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ST. GEORGE HISTORICAL SOCIETY BULLETIN

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November 1989

NOVEMBER 1989

Dear Friend and Member,
The November meeting will be held as follows:-

DATE: 8pm Friday 17th November

LOCATION: Council Chambers, Town Hall, Rockdale.

BUSINESS: The President will give a short report on the RAHS
Conference.

GUEST SPEAKER: Brian Madden, friend and member of the society, will
present "A History of Canterbury".

SUPPER ROSTER: Volunteers please. Members please bring a plate.

SOCIAL ACTIVITIES: See next page.

BERNARD SHARAH
PRESIDENT
5991971

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MINUTE SECRETARY
5992847

MRS B PERKINS
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SOCIAL ACTIVITIES

SATURDAY 25TH NOVEMBER

JUNIPER HALL

Just a reminder that we will be visiting this fine old 1820's mansion which has been restored to its original grandeur. Join me 2pm sharp at the main entrance where curator, M/S Toni Appleton, will take us on a guided tour of the house.

LOCATION: Oxford St Paddington (opposite Victoria Barracks).

TIME: 2pm, Sharp.

COST: \$3.00 (Concession \$1.50)

NEWS

FULL TIME STAFF MEMBER FOR LIBRARY LOCAL HISTORY SECTION

Rockdale Council have engaged a full time employee, Mr David Russell, to manage the local history section of the library. David was introduced to society members at the October meeting and gave a resume of what facilities are available- historic photos, books and pamphlets. He is enthusiastic about his assigned task and keen to see the facilities fully utilised. If you have any enquiries he is more than willing to assist.

CLIVE LUCAS AT MARRICKVILLE HERITAGE SOCIETY MEETING

Marrickville Heritage Society invites members of St George Historical Society to attend their next meeting. Clive Lucas, Australia's leading restoration architect, will be guest speaker. As Mr Lucas has been engaged to restore Tempe House his talk will be very relevant for our members.

TIME: 10.30AM

DATE: SAT 25TH NOVEMBER

LOCATION: PETERSHAM TOWN HALL

CHRISTMAS MEETING 15th DECEMBER

As in past years we will have a brief general business session after which Peter Sage will entertain us with his slides. Bring a plate and something to drink and I am sure we will have an entertaining evening. followed

PRESIDENT'S REPORT: TEMPE HOUSE ESTATE DEVELOPMENT

As President, I recently had informal discussions with representatives of Qantek, the new owner of Tempe House, and Austin Australia, the project management company contracted to develop the site.

Qantek have a ten year plan for the estate involving construction of 4 buildings ranging in height from 2 to 8 storeys. Their immediate need is for a computer division and at later stages a training centre and corporate offices.

Positive elements of the plan:-

1. Complete and faithful restoration of Tempe House, its original kitchen and nursery and the St. Magdalen Chapel
2. Preservation of Tempe House's historic Cooks River vistas and retention of the house's park-like setting, including Mt Olympus.
3. Removal of excess land fill dumped on the river foreshores prior to the Qantek purchase.
4. A landscape management plan involving retention of original plantings and reinstatement of period plant material.
5. Tempe House to be open for public inspection on a number of occasions throughout the year.

Obviously, there are areas of compromise:-

1. Construction of the training centre will necessitate demolition of the dormitory complex.
2. One of the proposed buildings will be 8 storeys high. It will be erected in the extreme south west corner of the estate his being the lowest point on the site should mitigate its visual impact on Tempe House and the surrounding area.
3. A two storey computer operations centre on Cooks River foreshore.

Apart from some reservation about the height of buildings to the rear of the site, I feel the concept is a good one. Approximately half the estate is to be set aside free of development. Tempe House and the chapel are to be restored by Australia's leader in the field, Clive

Lucas and opened to the public from time to time.

From the outset Qantek have been very co-operative and been keen to consult with our society about their plans.

All indications are that Tempe House will become a focal point and give a higher profile to heritage in the St George area

Bernard Sharah
President.

- Robert Cox (Member)
Descent
Vol.8 Part 5
September 1978
pp.247-254
Scy.Austln.Genealogists
With permission.

