

David Shepherd (1826-1911)

Monograph on David Shepherd, Orchardist and Author

by Louise B. Johnson

David Shepherd, born in New Zealand in late 1826 during his father's superintendence of the New Zealand Company's agricultural expedition, was the second child of Thomas Shepherd and his second wife Jane Susan (née Henderson), and his birth was registered in Port Jackson when the family arrived on the ship *Rosanna* in February 1827.

He was no doubt educated at the Reverend Dr John Dunmore Lang's The Australian College in Kent Street (where his older brother Thomas William was schooled) with its curriculum of English, history, arithmetic, mathematics, geography, Latin, Greek, French, Italian and German.¹

David, aged not quite twelve, first appears as an accomplished nurseryman in September 1838 when he won a second prize for a *Spirea judica* (a flowering shrub) at the first exhibition held by the newly formed Australian Floral and Horticultural Society.² The society was formed in May that year and by the end of the first exhibition it had some 100 members; in time the Governor became the patron. David was still exhibiting with this society in 1844 as a nurseryman at the Darling Nursery (now Chippendale) winning prizes for his magnolia, fuschia and other flora.³

In 1848 a new society, the Australasian Botanic and Horticultural Society, was formed with a stated focus on matters botanic and horticultural, which hastened the demise of the old Floral and Horticultural Society that concentrated on matters floral. The Governor, Sir Charles Augustus FitzRoy consented to be President of the new society however David appears not to have joined although his brother-in-law Robert Henderson was an early member and the second annual report lists his brother Thomas William as a member.

At Thomas Mort's building at Circular Quay at four o'clock on Monday afternoon 20 September 1854 David chaired a gathering of about thirty people who were 'favourable to the establishment of a society' that would promote horticulture and botany. Thomas William Shepherd also attended. At the meeting it was noted that the existing Australasian Botanic and Horticultural Society (formed in 1848)

"had acted more as a drawback than otherwise upon the development and spread of horticultural and botanical science in the colony – its exertions, hitherto, having been confined almost exclusively to the getting up of [rare] shows for the amusement of children, and the hiring of bands of music to please a host of visitors, who had no other interest in its exhibitions than as opportunities for sporting their holiday clothes, and to see and be seen by their friends and acquaintances".⁴

1 *The Sydney Gazette* 3 January 1832 page 1; <https://trove.nla.gov.au/newspaper/article/2204310>

2 *The Australian* 21 September 1838 page 2; <https://trove.nla.gov.au/newspaper/article/36860540>

3 *The Morning Chronicle* (Sydney) 28 September 1844 page 4; <https://trove.nla.gov.au/newspaper/article/31743696>

4 *The People's Advocate and NSW Vindicator* 25 September 1854 p5; <https://trove.nla.gov.au/newspaper/article/251544132>

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At this September 1854 gathering David was nominated treasurer and an annual fee of £1 was agreed upon for membership of the new society, which was called the Horticultural Improvement Society.

On 23 December 1854 David married his cousin Jane Susan Bell (Robert Bell, his wife Isabella and their son James arrived in Port Jackson with Thomas Shepherd on the *Rosanna* in February 1827). David and Jane Susan had seven children including one son Thomas Robert (1859-1936) who would in time join the family business. Their six daughters were: Emily Isabella (1856⁵-1906), Jessie Elizabeth (1857-1927), Jane Susan (1861-1941), Mary Bell (1864-1946), Annie Laura (1867-1942) and Edith Susan (1871-1941).

The newly formed Horticultural Improvement Society had its first formal meeting in May 1855, the Governor Sir William Denison consented to be President, Chancellor of the University of Sydney Sir Charles Nicholson and noted explorer Sir Thomas L Mitchell were appointed vice-presidents, and David was confirmed treasurer.⁶

By 1855 the three brothers Thomas William, David and Patrick Lindesay were trading as Shepherd and Co from the Darling Nursery premises established by their father in 1827.

At the March 1856 meeting of the Horticultural Improvement Society, a note from Felix Wilson which enclosed a copy of Bechstein's 'Cage Birds and Sweet Warblers' was read; Wilson's son William Joshua would marry David's daughter Jessie in 1877.

