



Relative Thoughts

Volume 12 Number 1

January 2008

SPECIAL POINTS OF INTEREST:

- Special Meeting Report—Moving Forward
- Persistence Pays Off—30 years of searching for one woman
- Springton Trip Report
- Copyright Issues
- A Memory

FLEURIEU PENINSULA FAMILY HISTORY GROUP INC.



The old Southern Grist Mill at Reynella

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Read the story of our cover picture on page 10

CONTACT US !!

F L E U R I E U P E N I N S U L A F A M I L Y H I S T O R Y G R O U P I N C .

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M E E T I N G S

Monthly Meetings are held on the third Saturday of each month from January–October at 1:30 p.m.

The Annual General Meeting is held on the third Saturday in November commencing at 1:30 p.m. Committee elections are held annually at this time.

Special Interest Group Meetings are held monthly. Contact the conveners for dates and venues:-

Aussie Group—Meets at 1:30 pm on Saturdays monthly—convener Ros Dunstall.

English Interest Group—Meets at 2:00 pm on Thursdays monthly—convener Maggie Woodroffe.

Irish Interest Group—convener Tim Wing 8382 3406.

Scottish Interest Group—Meets Tuesdays—convener Ann Dow.

Daytime Computer Group—Monthly on Mondays at 12:30 pm—convener David Boyce.

Evening Computer Group—Monthly on Wednesdays at 7:30 pm—convener David Boyce.

Brick Walls Group—to start in the new year—contact Tim Wing on 8326 3406 for specifics.

S U B S C R I P T I O N S

Family Membership—\$25.00

Single Membership—\$20.00

Joining Fee—\$5.00

This fee applies to both types of membership.

Fees and subscriptions should be paid to the Treasurer prior to the Annual General Meeting each year.

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P U B L I S H I N G

This Journal—'Relative Thoughts'—is issued quarterly to members. Items for inclusion should be submitted to the Editor by the end of March, June, September and December.

FPFHG shall not be held responsible for statements made or opinions expressed by the authors of submitted materials, nor shall FPFHG vouch for the accuracy of any genealogical data, offers, services or goods that appear herein.

The Editor reserves the right to edit any articles proffered for publication.

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P R E S I D E N T ' S R E P O R T

This year saw us reach a record membership which a few years ago would have seemed impossible. I think its wonderful that so many people are now taking an interest in finding more about their "Roots". The TV programme "Who do You Think You Are" which first aired in the UK in 2004 has certainly created a greater interest in finding what life was like in our Grandparents and Great Grandparents time.

This was highlighted by the wonderful talk given by Marie Maddock on Victorian England which was arguably the best talk given to our members this year. This is not to take anything away from our other speakers who were all entertaining and informative.

The highlight of the year was undoubtedly the success of our Seminar and I congratulate all those involved. It was great to meet up with members of the Northern Districts Family History Group. I am sure interaction between our Groups will prove beneficial to all concerned.

I would like to congratulate the co-ordinators of our special interest groups which are going from strength to strength.

An email has gone out to members about a new group I am starting, basically it will deal with breaking down brick walls and of course anything else anyone would like to bring up . I still have a subscription to British and Irish Origins which I am sure will be of assistance.

The amount of money raised by Ron and Carlien Jared is truly amazing and I don't know what we would do without you and also John Bell who does such an excellent job as our Fund Raising Officer.

This year has been trying with the death of my mother and I would like to thank you for your cards and support at such a difficult time , I would especially like to thank Mike Swift, Nola Clisby and Liz Janmaat, who although not knowing my mother, came to her funeral as support to me. It is times like this one finds out who ones friends are.


I think the Group has reached the time where it needs to consider it's future. Is this as far as we go in our development or should we consider a place of our own in the future. Our fund raising efforts could go towards this goal.

This year my wife had to resign from the committee owing to RSI and I am glad to say her condition has improved and she is now standing for the Committee once again, although not as Journal Editor or Webmaster.

Several members have brought to my attention a certain situation that has developed amongst the Committee. I regret to say this situation has only worsened and I see no easy answer to rectify the matter. I was naive enough to think that we only had family history to worry about in this group (as if that's not hard enough!!) However it appears I was wrong!!!

