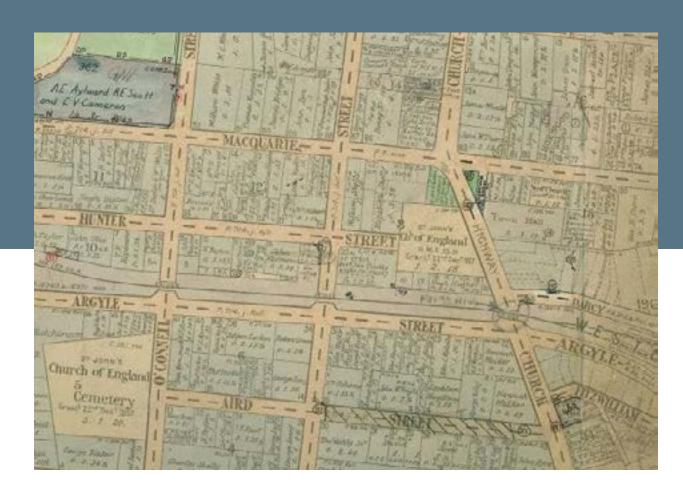# RESEARCHING LANDS & PROPERTY INFORMATION

Local Studies & Family History Library
346A Church Street, Parramatta NSW 2150
Phone: 02 8839 3322
Email: localstudies@cityofparramatta.nsw.gov.au
Website: arc.parracity.nsw.gov.au

CITY OF PARRAMATTA

This guide has been produced to assist researchers in tracing the history of land ownership.

Historical and current land title records in New South Wales are maintained by NSW Land Registry Services (NSW LRS).

NSW LRS Office Location

1 Prince Albert Road, Queens Square Sydney NSW 2000.

Open: Mondays – Fridays
8:30am-4:30pm

☎: 1300 052 637

💻: http://www.nswlrs.com.au/

NSW LAND OWNERSHIP

NSW LRS administers the system which defines the legal ownership and boundaries of land parcels in NSW as well as other services including regular land valuations, cadastral and topographic mapping information, aerial photography and satellite imagery and the preservation of historic parish maps. Further information - http://www.nswlrs.com.au/land_titles/land_ownership

The primary register, known as the 'Torrens Title Register', protects land title by State Government guarantee and has operated since 1863. The General Register of Deeds includes 'Old System' records dating back to the earliest days of settlement in NSW.

Land title descriptions are currently expressed in Lot and Deposited Plan number (DP) rather than the earlier types of notation.

The community, business and government rely on this information for a variety of purposes including land management, conveyancing, property development, investment, local planning, state economic and social development and historical research.

COMMENCING LAND TITLE RESEARCH

The history of ownership of a portion of land may be traced from the first title holder as shown on the Parish Map forwards in time or backwards from the current title description.

⚠️ *Note: that no personal details of current owners are given online*.

Information guides on how to go about research are available on the NSW LRS website, however as more records are being made available online, some of the information in the guides is yet to be updated by the LRS:

http://www.nswlrs.com.au/publications/search_guides

Tracing backwards from current title description

1. Go to the NSW Land Registry Services website (www.nswlrs.com.au) and click on 'Free online searches' under NSW LRS Information, then either type the street address or Lot and DP Number to retrieve search results.

2. Use the *Street Address Enquiry* to find current title description expressed as Lot and DP. Alternatively, you can find this information from documents such as the council rate notice.

3. Use the *Prior Title Reference* to find previous title description.

4. It may be necessary to examine the previous certificate of title in order to link from current computer records back to manual Torrens Title records. Each Torrens Title certificate includes the number of the previous certificate enabling the ownership of the land to be traced backwards in time.

