



## REGISTER OF HERITAGE PLACES - ASSESSMENT DOCUMENTATION

### 11. ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

The criteria adopted by the Heritage Council in November 1996 have been used to determine the cultural heritage significance of the place.

#### PRINCIPAL AUSTRALIAN HISTORIC THEME(S)

- 7.5.7 Dispensing justice
- 7.5.7 Living with slums, outcasts and homelessness
- 6.4 Building a system of higher education

#### HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 403 Law and order
- 404 Community services and utilities
- 402 Education and science

#### 11.1 AESTHETIC VALUE\*

*Court House (fmr), Fremantle* is significant as a well designed and built, simply composed, elegant example of a civic building in the Victorian Regency style. (Criterion 1.1)

*Court House (fmr), Fremantle* is a part of a landmark group of buildings which, when viewed across the open expanse of the Fremantle Esplanade, particularly contributes to the aesthetic qualities of the area. (Criterion 1.3)

*Court House (fmr), Fremantle* is part of the West End of Fremantle, a precinct characterised by a large number of Victorian buildings. In particular, *Court House (fmr), Fremantle* combines with the group of buildings facing the Fremantle Esplanade, which include the Commissariat Stores (fmr) (1853) and the Federation Period two-storey terrace of houses to the west of *Court House (fmr), Fremantle*, to collectively form an important streetscape of intact significant Victorian buildings. (Criterion 1.4)

#### 11.2 HISTORIC VALUE

*Court House (fmr), Fremantle* is representative of the development of the port of Fremantle to a large town with a diverse population needing improved law enforcement and judicial facilities. (Criterion 2.1)

\* For consistency, all references to architectural style are taken from Apperly, Richard; Irving, Robert and Reynolds, Peter *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*, Angus & Robertson, North Ryde, 1989.

*Court House (fmr), Fremantle* is associated with the original location of trade operations in Fremantle. (Criterion 2.1)

*Court House (fmr), Fremantle* is valued for its role in the development of law and order in the State, serving as a Court House from 1884 to 1899, and as one of the significant public buildings built in the West End of Fremantle in the 1880s. It was the third court house established in Fremantle, superceding the 1835 and 1851 court houses, located at Arthur's head, and was in turn replaced by the larger Henderson Street Court House from 1899. (Criterion 2.2)

Numerous social services for the underprivileged of the Fremantle area operated from *Court House (fmr), Fremantle* from 1921 to the mid-1990s, including housing for migrants, a rest home for alcoholics, and a men's refuge called 'Haven', 'Tanderra' and then 'Uniting House'. (Criterion 2.2)

The place was supervised and probably designed by Richard Roach Jewell, Chief Architect of the Public Works Department from 1853 to 1884. (Criterion 2.3)

### 11. 3. SCIENTIFIC VALUE

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### 11. 4. SOCIAL VALUE

*Court House (fmr), Fremantle* is valued by the community for its contribution to social services in the City of Fremantle. Its role in the delivery of services to the needy in Fremantle from 1921 to the mid 1990s was a long standing and visible one. (Criterion 4.1)

The place is valued by the community for its historical associations with the development of Fremantle, as indicated by its inclusion on the Register of Heritage Places, the National Trust's List of Classified Places, the Register of the National Estate and the Municipal Inventory for the City of Fremantle. (Criterion 4.2)

## 12. DEGREE OF SIGNIFICANCE

### 12. 1. RARITY

*Court House (fmr), Fremantle* is rare in Western Australia as an extant Victorian Regency civic building. (Criterion 5.2)

### 12. 2 REPRESENTATIVENESS

*Court House (fmr), Fremantle* is representative of the small, simply designed, classically influenced buildings erected during the pre-gold rush period of the State. (Criterion 6.2)

### 12. 3 CONDITION

*Court House (fmr), Fremantle* suffers severely from rising damp. All load-bearing walls show signs, to a height of about 1200 mm above ground level, of problems associated with salt, despite the building being regularly maintained and cared for.

This rising damp is an underlying problem that cannot be resolved in the short term. In part it is caused by the high water table and the cumulative effect of earlier years of neglect.

#### 12.4 INTEGRITY

*Court House (fmr), Fremantle* has high integrity.