For the benefit of our newer members it is planned to hold another 'Beginners-Refresher Course early next year provided there are enough members interested.

Finally I would like to wish you all a Happy Christmas and prosperous New Year.



*Genealogy is like a
game of hide and
seek... They hide and
I seek. Some day I'll
get lucky and find
them!*

MOVING FORWARD

As most members are aware, we have had a change in the Committee since the AGM in November 2007. Since then, Dale and Maggie Woodroffe have withdrawn from their respective positions as President and Secretary of Fleurieu Peninsula Family History Group Inc., and the Committee will not be recognising the position of Immediate Past President for the remainder of this year (2008).

The remaining committee have held four Extraordinary Committee Meetings to resolve the situation. As a result of these meetings it has been decided that the remaining committee will carry on the business of the group until the next AGM in November 2008.

Committee Positions

The duties of Acting President will be undertaken by Di Roberts and those of Acting Secretary will be undertaken by Ros Dunstall. The position of Acting Vice-President will be filled by Keith Jones.

We would like to encourage our members to become more active in the “doings” of the group. To this end, we have instigated a Volunteer Register, in which we would like to see members enter their details in respect of the various jobs that must be done at each and every meeting. It is proposed that from this Register, we draw up a roster, thereby sharing the load and allowing more of our members to become actively involved in the group.

Constitution Sub-Committee

Our Constitution is badly in need of review. A sub-committee empowered to review our Constitution is in the initial stages of being formed. A Chairman and a Minute Secretary have been appointed from within the Committee and we are seeking the assistance of three (3) members of the FPFHG who have experience in the writing of Constitutions to assist us. If you are such a person, please forward a brief resume of your experience to the Acting Secretary, either by Email or by Post to reach us by close of business on 1 February 2008.

The Committee hopes that the steps we have put in place for the management of the group for the remainder of the year will be received as positive and forward looking by our members.

As a result of the resolutions reached at our Special meetings, the Committee Members for the remainder of 2008 are as follows:-

Acting President:-

Di Roberts

Acting Vice-President:-

Keith Jones

Acting Secretary:-

Ros Dunstall

Treasurer:-

Barry Maslin

Webmaster & Journal Editor:-

Julie Stokes

Committee Members:-

Nola Clisby

Jeanette Bell

Vanessa Catterall

Constitution Sub-Committee:-

Chairman—**Keith Jones**

Minute Secretary—**Vanessa Catterall**

*“Drawing from
our past as we
strive towards
our future.”*



FUNDRAISING REPORT

The Treasurer, Barry Maslin, gave his report to the members assembled at the AGM.

He reported that the main fund raising events for the year had been the March Seminar, the Quiz night in August and the proceeds from the trading table.

The accounts of the Group had been audited and were found to be accurate.

Barry moved a motion to have the accounts of the Group audited again in 2008 by Mr Ken Morrison. The motion was carried.

A snapshot of the report appears at right.

Working Account

	Income	Expenses
Bal Fwd	982.55	
Receipts 2007	9421.16	
Expenses 2007		8290.04
	10403.71	8290.04
Bal Fwd 2008	\$ 2113.67	

Dream Saver Account

Bal Fwd	2000.00
Interest	161.00
	\$ 2160.00

Total \$ 4274.57

NEW MEMBERS

In this issue we would like to extend a very warm welcome to the following new members:-

- Ken Chaloner
- Peter & Hazel Fellenberg*
- Oscar Fuhlbohm*
- Robert Harrison
- Heather Hobbis*
- Kay & Colin Martin
- David & Ann Wyatt.

* We are reprinting these names as they were inadvertently misprinted.

UPCOMING SPEAKERS

- January:** Jan Lokan—My grandfather’s diary
- February:** To be advised (John Purves postponed)
- March:** Elizabeth Caldicott—History of Gardens
- April:** Peter Christopher—“City of Adelaide” clipper preservation trust.
- May:** to be announced
- June:** to be announced
- July:** to be announced
- August:** to be announced

STATE LIBRARY EVENTS

Discovery walks

These are held on the second Thursday of every month at 10:30 am and 12:00 noon. Meet the staff member in the Spence Wing glass foyer on the ground floor.