Torrens Title certificates may be viewed free of charge at:

- NSW LRS office

- State Library of NSW (SLNSW)

- State Archives and Records of NSW (SARNSW) or

- Online using the Historical Land Records Viewer (HLRV) http://www.nswlrs.com.au/land_titles/historical_records_online/where_to_look

- Copies of Torrens Title certificates may also be purchased through the NSW LRS' network of Information Brokers http://www.nswlrs.com.au/land_titles/information_brokers such as 'Direct Info' or 'CITEC Confirm' or over the counter at the NSW LRS office for a fee.

5. If the block is traced back to a Primary Application (PA) then the portion of land was originally Old Systems title granted or purchased prior to 1863. To trace back further to the first grantee a copy of the Primary Application needs to be obtained through one of the Information Brokers for a fee. http://www.nswlrs.com.au/land_titles/information_brokers

Tracing forwards from Parish Map

1. Locate the block of land of interest on the relevant Parish Map which is available in large format at Parramatta Heritage Centre Local History Library or online from the NSW LRS website via the *Historical Land Records Viewer* (HLRV). To access the historical maps and plans viewers go to: http://hlrv.nswlrs.com.au/terms/acceptTerms.htm

2. Make a note of the title details for the land portion for example: name of grantee and date of grant (Old Systems) or Volume and Folio (Torrens Title).

3. Old Systems documents have been converted to digital format and many are available to view free of charge online via the HLRV. Using the name from the Parish Map firstly search the Grants Index. The index is by surname and date. Always read the description of the land carefully to ensure the correct block is being traced as some settlers such as the Rev. Samuel Marsden, John Macarthur and John Harris owned many estates in NSW.

   Then use the Serial and Page number to look at the original grant in the Grants Registers covering the period 1792-1862. The register will often give the place of residence of the owner and the price paid if sold at auction.

   It is then possible to check the Old Systems Vendors Index to find out when the grantee sold the property and the name of the next owner. By working alternately between Vendor's Index and Book and Number in the General Register of Deeds it is possible to trace the ownership of the block forwards in time.

For further information see the following guides, however as more records are being made available online, some of the information in the guides is yet to be updated by the LRS:

- How to search the Old System Vendors Index 1825 – 1986 http://www.nswlrs.com.au/__data/assets/pdf_file/0006/205287/Vendors_Index.pdf

- How to search the Old System Purchasers Index 1896 – 1985 http://www.nswlrs.com.au/__data/assets/pdf_file/0004/205285/Old_System_Purchasers_Index.pdf

- How to search the Old System Grant Index 1792–1862 http://www.nswlrs.com.au/__data/assets/pdf_file/0003/205284/Grant_Index.pdf

- Grant Register Volume numbers http://www.nswlrs.com.au/__data/assets/pdf_file/0012/205302/Grant_Register_Volume_Numbers.pdf

4. If a Torrens Title reference (Volume and Folio or Lot and DP) is found, then view a read only copy of the Certificate of Title (CT) using Volume and Folio reference online through the HLRV. Certificates may also be viewed free of charge on computer terminals at NSW LRS, Sydney, SLNSW or SARNSW. A copy may also be purchased through one of the Information Brokers: http://www.nswlrs.com.au/land_titles/information_brokers

Using the number of the next certificate noted on each CT, it is possible to work forwards through time to the current title.

The Torrens Title Purchasers Index 1863 – 1971 can be searched online. This index allows land purchased by a particular person to be identified. For further information see the following guide:

- How to search Torrens Purchasers Index http://www.nswlrs.com.au/__data/assets/pdf_file/0005/205286/Torrens_Search.pdf

WHAT ARE PARISH MAPS? (also known as CADASTRAL MAPS)

New South Wales is divided into 141 counties and each county is divided into smaller land units called parishes. These are land parishes not church parishes although some names are similar to church parish names. There are over 7,000 parish map sheets in NSW. Always use the name of the parish and county together because names are sometimes duplicated in other parishes. For example there is a Parish of Colo in the County of Cook and another in the County of Hunter.