*Court House (fmr), Fremantle* is part of the Notre Dame University's College of Law, and is currently used as a teaching facility for mock trials, which requires a court room scenario. This current use is compatible with the original intended purpose.

#### 12.5 AUTHENTICITY

*Court House (fmr), Fremantle* is of moderate to high authenticity

The building has recently undergone a programme of extensive conservation works. The works were based on thorough research of the building. The room layouts to the east and west wings are not necessarily an accurate reinstatement of the original.

The area at the north end of the courtroom is new and does not match the original. The area of raised platform has been cut back from its original line. The original, more extensive, platform seemed disproportionately large when compared to the space allocated for public seating. There is some speculation that the more extensive platform area was the result of a late change in the original planning. Bearing in mind the positioning of doors to the ancillary wings, which seem to suit the current layout, this assumption does not seem to be unreasonable. The benching for the judge has been relocated from the Beaufort Street Police Courts.

### 13. SUPPORTING EVIDENCE

The documentary evidence has been compiled by Prue Griffin, Historian. The physical evidence has been compiled by Alan Kelsall, Kelsall Binet Architects.

#### 13.1 DOCUMENTARY EVIDENCE

*Court House (fmr), Fremantle* is a single storey stone and corrugated iron building located on the corner of Marine Terrace and Mouat Street Fremantle. It was constructed in 1884 as a courthouse for the Fremantle Magistrate.

The settlement of Fremantle in the early part of 19<sup>th</sup> century was focused on the axis between the port in South Beach and the Swan River which was the transport route to the capital at Perth. Hence Cliff Street was the main thoroughfare in the town. In the 1870s a sea wall was constructed into South Bay, and Marine Terrace and some additional land was subsequently created by land fill. Government Reserve number 27 which is the location of *Court House (fmr), Fremantle* was part of the land and was dedicated 'Water Police Grant'.<sup>1</sup> In 1873, an ocean jetty was constructed from South Beach increasing the focus on the western end of Fremantle. Marine Terrace became an

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<sup>1</sup> Fremantle Town Allotments Map c.1870s Fremantle Library Local History Collection as cited in Ian Molyneaux and Rima D'Arcy 'A Conservation Plan for the Former Courthouse, Fremantle W.A., November 1990. p. 1.

important link between the ocean and the town. Photographic evidence suggests that this part of the town was increasingly densely occupied. The civic hub of the town was located around the junction of Marine Terrace and Cliff Street. This included the Customs Offices, Commissariat Stores, the Post Office, the Water Police offices and the Courthouse and Police Station.<sup>2</sup>

The judicial system in the colony followed the British institutional forms. Two courthouses had existed in Fremantle in the vicinity of Arthur's Head prior to the construction of *Court House (fmr), Fremantle*. The first, no longer extant, was situated on the south side of the Round House. It was constructed in 1835 and constantly modified until 1851. The second, on the northern side of the Round House was constructed in 1851 and maintained until 1881. In March 2003, it is the site of a café.<sup>3</sup>

The previous courthouses were inadequate for the needs of the growing settlement. Demands of the judicial system were increased by the transportation of convicts to the colony from 1850 to 1868.<sup>4</sup> In 1883, tenders were called by the Public Works Department for the construction of a courthouse in Fremantle.<sup>5</sup> No original plans have been found for *Court House (fmr), Fremantle* however it is likely that the design was overseen by the Superintendent of Works at the time, architect Richard Roach Jewell. Jewell held that position until his retirement in 1884. The successful tenderer was J.J. Harwood and Sons with a price of £930 17s.<sup>6</sup> On the same date a memorandum sent to the Colonial Secretary from Jewell stated that the '... ground over the entire site ... (was) ...so rotten and unsound ... (that) ... I found it necessary to deepen the foundations to ensure stability'. Jewell further requested that Harwood supply extra concrete should it be required to even further deepen the foundations and expressed his knowledge of the 'very treacherous nature of the subsoil'.<sup>7</sup> Jewell's knowledge of the project suggests he may have had input into the design of *Court House (fmr), Fremantle*, or even been responsible for it. Many of the public buildings attributed to Jewell during this period were also influenced by James Manning, Clerk of Works, and it is possible that he also had some input into the design of *Court House (fmr), Fremantle*.<sup>8</sup>

On 23 April 1883, a meeting was held by prominent Fremantle citizens to select a site for the new courthouse. Members of the Fremantle Council visited two sites, one in Cliff Street and the other in Marine Terrace. An overwhelming majority of fifteen votes preferred the Marine Terrace site.<sup>9</sup> It is unusual that this debate occurred after the plans were drawn and the tender accepted.

