



Bowral



Mittagong



Berrima



Moss Vale

BERRIMA DISTRICT HISTORICAL & FAMILY HISTORY SOCIETY Inc.

Founded 1960

Located in the Wingecarribee Shire,
Southern Highlands of NSW

ABN 29 362 616 937

NEWSLETTER

No 567 February 2024



From the President's Desk

Intrigued by the word 'Accessioning' on our museum's volunteer roster, my curiosity took me to Berrima where I had a pleasurable afternoon meeting Lyn,

Maria, Barbara and Jenny of our 'A Team' as they cleaned, recorded, assessed, catalogued and prepared for storage donations that people thought were of good enough quality for our museum to possibly include in a future display. Following my view 'behind the scenes' Lyn Hall treated me to a guided tour of our award winning House of Treasures, bringing each of the exhibitions to life. The spectacular *Gardens and Landscapes of the Southern Highlands* on the screens and acclaimed *Prisoners in Arcady* being prominent.

Like a moth drawn to the flame I returned to Berrima market place a few weeks later for the unveiling of the impressive life size sculpture of Charlotte Atkinson by the Governor of NSW. During the ceremony our Archivist Linda Emery was thanked for her contribution to Charlotte's biography.

You don't know why Charlotte is a local hero? Then walk in my footsteps from the statue to our museum and enjoy the new exhibition dedicated to this very determined lady and her achievements.

On Australia Day I was one of the hungry paraders appreciating the museum's air conditioning and munching on the very welcome tucker Vanessa Dagleish produced as though catering for the weary was one of her regular volunteering duties. John Schweers and Bud Townsing were ever on the alert, meeting and greeting the many visitors taking advantage of the day's 'special offer' on entry fee. Over \$400 in gold coins and notes poured into our donation tins thanks to the generosity of those visitors.

May I offer a big thank you to all our Berrima District Museum volunteers for making it a true Story Centre, bringing alive memories, tales of adventure, romance or despair represented by each of the objects, images and displays you share with each visitor.

Want to be more involved than merely showing your membership card for free entry? Volunteers are always welcomed being the backbone of our Society.

We are also looking to form a working party of keen volunteers who have the vision and perhaps interest in education or with IT skills to explore ways of making greater use of our museum's iPads and so offer a more interactive element to age groups ranging from early primary school to retirees, to give our exhibitions at the museum even greater appeal.

Stuart Handley

GENERAL MONTHLY MEETINGS and EVENTS

FEBRUARY 2024 **Thursday 22 February at 2:00pm**
SPEAKER Member Alan Jacobs will present an illustrated history of Freemason Lodges in South Australia and NSW

MARCH 2024 **Thursday 28 March at 2:00pm**
SPEAKER to be announced
AFTERNOON TEA is served following the speaker

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



Moore Memorable Musings



A RELAXING DAY OUT

I thought it was a good idea at the time (just like Napoleon invading Russia) to spend a slow, measured and

peaceful day travelling to the 'big smoke' by train.

Nothing could be further from the truth!

Embarking at Mittagong Station, after serious consultation with the station manager, I stepped into what is mistakenly called the 'quiet' carriage.

For an hour and a half the 'quiet' carriage, because its every coupling, spring, nut and bolt imaginable chatted to each other the whole journey. The silence was deafening!

This squeaking country carriage needed a good talking to!

Admittedly these railcars were launched nearly 30 years ago and after the odd interior facelift, they still ride on the same original chassis. In reality, they haven't changed.

I still picture a locomotive mechanic wandering around the train at night, flashlight and oilcan in hand, checking for squeaks, inspecting the

undercarriage, looking for dry or rusty spots to lubricate for passengers' comfort. Dream on. That only happens in movies!

The irritating noise was constantly interrupted by the muffled and incoherent sound of what's known as a P.A. system.

A voice announces the next station, instead it sounded like a person with a mouthful of marbles talking into a pillow. "Neckstachun woube Camjgeyhwojw."

The lady next to me says 'what did he say? Was that Canberra, Macarthur or Campbelltown?'

I suggested Macarthur, hoping that was correct.

