



## Eltham Court House

Jim Connor

Don't be alarmed if you have travelled past the former Eltham Court House recently and noticed it is no longer accessible, as it is all fenced off. This action is required as part of a major repair and restoration project, which is thought to be the most extensive works undertaken since this building was constructed during 1859-1860.

It is included in the Victorian Heritage Register as it is considered to be historically and aesthetically significant as a fine example of a mid 19th century brick rural court house constructed in the immediate aftermath of the gold rush. Together with the adjacent former police quarters it is the oldest public building remaining in Eltham, is one of the earliest 'suburban' court houses in greater Melbourne and the only 19th century court house in the Nillumbik Shire.



Former Eltham Court House - all fenced off  
Photograph - Jim Connor

Eltham was fortunate in that this court house was constructed during the first boom period of Colonial law and order in the immediate aftermath of a police inquiry and the effects of the gold rush - an important phase of building which sought to establish the physical presence of centralised control over law and order in the colony. This came about after the 1852 Snodgrass Committee Report on the Victorian police force and the resulting 1853 'Police Regulation Act'.

As the Eltham Court of Petty Sessions it functioned as a central element in the local district with important associations with the early history of the Eltham township and at times was also used for other purposes, including Eltham District Road Board meetings and later school accommodation. Since it ceased to operate as a court house in 1984 it has been used for a variety of community purposes.

The Eltham District Historical Society greatly appreciates the commitment by Shire of Nillumbik councillors and officers to ensure this significant building is sensitively restored, for the benefit of current and future generations.

## Annual General Meeting

**2.00pm Saturday 12th June 2021**

**Eltham Senior Citizens' Centre**

**Library Place, Eltham** (Melway Map 21 ref J5)

## Heritage Excursion

**Gawa Wurundjeri Resource Trail**

**2.00pm Saturday 10th July 2021**

*See further details on page 2*

## Fifty Years Ago In Eltham South

Michael Aitken

### A historic tree planting

Fifty years ago Rosemary and I were established residents in Kent Hughes Road, Eltham South. We were about to build our new home at No.8 and it had to be a mud brick house by the famous Alistair Knox. We were charmed by gum trees and unmade roads. Hillcrest Avenue intersected the corner where Banoon Road extends west from Kent Hughes Road, the latter remains unsealed even today. Significantly there was a single tall eucalypt standing in the middle of the intersection, which the local council, in their wisdom, deemed to be a traffic hazard.

I think it was just before Christmas 1971 when I arrived home one evening to find this precious tree cut down and removed. My neighbour, Keith Gray and I, along with our families were horrified. However there was a simple solution and that was to secretly plant three seedling eucalypt trees in its place. This occurred very quietly one Sunday morning with the help of our kids. All these kids have now passed middle age (and some even approach middle class)!



The secret tree planting - 50 years ago



The trees 50 years later

Photographs Michael Aitken

The first picture shows our original planting and the second view taken from the same angle shows the three giant eucalypts today surviving brilliantly in a most inhospitable location. The cypress hedge behind the street signpost belongs to the lovely "Treetops" home which was built before World War 2. The three other homes at the intersection all highlight vintage environmental architecture and the ambience of South Eltham fifty years ago.

## Heritage Excursion - Saturday 10th July

Our next heritage excursion will be at the Gawa Wurundjeri Resource Trail. This is a clearly marked 340 metre looped trail located at 873 Eltham-Yarra Glen Road, Watsons Creek (Melway 272 D5) and is located within the Pantom Hill Bushland Reserves System. We will be fortunate to have Jan Aitken, president of the Nillumbik Reconciliation Group there to talk about how the Wurundjeri-Willam used the land to provide themselves with food, medicine, tools and shelters.

This excursion on Saturday 10th July will take about 1.5 hours, starting at 2pm in the carpark area at 873 Eltham -Yarra Glen Road, Watsons Creek. This free excursion is open to the general public as well as Society members. Dogs are not permitted on Society excursions.

The phone number for contact on the day is 0409 021 063. At the time of writing COVID restrictions do not require the wearing of masks in the open. However masks should be carried and any changed restrictions must be complied with.

On the pleasant Saturday afternoon of 1st May 2021 our EDHS secretary, Russell Yeoman, led members and visitors on a Mud Brick Meander around the tree-covered hill that forms the western backdrop to the Eltham town centre. Many people feel this area exhibits characteristics that contribute to the special character of Eltham. These include unmade streets, steeply sloping land, extensive tree cover and many mud brick and pise (rammed earth) houses. A number of these buildings were constructed in the 1940s and 50s by well-known builders John Harcourt and Alistair Knox. A significant proportion from this period were constructed by owner-builders.