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2 Molyneaux and D'Arcy, op. cit. p. 2.

3 Bruce Bott, Unpublished paper, 'Fremantle's Third Courthouse' University of Notre Dame Australia, College of Law, Law Library, 21 January 1999. p. 1.

4 Fremantle Prison Newsletter, Issue 15, June 2000, p. 1.

5 *Government Gazette*, 30 January 1883, p. 44.

6 *Government Gazette*, 24 April 1883, p. 184.

7 CSO Records, File 1417/120, Acc 527, SROWA as cited in Molyneaux and D'Arcy op. cit. p. 2.

8 Burridge, Olivia, Richard. Roach. Jewell, unpublished thesis, 1999.

9 CSO Records File 1503/28, Acc 527, SROWA and Fremantle Council Minutes, File 217/2, Acc 1377, SROWA as cited in Molyneaux and D'Arcy op. cit. p. 2.

Work began on the new building at the Marine Terrace site in May 1883.<sup>10</sup> Harwood was responsible for the construction of a number of buildings in this period, including the Fremantle Railway Station. The construction was overseen by Richard Roach Jewell who held the position of Acting Director of the Public Works Department in 1883.<sup>11</sup> It is noted in later publications that the roof was originally lead but this has not been established through any documentary evidence.<sup>12</sup>

The new courthouse was completed in February 1884 but it was not until early in July 1884 that the building was formally opened. Comment from the local press stated that *Court House (fmr), Fremantle* was 'convenient and comfortable' even though 'the greater part of the room (had) been monopolized by the bench, leaving very little standing room'.<sup>13</sup> Tenders for the furnishings of *Court House (fmr), Fremantle* were called in March 1884 and the successful company was Smith and Co who fitted out the interior of the building in 'karri pine'.<sup>14</sup> A further tender was called for *Court House (fmr), Fremantle* in January 1885 to repair walls, piers and fence. Again the successful tenderer was JJ Harwood and Son with a price of £35.<sup>15</sup>

Only two magistrates heard disputes at *Court House (fmr), Fremantle* during the period it operated as a functioning courthouse, from 1884 to 1899. John George Slade was Fremantle's Resident magistrate from 1869 to 1886. His successor was Robert Fairbairn who held the office from 1886 to 1908. *Court House (fmr), Fremantle* was the venue for the formal resolution of disputes between individuals and between individuals and the Crown of State as described by the University of Notre Dame.

The building accommodated courts operating at the lowest level of court hierarchy: courts of inferior or summary jurisdiction, courts that were constituted and presided over by a single magistrate or a number of Justices of the Peace. Trials were conducted without a jury. The Court sitting in the building could be one that exercised either civil or criminal jurisdiction. The Court sitting as a court of criminal jurisdiction was called a 'Court of Petty Sessions' or a 'Police Court'. The Court sitting as a court of civil jurisdiction was called a 'Local Court'. An appeal from the decision of a magistrate lay to the Supreme Court sitting in Perth.<sup>16</sup>

During the 15 year period when *Court House (fmr), Fremantle* operated as a courthouse occupants of the building had at times to contend with insect vermin. Apparently the floor was laid with matting which housed the creatures, presumably fleas, that infested the public and court officials.<sup>17</sup> The periodic stench from an accumulation of rotting debris at low tide also caused comment in the local press.<sup>18</sup>

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10 *The West Australian*, 11 May 1883, no page number given as cited in Molyneaux and D'Arcy op. cit. p. 2.

11 Molyneaux and D'Arcy op. cit. p. 2.

12 Kirwan Ward, *Fremantle Sketch book*, Adelaide, Rigby, 1974, p. 16.

13 *The Fremantle Herald*, 28 June 1884, no page number given as cited in Molyneaux and D'Arcy op. cit. p. 2.