Settling down to read the next chapter of my book of the month, the fellow in front immediately rang his girlfriend and loudly announced to the whole carriage that they will be meeting for lunch and that the train arrives at Central in about an hour's time. This followed by the weather forecast.

With ears ringing, nerves jangling, leaving nothing behind on the seat, I alighted on the platform to change trains into the 'noisy' suburban Sydney one.

Amazingly, this was the quietest train ride I've had in a long time.

Bruce Moore

BERRIMA DISTRICT MUSEUM

1a Marketplace cnr Bryan St, Berrima

OPEN: FRIDAY to SUNDAY

10.00am to 3.00pm

throughout the year including school and public holiday periods.

Closed Christmas Eve, Christmas Day.

Groups welcome at other times by arrangement. Ph John 0434 623 402

Museum: Phone 4877 1130 or email bdmuseum@bigpond.com

Managed and operated by members of our Society who volunteer their time and expertise.

Archives' opening hours

Monday 10:00 am – 4:00 pm

Tuesday 10:00 am – 4:00 pm

Saturday 10:00 am – 1:00 pm

Membership Details

Please note that all membership enquiries and changes of address details should be addressed to:

The Membership Secretary
c/- the Society's postal address
or email: bdhsarchives@gmail.com



The BDHS team still on their feet after taking part in the 2024 Australia Day Parade at Berrima. Photo: Helen Erskine

Our February speaker: Alan Jacobs

A HISTORY OF FREEMASONS IN AUSTRALIA & LOCALLY

Alan J Jacobs is a member of our Society who in the 1970s graduated from the University of NSW with a BA Hons degree. In 2019 he was awarded a PhD in Australian History by the University of Wollongong.



Alan commenced his career in research in 1980 at Sydney University and in 1986 joined Consensus Research undertaking consumer, advertising and social research for major companies. In 2002 he opened Alan Jacobs Research Associates P/L and continues to undertake social and historical research.

Alan believes that Freemasons were once a bastion of civic power and engagement that was hidden to most Australians, and that the demise of this form of voluntary association is an important case study in Australian history. He is passionate about preserving local history and building an understanding of how regional communities have evolved and can continue to exist in an environment where the level of social capital is increasingly under threat.

In his talk, Alan will provide an historical overview of Freemason Lodges in South Australia and NSW, including Lodge Carnarvon in Bowral about which he wrote an article titled *Bowral and the Fraternity of 'Noble Men' – Freemasonry in Bowral and the Southern Highlands of NSW* published in the Royal Australian Historical Society's Journal of 2 December 2022 (Vol 108 Pt 2).

Many Australian towns and suburbs once had Freemasons lodges, now closed, the buildings repurposed. Freemasonry was a voluntary fraternal organisation, which focused on enhancing the life of its members and community.

Alan has recently published a comprehensive book ***Freemasons and Community: A History of Kangaroo Island Freemasons and Island Lodge, 1908–2002***.

In it he states that the Freemasons' lodge on Kangaroo Island can be considered representative of Freemasonry in Australia and of a broader pattern of declining participation in voluntary organisations in the 20th century. KI is a bounded and remote community in which the Freemasons were both community leaders and authority figures. Copies of the book will be available for purchase at \$49.50.

Australia Day events at Berrima

On Friday 26 January 2024 Australia Day festivities were once again held in historic Berrima village. As part of the events, the annual Citizenship Ceremony and 2024 Citizen and Young Citizen of Year Awards were held in the morning, followed by a Parade along the Old Hume Highway through the village from Oxley St down to near Wingecarribee River bridge.

As no Australia Day festivities had been held since 2019, this was an exciting development and Council staff were hopeful that the day's events would be as equally successful or surpass those of past decades.

A large crowd of people did turn up and supported the occasion's events. The Parade had a wide variety of participants, including our BDHS team dressed in period costumes, and were clapped, cheered and photographed by people lining the route.

The new owners of Berrima Gaol decided to open it to the public free of charge for the day and invited our Society to set up a historical information table and book stall. This proved to be a great success with takings exceeding \$1,200. Thanks to the sterling efforts of members, in particular Jenny Frost, Ros Dale, Carolyn Dougherty and Sylvia Carless.