Our group meandered through the upper part of the hill around Peter Street, Ryans Road and Kerrie Crescent and were fortunate to be able to visit three interesting houses, as well as view a number from the street,

After observing some Harcourt designs along Peter Street we were able to enter the well-presented Yeoman property, which is architecturally and aesthetically significant as a good example of an 'Eltham-style' house. Like many such dwellings, it was constructed in stages by an owner builder c1950 and was designed to integrate into its bush settings and featured the use of pise in its construction.

Russell then commented on several distinctive houses and local features as we walked along Peter Street and Ryans Road, before the group stopped opposite the McLennan house in Ryans Road. This is an early Knox house designed and built in 1949 for his elder sister Isobel. It has a prominent position facing east on a steep site and is constructed of mud brick, with a curved two-level section and an attached single storey wing.

Then onto Kerrie Crescent, containing several individually designed mud brick and pise homes, including one described in our last newsletter, by Frank Taylor, who also participated in our tour; at times providing experienced insights about building with mud and timber. At his historic property Frank spoke about the extensive repairs and refurbishment works he has undertaken, in keeping with the design intent of the original owner Evan "Snowy" Morris, while upgrading fittings and furnishings to enable a more comfortable lifestyle. In doing so he has saved this house, within this established precinct of individual Eltham style housing.



Frank Taylor speaking to our 'meandering' group  
Photograph - Jim Connor

The final house we were able to inspect was the Busst House, designed for the local artist, Phyl Busst, by Alistair Knox c1948-49. This house was a very innovative building for its time in design, mud brick construction and building and site planning. The Bick Heritage Study in 1992, for the Shire of Eltham, mentions that this house is architecturally the best from the early years of the revival in mud brick building at Eltham after the Second World War and illustrates the start of the environmental design movement that characterised the Shire from the 1950s to the 1970s. Paul, the current owner, welcomed our group and described the restoration works he has undertaken, as well as the studio extension and other features constructed in association with Hamish Knox.

We experienced an interesting afternoon exploring the many distinctive, individually designed and built houses within this precinct, including many adobe and pise dwellings. It was an opportunity to gain an overall impression of an area steeped in the early traditions of owner built housing in Eltham. We greatly appreciated the owners generosity in allowing us to inspect their properties.

An 1856 plan of this area describes it as 'rich land, flat'. Ten years later a deputation led by Watkins MLA sought that the land be put aside as a temporary reserve for a watering place to be used by the 'inhabitants of Eltham'. In April 1866 it was reserved from sale by the government and in 1880 the Shire of Eltham successfully urged that the land be placed under their control as a committee of management.

During WW1 the Lands Department requested that the reserve be used for cultivation by returned soldiers but the Shire pointed out that it was used as a holiday resort and recreation area and as the reserve was partial to flooding it was not really suitable for agriculture. To ensure the fate of the ground the Shire requested a permanent reserve for recreation in 1922 when other metropolitan shires were also trying to increase their parkland areas. The Shire was also worried about the actions of timber getters in the reserve.

Robert Poole (Surveyor General's Office) inspected the reserve in 1925 and noted that the area was 'very picturesque' and located by the Diamond Creek on one of the 'picnic and tourist highways within easy reach of Melbourne'. Consequently it was used frequently by the travelling public for their leisure as a picnic resort. The original gum forest was still evident, providing shade for picnic parties and the flat areas were well used for cricket and other sport. Its title as water reserve seemed misplaced - all that was needed was a posting of regulations which deterred vandalism and protected the native forest.

He did note that two tennis courts were erected in the road reserve adjoining the eastern boundary of the park and that the Council should be informed of this. The State Rivers & Water Supply Commission agreed with this view and the reserve was replaced with one for public recreation, gazetted 2 February 1927, with the Shire as a committee of management. The Shire produced regulations for the reserve in 1931. The Shire named the park in 1966 after Charles Symons Wingrove, secretary and engineer of the Eltham District Road Board and then the Shire, 1858-1904.

His house (Wingrove Cottage) is at 672-674 Main Road and is thought to date from 1858.

Alistair Knox, as president of the Natural Development Association, approached the Crown Lands Department in the 1980s about the conditions at the park, a place in their view of national environmental significance. Knox claimed that part of the park's history was its previous roles as an Aboriginal reserve and a drovers or diggers' overnight camping spot (one day out of Melbourne). It was misused by the public resulting in denuding and harming the park's valuable vegetation and weeds were rampant in the form of watsonia, onion weed, and blackberry. Trees had been cut down and others served as a base for camp fires, despite official warnings.

