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ST. GEORGE HISTORICAL SOCIETY BULLETIN

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October, 1989

Dear Friend and Member,

The October Meeting will be held as follows:

Date Friday, 20th October, 1989 at 8 p.m.

Place Council Chamber, Town Hall, Princes Highway, Rockdale

Business General

Syllabus Item

Noel Thorpe, Friend and Member of the Society will be Guest Speaker, the subject he has chosen: "Then and Now Around the St George Area". You will surely enjoy the contrast.

Supper Roster

Volunteers please
Ladies, a plate please

Mr. Bernard Sharah,
President
599 1971

Mrs H. Loring,
Minute Secretary
599 2847

Mrs B. Perkins,
Secretary,
587 9164

Miss C. Wilding,
Treasurer
597 3215

Mr. A. Ellis,
Research Officer
587 1159

Mrs E. Eardley,
Bulletin Editor
59 8078

There are things that can't be bought with silver or with gold,
For thoughtfulness and kindness and love are never sold;
They are the priceless things in life for which no one can pay,
The giver finds rich recompense in giving them away.

H.S.R.

THE LATE MRS. ESTHER WRIGHT

When Mrs. Esther Wright, former Treasurer of the St. George Historical Society died recently, the Society lost one of its most devoted members and the district, a most respected and public spirited citizen.

Esther Wright was born and educated at Kempsey and was involved in the Kempsey Choral Society, the Kempsey Dramatic Society and the Presbyterian Church Choir. She was the first woman Chief Ruler of a Rechabite Lodge in N.S.W.

In 1933 she came to Sydney where she was employed at Anthony Hordens Department Store until she married the late Cedric Shipman Wright, a returned serviceman from both World Wars.

In 1947 she returned to work, being employed, in turn, by Curzons, City Fashions, Mark Foy's, Snows, Marcus Clarke and Bartons of Hurstville. In 1952 Mrs. Wright and her husband settled in Bexley and she soon became involved in a number of local activities. She joined the Rockdale VIEW Club and served a term as President, was a member of the Hurstville Auxiliary of the Crippled Children's Association and a member and former President of the Bexley Branch of the Liberal Party.

She joined the St. George Historical Society in 1963, became its Social Secretary soon afterwards and was the Society's Treasurer for many years, resigning the night before she was admitted to hospital.

Esther Wright was a lady of high principle and unshakable standards who gave her best in every task she undertook. She was prepared to accept responsibility and always carried out her duties with meticulous care. Her constant worry was that the people she served so selflessly would be satisfied with her efforts. Citizens of the quality of Mrs. Esther Wright are now rare in this community and the passing of each one leaves a gap that is becoming increasingly hard to fill.

The St. George Historical Society has lost its former Treasurer and one of its oldest and most loyal members. Our district has lost another fine citizen who will be very difficult to replace; and those of us who knew her well have lost a much valued and respected friend.

ALDERMAN R. W. RATHBONE D.A.M.
Patron, St. George Historical Society.

SPECIAL NOTICE

Dear Members

The President, Mr Bernard Sharah has organised an outing for Saturday afternoon, November 25th and invites you and your friends to join him at 2.00pm sharp, for an inspection of lovely old 'Juniper Hall', Oxford Street, Sydney, almost opposite the Victoria Barracks.

'Juniper Hall' has been beautifully restored, and is now open to the public. You will enjoy the experience, 'Juniper Hall' is a delight to see. Please come along and have a pleasant afternoon.

Admission \$3.00
Concession \$1.50

THE LAND RECORDS OF N.S.W. AS A GENEALOGICAL SOURCE - Part 1.

- Robert Cox
Descent
Vol.8 Part 4
March 1978
pp.175-180.
Scy.Austln.Genealogists
With permission.

The land records of this State can be a useful or even an indispensable adjunct to genealogical research. I stress the word CAN; it is obviously necessary for an ancestor to have dealt in some way with land for his name to appear in the indexes of the Registrar General's Office (although there are some exceptions to this rule, which will be dealt with later).

The Value of Records.

Any record of a transaction involving land normally includes, in addition to the names of the parties, their occupations and places of residence at the time of the transaction. If any party is a minor, that will be noted (as, sometimes, will his date of birth). If a man's executors or administrators have disposed of his estate after his death, the date of his death and the names of his beneficiaries will very often be given; sometimes some of the terms of his will will also be quoted, and the date on which probate was granted may be shown, which is very useful if you intend to examine his will at the Probate Office.

These are the most common details one finds in the land records. Less frequently, one finds records of unsurpassed genealogical value such as a marriage settlement or a deed or family arrangement. In the latter case, if there are married daughters, the names of their husbands (and sometimes the dates of their marriages) will be cited.