14 *Government Gazette* 27 March 1884, p. 141. *Inquirer*, 18 June 1884 no page number given as cited in Molyneaux and D'Arcy op. cit. p. 2.

15 *Government Gazette*, 22 January 1885, p. 40 and 12 February 1885, p. 70.

16 Bruce Bott, Unpublished paper, 'Fremantle's Third Courthouse' University of Notre Dame Australia, College of Law, Law Library, 21 January 1999. p. 2.

17 *The Herald*, 13 March 1886.

18 Article titled 'Bring a Dignity to the Law' in the Fremantle Library Local History Collection.

In 1897, the Public Works Department produced plans for a new courthouse on the site of *Court House (fmr), Fremantle*. This scheme did not eventuate, however, the plans for a more complex building with greater facilities indicate that there were demands on the existing building that were not being met.<sup>19</sup> In 1897, the court function at *Court House (fmr), Fremantle* finished and a new court was built in Henderson Street on similar lines to that planned for the Marine Terrace site.<sup>20</sup>

Construction of the new Fremantle harbour in the 1890s moved the focus of Fremantle away from the West End. The increase in wealth and population in the colony with the discovery of gold in the 1890s meant an increase in crime. A larger court house was needed and the location closer to the prison was desirable. In 1906, the Fremantle Railway Station opposite Market Street took the place of the first terminus at the north end of Mouat Street. This move was a further significant indicator of the shift of the heart of the town toward the Town Hall.<sup>21</sup>

From 1897 to 1918, *Court House (fmr), Fremantle* was occupied by the Fremantle Water Supply and a portion was used by the Fremantle Police.<sup>22</sup> In 1910 the Criminal Investigation Department occupied part of the building.<sup>23</sup>

A sewerage plan of *Court House (fmr), Fremantle*, shown as the 'Water Supply Office', surveyed in December 1916 shows the profile of *Court House (fmr), Fremantle* had not significantly changed. A fence enclosed portion of the rear of the site and a small weatherboard building was located at the foot of a flight of steps on the western wing.<sup>24</sup> In 1921, *Court House (fmr), Fremantle* was used as a home for migrants and by 1957 the building was used as an independent rest home for alcoholics.<sup>25</sup>

In 1976, a report prepared by the City of Fremantle on the problems experienced by homeless people in Fremantle prompted the need to establish a refuge for men sleeping in the open or in sub-standard conditions. The purpose of the refuge was to offer temporary shelter and where appropriate, men would be offered more permanent accommodation and treatment. Many of these people had traditionally been accommodated in old hotels, boarding houses and buildings, but others sought shelter under bridges, in parks or any possible shelter. The majority of these people were unemployed, invalids or aged pensioners.<sup>26</sup> Presumably there were significantly more male than female homeless people which provoked the decision to make the refuge a male only facility.

In July 1976, the City of Fremantle submitted an application to the WA Advisory Committee on Homeless Persons for financial assistance. Rotary and the Salvation Army were also approached about the possibility of

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19 PWD plan 5793/6, SROWA.

20 Molyneaux and D'Arcy, op. cit. p. 3.

21 Ibid.

22 WA Post Office Directories, 1897 to 1910.

23 Ibid.

24 MWSS & DD Sheet 54 (2510), December 1916, also referred to PWD 14250 held at the Fremantle Library Local Studies Collection.

25 Notes in file 362.5, Fremantle Library Local Studies Collection.

26 'Tanderra' in Policy Bulletin Number 5, January 1985, City of Fremantle: the Development and Delivery of Welfare and Community services. p. 27.

establishing a men's refuge. The Public Works Department were approached by the City of Fremantle with a request to let the City of Fremantle assume control of the *Court House (fmr), Fremantle* for use as the men's refuge. Formerly known as the 'haven,' the location of *Court House (fmr), Fremantle* immediately adjacent to the Fremantle Esplanade to which many homeless men gravitated made it a logical site for the refuge. *Court House (fmr), Fremantle* had already been used for homeless men on an ad hoc basis for some years. Donations of food, clothing and furniture had supported the 'haven'. The building was in a poor condition.<sup>27</sup>