Searching the Records: Old System.

Old System records are the most likely to prove useful to genealogists, although it is worth remembering that registration of Old System deeds is not compulsory and that where, by rights, there should be a registered deed, sometimes there is not. (This is particularly the case, in my experience, with short-term leases.)

One way in which the Old System records may be seen to be superior (for genealogical research) to the excellent and precise Torrens Title Records, is in the fact that, in Old System, one searches the NAME of the person thought to have had an interest in land, whereas, in Torrens Title, one searches the land itself. In the sense that there is a Purchasers Index in the Torrens Title records, this statement may initially seem to be incorrect; but the Old System records achieve their superiority by not pertaining only to land, as do the Torrens Title records. One can register virtually ANYTHING as an Old System deed - a will, a deed evidencing a change of name, a marriage settlement - without ever having had any interest in land.

It is best to be systematic when using the land records, particularly if you have to search a common surname. The more information you have about an ancestor's addresses or land-holdings BEFORE you approach the Registrar General's Office, the simpler your search should be. You should, for example, have searched for entries against his name in the various Post Office and Sands' directories; and you should also have extracted from the appropriate birth, death, and marriage certificates any details shown of his addresses at different times. Even family legends may be useful; it is certainly better to be armed with a story that "grandfather farmed 200 acres near Maitland", than to have nothing at all to work on, particularly if you have to search a common surname. You are then in a position, initially, to ignore entries which refer to land, say, at Bega or Armidale.

However, if you have a common surname but an uncommon Christian name to search - Napoleon Bonaparte Smith - for example, you should not ANY entry listed under Napoleon Bonaparte Smith - no matter where the land is situated.

Old System Title was, until 1863, the only land title system in N.S.W.; from that year, all new crown grants were Torrens Title. However, there was and is much dealing with Old System land, even though most Old System land has now been converted to Torrens Title, and about one-tenth of the freehold land in N.S.W. is still held under Old System title. (And even though the Registrar General's Office has a project under way to convert all the remaining Old System land to Torrens Title within the next decade, the Old System records will retain their unique genealogical value.)

The Land Records of N.S.W. as a Genealogical Source -2-
Part 2.

When an Old System deed is registered at the Registrar General's Office, it is indexed and a copy is numbered and bound. Since 1897 dual indexes have been prepared, one of purchasers' names and one of vendors' names. Both indexes, and the books containing the registration copies of the deeds (one thousand to each book), are available for public inspection without payment of a fee. Between 1823 and 1897 only a vendors' index was prepared; this can be a handicap to a researcher but can sometimes be overcome by other means, which will be explained later; and for the years 1792 to 1823, there is only the unofficial index of purchasers prepared by T.D.Mutch referred to in part one of this article.

Before 1898, the Vendors Index is arranged alphabetically, only according to surname; that is, Broughton, is listed before Brown, but John Broughton may appear before OR after James or William or Adam Broughton. (They are, however, listed chronologically within each surname according to the date of registration of the deed indexed.) After 1898 they are listed alphabetically according to surname AND Christian name, and chronologically within each Christian name group. Alphabetical listings are, with one or two exceptions, strict.

Smith, John - is listed before Smyth, John; but Smith and Brown Pty. Limited is listed after Smith but before Smyth, since the next letter in its name - the "a" in "and" - determines its placement between Smith and Smyth; this applies even where the "and" is an ampersand (&). Similarly, Marsh, Marsham and Marshfield - would be indexed in that order, but Marsh and Sons (or Marsh & Sons) will appear in the index between Marsham and Marshfield, because M-a-r-s-h-a-n-d-S-o-n-s comes before M-a-r-s-h-f-i-e-l-d in a strict alphabetical listing.

However, John Smith Pty. Limited will be indexed under J (for John), after Johns - but before Johnson - (because it is spelt J-o-h-n-S-m-i-t-h).

This probably sounds confusing on paper but is quickly grasped in fact, and is a logical and easy to follow rule. (The most notable exception to the strictly alphabetical rule, incidentally, is the Bank of New South Wales, which is indexed under New South Wales, Bank of. However, the Bank of New South Wales Savings Bank Limited is, perversely, indexed as Bank of New South Wales Savings Bank Limited.)