In reply the Department noted his concern and stated the view of their officers on the health of the park: the manna gum canopy at 30m plus was very tall and the trees were thus over-mature (senescent). Huge limbs had broken away from the trees showing signs of their great age; the regrowth was also showing die back which might be attributable to increased surface runoff from compaction of the ground and consequent raising of the water table; contaminated ground water from increasing residential development adjoining; possible infection by the cinnamon fungus; infestation of the sub-canopy of silver wattles with exotics like hawthorn and willow; and weeds spreading in the shrub layer and ground cover.



Tennis Courts - Wingrove Park  
Photograph - EDHS collection

## Eltham Watering Place Reserve

(continued from page 4)

Added to all of this was the Shire's desire to realign the main road and take a quarter hectare of the reserve: no redevelopment of the park could take place until this was achieved.

Knox replied informing the Department of another facet of the park's significance. It had a major influence of the artistic life of Australia via the Heidelberg School of painters who used the Eltham valley and Wingrove Park in particular for their subject matter. Walter Withers had resided and painted nearby from 1904 until his death. 'Some of his most famous canvases were of Wingrove park and associated areas'.

Jock Frater and Max Meldrum had also used the area. Knox claimed that the park 'became recognized as the nexus of the art movement of Eltham, which was the true extension of the Heidelberg School. It is impossible to estimate how many significant paintings have been done in and around the area between 1900 and the present time'. Only certain parts of the Heidelberg Yarra Valley had equal footing with this place as far as the development of the school was concerned: the manna gums formed a major part of their painted views.

Walter Withers' house at 250 Bolton Street, located to the north-west of the park, was recorded as Walter Withers, owner-occupier of Southernwood, a house and 2.1/2 acres in Ross Street Lower, Little Eltham from 1904. Walter's (and later Fanny's) other address was noted as Oxford Chambers, Bourke St, Melbourne c1908-11. From 1910 Fanny Withers (artist) was the rated owner-occupier and remained so into the 1930s. Walter died in 1914.



Walter Withers in his studio at Southernwood  
Photograph - EDHS collection

A panel at the park, part of the Heidelberg School Artists Trail, depicts 'The Silent Gums' 1909 (Felton Bequest) stating that it was painted in the vicinity of the park of Withers' neighbour, Tom Orr's cattle grazing under manna gums. Orr's property at that time was some distance to the west on lots 9-14/3 (Nillumbik parish plan) being 63 acres in West Eltham part of the Greensborough Railway Station estate (late Montmorency estate). From c1913 he also had a house and 4.1/2 acres in Peel St, Eltham, close by to the north of Withers. Neither of these locations are at or near Wingrove Park.

### Eltham Study Statement of Significance:

Wingrove Park is primarily significant for its historical value as a place where travellers would stop and camp overnight. It was formerly known as Bremner's Reserve and Gazetted a water reserve.

It was also a place where artists would come and paint. Max Meldrum, for instance, rented a house opposite the park in 1921 and loved to paint the surrounding area, which was shown in an early 1920s exhibition. Nowadays the park retains some fine examples of remnant native trees along Diamond Creek, particularly Manna Gums 'Eucalyptus viminalis', which merit individual protection; some of the Manna Gums have scars of Aboriginal origin.



'The Silent Gums' Artists Trail Panel  
Wingrove Park  
Photograph - Jim Connor

Jan Aitken is president of the Nillumbik Reconciliation Group and is the Nillumbik's 2021 Senior Citizen of the Year

It is certain that the Eltham district was in the lands on which the Wurundjeri-willam lived. This was one of six clans belonging to Woiwurrung language and the last one surviving and thriving. They travelled along the waterways: the Yarra River, Diamond Creek, Plenty River, Merri Creek. Around Kangaroo Ground, kangaroos grazed on the grasslands, which had been developed with firestick burning over thousands of years: grassy areas with large manna gums spaced at about 25 metres apart. Ideal for hunters!

The fish, yabbies, mussels and eels from the streams supplemented a rich diet of Murnong (Yam daisy) orchids and lilies which were cultivated by the women as they dug the tubers, always leaving some of the tuber behind for the next harvest. Water ribbons, cumbungi, river mint, mint bushes, kangaroo apple, appleberry and many more plants were found here too.