Here is an example of a genealogical goldmine located during research into the family of Samuel Turner of Bingara:

"This indenture made the seventh day of January in the year of our Lord one thousand eight hundred and seventy nine BETWEEN JAMES EPHRAIM WOLFE of West Maitland in the Colony of New South Wales Auctioneer and ELIJAH TURNER of Bingara in the said Colony Saddler (the Trustees under the Will of the late Samuel Turner) of the one part and ALEXANDER BOWMAN of Oaklands near Singleton in the said Colony Esquire of the other part WHEREAS the said Samuel Turner late of Bingara in the Colony of New South Wales Innkeeper was at the time of the death seized of an estate of inheritance in fee simple in possession in the pieces or parcels of land and hereditaments hereinafter described and intended to be hereby conveyed and assured AND WHEREAS the said Samuel Turner duly made and published his last Will and Testament bearing date the fifth day of October one thousand eight hundred and fifty nine and thereby appointed his Wife Anne Selina Turner and Alfred Augustus Adams executrix and executor and trustees thereof and thereby bequeathed unto his said trustees their executors administrators and assigns ALL his real

and personal estate whatsoever and wheresoever situate UPON TRUST to divide the same equally between and among his said wife and his children as therein mentioned and directed his said trustees or the survivor of them to appoint a new trustee or trustees should either of them die or be desirous of renouncing AND WHEREAS the said Samuel Turner departed this life on or about the twenty eighth day of August in the year one thousand eight hundred and sixty seven without having altered or revoked his said Will which was duly proved by the said Anne Selina Turner one of the trustees and executrix thereof in the Supreme Court of New South Wales on the eleventh day of November one thousand eight hundred and sixty seven AND WHEREAS the said Anne Selina Turner departed this life on or about the sixteenth day of March one thousand eight hundred and sixty nine without having appointed any new trustee or trustees as afrosaid AND the said Alfred Augustus Adams hath not in any wise acted as trustee under the said Will or interfered with the said estate therein comprised AND WHEREAS by VESTING ORDER bearing date the second day of August one thousand eight hundred and seventy eight RECITING that the said Samuel Turner and Elijah Turner and John Turner Alfred Thomas Turner Emily Turner Robert Abraham Turner and Laura Jane Turner Infants under the age of twenty one years

I have quoted the above verbatim to indicate how the information a genealogist requires may be hidden in amongst the unpunctuated legal verbiage, and also to give an example of that verbiage (which is, incidentally, often atrociously handwritten and sometimes faded as well). The above example occupied about two-thirds of one page of the deed; the whole deed (not a very complicated one) covered four pages is similar language, including the metes and bounds descriptions of the land concerned. But its unique value is obvious. One does not need to be a lawyer or a detective to deduce that Elijah Turner was the eldest son of Samuel and Anne Selina Turner, that the other Turners mentioned are his other children, and that they were all born after 1859.

In addition, it gives Samuel's and Elijah's occupations, and the dates of Samuel's and his wife's deaths. This a particularly lucky find, since I did not know the date of either death when I located this deed, and without it I should probably have spent some months and quite a few dollars having searches made for periods later than 1867 and 1869, as both Samuel and Anne Turner were quite young when they died.

A genealogist attempting to find the date of an ancestor's arrival in New South Wales could possibly help narrow the extent of his search by locating the earliest date on which the ancestor purchased or was granted land.

The first grants in the new colony were recorded in 1792, and while it is most unlikely that a deed with as much information init as the one quoted above will be found

in the period before the 1820's, even a simple chronological list of an ancestor's land dealings (purchases, sales, mortgages etc.) will provide fairly accurate evidence of the whereabouts at any given time. And if your interest is in compiling a genuine family history rather than just a pedigree, research in the land records is essential. Mortgages will give some idea of an ancestor's financial position, for instance, and occasionally details of a legal dispute and its outcome are recited in a deed.

Location and Availability of Records.

Most transactions concerning land are registered, and the place in which registration is effected and the particulars of it are recorded is the Registrar General's Office....

The Registrar General's Office is open to the public each week-day from 9.15a.m. to 4.00p.m. and the records are available for search during that time. No fee is charged to look at the records and no prior appointment has to be made. Search areas, including tables and charts, are provided for the public. Very few regulations apply to searchers, but the following ones should be noted:

- . No smoking is allowed in search areas;
- . Care must be exercised in handling the records;
- . Only soft black pencil may be used in search areas.

There are attendants in each search area who will be able to assist you with any problem concerning the records. Photostat copies of any record are available at a cost of 75 cents for up to 4 pages. (That is the rate at the time of writing this article). However, some of the early records, have faded and do not lend themselves to legible photocopying.

Terminology and Location of Individual Records.

Land in New South Wales may be held, broadly speaking, under one of three title systems:

- . Old System (or Common Law) Title;
- . Real Property Act (or Torrens) Title;
- . Crown Land.