In early May 1856 David presented the first of his papers on olives, *Cultivation of the Olive in New South Wales*, at the Horticultural Improvement Society's meeting and it was published in full in the *Empire*. His paper begins with a brief description and history of the olive tree:

"near Farni [Italy] ... is a plantation above two miles in extent, of very old trees, and supposed to be the same trees mentioned by Pliny as growing there in the first century of the Christian era".

David notes that in *The History of the Decline and Fall of the Roman Empire*, (published in 1776), Gibbon quoted Pliny who said that the olive 'in the western world followed the progress of peace' and is supposed to be a native of the eastern Mediterranean where it

"grows abundantly about Aleppo and Lebanon, but is now naturalised in Greece, Italy, Spain and the South of France, where it has been cultivated for an unknown length of time".⁷

According to the *Empire*, his paper was 'a very able and elaborate document on the history, cultivation, and growth of the olive tree'. David exhibited a sample of his own manufactured olive oil and at the end of his paper it was stated 'that a sample of the same

5 Probably birth of a daughter to Mrs David Shepherd of Glebe; *The Sydney Morning Herald* 18 January 1856 page 8.

6 *The Sydney Morning Herald* 9 May 1855 page 2; <https://trove.nla.gov.au/newspaper/article/12969024>

7 *The Empire* (Sydney) 10 May 1856 page 3; <https://trove.nla.gov.au/newspaper/article/60247761>

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oil had been forwarded to the Paris Exhibition, and that the Judges had declared it equal to any of the olive oils grown on the shores of the Mediterranean'.⁸

The *Herald* declared that David's paper was the 'most useful', showing that olive oil can be produced here that is 'equal to any imported'.⁹ His paper was subsequently published in *The Sydney Magazine of Science and Art* with title changed to 'The Cultivation of the Olive in Australia'; it included an editor's note: 'A sample of colonial olive oil, grown and manufactured by Mr Shepherd, was exhibited at the meeting. It possessed all the qualities of the finest olive oil of commerce.'¹⁰

At the Society's meeting in June of 1856, David gave a 'very valuable paper on the *Propagation of Plants by Cuttings*'.¹¹

Shepherd and Co's business expanded in November 1856 when David with brothers Thomas William and Patrick Lindesay bought the Mt Philo Estate of some 1,100 acres near Penrith for £2,900,¹² in time renamed Chatsworth. David became the resident manager; early the following year work there started in earnest and labour was sought: 'efficient Ploughmen, bullock-drivers, and Men accustomed to country work'.¹³

When the Horticultural Improvement Society and the Australasian Botanic and Horticultural Society each dissolved at the end of 1856 to establish the new Australian Horticultural and Agricultural Society (often just the Horticultural and Agricultural Society), David was elected one of the 24 council members, as were his brothers Thomas William and Patrick Lindesay; Frederick Creswick was also elected to the council.¹⁴ Within six months there were 528 members of the new society.¹⁵

At the society's first exhibition, held in February 1857, David received first prize for his olive oil reportedly 'equal in quality to some of the finest oils imported'.¹⁶

In mid 1861 Chatsworth was described as

"about three miles from the proposed railway station at South Creek ... and comprehends, we believe about 1400 acres ... the labour, the enterprise, and the skill of the Messrs. Shepherd have been steadily devoted to convert this estate into a horticultural institution worthy to take the lead in the Australian colonies. Building, fencing, and farming had their preliminary claims, but these first steps of settlement were soon overcome. Since this necessary accomplishment, about twenty acres have been cleared and trenched for nursery purposes, and these, to a great extent,

8 *The Empire* (Sydney) 7 May 1856 page 5; <https://trove.nla.gov.au/newspaper/article/60247627>

9 *The Sydney Morning Herald* 8 May 1856 page 5; <https://trove.nla.gov.au/newspaper/article/12979030>

10 *The Sydney Magazine of Science and Art* Volume 2 1859 pages 219-220, 242 at 220.

