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<http://www.bda-online.org.au>**Sydney Burial Ground – Licences to Bury 1867-1888**

*Sydney Burial Ground 1819-1901 (Elizabeth and Devonshire Streets) and History of Sydney's Early Cemeteries from 1788* by Keith A. Johnson and Malcolm R. Sainty published by the Library of Australian History, Sydney 2001.

The book contains a comprehensive history of the cemetery.

One of the main sections of the book deals with the Licenses that were issued by the Colonial Secretary giving permission for a deceased person to be buried in this cemetery. This was required because by 1866 the cemetery was getting very full, having been Sydney's main cemetery since 1819.

The following history of this process, taken from this book, is reproduced below. The book also contains copies of documents relating to this process.

**Licenses to Bury**

The Sydney Burial Grounds Act 1866 (30 Victoria 3) was assented to 12 September 1866, to come into effect from 1 January 1867. The Act made it obligatory to obtain a License to Bury from the Colonial Secretary, it could only be issued for burial within an existing vault or enclosed grave (an existing vault only in the C. of E. Portion).

**Applications for Licenses to Bury**

The Colonial Secretary received into his Office: letters and reports from individuals, government officials and other departments, on a wide range of matters, including gaols, orphan institutions, lunacy and applications for naturalisation, and for Licenses, including to bury the dead in the Sydney Burial Grounds. A sample of the Application form appears on page 32. From 1 January 1868 Licenses were also necessary for burials in Camperdown Cemetery and St.Judes Cemetery, Randwick, as required by the Camperdown and Randwick Cemeteries Act 1867 (31 Victoria 2).

Every item when received was allocated the next running number in the In-letters Register, this number being then written on the item itself. The clerk then recorded the date of the item, the date received, the subject matter of the item "Application to bury XXX in the [denomination] Burial Ground" and the action taken by the Office, which in the case of the burial just says "License" followed by the date issued. The items were then filed in numerical order. The Colonial Secretary's. spelling of "License" has been retained.

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The items were then recorded in an separate volume: the Index of In-Letters. In these index volumes, a category titled Burial Grounds is found and the first letter relating to the Sydney Burial Ground is numbered 67/6039 (the 67 representing the year).

Letters from the same person or about the same matter, were culled from the bundles and brought forward to be pinned or tied to the latter item. The Register was then marked against the original letter entry to show where it had been newly filed and against the latter letter's registration it was recorded where older items came forward from. These clerical procedures were quite well adhered to in the office of the Colonial Secretary, but some letters were not found and may have been lost or transferred without their new location being noted. The Compilers have looked at every box of letters for the period Dec 1866-1888 and a number of letters remain unfound. In some cases up to four applications to bury, over many years were pinned with the latest application. In one case, a whole bundle of letters are missing in 1867 from item 2086 to 2805 and the Archives Guide notes that the box is missing. Strangely, so are the Register entries although they are listed in the Index of In-Letters.

The first 18 applications were by letter, of which five were statements of ownership of plots and applications for general licenses. The first was from Mr H.W. Johnson of 251 Sussex Street, dated 2 January 1867 "for License to exercise right of interment in vault in Ch. of Eng. Burial Ground ...". Another dated 31 December 1866 from Michael John Davies of Pymont, "I have a Vested interest in an to a family Vault in the Jewish Burial ground in Sydney and request that a claim thereto, now made by me may be registered ..." Another application dated 19 January 1867 from Mrs Julia Sparkes of Kent Street, enclosed a photograph of her family vault in the Catholic portion. (see Illus. page 30). From 24 January 1867 printed forms were available for the use of applicants. (see illus. page 32). The application made to the Colonial Secretary was presented to the City Health Officer who issued his Certificate supporting it on: "25 January 1867 ... I am of opinion that such interment, being 5 feet below the surface is not calculated to be prejudicial to Public Health. Henry Graham, City Health Officer".

Another dated 13 May 1870 "I hereby consider such License may be granted without danger to the health of the Public. G. F. Dansey, Health Officer". The application and the Health Officer's Certificate were then sent to the Colonial Secretary for filing. The application was often made on behalf of the owner of the grave by a close relative of the deceased. The applicant's signature appears under the name of owner and was sometimes accompanied by a recommendation from another party. Dr J.D. Lang of Scots Church and Archdeacon McEncroe of St.Patricks wrote a number of interesting and informative letters supporting applications by their parishioners.