The written documents by which one evinces dealing with Old System land (conveyances, mortgages, etc.) are called DEEDS and a person's title to Old System land is established by all the deeds pertaining to that land. "The deed of conveyance or other assurance does not automatically give the purchaser a good title. It would depend upon whether the vendor himself had a good title and this in turn depends upon his predecessors' titles." (Hallmann: Legal Aspects of Boundary Surveying as Apply in N.S.W., p.131.)

A conveyance is a deed by which one person records the sale or gift of his interest in Old System land to another person. It is not compulsory to register Old System deeds, but the Registration of Deeds Act gives priority to registered deeds (and some instruments are legally required to be registered to have legal effect); it is the registration copies which are filed in the Registrar General's Office.

Copies of all registered deeds from 1823 to date, the office copies of all Crown Grants from 1792 to 1863, and the indexes to both are kept in the area referred to as the Vendors Index.

The Old Register, which is the collective name for the books in which land transactions were recorded between 1792 and 1823, and the indexes to it, are held in the Deed Registration Branch... The late T.D.Mutch compiled an official index of purchasers covering the same early period and this very useful index is bound at the back of the Index to the Register of Assignments (which is actually the index to the Old Register), kept with the Old Register. However, Mutch's index is believed to be incomplete and is certainly not guaranteed by the Registrar General.

With TORRENS TITLE land, DEEDS become DEALINGS, and CONVEYANCES become TRANSFERS. "Under the Torrens System the State sets up a scheme of registration, not merely of the instruments effecting a change of ownership or creating an estate or interest... but of the titles themselves." (Ibid.,p.140) This to a layman, is probably the most obvious difference between Old System and Torrens titles: the latter provides a central Certificate of Title for each parcel of Torrens Title land, on which all changes of ownership, mortgages, etc., are registered. For a genealogist, this means that, having established that his ancestor owned a certain parcel of Torrens Title land, he had only to go to the appropriate Certificate of Title to find all the particulars of his ancestor's dealings with that land. (He must, of course, refer to more than one Certificate of Title if his ancestor owned more than one parcel of Torrens Title land.) Each C.T. is distinguished by a volume number and a folio number, which together are referred to as the REFERENCE TO TITLE. The Certificates of Title, bound in volumes of 250 folios (each folio being a separate C.T.) are kept in a separate section.

Those whose volume number is 9000 or higher are not bound and are kept separately again, but these are all very recent and are consequently unlikely to interest genealogists.

The dealings are also numbered (e.g.H765765) and are kept in bound books... Many old dealings have been culled and sent to a repository and are thus not available for searching, but all were microfilmed before being culled, and microfilm copies are available. (For particulars of how to tell whether a dealing has been culled, see "Searching the Records: Torrens Title" in Part 2.) The all-important "Purchasers Index" for Torrens Title records is available.

Crown Lands are "such as the Crown is empowered to grant or otherwise dispose of from time to time to private individuals or to set aside for special purposes under the provisions of the Crown Lands Acts." (Ibid.,p.124.) This is not really a system of land ownership; however, quite a lot of Crown Land has been let by the Crown on long-term lease, often in perpetuity, and mainly for pastoral purposes. The records of these leases are kept by the Crown Titles Branch, but there is little information of genealogical interest obtainable

from them, being mainly the names of lessees, the dates on which they took up and left their holdings, and particulars of mortgages. A researcher needs some data before approaching Crown Titles Branch: specifically, that his ancestor had such and holding, and its reference number (which will be shown on the parish map as C.P.50/16 or something similar). At the very least, he will need to know the county and parish in which his ancestor's Crown lease was situated and the numbers of the parish portions which comprised his holding.

The first Crown leases were let in the 1860s. Copies of the tenure card showing the particulars of most Crown lessees and their dealings with their holding can be purchased from Crown Titles Branch for 75 cents each.

Transfers and mortgages of Crown leases are sometimes effected like (and registered like) Old System deeds, and particulars of these can be found in the Conditional Purchase (C.P.) Index..... This index was kept only up to 1967; after that, C.P. items are included in the Old System Vendors and Purchasers Indexes. The deeds themselves are treated as Old System deeds for the purposes of numbering and binding. C.P. deeds were sometimes executed simultaneously with Old System deeds covering the same transaction, resulting in there being two deeds (and before 1967, two index entries) to cover that one transaction.

New South Wales is divided into counties, the counties into parishes, and the parishes into numbered portions. Parcels of urban or suburban land (which have long since ceased to be recognizably part of a parish portion, if they were at all) are usually distinguished by lot numbers. The Plan Room has maps of all parishes and most towns, showing the name of the grantee of each parish portion or town lot. Some very old plans of subdivision, mainly of what is now inner Sydney, also show the name(s) of the owner and/or occupant of each parcel in the subdivision. Occasionally, too, house numbers will be shown but in the majority of cases will have changed since the plan was drawn up, usually last century.

In fact, this is probably an ideal place to point out that house numbers are a peculiarly municipal institution and rarely occur in the records of the Registrar General's Office.

The Land Records of N.S.W. Part 2 by Robert Cox will be published in due course.