11 *The Sydney Morning Herald* 4 June 1856 page 8; <https://trove.nla.gov.au/newspaper/article/12976531>

12 NSW Registrar General's Book 51 No. 753 Indenture 14 November 1856.

13 *The Empire* (Sydney) 18 February 1857 page 1; <https://trove.nla.gov.au/newspaper/article/60278359>

14 *The Empire* (Sydney) 10 December 1857 page 1; <https://trove.nla.gov.au/newspaper/article/64981120>

15 *First Report of the Australian Horticultural and Agricultural Society* July 1857 page 12.

16 *The Empire* (Sydney) 27 February 1857 page 5; <https://trove.nla.gov.au/newspaper/article/60275514>

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have been planted ... in addition to this, 100 acres are cleared with the intention of being appropriated entirely to the cultivation of the vine and other fruit trees."¹⁷

Shepherd and Co's landholding at Chatsworth was added to in late 1861 when the brothers bought some 288 acres across Ropes Creek for £705.¹⁸

In early 1865 when Thomas William left the Shepherd and Co partnership, David and Patrick Lindesay remained as co-owners of the Chatsworth estate and that spring there was a large party at Chatsworth for members of the local Presbyterian Church.

"Mr and Mrs [David] Shepherd spared no expense in carrying out, on a liberal scale, the arrangements to celebrate ... At an early hour in the forenoon, large numbers were observed wending their way to [Chatsworth], some on foot, others on horseback, and in gigs and jaunting cars down to the humble cart which was used by many as a mode of transport. The festal scene ... presented a very pleasing and picturesque appearance ... [some] were amusing themselves at the game of cricket ... Two large tables, under a colossal tent, were loaded with a profusion of everything that could tempt the palate, provided at the sole expense of our worthy friends at Chatsworth ... Everyone appeared to be well pleased with the entertainment, and with Mr. and Mrs. Shepherd's kind and urbane demeanour."¹⁹

In the late summer of 1868 to celebrate the appointment of a new Presbyterian preacher in their locale:

"Mr. and Mrs. Shepherd, of Chatsworth, and the numerous workmen at their gardens and nursery, had determined to give a picnic on the occasion ... A large rustic tent had accordingly been erected for the purpose near the church, the walls and ridge pole of which were enveloped from top to bottom in masses of shrubbery, and the roof or rather ceiling being formed of tarpaulins. The whole rustic erection had the most interesting and attractive appearance imaginable, greatly exceeding in this respect from the profusion of shrubbery, that of the tent in which the Floral Exhibition of the Horticultural Society was recently held, in honour of the Prince, in the Inner Domain in Sydney. Two long tables, one on each side of the ridge pole, were covered with quite a profusion of refreshments for the numerous guests; all of whom partook, in their turns, of the good cheer which had been so abundantly provided, including a large supply of delicious grapes from Mr. Shepherd's grounds."²⁰

The *Town and Country Journal* visited Chatsworth in the winter of 1872.

"At the [Darling Nursery's] branch establishment of Chatsworth ... though there are thousands of young fruit trees in a healthy and forward state, things have not altogether gone as the proprietors could desire. In ordinary weather, the estate is favourably situated; there are no southerly 'busters' to scorch and uproot vegetation, but for the past thirteen months there has been no rain ... Hence some of the orange trees at Chatsworth are not looking well, the copious rains of the previous season having rendered them unable to withstand the previous drought. The water in the reservoir is lower than it has been for years ... a great many varieties of fruit have been

17 *The Sydney Morning Herald* 21 May 1861 page 10; <https://trove.nla.gov.au/newspaper/article/13068190>

18 NSW Registrar General's Book 76 No. 429 Indenture 24 December 1861.

19 *The Empire* (Sydney) 20 September 1865 page 2; <https://trove.nla.gov.au/newspaper/article/64144129>

20 *The Empire* (Sydney) 14 February 1868 page 2; <https://trove.nla.gov.au/newspaper/article/60850368>

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raised from the Chatsworth peach ... The frosts had nipped the young orange trees, but not beyond hope of recovery. There are about 25,000 young apple trees in various stages of growth. Camellias, azaleas, and magnolias are in extensive cultivation, as also a very numerous collection of standard roses, gladioli, &c."²¹

It is very likely this was written by David's brother, Thomas William, who was engaged by Samuel Bennett, the journal's proprietor, to write a regular horticulture and gardening column starting with the first edition in January 1870.