Above: Jenny Frost and Carolyn Dougherty on duty at the stall with below Sylvia Carless (left) and Ros Dale (right)

Some insights on the topic of Wills

Denise Mackey

It all started on Wednesday 4 October 2023 at our BDHS Family History Group meeting when Denise Powers presented a talk on Wills and Probate. What followed was a lively and enthusiastic discussion about experiences relating to Wills, past and present. There was the story about the lost Will, no Will, invalid Will and the one about the grandfather who bequeathed the major asset of house and property to his only son while his three daughters shared the meagre residual. Grandfather dies. Grandmother wants to change the Will to be more equitable but, haunted by tradition, never does. Meanwhile she scrimps and saves every cent for the three daughters. Grandmother dies. Son gets the valuable property which he did not want, and the daughters receive \$1000 each . . . and the linen! And this all happened in the mid 1900s! Heard it all before you say!

Our discussion generated many questions about Wills and fortunately Society member Ros Dale stepped forward and organised a visit by solicitor Bohdan Bilinsky to present a talk on the topic.

On Wednesday 6 December 2023 some 20 regulars gathered at the Archives and were enthralled and entertained by Bohdan Bilinsky's presentation.



Family History Group members with Mr Bilinsky at December 2023 meeting

The first use of a Will can be traced back to ancient Athens and Rome. Only male citizens could have a Will, mainly written by a person who had daughters and no sons. If a citizen had a male heir his property automatically went to him giving no reason for a Will.

In early England during the Anglo-Saxon period (c 5th to 11th Centuries) Wills were informal and primarily oral. After the Norman Conquest of England in 1066, the legal system underwent



significant changes and the control over land and property was tightly regulated. There was a growing recognition of the importance of written documents to ensure the deceased's wishes were carried out. By the late Middle Ages written Wills with the formalities and requirements for creating valid Wills began to take hold in England. The Church played a significant role in Will making and administration.

One of the most pivotal moments in the history of Wills in England was the passage of the Statute of Wills in 1540 during the reign of King Henry VIII. This law provided that all individuals who owned land were permitted to leave their property to anyone by written Will and Testament. Prior to this law land was automatically inherited by a competent relative or descendant. If no relatives the land reverted to the Crown. Evolution of Wills continued and in 1823 the 3rd Charter of Justice incorporated all UK laws into NSW including the established of the independent Supreme Court.

In 1875 the Court of Probate was created which transferred the jurisdiction of the ecclesiastical courts to the new court. Other acts such as the Probate and Administration Act of 1898 and the Succession Act 2006 have further refined Wills and their administration. To satisfy a moral obligation or duty various acts in the 20th Century have ensured eligible people (spouse and children) were not omitted from the estate.

"This is the last Will and Testament of me, Tom Brown....." Will? Testament? Traditionally "Will" covered instructions for real estate while "Testament" contained instructions for personal items such as money, jewellery, vehicles, etc. In time the two blended together to relate to a person's entire estate.

A Valid Will. It is wise to work with a solicitor when making a Will or in the capacity as an executor. The testator (or the antiquated term testatrix for a female) is the maker of a Will. Two attesting witnesses are required to be present when the testator signs at the end of the Will.

The two witnesses sign at the foot of each page and at the end. Anyone with testamentary capacity (sound mind) can make a Will except a minor unless married. The executor is the person named by the testator to administer the estate. Two executors is the ideal, not one. If this one dies it is the executor's executor who will administer the estate.

Avoid appointing the expensive Public Trustee or a company which take 4% or 5% of the value of the estate. Upon the death of the testator, the executor

applies to the Supreme Court for a grant of Probate. Once the Court has checked the validity of the Will, Probate, a court order, is granted. This gives permission for the executor to distribute the estate.

When writing a Will, other considerations should include an Enduring Power of Attorney, Enduring Guardianship and an Advanced Care Directive.

An **Enduring Power of Attorney** allows an appointed person to manage financial and legal decisions on your behalf and continues even if you lose the ability to make decisions for yourself.