The treatment of Asian names in the indexes can and does vary, but generally Soo Kee Sun will be found under Soo - with a cross reference under Sun - and even under Kee - if the indexer thought it necessary.

A typical entry in the early Vendors Index books looks like this:

"BROWN - John James - Thomas A Smith - 263 472 C".

It will appear on the left-hand page of the index book with a description of the land to which the entry pertains directly opposite on the right-hand page. The entry means:

. John James Brown is the vendor (since, in this case, the deed is a conveyance, as shown by the letter C. Had the

deed been a mortgage, Brown, would be the mortgagor (the person mortgaging the land); if a lease, the lessor, the person letting the land).

- Thomas A Smith is the purchaser (again, only in this case. Otherwise he might be the mortgagee or lessee.)
- The Office Copy of the deed is number 472 in book number 263. This enables you, to examine the deed itself, the repository of genealogical information.
- The deed is a conveyance. (C=conveyance; M=mortgage; L=lease; P.A. or P of A = power of attorney; S=settlement (or Settmt-settlement), usually a division of property prior to or subsequent to a marriage; A or Ackgmt=acknowledgement, which passed land from an executor or trustee to a beneficiary; C of E or R= conveyance of equity of redemption, by which a person conveys his interest in land which is subject to an undischarged mortgage; T.L.=transfer of lease, the transfer of the unexpired term of a lease from a lessee to a new lessee; D or D.M.- discharge of mortgage; R or Rec=reconveyance of mortgage, similar to a discharge; L & R= lease and release, which operates as a conveyance; S.L.= sublease, the letting of leasehold land to a sublessee.)

On the right-hand page, a typical land description might read:
"Co Cumbl'd Psh St John 10a 2r 6 1/2p pt por 6l
Cooper's gt Bd by Wattle Ck & gvt rd" -
which simply means that the land in the deed is in the County of Cumberland and Parish of St. John - that its area is 10 acres 2 roods 6 1/2 perches, that it was originally part of a grant of portion 6l in that parish to someone named Cooper, and that it is bounded by Wattle Creek on one side and by a government road on another.

From the above it may be seen that searching the Old System records, from a genealogist's viewpoint, is not difficult unless you have to search a very common surname (in which case, unfortunately, there are no short cuts). Having previously decided the period you want to cover, you merely search in the vendors Index under your ancestor's name, and note the number of any deed of interest. You then go to the appropriate deed - they are arrayed in shelves round the index area - and, if it contains useful information, take notes from it or have a photostat copy made.

Most commonly you will find conveyances and mortgages; that is, an ancestor selling or mortgaging his land. As mentioned previously, before 1897 - no index of purchasers was prepared, and it can be frustrating to be able to trace all an ancestor's land dealings except for his actual acquisition of it. There are four ways this can be overcome, but none of them, unfortunately is infallible.

Firstly, read every other deed connected with that land, particularly the conveyance by which your ancestor divests himself of it. Sometimes there will be a recitation in the body of a deed like this:

"Whereas by an indenture (deed) dated 30th September 1846 between the said Timothy Harrison and John James Brown of Sydney Esquire and registered number 123 Book 456 the land and hereditaments hereby conveyed were assured unto the said Timothy Harrison by the said John James Brown....."

In other words, Timothy Harrison, who in this deed is the vendor, is reciting that he purchased the land in 1846 from John James Brown (and is thereby establishing some right to be called the owner of it).

Occasionally just the names of the parties and the date of the transaction will be given, but that is enough to enable you to locate the appropriate entry in the Vendors Index under the name of the original vendor. Probably less than half of all deeds provide this information, however.

Secondly - in many cases a schedule of those earlier deeds which make up the chain of title to the land will be provided at the end of a subsequent deed, and this will always include the most recent conveyance.