In the spring of 1872 David 'exhibited a collection of sixty varieties of double and single Hyacinths' grown at Chatsworth.²² *Sixty* varieties of hyacinths. The collection was highly commended.

In 1879 or 1880 David and his family moved to Robert Street, Ashfield.²³ They leased a two storey brick house on the southern side of Robert Street between Queen and Holden Streets from the Reverend Samuel Humphreys. Humphreys had bought the land in 1865 for just over £48,²⁴ and adjoining allotment in 1867 for just over £51,²⁵ and the house was built in the mid 1870s. The lease arrangement may have been tied to a financial loan which David made to Humphreys.²⁶ As well as possible finance from David, Humphreys gave a mortgage to the Australian Mutual Provident Society in 1868 for £550 (redeemed in 1873),²⁷ and a subsequent mortgage and charges over the property to the Savings Bank of New South Wales while the Shepherd family lived there.

The Robert Street property had a frontage of 86 feet and depth of 265 feet and the house, with verandahs on both levels and french doors leading to the verandahs,²⁸ was set some 170 feet back from the road resulting in a very large front garden.²⁹ It's likely David gave it the name 'Belmont': in 1830 his uncle Robert Bell received a land grant of 320 acres at Bringelly near Camden which he called 'Bellfield'.³⁰ Sir John Jamison was a near neighbour with 700 acres and magnificent house 'Regentville' and his son Robert Thomas married Bell's daughter Jessie Isabella in 1857.³¹

Jane Susan, 'the beloved wife of David Shepherd' died at 'Belmont' in late August 1886,³² and David continued to live on in the house with daughters Emily, Jane and Edith.

21 *The Australian Town and Country Journal* 20 July 1872 page 12; <https://trove.nla.gov.au/newspaper/article/70495913>

22 *The Empire* (Sydney) 5 September 1872 page 2; <https://trove.nla.gov.au/newspaper/article/60865232>

23 NSW Electoral Roll 1877-1878 DS at Chatsworth, Eastern Creek entry #923; Electoral Roll 1881-1882 DS at Robert Street, Ashfield entry #4681.

24 NSW Registrar General's Book 94 No. 83 Indenture 23 June 1865.

25 NSW Registrar General's Book 105 No. 506 Indenture 30 September 1867.

26 *David Shepherd of Belmont, Ashfield* by N Peek, *Ashfield & District Historical Society Journal* June 2000 pp 126-7

27 NSW Registrar General's Book 134 No. 845 Indenture 21 March 1873.

28 *The Rogers of Robert Street* by C Roger, *Ashfield & District Historical Society Journal* June 2000 pages 117-125.

29 Peek, *op. cit.*, page 126.

30 *NWS Government Gazette* 9 May 1838 page 363; <https://trove.nla.gov.au/newspaper/article/230386354/12579952>

31 *The Sydney Morning Herald* 10 September 1857 page 12; <https://trove.nla.gov.au/newspaper/article/28632902>

32 *The Sydney Morning Herald* 30 August 1886 page 1; <https://trove.nla.gov.au/newspaper/article/13633130>

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The Free Trade Association of New South Wales, which was formed in August 1885,³³ in its manifesto included in its objects 'to oppose, by all constitutional means, any attempt to levy taxes through the Customs House for the benefit of one part of the community at the expense of the population'.³⁴ The Association was not connected with any political party and was generally supportive of land taxation rather than an *ad valorem* duty on traders. Branch associations were encouraged and in March 1889 David was 'appointed unanimously' a provisional officer of the newly proposed Free Trade Association branch at St. Marys.³⁵

In 1891 David sold some 242 acres of his Chatsworth estate to his brother Patrick Lindesay for just over £2,684.³⁶

Then in 1896 David sold his Rydalmere property 'Lindesayville' of some 38 acres fronting the Parramatta River for the nominal sum of ten shillings to his unmarried daughters Emily Isabella, Jane and Edith Susan 'for the purpose of making provision' for them and 'in consideration of the natural love and affection' which he had for these daughters.³⁷ Having sold 2 acres on the north west corner of the property in 1890 to the Crown for £240, the remaining acreage was worth at least that per acre: it was a not inconsiderable gift.