For information & bookings phone 8207 7269, or

email them at marketing@slsa.sa.gov.au. You can also get details via their website:

<http://slsa.sa.gov.au> and navigate to their “What’s On” section.

THE HERBIG FAMILY TREE – SPRINGTON

On Sunday 25 November, members of FPFHG travelled to Springton where we met up with David Herbig, our guide and a descendant of Friedrich & Caroline Herbig, at the old family tree. David gave an interesting and informative talk on the Herbig family, in particular on each of the children.

The tree had been the first home of Friedrich Herbig after his arrival in SA in 1855 from Gruenberg, Silesia, Prussia. In 1858 he married Caroline Rattye and took her to live in the tree home. Their first two children were born there.

In 1860 he built a two roomed pine & pug hut nearby, and as the family increased, built a stone cottage adjacent to the hut.

From the old red gum tree, we followed David to the early Friedensberg German School museum which was built in 1861 on land and with money donated by George Fife Angus. The school room served as the St Johannes Church for the early Prussian Lutheran pioneers of Springton. Here some of our group tried their hand at copying script writing - there were some interesting results. The museum has a large collection of educational items of the day and is well worth a visit.

From the school we drove to the Friedensberg Cemetery, where we were able to see the graves of Friedrich & Caroline Herbig. From here we



Friedrich Herbig (1828-1886) and wife Anna Caroline nee Rattye (1840-1927) lived in the tree with the eldest two of their eventual 16 children while a hut was being constructed on leased farmland.



*The Herbig Family Tree, Springton
Photograph taken in 1971 by J. Stokes on a school trip.*

travelled back to the local oval where a picnic lunch was enjoyed.

We then travelled back to Uleybury to visit the old Uleybury School Museum and the Cemetery. The school was built c1856 and restored in 1978. The one roomed classroom had an interesting display of old desks, school furniture and materials from old scholars through the years.

From the school we travelled to the old Uley Cemetery where there was once a Chapel that has sadly been demolished and some of the stone used to build a stone wall around the cemetery. Some of the gravestones have been damaged by vandalism, but Peter Appleby, President of the Adelaide Northern Districts Family History Group, was able to tell us a little of the people buried in the cemetery.

The day ended with everyone agreeing that we had enjoyed a great day out.—*Jeanette Bell*

A CD is available from the FPFHG library, to hear German songs of the area. One in particular is called *Swinging From The Family Tree*—about the Herbig family who lived for some time in the hollow of the old tree. - *Di Roberts*

Editor's Note:- The Uley Chapel and cemetery were restored in 1994/95, by a group of young people from Elizabeth TAFE. The damage that resulted in the demolition was caused by vandalism and has occurred since then—J. Stokes

MEMBER PROFILE

JULIE STOKES – WEBMASTER / JOURNAL EDITOR

I was asked to write this some time ago and hadn't yet done so, but as this is my first edition of *Relative Thoughts* as editor, it seemed a likely time.

For those who don't know me, I have only been a member of FPFHG for six months, but I have been quietly plodding away at my own genealogical roots and assisting others with theirs for well over 35 years.

I was born and raised at Mt Barker, the eldest of six children. I went to school at both Mt Barker Primary and High Schools. My parents both still live in the town, although not in the same house. Mum is in the nursing home and Dad spends most of his time at either my sister's place at Langhorne Creek or at his partner's place in Mt Barker.

Over the years I have worked in a wide range of industries and capacities. When my children were little, I did a lot of part time work in places like hotels and cafes—cooking, bartending and waitressing. Later I worked for W. Jacobs & Co. in the meat works at Mt Barker. I continued to work in part time and contract jobs throughout the years that my children were attending school.

During this time, I also undertook some further schooling at TAFE and completed a Diploma of Micro-Computing and one in Business Management. While still a student at TAFE, I was encouraged by a tutor to take on some teaching myself. I taught word processing, database design & management, desk top publishing and spreadsheet operations at Mt Barker TAFE, Mobilong Prison, Elizabeth TAFE and Aldgate Campus.

