrats in charge of the Attorney-General's Department have decided that there is no further need for this Court House in the system of administration of justice in New South Wales.

The reasons advanced for its closure are not compelling and it may have been possible to continue using the Court House economically for Courts and Tribunals other than the Local Court.

> It is hoped that this building will survive and not be threatened with demolition at some future time, as was the Court House at Berrima in the 1920s when its immediate neighbour recommended its demolition to make room for new housing.

May it please the Court. Bohdan Bilinsky MA, LLM 9 May 2004

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Berrima District Historical & Family History Society Inc	
	PO Box 131 Mittagong NSW 2575 🛭 🛩 Telephone (02) 4872 2169
	email: bdhsarchives@gmail.com 🛷 web: www.berrimadistricthistoricalsociety.org.au
ARCHIVES:	Cnr Old Hume Highway and Bowral Road, MITTAGONG.
	OPEN: Mondays, Tuesdays 10am-4pm and Saturdays 10am-1pm. Closed Public Holidays. Library collection contains reference books, journals and a general collection.
MUSEUM:	Market Place, Berrima. Tel: 02 4877 1130. Email: bdmuseum@bigpond.com OPEN: 10.00am to 4.00pm, Wednesdays to Sundays throughout the year. This includes during school and public holiday periods.
MEMBERSHIP:	Any person wanting to join the Society may do so at any stage during the year by completing a form and paying the appropriate fee. Joining Fee \$10.00 – Single \$25.00 – Family \$35.00.
AFFILIATIONS:	Royal Australian Historical Society, Museums Australia Inc and NSW Association of Family Histo Societies.

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BERRIMA DISTRICT HISTORICAL & FAMILY HISTORY SOCIETY Inc.

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Archivist **Museum Manager** Membership **Newsletter Co-ordinator Conservation Team** Carolyn DOUGHERTY, Janet BLACK and Frank MITCHELL Linda EMERY John SCHWEERS Peg HARVEY Philip MORTON Denise MACKEY

Management Committee: President, Vice Presidents, Secretary, Treasurer and members Bruce Moore, Leonie Knapman, Denyse Barker, Philip Morton, Carolyn Dougherty, Ros Dale and Kerry Bunker.

Museum Sub-Committee: John Schweers (Manager), Harlan Hall (Project Manager), Lyn Hall (Graphics, Exhibitions), Sylvia Carless (Roster), Harold Wall (Human Resources).

PATRON: Mayor of Wingecarribee Shire