But, as well as being mindful of the welfare of his three unmarried daughters, David was also engaged in estate planning. Duty on probate, a death tax, had been reintroduced in New South Wales under the *Stamp Duty Act* of 1880 at a flat rate of 1 percent 'on every £100 or part thereof' of an estate's value.³⁸ (Universal probate duty was first introduced in 1851 with legislation that removed the discretion for Supreme Court judges to levy estates,³⁹ and continued under the 1861 *Stamp Duty Act* which lapsed in 1874.⁴⁰) The 1880 statute was amended in 1886 which introduced a sliding scale of duty that started at 1 percent for estates valued under £5,000 and rose to the top level of 5 percent for estates valued at £50,000 or more.⁴¹

In mid 1897 a Bill to increase probate duty was defeated in the Legislative Council where David's younger brother Patrick Lindesay was a member. In the Chamber, Patrick Lindesay said that the proposed bill was 'taxation of a most obnoxious character'.⁴² But the *Evening News* intimated that many who sat on the Council were wealthy and that they

33 *The Sydney Morning Herald* 29 August 1885 page 13; <https://trove.nla.gov.au/newspaper/article/13596723>

34 *The Sydney Morning Herald* 3 October 1885 page 10; <https://trove.nla.gov.au/newspaper/article/13599363>

35 *The Evening News* (Sydney) 19 March 1889 page 7; <https://trove.nla.gov.au/newspaper/article/108793100>

36 NSW Registrar General's Book 467 No. 690 Indenture 20 February 1891.

37 NSW Registrar General's Book 580 No. 347 Indenture 15 June 1896.

38 *Stamp Duties Act of 1880* (NSW) Schedule 2.

39 *Repeal of Judges Taxing Powers Act* 1851 No.22a (15 Vic. No.18).

40 *Taxation in Australia* by Stephen Mills, 1925, page 56.

41 *Stamp Duties Amendment Act of 1886* Schedule B Part I Section 1.

42 NSW Parliamentary Legislative Council Hansard 9 December 1897 page 5693.

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“set themselves up for platform oratory. Who can expect the huge mass of the people to vividly realise the unhappy lot of widows who have £100,000 or £50,000 left to them, and have to pay a few thousands [*sic*] to the State out of these very comfortable sums.”⁴³

The bill was rejected 28 votes to 9.⁴⁴

The new *Stamp Duty Act*, which was passed in 1898, kept but did not adjust the sliding scales for probate duty.⁴⁵ But in late 1898 a Bill to significantly raise probate duty passed the Legislative Assembly and went to the Legislative Council. Patrick Lindesay told the Chamber that he ‘looked on probate duties as very unfair in their incidence, and he would, therefore, vote against the bill’.⁴⁶ Another member said that it was ‘a downright fraud of the widows and orphans’.⁴⁷ On a division of votes 26 to 7, the Council rejected the Bill and the Minutes again record Patrick Lindesay as one of the ‘no’ votes.⁴⁸ The alternative was a tax on the import of tea but probate duty remained a topical issue.

It was added incentive for David to have family interest real estate held in the names of his unmarried daughters while retaining just Chatsworth for himself. If he predeceased Emily, Jane and Edith they were well provided for: Jane never married and lived until 1941. If an unmarried daughter predeceased him (as happened) then her share would revert to him for him to deal with as he chose.

The Shepherd sisters Emily Isabella, Jane and Edith Susan bought ‘Belmont’ from the Savings Bank of New South Wales in June 1899 for £485.⁴⁹ After redeeming his title from the Australian Mutual Provident Society in 1873, late that year Humphreys (the owner) mortgaged the property to the Savings Bank for £800,⁵⁰ a charge was added in 1875 for £500 (when he paid off £200),⁵¹ and another charge added in 1884 for £1,000.⁵² As was usual under Old System, the October 1873 mortgage transferred title to the bank subject to an equity of redemption by Humphreys on satisfaction of the loan and the subsequent charges. However Humphreys died in November 1896⁵³ without redeeming his equity; his estate was sequestrated (Humphreys was declared bankrupt),⁵⁴ so the bank kept the title and sold the property to the incumbent tenants, members of the Shepherd family.