The purpose of the Parish Map is to show land portions which have been:
- Reserved for a purpose e.g. school.
- Owned by the state government.
- Sold into private ownership.

The Parish Map generally shows the first holder of a particular portion of land. Although this information doesn't change from one edition of the map to the next, the map is not static. It is annotated and changed until the map becomes so cluttered with notes that a new map is drawn up and the old one is put away.

Roads may be added, Crown Land released for sale, land resumed by the government for different purposes etc. We also need to remember that the maps are designed for use by government departments and not for historians.

What is usually shown for each block on the map?
Each block usually shows:
- Name of the first CT holder
- Torrens Title reference, i.e. Volume and Folio number, or
- Reference to an old roll and date of grant e.g. Old Systems title
- Area of the land in acres, roods and perches.

What do the land measurements mean?
There are:
- 40 perches to a rood
- 4 roods to the acre – 1 rood equals 1,000m2
- One acre is approx. 4,000 m2
- Convert hectares to acres by multiplying the number of hectares by 2.47 or more simply by 2 ½.

SOME OTHER IMPORTANT TERMS
Old Systems Title
The first system of land ownership used in the colony of NSW, depended on the creation of a new deed for each transfer of title. These documents had to be kept together and passed on to the next purchaser in order to prove ownership. There were obvious problems. What if some or all of the pages were lost? In 1817 Governor Macquarie proclaimed regulations for the registration of deeds at the Office of the Judge Advocate. Later, in 1825 Governor Brisbane issued an Act for Registering Deeds and Conveyances in NSW. The wording was slightly vague and registration was still not altogether compulsory. Thus some deeds were not registered but it was wise to do so because legal precedence to registered deeds although title was not guaranteed by the government. The details of the transaction were written in a memorial and these were placed with the Registrar of Deeds at the Supreme Court.

A separate Land Titles Office was created in 1844 which acted as the repository for deeds. The old form of memorial was discontinued and a full copy of the deed was deposited with the department. It was still not compulsory to register deeds and still no guarantee of title.

Torrens Title
Originated in South Australia by Robert Torrens, the Torrens Title certificate showed the first holder and the subsequent dealings on the one piece of paper until the page was full or a new deed was issued due to subdivision. It was now much easier to prove the chain of ownership from one person to another. This system was introduced into NSW in January 1863.

The certificates were accessioned according to Volume and Folio number with 250 folios in each volume. No original volumes remain on public access however Torrens Title certificates may be viewed free of charge at the NSW LRS office in Queens Square, Sydney, online using the Historical Land Records Viewer (HLRV), at the State Library of NSW (SLNSW) Macquarie Street, Sydney and at State Archives and Records of NSW (SARNSW), O'Connell Street Kingswood. Copies of Torrens Title certificates may also be purchased through one of the Information Brokers

http://www.nswlrs.com.au/land_titles/information_brokers
or over the counter at the NSW LRS office for a fee.

Primary Application (PA)
Land that was sold or granted before 1863 remained Old Systems Title until a Primary Application (PA) was made to convert the old systems deeds to Torrens Title. The applicant needed to prove legal title to the land by producing a continuous chain of documents from the first holder to current owner. These documents were listed on the PA form. When these are proved to be legally correct a new Torrens CT was issued. It is very handy for the researcher to find the chain of ownership listed in this way.

The PA packet (separate from the application form) may contain all sorts of family information as well as the applicant attempted to prove title to the land. Look on the Parish Map to find the PA number. Some PAs are held by State Archives and Records, Kingswood and other still held by NSW LRS, Sydney. It is necessary to check with each office either by phone or website search to determine the location of a particular PA or PA packet. For further information on how to access Primary Application Packets at SARNSW https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/primary-application-packets-guide

Deposited Plans and Strata Plans
Changes in boundaries, area and extent of land parcels registered under Torrens Title e.g. when land is subdivided, are registered as Deposited Plans (DP). For example: Lot 3 DP 773447 this means land portion number 3 in the plan of the

subdivision No. 773447. Parish Maps do not usually show subdivisions. Plans of land subdivided under strata title e.g. residential units, are registered as Strata Plans (SP).