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There were an number of applications for Licenses refused which the Compilers have included in their edited transcript of the Butt Books. Thomas McQuade of Balmain applied to bury his father Hugh in the Catholic Ground on 13 November 1867. A License was refused on a strictly bureaucratic decision: "It appears that the ground is not enclosed altho' fencing has been purchased & placed there for putting up, since Feb. last - According however to the Act the ground should, it seems, have been enclosed on the 1st January 1867 to admit of the granting of a burial license".

From 8 October 1880 until 6 February 1888, the applications, 360 of them, were under the jurisdiction of the Minister of Justice. Regrettably, only files for part of the year 1885 have survived with only one application for a License in this bundle. This application is from John Elphick Roberts of High Street, Balmain and the License was issued on 30 March 1885 to bury his daughter Catherine.

Most of the Applications are very informative and provide the following details: name and address of applicant for the license, name and age of the deceased, relationship to the applicant, portion in which remains were to be interred, whether a vault or enclosure, its size, date of license and details of the number of previous interments and sometimes when and whom. The last mentioned particulars would appear to be based on the applicant's memory.

### **Licenses & Butt Books 1867-1888**

Licenses to Bury in the City of Sydney were issued under the 1866 Act by the Colonial Secretary from 3 January 1867 to 4 October 1880 and by the Minister of Justice from 8 October 1880 until 6 February 1888. The earliest License to Bury was granted on 3 January 1867 and its approval is endorsed on the applicant's letter. Thomas McGurin was applying to bury his son Patrick in a plot purchased in 1858 by Mr W. Pearson, the previous burial being his daughter Margaret McGurin.

A number of the early applicants submitted with their applications, receipts issued for the purchase of plots. Thomas McGurin (spelt Magurren) when applying to bury his wife Margaret in September 1868 attached a receipt numbered 67/29 dated 25 March 1858 signed by W.B. Casey for Joel Joseph, Clerk of St. Marys Cathedral. A number of applicants give the exact date of purchase of their plot and the years in which the earlier interments took place.

From 5 October 1867 Licenses were issued from a printed perforated pad, similar to a large cheque book, on the butt of which were listed the details of the burial. These details were more fully repeated on the tear off License which was handed to the applicant. A sample of the License is reproduced on page 33. The Minister of Justice reported in October 1887 that 2246 Licenses had been issued, and that no fees had been received. Trustees charged 40s. for adult burials and 20s. for children. Of the 2273 Applications for Licenses to Bury, 198 were made before the formal printed Licenses with Butts were issued and a further 18 applications were made later where

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no License was issued, a few were rejected. The Compilers have included details of these in this volume. The 2057 Licenses Butts issued from 5 Oct. 1867 to 6 Feb. 1888 survived at the Botany Cemetery office and were copied by the Compilers in 1969.

Provision was made on the Butt to record: Name of Applicant, address, Name of Deceased, relationship of deceased to applicant (often their age was recorded), the denominational portion where buried, grave type, date of the License, grave size, and the numbers of adults and children already interred in the grave. Some were also annotated with remarks such as "Final", meaning it was to be the last burial allowed.

During the later years that Licenses were issued, the Butts were poorly completed. Inspection of the original applications if they survive, elicited much of the missing information and the Compilers have added this information to the Butts re-produced in this volume. It must be noted therefore that the items in the Remarks column which are in square brackets, have been added from the Application forms and the wording should not always be taken literally. The Compilers have attempted to state, in an abbreviated format, the additional names mentioned on Applications that were not mentioned on the Butts. In most cases the Butts recorded A to bury B and gave, their relationship whilst the Application recorded C and gave their relationship. In some instances it was unclear as to C's relationship to A or B. Caution is suggested in accepting these interpretations.

Many details were added by the Compilers from the Applications, to the edited Butts. These details include age and relationship and have not been distinguished by the Compilers as their additions. The original application forms can be consulted to check accuracy and to obtain facsimiles of applicant's signatures. The Colonial Secretary's letter numbers have been added by the Compilers to assist this. In some cases the Applications were not found and in at least two cases the Butt was issued but not recorded in either the Colonial Secretary's Index or Register. It must be assumed that these two applications were lost in transit between the City Heath Officer at the Town Hall and the Colonial Secretary's Office. :

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