In the spring of 1899 David’s remaining Chatsworth acreage was for lease:

43 *The Evening News* (Sydney) 10 December 1897 page 4; <https://trove.nla.gov.au/newspaper/article/108871966>

44 NSW Parliamentary Legislative Council Hansard 9 December 1897 page 5710.

45 *Stamp Duties Act, 1898* Third Schedule Part I Section 1.

46 *The Daily Telegraph* (Sydney) 15 December 1898 page 7; <https://trove.nla.gov.au/newspaper/article/239457306>

47 *The Kiama Reporter* 4 January 1899 page 4; <https://trove.nla.gov.au/newspaper/article/102778730>

48 NSW Parliament, Minutes of the Proceedings of the Legislative Council 14 December 1898 pp 97-100 at 99.

49 NSW Registrar General’s Book 644 No. 808 Indenture 23 June 1899.

50 NSW Registrar General’s Book 139 No. 466 Indenture 29 October 1873.

51 NSW Registrar General’s Book 149 No. 214 Indenture 31 March 1875.

52 NSW Registrar General’s Book 282 No. 987 Indenture 28 July 1884.

53 *The Daily Telegraph* (Sydney) 10 November 1896 page 6; <https://trove.nla.gov.au/newspaper/article/238554197>

54 *The Sydney Morning Herald* 25 October 1898 page 3; <https://trove.nla.gov.au/newspaper/article/14179864>

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“that Beautiful PARK-LIKE ESTATE, owned by Mr. David Shepherd, containing over 800 acres rich grass lands, securely fenced, divided into paddocks, well watered, suitable for a STUD FARM, agistment, Dairy, and farming purposes. Residence, 8 rooms and stabling, 3 huts for men, magnificent cow yard, stock-yard, etc.”⁵⁵

The contact was John George North, stock broker, at 82 Pitt Street Sydney, who was David’s son-in-law and the son of John Britty North (also a stock broker) who registered the Katoomba Coal Mine Company in 1878; John George had married Mary Bell Shepherd in 1882.

The Shepherd property portfolio was further added to in October 1899 when Emily, Jane and Edith purchased for £1,016 the two acre Lachlan Street, Waterloo premises where Shepherd and Co had operated since 1891.⁵⁶ The purchase was possibly funded by income from the large Rydalmere acreage.

Still needing to augment government revenue, in December 1899 the treasurer resurrected the 1898 *Probate Duties Amendment Bill*, amended it to accommodate the previous resistance and reintroduced it. It was still a contentious issue and was hotly debated:

“It is a proposal to tax, not only the people, but the widow and the orphan ... when, perhaps, the husband and father has spent a lifetime in accumulating a little money to protect his widow and children from destitution”.⁵⁷

The treasurer said the revenue raised would be £70,000 and pointed out that he had incorporated a 50 percent concession where estates passed to the immediate family: a widow, children and grandchildren. The debate in the Assembly began just after 1 am and lasted over seven hours which included the Second Reading speech, clearing the Bill for the Legislative Council.

In the Legislative Council, Patrick Lindesay was still a Member and he sat that day. He again voted against the Bill but was in the minority and the Bill passed 18 votes to 8.⁵⁸ estates valued up to £50,000 (after deduction of debts) attracted the 50 percent concession if the estate was inherited by the immediate family, as defined.⁵⁹ But the scale of rates effectively doubled, with the rates of duty starting at estate value between £1,000 and £5,000 taxed at 2 percent and scaling up to estates valued at over £100,000 taxed at 10 percent.⁶⁰ In 1904 the 50 percent deduction for immediate family estate inheritance was reduced to cap at estates worth up to £30,000.⁶¹

55 *The Daily Telegraph* (Sydney) 16 September 1899 page 4; <https://trove.nla.gov.au/newspaper/article/237189364>

56 NSW Registrar General’s Book 652 No. 323 Indenture 18 October 1899.

57 NSW Parliamentary Legislative Assembly Hansard 20 December 1899 page 3635.

58 NSW Parliament, Minutes of the Proceedings of the Legislative Council (21 December, 1899) pp 157-164 at 163.

59 *Probate Duties (Amendment) Act*, 1899 Section 1.

