ILLAWARRA
HISTORICAL SOCIETY

Affiliated with the Royal Australian Historical Society and National Trust of Australia (N.S.W.)

The monthly meeting of members will be held at the Y.W.C.A. Hall, Thomas Street, Wollongong, on Thursday, 2nd July, 1964, at 8 p.m.

SPEAKER: Mr. A. V. J. PARRY, Deputy Town Clerk of the Municipality of Bowral.
SUBJECT: BERRIMA — ITS GENESIS AND HISTORY:
Few, if any, places in Australia have preserved so many of the buildings and so much of the atmosphere of the early colonial days as the picturesque old township of Berrima. Our speaker will deal with the history of the main buildings, and of some of the former and present residents, and will speak also on the work of the Berrima Village Trust, based on the similar trust whose restoration of Williamsburg, Virginia, to its condition in colonial days has attracted world-wide attention. The talk will be illustrated by slides and a display of publications.

Visitors welcome.
The usual supper arrangements.

KIAMA EXCURSION — SATURDAY, 4th JULY:
On Saturday afternoon, 4th July, there will be an excursion to Kiama, visiting the Presbyterian Church, the Church of England Cemetery, and "Mount Vernon", the home of our members Mr. and Mrs. J. Fraser, who have generously offered to provide afternoon tea. The bus will leave the corner of Bourke and Kembla Streets, North Wollongong, at 1 p.m., travelling via Kembla and Crown Streets and Prince's Highway to Kiama and returning via Shellharbour. Fare will be 10/-.

Bookings may be made with Mr. Grenfell (phone B2318), or with Miss Rowan at the July meeting.

JUNE MEETING:
Over fifty members and visitors, among whom we were pleased to welcome Mr. J. C. Brown, President of the Wollongong and District Law Society, and other members of the legal profession, attended the June meeting of the Society, at which the Honourable Mr. Justice W. B. Perrignon, of the Industrial Commission of New South Wales, addressed us on "Early Days in Illawarra". After briefly outlining the legal system of New South Wales, and the relation of the various Courts to each other, our speaker gave us some particulars of the rough-and-ready justice of the earliest days of New South Wales, and its administration in this district, first by lay Justices of the Peace and then by Resident Magistrates (usually military officers); and of the more orthodox justice dispensed later by District Court Judges, who also, in their other capacity of Chairman of Quarter Sessions, dealt with criminal cases. (The Supreme Court did not sit in Wollongong till 1951). Some points, cases and characters dealt with in His Honour's address follow:

A Learned and Reverend Judge: By Proclamation dated 7th December, 1858, New South Wales was divided into five districts for the purpose of the District Courts Act, and towns at which Courts should be held were nominated. Wollongong was in the Cumberland and Coast District, which also included Berrima, Bombala, Braidwood, Camden, Cooma, Eden, Kiama, Liverpool, Parramatta, Penrith, Picton and Windsor.
The first Judge of the Cumberland and Coast District was Judge Cary, who first sat at Wollongong in May, 1859.

In 1863 Mr. Martin, M.L.A. (later Sir James Martin, Chief Justice of N.S.W.), speaking in Parliament, accused Judge Cary of making a profit out of travelling allowances.

In the course of his defence Cary answered: "On my first visit to Kiama, in 1859, the Court was to be held on a Monday. On the Saturday preceding I went on board the steamboat, but found that the boisterous state of the weather prevented it starting on that day. I forthwith went to the Chief Secretary, and he, wishing that there should be no disappointment in the holding the first Court at Kiama, desired me to go overland, authorising me to charge my actual necessary expenses.

"I accordingly hired a gig, horse and man, but on reaching Wollongong, owing to the bad state of the road, the horse could go no further; I therefore had to hire another man and horse, at a cost of £5, to take me to Kiama, at the same time that I was paying for the other at Wollongong."

Cary had a remarkable career. As an undergraduate at Oxford he published treatises on the laws of juries and partnership; and as a barrister published other learned works on law. He then took holy orders and published four lengthy works on patristic theology, a long history of the Civil War in England, and a lengthy memoir of the life of his father (famous as the translator of Dante). He also edited works of English and French poetry, and compiled lexicons for Sophocles and Herodotus.

He then emigrated to Australia, and officiated at St. Mark's Temporary Chapel, Darling Point, and conducted schools near there and later at Windsor, before being called to the New South Wales Bar, where he practised, was appointed Master in Equity and, in 1859, a Judge of the District Court and Chairman of Quarter Sessions. While a Judge he edited "Cory's Statutes" and an "Index to the Common Law Procedure Acts and the Law of Evidence Amendment Acts". A concordance to the Italian of Dante, on which he had been working for five years, was still unfinished when he died in 1870 at the age of 66. On his deathbed he sent for a Roman Catholic priest, to whom he confessed, and was received into that Church.

The Lord High Executioner*: 20th February (1788). — John Freeman was tried for stealing from another convict seven pounds of flour. He was convicted and sentenced to be hanged; but while under the ladder, with the rope about his neck, he was offered his free pardon on condition of performing the duty of the common executioner as long as he remained in this country; which, after some little pause, he reluctantly accepted.

William Sheermon, his accomplice, was sentenced to receive on his bare back, with a cat-a-nine-tails, three hundred lashes, which were inflicted.

(John White—Journal of a voyage to New South Wales, 1790.)

"It is true that Ko-Ko was condemned to death for flirting, but he was reprieved at the last moment, and raised to the exalted rank of Lord High Executioner under the following remarkable circumstances . . .

And so we straight let out on bail,
A convict from the county jail,
Whose head was next
On some pretext
Condemned to be mown off
And made his Headsman, for we said
"Who's next to be decapitated,
Cannot cut off another's head
Until he's cut his own off."
And we are right, I think you'll say,
To argue in this kind of way,
And you are right,
And you are right,
And all is right — too-looral-loy!"

(GILBERT, "The Mikado").