Enduring Guardianship allows a legally appointed person to make decisions about your healthcare, lifestyle and medical decisions in the event you cannot make these decisions for yourself.

An **Advance Care Directive** is important for your end-of-life care. The directive can contain all your needs, values and preferences for your future care. It helps to ensure your loved ones and health providers know what matters most to you in respect your treatment preferences.

A Will is stored forever.

No Will. A person who has not created a Will or the Will is invalid at the time of death, dies intestate. An administrator is appointed to administer the estate in an intestate succession. The order of eligibility for the estate is spouse only, then spouse and children, children only, no spouse or children then parents take all the estate, no parents then it goes to the grandparents, no grandparents then it goes to brothers and sisters.

If none of the above the estate goes to the Crown. The down side of dying intestate is that you do not have any say or control over how your estate will be handled as it is given over to the law to decide. That is why it can be such a hassle for those left behind who want to claim.

Other Terms: Proctor, Attorney, Solicitor, Lawyer, Barrister - Proctor is an old fashioned term for solicitor. Attorney, Solicitor, Lawyer and Barrister all mean people who represent others and are regarded as a class of legal practitioners. A solicitor/lawyer is like a GP and a barrister is like the Specialist.

The final advice given Bohdan Bilinsky was:

MAKE A WILL AND UPDATE FREQUENTLY.

Did You Know? An indenture is a legal contract that covers a debt or purchase obligation and historically, two copies were written and "indented" such that the two can be fitted together to indicate true copies.

Moss Vale Court House

COMMEMORATING 100 YEARS
1924 to 2024

Early history: A police station opened at Moss Vale in 1877 and a substantial court and police precinct was built in 1880 near the railway station. This became the local district's judicial headquarters, which until then had been located at Berrima's Court House. Unfortunately, however, the Moss Vale precinct had to be demolished in 1914 to allow for expansion of the railway station due to the duplication of the line.

From 1914, with most new building works on hold because it was wartime, the police operated out of leased premises on Argyle St across from the Post Office. The District Court and local courts were held in the Oddfellows Hall on Argyle St (where now is a Spanish Restaurant). When that building was sold in 1921, the Court then occupied upstairs offices at the Theatre Royal (now an arcade) on Argyle St. A new Police Station was erected to a 'cottage-like' design, facing Elizabeth St, and opened in September 1923.

New Court House in 1924: The foundation stone for a new Moss Vale Court House was laid by Mr Ley, the Minister for Justice, in June 1923. The tender from Mr D M Mitchell of Redfern for the erection of the building, to a design by George McRae, Government Architect, was accepted and the Court House was completed by mid-January 1924.



Today, other than minor renovations and a glassed-in entrance, the building remains essentially the same as in 1924 (pictured above) and it is the only still-functioning Court House in the Wingecarribee Shire.

To provide a wider historical setting for Moss Vale Court House, a series on the history of law and order infrastructure and organisation in the local district begins on the next page and will continue next issue. This series was initially compiled by BDHS members Philip Morton and Marg Muntz in 2017 and published that year by the *Southern Highland News* in its Monday History Column.

A history of local law and order infrastructure and organisation

When settlement began in the Wingecarribee district in the 1820s, the rugged area was remote from colonial civilisation, yet the law had to be upheld.

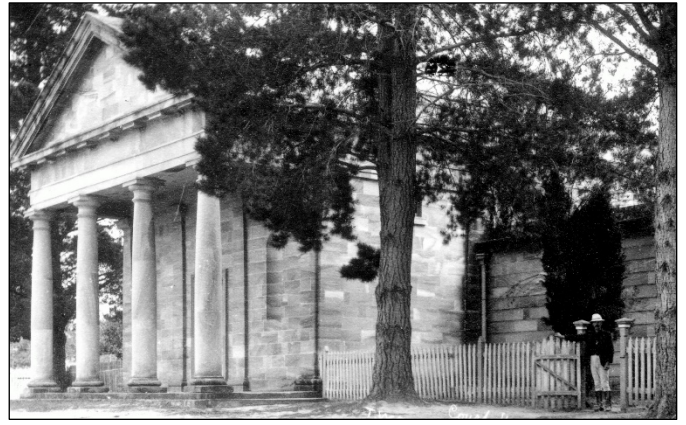
In 1821 a government settlement was established at Bong Bong, where the South Road crossed the Wingecarribee River. By 1829 it included a gaoler's hut and lock-up, soldiers' barracks, school and store but, being on flood-prone river flats, it proved to be an unsuitable location.