60 *ibid*, Schedule.

61 *Stamp Duties (Amendment) Act* 1904 Section 24.

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Three years after her marriage, Edith sold her one third share in 'Belmont' Robert Street to Emily and Jane in 1905 for £200.⁶² Curiously, Edith did not relinquish her equity in Rydalmere and Waterloo at this time.

Emily died in 1906 intestate and her estate devolved to David. Under the statute, gifts made within twelve months of date of death were also captured for probate duty;⁶³ as administrator, David sold Emily's moiety in 'Belmont' to Jane for £290,⁶⁴ thus Jane became the outright owner of 'Belmont'. And he sold Emily's moiety in Rydalmere and Waterloo to Jane and Edith for £666 13 shillings and 4 pence,⁶⁵ which they possibly funded from Rydalmere and Waterloo lease income.

As part of Emily's estate, David also acquired a one-fourth share in property at Narrabeen. Cousins David Shepherd and David Bell had in common a lack of middle name, which was unusual in their respective families. David Bell was the Legislative Assembly Member for Camden between 1861 and 1865,⁶⁶ and during the 1870s he was the Stock Inspector for the Dubbo district.⁶⁷ He never married and he died in Dubbo in late 1894. In his Will he left all his real and personal estate to his four unmarried nieces Emily Isabella, Jane and Edith Susan Shepherd and Mary Bell Jamison.⁶⁸ This included Lots 1 and 2 of Section 19 of the Mount Ramsay Estate, Narrabeen which he bought in 1889 for £200.⁶⁹ Emily's moiety was never sold by her father and in time it became part of his estate.

David sold his remaining 801 acres at Chatsworth in 1909 to Thomas Baker for £4,500.⁷⁰ At the time it was described as 'a fine grazing property ... eminently suitable for a Stock Depot or Stud Farm, or for subdivision into 3 or 4 dairy farms'.⁷¹ It was again the end of an era and after the sale of Chatsworth, David slipped from public view.

In 1910 Jane sold 'Belmont' for £520;⁷² she moved to Burwood and David moved to Strathfield, probably to live with his daughter Edith and her husband Charles Cowdery.

In June 1911 after a holiday with Edith in Austinmer, south of Sydney, David collapsed as 'they were preparing to take the train for Sydney' and he died.⁷³ Probate was granted the next month to Charles Stephen Cowdery and David Lindesay Aitken his nephew, a solicitor, the executors and trustees named in David's Will of 27 November 1906.⁷⁴

62 NSW Registrar General's Book 786 No. 358 Indenture 4 August 1905.

63 *Stamp Duties Act* 1898 Section 49(2)(A)(b).

64 NSW Registrar General's Book 803 No. 565 Indenture 31 May 1906.

65 NSW Registrar General's Book 803 No. 564 Indenture 31 May 1906.

66 NSW Parliament; <https://www.parliament.nsw.gov.au/members/Pages/member-details.aspx?pk=588>

67 *The Maitland Mercury* 16 October 1877 page 7; <https://trove.nla.gov.au/newspaper/article/18837024>

68 David Bell's sister, Jessie Isabella, married Robert Thomas the second son of Sir John Jamison on 25 July 1857.

69 NSW Registrar General's Book 408 No. 461 Indenture 15 February 1889.

70 NSW Registrar General's Book 895 No. 803 Indenture 6 December 1909.

71 *The Sydney Morning Herald* 11 September 1909 page 21; <https://trove.nla.gov.au/newspaper/article/15102489>

72 NSW Registrar General's Book 914 No. 120 Indenture 18 August 1910.

73 *The South Coast Times* 9 June 1911 page 13; <https://trove.nla.gov.au/newspaper/article/141925001>

74 *The Sydney Morning Herald* 22 July 1911 page 6; <https://trove.nla.gov.au/newspaper/article/28137566>

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In his Will, David left his furniture and personal effects to his daughter Jane. David seems to have had a running account with his son-in-law JG, and also with JG's father John Britty North, both stock brokers:⁷⁵