Aboriginal people did not have writing and books in which to record their history, religion or science. All information about the country, plants, heavens and complex relationships were held orally and remembered. They also spoke several languages besides their own Woiwurrung, needing to intermarry, trade with neighbouring language clans and settle disputes.

We know something of Wurundjeri presence in our district from several sources, which have all been gathered since settlement.

1. The presence of stone artefacts found on the properties of farmers and pastoralists in this area.
2. The detailed records kept by William Thomas, in charge of the Aboriginal Protectorate centred on Melbourne, 1840-1849.
3. The stories handed down in families of earliest settlers of contact with Aboriginal people who visited them, many of whom had friendly relations to report.
4. Records of government police and the Native Police Corp of their efforts to move Aboriginal people on, away from settlements and their searches for those who were alleged to have harmed settlers and stolen sheep and belongings.
5. The presence of scarred trees.
6. Archaeological surveys suggest that Aboriginal camping sites were often on the top of ridges and hills, where large homes are now built. Sweeney, a very early settler on Culla Hill and the adjacent river flats shared his property with Wurundjeri, who had a long tradition of camping there.

When squatters arrived in 1835 they came with large flocks of sheep and herds of cattle. These animals quickly crushed the forbs, ate the grass, compacted the soil and drove the kangaroos further afield. Over the next five years Melbourne developed into a very large and active town. It was of interest to curious Aboriginal people from all over Victoria. The Wurundjeri drifted towards Melbourne, or Naarm as they called it.

The Aboriginal Protectors encouraged the Wurundjeri to stay around Naarm providing supplies of flour, tea, sugar and vegetables. It meant that they were not harassing the settlers and were able to be taught Christian ideas and values. To be civilised!

## Eltham Wurundjeri History

*(continued from page 6)*

There was a large encampment on the south-side of the Yarra River, where the Botanic Gardens are now; there was a very active centre at the junction of the Merri Creek with the Yarra. Here was the Protector's office, a school and a church. Food was available at Christian services; children attended the school.

Billibellary was the Ngurungaeta of the Wurundjeri in 1835 and he became a significant contact for William Thomas, Protector. It was Billibellary who began the requests for land on which the Wurundjeri and others could live and farm, which finally resulted in the Coranderrk reserve at Healesville.

In 1852 a reserve was gazetted on the Yarra on the northern and southern side of Pound Bend. It was used for food distribution. The Wurundjeri held their last big corroboree there that year. There is a marker at the end of The Boulevard in North Warrandyte.



Billibellary, portrait by William Thomas (Protectorate), picture collection, State Library of Victoria ID mu000371

Sources: The Aboriginal Heritage of the Shire of Eltham by Isobel Ellender  
The Christmas Hill Story by Mick Woiod  
Paradise Lost by Mick Woiod  
A Bend in the Yarra. A History of Merri Creek Protectorate and Merri Creek Aboriginal school 1841-51.  
Ian Clark and Toby Hebdon. Published by AIATSIS

## A Well Deserved Award of Merit

Jim Connor

On 18 May 2021 at the Annual General Meeting of the Royal Historical Society of Victoria their president Richard Broome AM presented our Vice President, Peter Pidgeon with an RHSV Award of Merit.

Peter received this award for his dedicated contributions to EDHS over many years, particularly in his role managing our digital collections, website and social media. He has worked tirelessly across various technologies while contributing to, purchasing and installing new equipment and digitizing our records, as well as initiating our collection management procedures. Without his efforts EDHS could still be trying to manage a haphazard but significant collection of photographs, documents, plans and maps, based on outdated technology. It is because of Peter's outstanding commitment and innovations EDHS now has over 10,500 digitized images accessible online. During COVID restrictions Peter has worked from home to continue to digitise and catalogue our records, while responding to general local history enquiries.



Richard Broome AM and Peter Pidgeon  
Photograph - JimConnor

EDHS consider Peter to be a worthy recipient of this Award of Merit from the Royal Historical Society of Victoria as recognition of his excellent commitment and contributions to our local community heritage. Congratulations Peter.

## Annual General Meeting - 2.00pm, Saturday 12th June 2021

Notice is hereby given that the Annual General Meeting of the Eltham District Historical Society Incorporated will be at 2.00pm on Saturday 12th June 2021, at the Eltham Senior Citizens' Centre.