Dealings
All the transfers, mortgages and discharges, leases etc. to do with a block of land are called dealings.

Grant Registers 1792-1862
These are the Old Systems Title Registers and are accessed using the Old Systems Grant Index.

The Old Register 1802-1825
This register comprises volumes 1-9 in chronological order and is indexed and searchable. The register includes many kinds of documents such as agreements between individuals not just land title records.

Vendors Index and Purchasers Index
The Vendors Index to Old System Title deeds was commenced due to the Registration of Deeds Act 1825 and is indexed by surname. The Purchasers Index, commencing in July 1896 this index was compiled from entries in the Vendors Index. The modern part of this index is incomplete.

Torrens Title Purchasers Index
Commenced with the introduction of Torrens Title in 1863 this index is still in use today although it is maintained in digital rather than manual form.

Conditional Purchase
One of several government schemes aimed at enabling settlers to own their own land under the terms of the Alienation of Crown Lands Act 1861. Those who did not have sufficient funds to purchase a piece of land outright could do so by living on the land and making improvements before gaining title to the block. The initial payment was 25% deposit with the balance at 5% interest to be paid in 3 years' time. Land area selected was to be no less than 40 acres and no more than 320 acres at a cost of 20 shillings per acre. Many settlers found this very difficult and perusing the Conditional Purchase Registers shows just how many people tried and failed. It was possible to defer the final payment by paying the 5% interest each year but if a settler defaulted on the payment, did not live on the block or make improvements then the block was sold at auction. State Archives and Records of NSW holds indexes and registers to Conditional Purchases of Crown Land, for further information: https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/conditional-purchase-crown-land-guide

Homestead Grants
The Crown Lands Acts of 1895 established several new types of land tenure including homestead selection under a perpetual lease arrangement. Under the terms of the act, land could be occupied by paying an annual rental of 1.25% of the capital value of the block. If all the conditions were met after 5 years, then a Homestead Grant was issued and the annual rental increased to 2.5%.

Homestead portions were to be no larger than 1,280 acres. However, most of those in the Currency Creek area of NSW for example, averaged 40 acres which was designed to be sufficient to support one family carrying out orcharding and mixed farming. Married women were also allowed to acquire a homestead portion with permission of the NSW Minister for Lands. The selector was required to commence residency on the block within three months and to erect a dwelling with a value of not less than £20 within eighteen months of the date of confirmation of the application by the department.

In 1917 legislation was passed by the New South Wales Government to enable those occupying land under the former Labour Settlement Schemes (for example Wilberforce and Pitt Town) to convert the tenure to homestead selection and then into conditional purchase and therefore freehold under the new Crowns Lands Act. Under the provisions of the Closer Settlement Act of 1901 and subsequent acts, land in New South Wales was made available under several different schemes.

Some problems with interpreting Parish Maps
The mortgagee's name will sometimes appear on the map instead of the mortgagor e.g. the name of a bank or the person who loaned the money for purchase. The Grantee is not always the first person to live on the block so if the block was a Conditional Purchase then many selectors may have tried to fulfil the conditions before one selector was successful and issued with the first CT.

If the block was leasehold which was subsequently converted to freehold, then the name of the first freehold purchaser would be recorded on the map not the name of the first lease holder.

Land may have been resumed for another purpose by government such as Soldier Settlement, Housing Commission of NSW estates, electricity easements, national parks, schools etc. The name of the first holder is therefore removed from subsequent editions of the map.