"I bequeath to all my daughters who shall be living at the time of my death in equal shares the balance of money owing to me by Messieurs J B and John George North Provided that any sum or sums already paid by my direction to any of my daughters by the said John George North on account of the principal sum originally owing to me by the said Messieurs J B and John George North shall be deducted from such daughters [*sic*] share of the balance".⁷⁶

(In 1873 the Union Jack Gold Mining Company Limited listed David, residing at Chatsworth, as a fully paid up shareholder of 50 shares at £1 each;⁷⁷ John Britty North was the Sydney broker for the company when it floated in September 1872.⁷⁸ In 1890 David Shepherd of Ashfield is also listed as a contributing member of the Great Lode Silver-mining Company.⁷⁹)

The residue of David's personal estate and 'the whole of [his] real estate' was left to his children who survived him. At the time his real estate amounted to the one quarter share in the Narrabeen properties (formerly daughter Emily's moiety inherited from David Bell), and some 4 acres of land in Bexley via an Indenture of Mortgage dated 29 December 1909 value £150 held with an equity of redemption by the mortgagor, a Mr Searson.⁸⁰

The trustees were empowered, at their discretion, to

"postpone the sale and conversion of my real estate or any part thereof for so long as they shall think fit and that the rents profits and income to accrue from and after my decease of and from such part of my estate as shall for the time being remain unsold and unconverted shall after payment therewith of all incidental expenses and outgoings be paid and applied to the Person or Persons and in the manner to whom and in which the compus [*sic*] would have been payable if such Sale and Conversion had been actually made".

This was important regarding the properties at Narrabeen which were probably leased.

As executors, Aitken and Cowdery sold the one-quarter share in Narrabeen to Jane Shepherd and Edith Cowdery (née Shepherd) as tenants in common for £25.⁸¹ Shortly after this, Mary Bell Jamison sold her one quarter equity in Narrabeen to her cousins Jane and Edith also for £25,⁸² and they sold the lots to the Crown in 1914 for £82 10 shillings.⁸³ David Bell had bought the land for £200 in 1889: the 1890s depression and the war had affected property values.

75 John George and his father John Britty North were in partnership trading as J B North & Son from 1881 to 1889.

76 NSW Will Book No. 53233.

77 NSW Government Gazette [Issue 23] 24 January 1873 page 257.

78 *The Goulburn Herald* 14 September 1872 page 5; <https://trove.nla.gov.au/newspaper/article/101096183>

79 NSW Government Gazette [Issue 106] 25 February 1890 page 1695.

80 NSW Registrar General's Book 897 No. 290 Indenture of Mortgage 29 December 1909.

81 NSW Registrar General's Book 947 No. 886 Indenture 19 October 1911.

82 NSW Registrar General's Book 954 No. 279 Indenture 8 December 1911.

83 NSW Registrar General's Book 1046 No. 931 Indenture 18 December 1914.

David Shepherd (1826-1911)

On payment of £150 (the original value of David's loan) the Indenture of Mortgage of 1909 over the Bexley acreage was transferred to Jane Shepherd.⁸⁴

Furthermore, in his Will, David stipulated that his daughters were not to subsidise any outstanding liabilities relating to Shepherd and Co:

“Provided that any sum or sums my trustees may be called upon to pay for or pay any outstanding liability or liabilities of the late firm of Messieurs Shepherd & Co Nurserymen shall be deducted by my trustees from the Share of my son Thomas Robert Shepherd in the residuary trust moneys under this my Will”.

His nephew David Lindesay Aitken was

“entitled to charge my estate for all business done by him in relation to my estate ... in the same manner as he would have been entitled to charge my executors and trustees for the same if he had not been himself an Executor or trustee but had been employed by my Executors and trustees to do such business as their solicitor”.

David's estate was valued at £4,472 3 shillings and 3 pence nett, as annotated on his Will by the Stamp Duties Office and thus it fell within the lowest tier for probate duty (estate value between £1,000 and £5,000 taxed at 2 percent); it also attracted the 50 percent concession because the estate passed to his surviving children.

* * *

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84 NSW Registrar General's Book 976 No. 751 Indenture Transfer of Mortgage 18 December 1912.