I moved to Queensland in 1990 where I again taught at several TAFE colleges and Government funded adult training centers. I spent two years in Brisbane and another two years in Rockhampton before coming home to Adelaide in 1994.

Since then I have worked in mostly administrative type roles at various places. I spent 6 years working on a two on two off rotation at Moomba

Gas Fields in the far north of South Australia. In 2001 I moved to Western Australia where I stayed for just over 2 years. I worked for a large construction firm in Bunbury and also in their on-site office at the Alumina Refinery at Worsley.

My children were by now adding to the family tree on a fairly regular basis. At the time of writing I have six surviving of seven grandchildren and number eight will make an appearance sometime around Christmas '07.

My ancestry is mixed and varied—and more times than not a complete headache. But I'm an Aussie through and through. I have been heard to refer to myself as a sixth generation Aussie, and damned proud of it !!

My mother's people came from Cornwall and Devon. Her parents were actually related—their respective grandfathers were brothers—but no-one knew until I started digging up the family skeletons. Her earliest skeleton to arrive here came in 1837 and was the grandfather of the two skeletons who married.

Dad's family were both English and Prussian. His father's English family came mostly from Birmingham and West Bromwich; while his mother's English family hailed from a variety of places including Wiltshire, Hampshire and Surrey. His mother also had Prussian ancestors—her mother was descended from a family who arrived on the "*Prince George*" in 1838.

I can claim a couple of convicts, and one of those was truly transported for stealing loaves of bread! That fellow led an interesting life indeed. The other one just nicked a lump of iron from his employer and didn't do much else, but he did come to South Australia overland with Hawdon and Bonney in 1838. The bread thief was transported to Van Diemens Land in 1819 and arrived in South Australia in 1846. At some time in the future I will write more on these two gents, as both of their stories are fascinating and so was my years of research into their respective tangled webs.

And that's about it. I thoroughly enjoy the hunting in my research, but even more the thrill of a win. I hope I will enjoy my time as webmaster & editor just as much.

F A M I L Y R E U N I O N S

HOLDEN

The **HOLDEN** family will hold a reunion on **Sunday April 6 2008** celebrating the 200th birthday of William Holden, at the **Hope Valley Sports Club Valley Rd, Hope Valley** (off Grand Junction Rd) from **11am**. The family arrived in SA in May 1838 aboard the *Trusty*. In 1841 they moved 7 miles north east of Adelaide. In 1842 William named Hope Valley after fire had destroyed their premises and rather than feel despondent he felt inspired by 'Hope'. They spent 10 years there. His wife Sally died in February 1851 and William and his four surviving children were separated for a time. William moved to North Adelaide and became a journalist for *The Register* where he remained until his death in October 1897. If you related, please come along. Contact **Di Roberts** on (08) 8382 9604 or diroberts@picknowl.com.au

C I T Y O F A D E L A I D E C L I P P E R S H I P 1 8 6 4

Many of you are aware of the plight of the only surviving clipper in the world—"City Of Adelaide". Currently this heritage listed vessel that was purpose built to service the emigration trade to South Australia, lies in Scotland under order of destruction. The South Australian based action group started several years ago, is now an incorporated trust and are seeking the

support of fellow South Australians in an attempt to save the ship and have it brought back to Adelaide for restoration.

If you are interested, visit the website at

<http://www.cityofadelaide.org> or come along to the FPFHG April meeting to hear Mr. Peter Christopher speak on the subject.

O U R N E W L O G O

It has been decided by the Committee that it was high time both the Website and our Journal had a visual overhaul. As a result, we have now completely revamped the website and a have new look newsletter.

A new Logo has been designed by our webmaster / journal editor, and approved by the committee for tabling at the January meeting for members approval.