In 1830 Sir Thomas Mitchell surveyed a new line for the South Road through the local area. Constructed in the early 1830s, it diverted travellers to a new river crossing five miles downstream from Bong Bong and where the township of Berrima was established. Civil and military functions were moved to Berrima, which developed rapidly and for a time served as the administrative and judicial centre for the entire southern section of Camden County.

From the colony's earliest days, unpaid magistrates were principally responsible for the regional administration of justice, including at Bong Bong/Berrima where prominent landowners served on the bench. In 1824 the NSW Supreme Court was established with judge and jury to handle capital offences. Courts of Quarter Sessions dealt with crimes and misdemeanours not punishable by death, including drunkenness and disobedience among convicts. These Sessions were presided over by magistrates who appointed one of their number as Chairman. The two tiers of justice visited regional areas on a circuit basis.

From 1832, in most NSW districts, Courts of Petty Sessions dealt with minor civil offences. From 1839 those in regional areas including Berrima were presided over by paid magistrates (called Police Magistrates). Civil cases such as the theft of stock or property, the recovery of debts, and the issuing of licenses were dealt with.

By the early 1830s a gaol was under construction at Berrima and a nearby site was selected for the district's first court house. Four years later Berrima Court House, an imposing sandstone structure, opened with Quarter Sessions being held from April 1838. The building of Berrima Gaol was dogged by delays, finally opening in 1839. Within stone walls were staff rooms and a central building from which radiated three cell blocks to house prisoners appearing before the Berrima circuit courts.



Berrima's first Supreme Court session was in 1841, being the trial of gentleman bushranger William 'Jacky Jacky' Westwood. Tried for robbery with firearms and stealing a mare, he was sentenced to transportation for life. He ended his days on Norfolk Island where he led a convict mutiny in 1846 and was hanged. Another notorious trial was that of John Lynch, an Irish ex-convict who murdered at least 10 people in a 5-year killing spree until his capture and hanging in 1842. The following year Lucretia Dunkley and her lover Martin Beech were tried for the grisly murder of Lucretia's husband Henry. They were hanged at Berrima Gaol.

By the early 1840s the population of Berrima had grown to around 250, boosted by travellers and bullockies plying between southern pastoral districts and Sydney. It eventuated that Goulburn grew faster than Berrima and, once a gaol and court house were established, the district's circuit courts sat at Goulburn from 1850. Upper-tier courts thus ceased at Berrima and its Gaol remained almost empty.

Due to population growth in regional NSW in the 1850s, District Courts were instituted to handle all former Quarter Sessions. Berrima was initially included in the Cumberland and Coast district, then from the 1860s in the Southern District.

A heavy legal workload was expected due to increased settlement in the district and the re-opening, in 1866, of Berrima Gaol as a 'model' prison based on a system of solitary confinement. Its walls were raised and cell blocks enlarged to house the State's most recalcitrant prisoners.

While Goulburn became the judicial centre for the Southern Districts, the lower-tier courts continued to sit at Berrima to serve the local district. The lowest tier, the Courts of Petty Sessions, sat at regular intervals. Also known as the Police Court, it was presided over by a paid Police Magistrate with prominent local gentlemen serving on the bench as Justices of the Peace or magistrates. At least two were required to convict people on charges of theft,

drunkenness, disobedience, abusive language or other disorderly conduct. The local court also processed civil matters such as liquor licenses, registering of businesses and licensing of slaughter yards. Records of proceedings and of fees and fines were kept by a Clerk, usually a police constable.

As mentioned above, District Courts were introduced in the 1850s for NSW regional areas, and sat three times a year at each location, including at Berrima. It was an intermediate court, hearing the more serious misdemeanours beyond the jurisdiction of local magistrates, but not capital crimes. Those punishable by death went before the Supreme Court.