Thirdly - and this, being more time-consuming, is a last resort - if the particular parcel of land has some descriptive feature which makes it readily identifiable from the index entry without having to read the full metes and bound description, such as being a numbered lot in a named subdivision (e.g. lot 10 in Henry Magrath's subdivision of Jackson's grant), it is sometimes worthwhile to search backwards against the subdivider (in this case Henry Magrath) until the point at which he is selling off the lots in this particular subdivision is reached, then make a specific search for his conveying lot 10. The conveyance you find may not be to your ancestor, but it is possible to search the new owner and subsequent owners until you find one of them selling to your ancestor. Again, provided the names you have to search are not of the John Smith variety, this is fairly straightforward.

If those 3 methods fail - the only near-certain way - is to start with the person to whom the land was originally granted by the Crown (often mentioned in subsequent deeds as part of the description of the land, but readily available from the appropriate charting map in the second floor Plan Room) and search HIS successors in title until you find your ancestor. This is mainly applicable when the ancestor owned an un-subdivided lot or portion - one still the same size as it was in the Crown grant - and though it can also be used in other instances, if the land has been heavily subdivided (e.g., if your parcel is 10 acres out of a 640-acre grant), or is in an urban area like Sydney or Newcastle, it can take many hours of work to achieve a result. (Even then, and particularly in areas which have seen some sort of boom and then had part of the boom-time population move elsewhere, a satisfactory result is not guaranteed, since under Old System Title it is possible to have a possessory title to land.

This is quite frequently encountered and means that, if a parcel of Old System land has fallen into apparent disuse, a person other than the person having a registered title to it

may use it, fence it, pay the rates on it, and after a statutory period of unchallenged occupation, be considered to have a good, though not indefeasible title to it, one which he can then deal with in the usual way.

Thus, if your ancestor claimed a parcel of land by possession, it is not possible to establish from the records of the Registrar General's Office that he did so, unless, as rarely, the fact is quoted in a later deed. And, if he bought land which was in part held under possessory title, searching forward from the Crown grant or a pre-possessory title owner will result only in an unexplained gap in the chain of title.)

Another problem sometimes encountered, is the inability to find an entry for an ancestor's selling his land. The most common reason for this is simply that he (or his solicitor) failed to register the deed; for a genealogist there is no way around this. Another reason, one fairly common last century, is that the ancestor died and the land vested in a beneficiary without a deed recording the vesting being registered. Since a beneficiary was most likely to be a member of the man's family, a later entry may be found under the name of his wife or child when the land was finally dealt with, and the corresponding deed will usually recite the fact of his death and quote the operative parts of his will. It is usually advisable, once you have established an ancestor's ownership of a particular parcel, to search ALL entries against his surname, regardless of Christian name, and concentrate on finding an entry relevant to that parcel. (This applies only to searches in the years before, say, 1890.)

Descriptions of Old System parcels rarely change - so that if you are searching - for example - Francis Blackshield, to see when he sold his parcel which is portion 26 in the parish of XYZ and can find no entry where there should be one - try searching ALL Blackshields in the appropriate period, to see if any of them sold all or part of portion 26 in the parish of XYZ.

The third likely reason for your not being able to find a record of your ancestor selling his land is that it has been sold under power of sale by a mortgagee. A reconveyance or discharge of mortgage is usually noted in the Vendors Index under the mortgage entry itself, viz. "Rec (or Dischge) regd no. 345 Bl 457". (Such particulars should, incidentally, be taken down at the same time as the mortgage particulars.) If no such entry appears under a mortgage entry, and you have been unable to find where your ancestor sold his land, try searching in the index from the date of the mortgage under the MORTGAGEE'S name (looking, of course, for an entry pertaining to your specific parcel of land). This can take a long time if the mortgagee was a bank, but even then the entry will usually read: "Wales, Bank of New South (re Blackshield's mortgage)" - Blackshield, of course, being the defaulting mortgagor. (If, under a mortgage entry, there appears the note - "See Convce regd no. -- Bk --", you should investigate that deed immediately; it will usually be a conveyance by a mortgagee under power of sale.)