The logo relates in meaning to what we are about in general :-

Outer Wide Circle = the wide circle of our research

The Square Inner Part = the square we should look outside of when we are researching

The Horizon = where we are all looking in our research - i.e. to the end of it

The Sea = because it surrounds the Peninsula

The Fish = the catches we make along the way in our research

The Clouds = what we are reaching for in the end

The Sun = everlasting life i.e. just because we have spent years researching, doesn't mean we will finish in this life, after us it's some else's turn

And last but not least the colours - green & gold
- Aussie colours of course.



PERSISTENCE PAYS OFF

From a young age I knew the names of many of my ancestors because of the photos that hung in my gran's home and the time I spent talking about the family with her about them.

Two of these portraits had always intrigued me. They were of my great-great-great-grandparents, Walter Simpson and his wife Mary Ann Scammell. My gran could remember her great grandmother and told me many a story of the old woman's life. It was those stories that led me on a merry chase for nearly forty years.

For years we thought that the Simpson family had come to South Australia direct from England and that they were reasonably well to do. Gran often said that her great grandmother was the daughter of the Archbishop of Canterbury. She also told me that Granny Simpson was more than twenty years younger than her husband and that she eloped to marry him.

All of these family anecdotes were stored away in my memory, written on pie bags and backs of envelopes and kept until one day when I might need them. Some years later, I started tracing my ancestry and soon found that there were some oddities in the recorded and anecdotal history of this family indeed.

The shipping records into South Australia showed a family named Simpson arriving from England in 1846, with Christian names matching some of mine. I found marriage and death records for most of them, but there were no births—how could that be?

Expanding my search to England, I again hit a brick wall—no births for any of their children. After trying just about every avenue to locate them, I gave up for a while and went on with another line of my family.

While helping a friend with some research in Tasmania, I found some very interesting information. A marriage in 1843 in Hobart for Walter Simpson and Mary Ann Scammell, and the births of four children in the same area—both before and after the marriage. This threw me completely. Back to the Tasmanian Archives I went to find anything else I could on these people.

I came up with quite a bit of information indicating that Walter had been a convict, arriving in VDL in 1819, and Mary Ann had arrived free—according to the Muster of 1837. I found his convict indent papers, a description of him and a number of other Government issued records—but nothing on Mary Ann. A search of the SA records

turned up an obituary notice for Mary Ann Simpson which told me that her father was William Scammell, a jeweller from London—more mystery.

Onto the internet I went looking for William Scammell the jeweller from London. I found plenty of Scammells doing other work, but not a jeweller among them. During my nocturnal net searching I found a Rootsweb mailing list for the surname Scammell and duly joined.

After a couple of weeks of sending messages to that list, I received an email from a chap in England who has been researching the family for almost as long as I have. He was most helpful and sent me copies of documents that he had found in the British Archives—among them was an apprentice indent for a William Scammell and some other documents that showed him to be the son of Joseph Scammell, silversmith of Clerkenwell, London.

Imagine my surprise when I realised that I had been looking at a piece of 300 year old Joseph Scammell silverware on top of my mother's fridge for my entire life and didn't know what it was. Mum used it to keep loose buttons in!

From the information I received from my new found relative in England I could now piece much of Mary Ann's ancestry together—but what about the lady herself? I still couldn't place her arrival in Tasmania.

Another letter to Archives Tasmania drew another blank. A few weeks ago I received an email from a lady who had found a record for an Ann Scammell who departed London in 1835 and worked as a nursery maid to a Mrs Dowling. I immediately sent off for archival information on the arrival of this girl and was absolutely floored by what I received in return.

Mary Ann Scammell arrived in VDL on 14 Feb 1835 as a wage earning nursery maid aboard the ship "Sarah" as Ann Scammell. Her employer Mr Dowling was actually the Reverend Henry Dowling, the founder of the Baptist Church in Tasmania. Maybe this is where the Archbishop anecdote originated? The record relating to her assignment gave her name as Mary Scammell, 15 years old and a native of Clerkenwell—my Mary Ann was found.

It has taken me 37 years to unravel this jigsaw puzzle. I could have given up and settled for half the story, but this proved to me that persistence does pay off. My advice is this—NEVER GIVE UP—you'll find it eventually.