OTHER SOURCES INCLUDE:

Local Studies & Family History Library
Parramatta Heritage & Visitor Information Centre
346A Church Street Parramatta
☎: (02) 8839 3322
🖥: http://arc.parracity.nsw.gov.au/
✉:localstudies@parracity.nsw.gov.au

Holdings: Local Government records such as rate, rate assessment and valuation books; electoral rolls; Sands Directories; maps and plans; Historical Records of Australia; Historical Records of NSW; published histories of people, places, architecture; vertical files containing information on individual properties; local community newspapers; local heritage studies and photograph collection.

- Colonial Secretary Overview – SARNSW
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/colonial-secretary-overview

- Australian newspapers online – e.g. for sale or auction notices, family notices -
  https://trove.nla.gov.au/newspaper

- Maps and plans – SARNSW
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/surveyor-general-guide and
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/county-parish-maps-guide

- Deceased estates, wills, probate packets - SARNSW
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/deceased-estates-guide and
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/probate-packets-wills-guide

- Descendants of former owners - family history collections - Society of Australian Genealogists www.sag.org.au

- Personal papers held by Mitchell Library (SLNSW) - www.sl.nsw.gov.au

- Local historical societies such as:

  ○ Parramatta & District Historical Society http://www.parramattahistorical.org.au

  ○ Granville Historical Society http://www.granvillehistorical.org.au

- Photographic collections held by government departments e.g. NSW Government Architect (SRNSW)

- State & Commonwealth Government records e.g. School records, Theatres and Public Hall records are held by SRNSW. Post Office files are held by the National Archives of Australia, Sydney Office, Chester Hill NSW 2162, www.naa.gov.au

RESEARCH GUIDES
- State Archives and Records of NSW - Land indexes online
  http://www.records.nsw.gov.au/state-archives/indexes-online/indexes-online#l

- State Records and Archives of NSW – House and Property Guide
  https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/house-and-property-guide

- NSW LRS Searching Guides - http://www.nswlrs.com.au/publications/search_guides

REPOSITORIES
NSW Land Registry Services
Queens Square,
Sydney NSW 2000
☎: 1300 052 637
🖥: www.nswlrs.com.au

State Library of NSW
Macquarie Street
Sydney NSW 2000
☎: 02 9273 1414
🖥: www.sl.nsw.gov.au

National Library of Australia
Parkes Place
Canberra ACT 2600
☎: 02 6262 1111
🖥: www.nla.gov.au

State Archives and Records of NSW
143 O'Connell Street,
Kingswood NSW 2747
☎: 02 9673 1788
🖥: www.records.nsw.gov.au

National Archives of Australia
120 Miller Road,
Chester Hill NSW 2162
☎: 02 9645 0110
🖥: www.naa.gov.au

Royal Australian Historical Society
133 Macquarie Street
Sydney NSW 2000
☎: 029247-8001
🖥: www.rahs.org.au

Society of Australian Genealogists
120 Kent Street
Sydney NSW 2000
☎: 02 9247 3953
🖥: www.sag.org.au