The Police Magistrate supervised police stationed at Berrima. In the early 1860s the strength was one sub-inspector, one senior sergeant, and three each of mounted constables and foot constables. Records indicate there was a lock-up keeper's quarters at the Court House and a separate police station. Berrima Gaol, after being enlarged in 1866 to hold prisoners under a solitary system, was separately administered by the NSW Prisons Department.

The police at Berrima were responsible for the entire district, consisting then of scattered rural settlements along the Southern Road (now Old Hume Highway) from Bargo Brush to Paddy's River, with villages at Braemar, Nattai (where the Fitz Roy Ironworks operated), and along the earlier South/Argyle Road including at Sutton Forest.

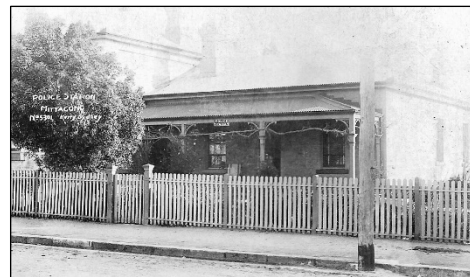
Local settlement intensified from the late 1860s. The *Robertson Land Act* of 1862 enabled the taking up of uncleared land including on the district's eastern side in the dense Yarrawa Brush. Pioneers, many from the Illawarra, settled there in the Robertson, Burrawang and Kangaloon localities.

With the opening of the Great Southern Railway through the district from 1867, townships were established around stations at Mittagong, Bowral, Moss Vale and Bundanoon. As these developed, so did their need for law and order, still then based at Berrima. Due to the poor state of local roads, it was difficult for people to attend court there and police struggled to regularly patrol the far-flung district.

Police stations and court houses and were opened progressively at Mittagong, Robertson, Moss Vale and Bowral, with Burrawang and Bundanoon gaining police stations only. This early infrastructure would, with many additions and changes, provide the basic framework for the Shire's community policing today.

Mittagong was the first after Berrima to obtain a watch-house, built in 1868 at the corner of Regent and Station Sts. Its strength was one constable (foot).

A Court of Petty Sessions opened in 1882, held in a schoolroom. In 1885 a tall, one-storey Court House was erected (*just visible in this photo*)



alongside the watch-house, comprising lobby, court room and magistrates' office, with kitchen, prison cells and exercise yard at rear. The precinct was renovated in 1901 and served Mittagong until the Court closed in 1962 and the Police Station in the 1990s. It is now the headquarters for the Highway Patrol.

The town of **Moss Vale** grew rapidly after its railway station, known at first as Sutton Forest North, opened in 1867 and residents soon petitioned for legal services. In 1877 one constable (foot) and a Petty Sessions Clerk were appointed. They occupied a weatherboard building, formerly a hotel, near the Argyle St railway bridge. During 1880 new brick police and court premises were erected on Bay St near the railway station (*photo below*), with gardens and a lock-up keeper's quarters, police yards and stables. The precinct embodied the Government's confidence in Moss Vale continuing to prosper.



In addition to Petty Sessions, in November 1881 the Moss Vale Court House gained the next level of the judiciary. The Government Gazette advised that the District Court, hitherto held at Berrima, would be moved to Moss Vale "which shall exercise jurisdiction in and over the existing district".

At **Bowral**, where a railway station had also opened in 1867, a police station was provided in 1882 and eventually a Court House was built, opening in 1896.

At **Robertson**, a police station opened in 1881, with a strength of one constable (mounted), and Petty Sessions commenced in 1888. A late-Victorian style Court House with residence was built in 1891 and a rear paddock notified as a police reserve in 1900.

The local legal landscape would, however, undergo numerous further changes . . . *to be continued*

Berrima District Historical & Family History Society Inc

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- 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:** Marketplace, Berrima. Tel: 02 4877 1130. Email: bdmuseum@bigpond.com
AT PRESENT, OPEN: 10.00am to 3.00pm, Fridays to Sundays.
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 History Societies.

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