The Public Works Department agreed to lease *Court House (fmr), Fremantle* to the City of Fremantle for a peppercorn rental with the Council to supervise its management. The Rotary Club of Fremantle agreed to accept the upgrade of the buildings as its major fundraising task for 1977/78. A target of \$50,000 was set for the renovations of *Court House (fmr), Fremantle*. The Salvation Army agreed to manage the facility on a day to day basis.<sup>28</sup>

The City of Fremantle undertook to meet the costs of reaching the design stage, including architect and design fees.<sup>29</sup> Architect Robin McK Campbell was commissioned to undertake design of the renovations. The main chamber was divided into two portions, a dining and reception area and the former judges platform was made into a dormitory. The eastern wing was also converted to a dormitory. The western wing, became the supervisors accommodation, kitchen and toilets. The laundry and toilets on the northern side were updated.<sup>30</sup> It was noted in the local press that the interior had to dramatically rebuilt because of termite damage.<sup>31</sup>

Work on the project commenced in February 1979 and was completed in May.<sup>32</sup> The project builder, Guy Weuglin, was assisted by volunteers from the Fremantle Rotary Club who undertook labouring work during the demolition stage of the project. Many local companies donated money, time and goods. One local firm donated all the floor coverings for the project.<sup>33</sup>

The refuge, named 'Tanderra', believed to be an Aboriginal for resting place, was officially opened on 15 July 1979.<sup>34</sup> Tanderra could accommodate 18 men and provide dining facilities for 30 to 40 men. In conjunction with 'Tanderra' in Fremantle the Salvation Army operated 'Tanderra Shelter Industries ' in

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27 Ibid.

28 Ibid.

29 Ibid.

30 Plans for The Old Fremantle Courthouse by R. McK. Campbell as approved by the City of Fremantle 21 March 1979. undated article in File 362.5 Old courthouse, at the Fremantle Library Local History Collection.

31 *Fremantle Gazette*, 19 July 1979, undated article File 362.5 Old courthouse held at the Fremantle Library Local History Collection

32 'Tanderra' in Policy Bulletin Number 5, January 1985, City of Fremantle: the Development and Delivery of Welfare and Community services. p. 28.

33 'Old Courthouse gets New Lease of Life' undated article in the File 362.5 Old courthouse, Fremantle Library Local Studies Collection.

34 Origin of the name is given in the official opening brochure 15 July 1979 held in file 362.5 Old Courthouse, Fremantle Library Local Studies Collection.

Carlisle to provide an opportunity for the men to get back to the routine of work and regain personal dignity.<sup>35</sup>

In September 1982, Tanderra ceased operating from *Court House (fmr), Fremantle* because of the low numbers using the facility.<sup>36</sup> Three months later another community group started operating from *Court House (fmr), Fremantle*. The building was renamed 'Uniting House' as it was run by a group from the Uniting Church. Their main focus was the establishment of a Food Distribution centre for low income earners. The group sourced items from donations and retailers to sell to low income earners without profit.<sup>37</sup>

*Court House (fmr), Fremantle* was interim listed by the Heritage Council of WA in 1992. The University of Notre Dame established its Fremantle campus in 1987 and began purchasing and leasing buildings in the West End of Fremantle. The University leased *Court House (fmr), Fremantle* from the Department of Land Administration from the mid 1990s, and purchased it in October 2001.<sup>38</sup>

In 1996, the University of Notre Dame through their appointed architect Marcus Collins, requested authority from the Heritage Council to re-roof the building and refurbish the interior of the building. This project was approved and completed in 1996.<sup>39</sup>

The University acquired a judges bench and witness enclosure from the former Beaufort Street Police courts to equip the newly refurbished *Court House (fmr), Fremantle*. The former Police Courts were renovated for use by the Art Gallery of Western Australia and the bench and enclosure were surplus to their needs. The furniture is not contemporary with *Court House (fmr), Fremantle*, but the University of Notre Dame believes it is an acceptable replacement for the missing original.<sup>40</sup>