Julie Stokes, Pt Noarlunga

RESOURCES & JOURNALS

New Journals since October 2007:-

- Kensington & Norwood Historical Society News (Oct 2007)
- Forbes Family History Group Newsletter
- Ancestree, Journal of Burwood & District Family History Group
- Placenames Australia (Sep 2007)
- Endeavour NSW (Sep 2007)
- Yorke Peninsula (Sep 2007)
- Southern Eyre Peninsula (Sep 2007)
- Whyalla (Sep 2007)
- Caloundra QLD (Sep 2007)
- Adelaide Northern (Sep 2007)
- Mallee Stump NSW (Sep 2007)
- Belfast Genies VIC (Oct 2007)
- Kensington & Norwood (Nov 2007)
- Adelaide Northern (Oct 2007)
- Tracks—Tweed Heads NSW (Nov 2007)

DID YOU KNOW?

- In the 1500's most people married in June because they took their annual bath in May, and still smelled pretty good in June. However, they were starting to smell, so brides carried a bouquet of flowers to hide the body odour. Hence the custom today of carrying a bridal bouquet. ... *Ros Dunstall*
- In 1845 the first ever horse racing Cup won in South Australia, was won at Morphett Vale by a horse called Faugh-a-Ballah owned and trained by Mr. Michael Kenny, a one time resident of the area. ...*State Library*
- In 1886 Willunga had its own Rifle Regiment. It was organized by Captain T. Atkinson, and was disbanded a few years later. It was reformed during the "Russian Scare" under Captain Noye. Again it was disbanded until the Boer War when it was reinstated as a cavalry troop under Captain Lipson. ...*State Library*

WHAT'S ON THE COVER THIS ISSUE

The Southern Grist mill was built before 1853, but there appears to be no record of when it was actually constructed.

On 15th August 1853 a group of wealthy farmers and gents from the local area purchased Lot 81 of the township of Reynella. Those men were Robert Montgomery, Charles Smith, John Reynell, Henry Douglas, Ignatius Sullivan, James Bain and William Sherriff. When the land for the hotel nearby was sold on 22nd August the same year, records do show that the mill was already in operation. Whether it was built by someone else on Lot 81 and simply purchased by the consortium, is a mystery.

A flour miller named George Pool purchased the mill in January of 1855 and he appointed John Cain as Manager of the mill.

There were a few nasty accidents at the Southern Grist Mill. In 1857, John Cain was killed when he was dragged into the machinery.

Mr. Pool continued to operate the mill until his death in 1864, when the ownership passed to his wife. It continued to operate for another twelve months, when it was mysteriously destroyed by fire. Some believe that the fire was deliberately lit.

For those who are unfamiliar with the original Lot numbers of Reynella, Lot 81 is the location of the present day shopping mall, approximately opposite Mill Street.

[T.N. Phillips, *Reynella 1876-1976*, 1976 South Australian Universities Joint Store]

COPYRIGHT & GENEALOGY

If you want to start an argument amongst genealogists and historians, throwing in the Copyright question is always a good place to start, but is one that will affect us all at some point.

Australian Copyright Law

In Australia, copyright law is contained in the Copyright Act 1968 and is administered by the Attorney General's Department. There is no formal Copyright Registry, as in some countries. Copyright is free and automatic in this country and does not depend on publication, the use of a copyright notice or any other procedure.

Under this Act, the following applies to printed works:-

Part 2, Division 4, Section 96 — "Copyright subsisting in a published work or works by virtue of this Part continues to subsist until the expiration of 25 years after the calendar year in which the edition was first published."

Part 2, Division 5, Section 100 — "Subject to Parts VII and X, the publisher** of an edition of a work or works is the owner of any copyright subsisting from this Part."

** publisher here refers also to the author of the work.

An infringement of copyright occurs when an item covered by copyright is copied and/or distributed without the permission of the copyright owner.

There are some exceptions to the rules of Infringement. There are two types of exception—free copying; and fee payable copying.

In general terms, for the purposes of Genealogical Research, the exception rule of **Fair Dealing for the purpose of Research or Study** is invoked.