Key Events and Dates in the History of Land Titles in NSW

Date	Event
1787	Governor Phillip was empowered by the British Government to grant land to emancipists in the future colony of NSW.
1788	Establishment of the British penal colony in NSW.
1789	James Ruse granted 30 acres of land at Parramatta for agricultural purposes. Non-commissioned officers and privates entitled to receive free grants of land.
1792	Commencement of land grants to free men. Grants made to commissioned officers by Francis Grose.
1794	First woman to receive a grant of land – Ellenor Frazer.
1794	Twenty-two settlers granted land on the banks of the Hawkesbury from Windsor near the mouth of South Creek to the vicinity of Pitt Town.
1802	Official recording of land grants in a register.
1803	Establishment of the *Sydney Gazette* newspaper which included government notices, proclamations advertisements etc.
1807-09	A total of 413 grants made during the Rum Rebellion by the NSW Corps.
1810	Grants issued during the Rum Rebellion were cancelled by Governor Macquarie but most were later reinstated.
1820	Governor Macquarie issued an order which officially allowed limited grazing of stock outside the Cumberland Plains.
1825	Sale of land by private tender introduced.
1825	Introduction of the register of deeds including land deeds and other types of agreements, however registration was not compulsory.
1826	Legal limits of settlement imposed by Governor Darling within which occupation of land was allowed and police protection guaranteed, proclamation published in the *Sydney Gazette.*
1828	Marriage Grants made available by Sir R Dowling to daughters of men of respectability and women of good conduct in the colony.
1829	Demarcation of the boundary of settlement known as the 19 counties by Government Order in an effort to restrict the spread of settlement.
1829	8 June 1829, as land administration was in such disarray it was decided that every landowner had to "prove" ownership by lodging a memorial. In subsequent years these memorials in summary were published in the *Government Gazette* so that any other person had the opportunity to object. This process may have been one of the main reasons why the *Government Gazette* started in 1832 followed by a Court of Claims in 1833.
1830s	The term 'squatting' took on the meaning of unauthorised occupation of land.
1831	The 'Ripon Regulations' meant the cessation of free grants, land obtained only by purchase at public auction, minimum price of 5 shillings per acre. The term 'grant' continued to be used but did not mean free of charge.
1832	Establishment of the *NSW Government Gazette* as the media for the publication of government notices etc. Crown Land sales results published until 1857.
1833	Land ownership had become haphazard and subject to argument and dispute. Many of those living on blocks of land did not have a certificate of title to prove ownership and others claimed to have been promised the same portion of land. At this time title

	documents were not issued until the land was surveyed by the government surveyor and this often took years. The Court of Claims was established to hear cases where the title to land had not been issued and to hear and make a judgement upon land subject to dispute. Three commissioners were appointed and the duration of the court lasted more than 20 years.
1836	Legislative Council of NSW acts to legalise and regulate squatting outside the 19 counties. Commissioners of Crown Lands first appointed. Nine districts named and identified – Port Macquarie, New England, Liverpool Plains, Bligh, Wellington, Lachlan, Murrumbidgee, Monaro and Port Phillip.
1837	'Depasturing licences' given to allow grazing of land outside 19 counties.
1839	Squatting districts established with commissioners appointed to oversee each district. Establishment of the Border Police Force.
1843	Land classified into three classes – town, suburban and country.
1844	Governor Gipps attempts to regulate squatting and stimulate free immigration to the colony.
1846	NSW land areas divided into three categories – settled, intermediate and unsettled. Occupation of Crown Land allowed without purchase beyond the limits of occupation.
1847	Annual leases of Crown Land replaced by 14 year leases, nine districts outside the limits of settlement increased to thirteen.
1856	Responsible government in NSW commenced with voting rights for men bestowed according to the value of property owned.
1861	Robertson Land Acts passed in NSW which allowed the selection of Crown Land before survey by Conditional Purchase of an area from between 40 and 320 acres, subject to a set of conditions being met.
1863	Real Property Act establishes the system of Torrens Title which changed the system of registration of land ownership in NSW from 'Old Systems Title'.
1884	Crown Lands Act to regulate the alienation, occupation and management of Crown Land. The act divided the colony into three divisions – Eastern, central and Western. Large holdings of land were divided into two portions – resumed area and leasehold area. The act maintained the principle of selection before survey.
1895	The Crown Lands Acts of 1895 established several new types of land tenure including homestead selection. Under the terms of the act, homestead selection portions could be occupied by paying an annual rental of 1.24% of the capital value of the block which increased to 2.5% after the first six years of occupation.
1900	Real Property Act (1900) passed provisions whereby a Primary Application could be made to convert Old Systems Title land to Torrens Title.
1916	Returned Soldiers Settlement Act made available portions of land for repatriated soldiers from World War One.
1917	Legislation was passed by NSW Government to enable those occupying land under the former Labour Settlement Schemes to convert the tenure to homestead selection and then into conditional purchases enabling freehold title under the new Crowns Lands Act.