In 1997, Marcus Collins approached the Heritage Council with a request to remove paint from the external and internal walls. The project received funding of \$2000 from the Heritage Council under the Conservation Incentives programme 1993/94 and the project was completed in May 1997.<sup>41</sup> Later the same year Marcus Collins advised that the fence and gate to the rear of the property were inadequate and requested that authority could be given to proceed with the installation of a donated galvanised gate and fence. This request was accepted and the new gate and fence and installed in 1997.<sup>42</sup>

*Court House (fmr), Fremantle* is currently owned by the University of Notre Dame Australia. *Court House (fmr), Fremantle* is part of the University's College of Law and is used for advocacy training and for other University purposes. The philosophy underpinning the use of *Court House (fmr), Fremantle* for this purpose is that the students have the opportunity to

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35 'Home for the Homeless' undated article in File 362.5 Old Courthouse, Fremantle Library Local Studies Collection.

36 *The Fremantle Gazette*, 29 September 1982. No page number given held, in file 362.5 Old Courthouse, Fremantle Library Local Studies Collection.

37 *Fremantle Gazette*, 29 September 1982 and 9 February 1983, undated articles in File 362.5 Old Courthouse, Fremantle Library Local Studies Collection.

38 Certificate of Title Volume 2210 Folio 100.

39 HCWA Correspondence file 599.

40 Bott, B op. cit. p. 2. The Beaufort Street Police Courts were constructed in 1905.

41 HCWA Correspondence file 599.

42 Ibid.



experience the atmosphere of a real court building and practise their forensic skills as they conduct mock trials or moots.<sup>43</sup> *Court House (fmr), Fremantle* is open to the public when not being used for teaching purposes.

### 13.2 PHYSICAL EVIDENCE

*Court House (fmr), Fremantle* is a simply composed single-storey, Victorian Regency style, stucco and iron building.

*Court House (fmr), Fremantle* stands in Marine Terrace on the west side of the intersection with Mouat Street. The building faces south across Marine Terrace to the Fremantle Esplanade Reserve.

*Court House (fmr), Fremantle* is one of two buildings on this side of the block that runs between Mouat Street and Cliff Street. The other building is a two-storey terrace of substantial stuccoed houses built in the Victorian Free Classical Style. A classically influenced two-storey restaurant building stands at the east side of the intersection of Marine Terrace and Mouat Street.

The south and east boundaries of the *Court House (fmr), Fremantle* site are edged by a low rendered masonry wall with piers.

*Court House (fmr), Fremantle* stands almost centrally within the site and is the only building on the site. The building stands about four metres from the front boundary. The building has a 'T' shaped plan formed by a central wing flanked by two lesser wings that are set back to form the rear facade of the building.

The wings of the building form semi-enclosed landscaped areas on either side of the main wing, each containing a Plane Tree.

The rear boundary of the site is formed by the former Drill Hall building, which now serves as the Notre Dame library. The space between the *Court House (fmr), Fremantle* and the library is paved with square concrete slabs. The area is planted with three evenly spaced London plane trees (*Platanus acerfolia*). The paved area along the east side of the site is planted with evenly spaced olive trees.

*Court House (fmr), Fremantle* is a single-storey building built in a simple version of the Victorian Regency Style. The building is simply composed with its 'T' shaped plan being formed by the dominant central wing, which contains the courtroom, being flanked by lower ancillary wings.

The central wing has a simple block form and a hipped roof. The stucco walls of the block are smooth finished and have ashlar drawn lines. The walls have a plinth. The corners of the block have rendered quoins. Both the west and east walls contain two segmentally arched headed window openings. Each window opening contains a timber framed multi-paned window that has the appearance of a double hung sash window. The sashes now pivot.

A pedimented portico is attached to the front face of the central wing. The front face of the portico is divided into three bays by rusticated pilasters. Because it does not have an architrave, the entablature height is reduced and the pilasters stop about 300 mm below the bed mould of the triangular pediment. The pilasters give the impression of having been applied to the

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<sup>43</sup> Bruce Bott, Unpublished paper, 'Fremantle's Third Courthouse' University of Notre Dame Australia, College of Law, Law Library, 21 January 1999. p. 1.

wall instead of actually supporting the pediment. The panels between the pilasters contain semi-circular arched openings with moulded impost above rusticated piers. Each arch is rendered to give the appearance of voisoirs. Both sides of the portico contain a single arched opening, which is partly blocked in by a low wall.