This rule allows a researcher to copy up to 10% of printed work of not more than 10 pages length; one article from a periodical; is deemed to be fair. In most cases, this form of copying is free.

More frequently now, the Attorney General's Department is declaring certain businesses as official collecting societies to administer the issue of statutory licenses to records repositories for the purpose of allowing the reproduction of copyright work for clients; for inclusion in another library; for preservation. Copying under this method costs.

British Copyright Law

Copyright law in the UK is administered by the UK Patents Office, and the Act that governs copyright in the UK is known as the *Copyright, Designs & Patents Act 1988*.

The UK had a long association with the world of Copyright. The issue raised its ugly head as far back as the 15th Century when the printing press was invented. Since then, a succession of Acts have been passed through the English Parliament, starting with the *Statute of Anne*, passed into law on 10 April 1710, which brought into being the notion of an author being the owner of copyright to his work, and the principle of there being a fixed term of protection from piracy. Since the early 21st Century, it has become the norm in Britain to register one's work a Copyright Protection Agency. These agencies charge a fee

to the author for the registration of the work. The process involves the proving of ownership of the original work. Once upon a time you could do this by sending yourself a copy of your work by registered post, and not opening upon return!

So what does this mean for researchers seeking data from English records that have been lodged on a Copyright Register? It means that you will only be allowed to copy a set number of pages, set passages or paragraphs, or set sections of the work, as prescribed by the Copyright owner of the work—and there will be a hefty charge imposed for the privilege. This will also apply to some newspapers and periodicals.

Again, however, where a book, paper, register, index or the like contains facts such as birth, death or marriage records, the owner of the work cannot copyright those facts—only the presentation or layout of the data therein that can be copyright.

Canadian Copyright Law

Like British and US Law, Canadian Copyright law has a life span. Under the Act that administers Copyright in Canada, copyright ownership of a work terminates 50 years after the end of the year of original publication. [*Copyright Act R.S., 1985, c. c-42, Part II, Sections 15, 18 and 21. Canada 1985*]

US Copyright Law

In the US, copyright laws are derived from the Constitution "...To promote the Progress of Science and useful Arts, be securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries..." [*Constitution of the United States of America 1787, Article 1, section 8, clause 8.*]

Over the more than 300 years since those words were penned, the laws have changed little, except that the laws are now enforced by the US Copyright Office, and deal with things that were then unknown to the authors.

In a very small nutshell, all that is copyright in the US is the author's original expression. The protected material must have been independently created by the author with at least some minimal degree of originality. Anything in the work that is not of the author's original creation is not covered by copyright.

In most cases, items in the US which were created before 1923 are now not covered by copyright law. Items created between 1923 and 1977 may, at the discretion of the US Copyright Office be covered by copyright law, provided that the owner of the work is a) still living and b) has paid a renewal fee on the copyright item.

International Copyright

The biggest myth of all is that of International Copyright. No such thing exists in Australia, New Zealand, UK, Canada or the USA.

In summary

Since Genealogy deals mainly with the discovery and reporting of facts, one should be aware that the only part of your work that can be copyright is the way in which you present it. You cannot copyright a fact.

A M E M O R Y
B Y H . O S B O R N

FPFHG member Heather Boyce is fortunate to have among her family treasures, a series of Memorial Books printed and bound for posterity by her ancestors.

It is intended to serialise an excerpt from one of those books here— perhaps it will spark similar ideas for future generations of our own families.

The author of the item presented here was Hannah Osborn, Great-Great-Grand Aunt of Heather. She was born in 1836 and died in 1923 in England.

As the item is quite long, but very interesting in content, I intend to publish it over several consecutive editions of *Relative Thoughts*.

MANY of the younger members of our family have asked me to write down what I remember of the traditions and stories heard from my father and mother about the maternal ancestry.