The agenda of the Annual General Meeting is set out below in accordance with the Society's rules:

1. Apologies
2. Minutes of 2020 Annual General Meeting
3. Reports
  - a. President's Report
  - b. Financial Report
  - c. Any other reports
4. Election of office bearers and ordinary members of committee, positions to be filled as follows:
  - President
  - Senior Vice President
  - Junior Vice President
  - Society Secretary
  - Treasurer/Membership Secretary
  - Ordinary Committee Members (minimum of three members)
5. Election of Membership Sub-Committee (three members)
6. Fixing of entrance fee (if any) and annual subscription
7. Any other business of which at least three weeks notice has been given to members

It should be noted that under the Society's rules nominations for all positions are to be made at the meeting. You are welcome to contribute to the operation of our Society by becoming an office bearer or committee member.

Everyone attending our AGM will be required to sign an EDHS registration sheet and scan in using a QR Code. COVID safe practices will be in place during the meeting and serving of refreshments.

We are very pleased our Guest Speaker at this meeting will be Mark Cauchi, who will speak on the *Eltham to Hurstbridge Railway – The line through the valley of the Diamond*.

Mark is a lifelong rail enthusiast whose interest in railways was encouraged by his grandfather who worked for the Victorian Railways for 48 years. As a long-term member of the former Australian Railway Historical Society, Mark is an active railway historian and has worked voluntarily as part of the Newsrail editorial team for the past ten years. Currently, he is the magazine's features editor.

The railway between Eltham and Hurstbridge was primarily built to service the fruit growers of the Diamond Creek Valley, and beyond to Kinglake. It was opened by the Premier, William Watt, on 25 June 1912. Despite being well patronised by passengers and the growers, the line was one of many in the state that was not a paying concern. This presentation will provide a glimpse into the extension of the railway from Eltham, its purpose, construction, provision of the three stations, opening, passenger and goods services, special trains and the financial problems of the first five years. It will also cover the electrification of the line in 1926 and the types of rolling stock used from that period through to the current day. A selection of historic and current-day images will be shown.



*These stories are part of a series about the lives of people interred at the Eltham Cemetery.*

### Pauline Therese Toner

Pauline Toner was a Diamond Valley Shire Councillor from 1973 to 1979 and was Shire President in 1977-78. She then switched to State politics and sat in the Victorian Parliament (as Labor Member for Greensborough) from 1979 to 1989. She was Community Services Minister from 1982 to 1985, the first woman in Victoria to be a government minister.



Pauline Toner  
Photograph -  
parliament.vic.gov.au

In that role, she concerned herself particularly with the rights of children. She was responsible for the Adoption Act 1984, which gave adopted children the right to know their origins. She moved children out of large impersonal institutions and into foster care. She ensured that children had proper legal rights in courts. She also overhauled outdated prison conditions and introduced community service orders as an alternative to imprisonment.

As local Member, she helped to establish the Diamond Valley Learning Centre and the Diamond Valley Health Centre. But she is possibly best known as having established two reserves to help protect the endangered Eltham Copper Butterfly. When Pauline died in 1989, she was remembered as a caring down-to-earth person. She was cremated and her ashes are interred at Eltham Cemetery.

Source: Obituary in EDHS collection (authorship unknown).

### Bertram Barney Wainer

In 1969, a woman came into Dr. Wainer's St Kilda practice requesting an abortion, which was illegal at the time. She threatened to commit suicide if it was not granted. Conscious of the often disastrous consequences of backyard abortions, Dr Wainer decided to acquiesce. He informed the police that he had done so and gave his reasons. They did not prosecute.

Thus began Dr Wainer's tortuous campaign for abortion law reform. He discovered that the police were accepting bribes from abortionists in return for immunity from prosecution, and gathered evidence of systemic police corruption. He forced a public inquiry, which exposed significant police and medical misconduct. In 1972 he launched the first abortion clinic in Australia, but aware of police obstruction persuaded the Victorian government to establish the 1975 Beach inquiry, which vindicated his allegations, but little action was taken due to political pressure. On the contrary, the Federal Police raided his clinic in 1982 on trumped-up allegations of medical fraud.



Bertram Wainer  
Photograph - SBS television

But the stress of his campaign had taken a toll on his health: he died in 1987 and is buried in Eltham Cemetery. His gravestone describes him as "doctor, soldier and social reformer".

Source: Article by Richard Evans in the Australian Dictionary of Biography.

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- Robert Marshall, Treasurer / Membership Secretary – [edhstreasurer@gmail.com](mailto:edhstreasurer@gmail.com)

*We appreciate the generous support we receive from Nillumbik Shire Council*

**Our postal address is 728 Main Road, Eltham 3095, not PO Box 137 Eltham**

***Printed by courtesy of Vicki Ward MP, State Member for Eltham***

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