The pediment of the portico does not face a gabled roof and there is some awkwardness, at wall plate level, in the junction between the portico and the central wing.

The inner wall of the portico houses a centrally placed double door and each leaf of the door contains five raised panels. The stiles and rails that edge each leaf contain equally spaced rounded bolt heads.

The walls of the ancillary wings are rusticated and have a plinth. The end walls of each wing are pedimented gables. The end wall of the east wing contains a centrally placed window opening with rendered voisoirs. The central portion of the pediment bed mould is segmentally arched in order to accommodate the voisoirs of the window below. The opening contains a timber framed multi-paned window that has the appearance of a double hung sash window. A staircase with solid balustrading is attached to the south façade of the wing wall. The stair leads to a door opening that is flanked by windows. The door opening houses a three-panel timber door. The window opening to the right has a flat head and contains a two paned timber casement, while the window to left is typical of the others on the front facade.

The north façade reflects the symmetrical plan of the building, with the central block flanked by ancillary wings. As with the front façade, the central block has smooth finish stucco walls with ashlar drawn lines, while the walls of the ancillary wings are rusticated. The plinth continues around the building. A verandah runs for the full length of the west wing. The west end of the verandah is enclosed by a timber wall faced by dressed and chamfered weatherboarding. The verandah has a concrete floor

The toilet in the north west corner of the building is entered off the verandah.

The rear entrance to the courtroom is located at the east end of the verandah in the side wall of the courtroom. This door opening has a multi-paned fanlight. The door threshold is set one step lower than the internal floor level.

The three windows on the north face of the west wing are not symmetrically arranged and perhaps reflect an earlier room layout. Two windows are timber framed double hung sashes. One of the two kitchen windows is a timber-framed casement. The windows are barred with the bars fixed on the inner face of the reveal. It is not known if the bars are original.

There are no windows in the north face of the east wing. The north face of the central block contains a centrally located window.

The end wall of the west wing contains an eccentrically placed door opening. The south face contains a single flat-headed window opening, which appears to have been widened at some stage. Placed centrally within the opening is a single casement window with fixed glass beside it.

The courtroom occupies the central block of the building. The main entrance is through a pair of double doors in the north wall of the front portico. The courtroom has a rectangular plan measuring about 12 metres long by 8 metres wide and with a ceiling height of around 5 metres.

A platform raised about 450 mm above the main floor level occupies the northern third of the room. There is a set of timber steps on either side of the platform. The floor of the platform is of jarrah boarding about 100 mm wide. Tables and benches for the Magistrate and the Clerk of the Courts stand on this platform, towards the back. The tables and benches are partly enclosed by low partitions faced by v-jointed boarding capped by a timber section that projects beyond the face of the panelling and is supported on timber brackets. The dock and the witness box also sit on either side of the raised platform, near the front.

A gold coloured cast plaster Royal Crest is fixed to the wall above the window. The window is central within the north wall.

The walls of the courtroom are rendered and have a slight textured finish with drawn ashlar lines. The walls are painted dark red at low level and a lighter colour on the upper part. This colour scheme creates a dado effect. Small openable metal vents are built into the walls at high level. The ceiling is flat and of plaster. A cast plaster gridded vent sits centrally within the ceiling. The floor is of 125 mm wide jarrah boarding. The floor is mainly carpeted with a strip of floor boards left visible around the perimeter. The 200 mm high skirting is painted and has a simply moulded top.

The east wing of the building contains a single room. This room measures about 9.5 metres by 4 metres. The floor level of the room is the same as that of the raised platform at the north end of the courtroom.

The finishes to the room are similar to those of the courtroom except that the plastered walls are not ashlar lined. The ceiling appears to be lath and plaster and shows signs of the room having been previously subdivided

There is a fireplace in the north wall of the room. The fireplace is located about two and a half metres from the west end of the room. An external door is located centrally within the south wall of the room.