As I remember my grandfather, Thomas Chubb, from 1841 onwards, he was a short, vigorous man, with a cheerful red and white complexion, grey hair, a fine wide forehead, and blue eyes. He had fought hard for the comfortable house and the enchanting old garden in which I first remember him, but for years before that he lived in Spital Square, and I have a clear vision of a large drawing-room on the first floor, with painted windows at one end, a Turkey carpet, and the organ in a niche not far from the fire. This I thought the grandest room ever seen, such a contrast to our home at that time in Earl Street, Westminster, but I don't remember the people in it, only the room. That house had a garden behind it, beautiful and fruitful, summer fruit ripening well (only think of it in Spital Square!). All across the end of the garden was the workshop, that had been a greenhouse, but now made good business quarters. When the Conference was held in London Grandpapa used to shroud his currant and gooseberry bushes in calico covers to delay the ripening, that there might be fruit for the preachers—fresh gathered. There were no guests he loved so well. I never heard the reason for the move, but that he acquired the beautiful old house on Stoke Newington Green, called after Sir Walter Mildmay, who was the founder of Emmanuel College, in Cambridge, and his crest, the lion rampant, is on walls and gates of both buildings. Tradition says it was built as a hunting lodge for Henry VIII., and a road near by, that in my time had a high bank and a country hedge above it was called King Henry's Walk—it is a street now, built over. The mulberry tree, still flourishing and bearing fruit in my time—up to 1853, was planted and prospered in the King's reign. The house had panelled rooms and ceilings, the larger rooms hand ante rooms where the King's servants waited.¹ The vines and fig trees and plentiful fruit trees were a great joy to the children who came from Manchester in 1851. My father became Missionary Secretary, and the official residence in 66, Hatton Garden was oppressively dark and dirty, so that Mildmay House became a delightful refuge for me and some of my sisters; while the fine weather lasted, we wandered in the

garden and for the first time in our lives had apples enough. The dear old place was the reward for a long, diligent, and successful business career, whose beginning was full of struggles and ill-usage. Thomas Chubb, at 13 years old, in a Devonshire village, was apprenticed to a tailor, said to be a good workman, with a satisfactory business. At first all went well, but in the second year of his apprenticeship his master began to be cruel to him, to lengthen the hours of work til far into the night, and to keep the boy so short of food that these years of semi-starvation stunted his growth and made him a short man, whereas his brothers were tall and fine looking. When the tailor and his family had a hot dinner the apprentice was not allowed to sit down with them, but had lump of bread given him to eat in the garden or the shop—very seldom a little cheese—and sometimes a raw turnip or carrot as dessert. A baker lived next door, and his apprentice often gave a little food, and when nothing else was to be had a lump of raw dough, warmed on the tailor's goose, used to be the last resort of hunger. Thomas came from a godly home, and was very miserable at being made to work far into Sunday morning, in spite of remonstrances [sic], while the master went to bed in comfort. One Saturday night he had a long job to finish. Sitting alone in the dreary workshop he heard a terrible fluttering overhead, and a ghostly groan.² He saw large white wings moving over him, and was so terrified that he threw down his work and ran. This earned him a sound thrashing, and he began to think of a remedy. He went home and told his mother, and she sent him to the preacher at the chapel not far off. He heard all the story., and saw that the boy could bear no more ill-usage. But how to break his articles? There is nothing for it, said the good man, but for you to run away, be caught and taken before a magistrate—tell your story, and no doubt you will be set free. His mother was greatly distressed at his spending the night in the lock-up. "My Tom in gaol," she sobbed, and the preacher had hard work to make her believe it was for his good. But all turned out well, the mater's ill-usage was known to the neighbours, and the preacher gave the boy a good word. As the tailor had plainly failed to do his duty by his apprentice, the articles were broken and the boy set free. A little money was collected for him in the court, and he sot out for London on foot. He got into good employment there, but not till he had changed his last half crown.

To Be Continued.....

Footnotes:-

1. When the year after grandfather died his son left Mildmay House it became a Deaconesses Home, under a clergyman named Pennefather. The last thing I heard of it was that the management had stripped the walls of the beautiful old panelling and sold it. Barbarians!
2. It was probably nothing but an owl that had lost its way.

Editor's Notes: - A tailor's goose is iron with a bent handle that resembles a goose's neck.

This article has been reproduced verbatim. Errors are marked [sic].