The Land records of N.S.W. as a Genealogical Source -6-
Part 2

Two other indexes of genealogical interest, are kept adjacent to the Vendors Index: the Change of Name Index and the Crown Grant Index. The Change of Name Index covers all REGISTERED name changes (N.S.W. law does not require name changes to be registered) from 1875 to 1967. Now-a-days, deeds evidencing a change of name (usually a deed poll or declaration) are treated as ordinary Old System deeds and are indexed and filed in the usual way. A very useful feature of this index is that both the new and former names are indexed.

The Crown Grant Index can be found in 16 separate volumes next to the bound registration copies of the grants themselves. They cover the years 1792 to 1862, after which, of course, all grants were Torrens Title. The grant indexes vary in their accessibility; some are strictly alphabetical, some are alphabetical only in that they are arranged according to the initial letter of each surname. It is wise - as, indeed, is the case with the Vendors Index - to check against likely spelling variations. The genealogical value of a Crown grant is not great, but most genealogists will want to have copies of their ancestor's grants.

Research in the Old System records since 1897 is generally simpler, since a Purchase Index was commenced that year. To find out if a more recent ancestor bought Old System land after 1897, you merely search under his name in the Purchasers Index; if an entry is found it will refer you to the deed by number, as with the Vendors Index. You then search under his name and against that land in the Vendors Index until you find him disposing of it. The Purchasers Indexes were typewritten from the beginning, though oddly enough were not arranged strictly alphabetically until 1908, whereas the Vendors Index, which was strictly alphabetical from 1898, was not typewritten until 1904. Generally too, more care seems to have been taken both in registering and indexing deeds and in keeping track of land ownership from the 1880s on. Before that, methodical care in searching and recording is essential.

To search the records for the years before 1823 it is necessary to go to Deeds Registration Branch and ask to see the index to the Old Register (as the records from 1792 to 1823 are commonly called); the actual searching procedure is as for other Old System deeds..... (The author then explains that various branches of the Registrar General's Office have been moved. Searches need to enquire when making a visit to the R.G.O's.)...

Searching The Records: Torrens Title.

This is a much simpler operation than searching Old System records (though, as previously mentioned, less useful genealogically).

Perhaps the simplest approach is to consult the Purchasers Index, dating from 1863 and strictly alphabetical from 1878, which is kept on the ground floor of the northern wing; a small fee is charged to look at this index.

Each entry will refer you to both Certificate of Title to every parcel of Torrens Title land in which your ancestor has had an interest and to the dealings by which he bought, sold, mortgaged, or leased his interest.

The Certificates of Title (which are stored in basement one of the same wing) will have all the particulars of the land (including, usually a plan of it) and your ancestor's name, place of residence and occupation. All his subsequent mortgages, leases, etc., will be shown on that Certificate of Title or its successor, if the original certificate becomes full, up to his disposing of the land. Each entry will be distinguished by a dealing number; the dealings themselves are kept in the basement of the south wing.

Little extra information is to be gleaned from dealings, and many dealings, up to recent times, have been removed and sent to a repository in an on-going culling process (see "Descent", Vol.8.No.4, pp178-9). To tell whether a dealing has been culled, you apply for the dealing book at the appropriate counter in the basement, quoting the number of the dealing you wish to examine (e.g.B123456). The book covering that number will be brought to you and you then turn to the buff coloured sheets in the front of it and locate the number of your dealing. A green stroke in one of the columns adjacent to your number indicates that that dealing has been retained and is bound in the book you are examining (and bound numerically, though perhaps only one in twenty dealings has actually been retained). If there is no green stroke adjacent to your number, then that dealing has been culled, though a microfilm copy will be provided for a small fee.

You should note that it is necessary to quote both the dealing number AND the microfil number (shown at the top of each buff coloured sheet) when applying for a microfilm copy.

Though there are other approaches to Torrens Title searching, this method will be the most useful and the most thorough for genealogical research, since it enables the researcher to find particulars of every parcel of Torrens Title land in which his ancestor had an interest.

Additionally, it is a quick and precise way to discover collateral ancestors in adjoining districts. Indeed, there is no more accurate way of discovering an ancestor's movements during his lifetime, and something of his financial dealings, than by patiently and systematically searching the records of the Registrar General's Office.