The west wing of the building matches the size of the east wing and contains three rooms. The floor level of this wing is the same as the public area of the courtroom.

The wing is divided into three equal parts and includes a corridor that runs the length of the south side to the external door in the west wall of the building. The first room entered off the corridor is the cell, followed by the central part, an open area that forms a recess on the north side of the corridor and contains a kitchen. The third part of the wing contains the toilet, which is entered off the rear verandah of the building. There is no connection between this room and the inside of the building.

The ceiling of the wing is of corrugated iron sheeting. The walls are smooth plastered. The floors at the east end of the wing are of timber and the remainder is a concrete slab.

The cell is used as a storeroom and contains free-standing timber shelves. The timber door is four panelled.

The kitchen is a modern fit out. The cupboards are faced with v-jointed tongue and groove boarding similar to the enclosures to the benches in the courtroom.

The building has recently undergone a programme of extensive conservation works. The works were based on thorough research of the building. The

room layouts to the east and west wings are not necessarily an accurate reinstatement of the original.

The area at the north end of the courtroom is new and does not match the original. The area of raised platform has been cut back from its original line. The original, more extensive, platform seemed disproportionately large when compared to the space allocated for public seating. There is some speculation that the more extensive platform area was the result of a late change in the original planning. Bearing in mind the positioning of doors to the ancillary wings, which seem to suit the current layout, this assumption does not seem to be unreasonable. The benching for the magistrate has been relocated from the Beaufort Street Magistrates Courts.

*Court House (fmr), Fremantle* suffers severely from rising damp. All load-bearing walls show signs, to a height of about 1200 mm above ground level, of problems associated with salt. This is despite the building being regularly maintained and cared for.

This rising damp is an underlying problem that cannot be resolved in the short term. It is in part caused by the high water table and the accumulative effect of earlier years of neglect.

### 13.3 COMPARATIVE INFORMATION

There are 42 court houses listed on the Heritage Council of Western Australia's data base. Court houses are significant to each town and community in which they are located for their role in maintaining the judicial system. Frequently courthouses are nominated for Municipal Inventories because of their importance within each community.

There are two courthouses built in the same period as *Court House (fmr), Fremantle* and associated with Richard Roach Jewell. Northampton Police Station, Quarters and Courthouse (1906) of which the courthouse was built in 1884/5 and overseen by Richard Roach Jewell. The building fabric is stone and corrugated iron and conforms to the Victorian Regency style. The other is the Cossack Court House (2346) built in 1885/6 in the Victorian Regency style also of stone with a corrugated iron roof. Jewell also designed a Court House as part of the Old Perth Gaol, but it was used as a chapel when the place was taken over as part of the Imperial Convict Establishment. A Court House was then built in Barrack Street to designs by Jewell.

Richard Roach Jewell has been attributed with many of Perth's public buildings from this period. He was responsible for the Town Hall in Hay Street and a portion of the Central Government Buildings in St Georges Terrace. Although *Court House (fmr), Fremantle* is not definitively attributed to him, his role as Superintendent of Works for *Court House (fmr), Fremantle* is influential. If designed by Jewell, the place would be one of his last buildings in Fremantle.

There are 1035 places listed on the HCWA database that are/were used for governmental purposes. Four of these 1035 places were built in the Victorian Regency style.<sup>44</sup>

*Court House (fmr), Fremantle* is rare in Western Australia as an extant Victorian Regency civic building. It is representative of the small, simply designed, classically influenced buildings erected during the pre-gold rush period of the State. While it cannot be categorically attributed to him, the place appears to be a representative example of the civic design work of Richard Roach Jewell.

### 13.4 REFERENCES

'A Conservation Plan for the Former Fremantle Courthouse Marine Terrace Fremantle Western Australia' A report on a survey and assessment by Ian Molyneux and Associates, Architects and Rima D'Arcy, Heritage Geographer, November 1990.

National Trust Exposition, 11 June 1973.

Australian Heritage Commission Register of the National Estate, 29 September 1978.

### 13.5 FURTHER RESEARCH

Further research may locate original drawings for the place, which were not found in the City of Fremantle Archives, State Records Office or the Department of Housing and Works.

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<sup>44</sup> HCWA Database 4/8/2003