



**HERITAGE
COUNCIL**
OF WESTERN AUSTRALIA

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)

- 2.3 Coming to Australia as a punishment
- 5.2 Organising workers and work places
- 7.6.3 Policing Australia
- 7.6.4 Dispensing justice
- 7.6.5 Incarcerating people

HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 106 Workers (including Aboriginal, convict)
- 107 Settlements
- 108 Government Policy
- 403 Law and order
- 408 Institutions
- 602 Early settlers

11.1 AESTHETIC VALUE*

The former Convict Depot Archaeological Sites, along with the 1850s pensioner guard cottages on Stirling Terrace and P2558 *Newcastle Gaol, Lock-up and Stables Group, Toodyay*, forms a precinct of sites associated with the convict presence in Toodyay. (Criterion 1.4)

The George Temple Poole designed former Court House is a fine demonstration of the Federation Free Classical architecture style. (Criterion 1.1)

11.2. HISTORIC VALUE

* For consistency, all references to architectural style are taken from Apperly, R., Irving, R., Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture. Styles and Terms from 1788 to the Present*, Angus and Robertson, North Ryde, 1989.

For consistency, all references to garden and landscape types and styles are taken from Ramsay, J. *Parks, Gardens and Special Trees: A Classification and Assessment Method for the Register of the National Estate*, Australian Government Publishing Service, Canberra, 1991, with additional reference to Richards, O. *Theoretical Framework for Designed Landscapes in WA*, unpublished report, 1997.

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites contains buildings and archaeological remains illustrating the evolution of Toodyay from a convict hiring depot to a regional town. (Criterion 2.1)

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites demonstrates the continued law and justice presence in Toodyay from 1852, as a convict depot (1850s-1860s), through its use by police (1860s-1890s) and as a court (1860s-1960s). (Criterion 2.1)

The Convict Depot demonstrates the presence and influence of convicts in regional areas of the Swan River Colony in the mid-nineteenth century, when the Convict Establishment arguably saved the Colony from impending ruin. (Criterion 2.2)

The Convict Depot housed ticket-of-leave men and their overseers, thousands of whom arrived in the Swan River Colony between 1851 and 1868 to become a substantial portion of the population prior to the influx of immigrants brought by the gold rushes of the 1890s. (Criterion 2.2)

The Convict Depot demonstrates the nature of work built by convicts and overseen by sappers working for the Convict Establishment, and is particularly associated with sapper Joseph Nelson, who was the onsite supervisor from 1852 to 1855. (Criteria 2.2 & 2.3)

Construction of the Convict Depot was supervised by Lt Edmund DuCane, later knighted for his work in reforming the British prison system throughout the nineteenth-century. (Criterion 2.3)

The Court House (fmr) was designed by the Public Works Department under the supervision of notable architect George Temple Poole. (Criterion 2.3)

11. 3. SCIENTIFIC VALUE

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites comprises a rare and extensive array of intact foundations and deposits relating to the former convict depot occupation of the site with the ability to provide a rich source of information about convict life, the workings of the depot, and early colonial life. (Criterion 3.1 & 3.2)

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites demonstrates the continued use of the site, largely for the purposes of policing, incarceration and justice in its standing structures and archaeological deposits. (Criterion 3.1)

11. 4. SOCIAL VALUE

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites is valued as a link to the convict era both in Toodyay and the State. (Criterion 4.1)

The Court House (fmr) contributes to the sense of place of Avon Valley residents as a significant and centrally located civic building since its construction in 1897. (Criterion 4.2)

12. DEGREE OF SIGNIFICANCE

12. 1. RARITY

The archaeological sites within *Toodyay Court House (fmr) and former Convict Depot Archaeological Sites* represent a rare and intact example of a Convict Depot archaeological site in Western Australia. (Criterion 5.1 & 5.2)

12.2 REPRESENTATIVENESS

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites is a representative example of the Convict Depots constructed in Western Australia during the mid-nineteenth-century. (Criterion 6.2)

12.3 CONDITION

The condition of the various elements within *Toodyay Court House (fmr) and former Convict Depot Archaeological Sites* varies. Overall the place is in good condition. The Convict Depot survives only as archaeological features, deposits and foundations. These are highly intact as archaeological sites.

12.4 INTEGRITY

The integrity of the various elements within *Toodyay Court House (fmr) and former Convict Depot Archaeological Sites* varies. Overall the place has a high degree of integrity as an archaeological site. The destruction of some elements due to subsequent building events across the site has resulted in some elements, such as the Depot Hospital, having a relatively low level of integrity as an archaeological site.

Neither the Convict Depot nor Court House serves their original function. However this former function can still be discerned from the extant physical fabric, albeit with some analysis of the Convict Depot's archaeological elements.

12.5 AUTHENTICITY

Although the Convict Depot survives only as foundations, features and deposits, these elements retain a high degree of authenticity as archaeological sites. Since the place ceased to function as a Convict Depot, and the various structures within its boundaries became 'archaeological' or 'ruinous', the majority of the place has been subjected to limited intervention besides the building up of the ground surface to cover the foundations. The destruction of some portions of the former Convict Depot structures, such as the northern portion of the Hospital, and the northern portion of the Association Ward, has resulted in these elements having a low level of authenticity.

The Court House (fmr) has had some modifications to its fabric, but overall retains a moderate degree of authenticity.

13. SUPPORTING EVIDENCE

The documentation for this place is based on the documentary evidence completed by Clare Menck, historian, in June 2013. The physical evidence is based on the 'Conservation Management Plan for the Archaeological Remains at Newcastle Convict Depot (Toodyay)' completed for the Shire of Toodyay by Eureka Archaeological Research & Consulting, University of WA, in September 2011. Comparative information has been completed by the HCWA staff with amendments and/or additions by HCWA staff and the Register Committee.

Although ideally the curtilage for the place should correspond with the known historical boundary of the former convict depot, it is acknowledged that at least two elements, the Well and Smithy at the north of the site, are situated within active rail corridor. These elements have therefore not been included in the curtilage. The Commissariat Store area to the south has also been excluded as this area is registered as part of P2558 *Newcastle Gaol, Lock-up and Stables Group, Toodyay*, and its extant archaeological elements relate primarily to this phase of occupation.

13.1 DOCUMENTARY EVIDENCE

Toodyay Court House (fmr) and former Convict Depot Archaeological Sites comprises the single-storey red brick and iron courthouse building (1897) in the Federation Free Classical style, and archaeological deposits and features from the former Convict Depot (1852) including the Depot Commissariat Store, the Association Ward, the Depot Kitchen, Warder's Quarters, Depot Privy, and Depot Hospital.

European colonisation of Western Australia began in 1829 with the establishment of the Swan River Colony. Within a short time it was apparent that the free settlers of the Colony could not provide sufficient labour or capital to support their settlement and in 1849 the Colony was declared a penal settlement. Capt. Henderson, who arrived aboard the first convict ship the *Scindian* in June 1850, was initially in charge of the Convict Establishment.¹ Some convicts were granted their tickets-of-leave soon after disembarking, and from 1851 arrivals were sent to establish hiring depots in rural areas.² The British Government provided the funds to develop public works projects, including the construction of the convict depots.³ The 20th Company of Sappers and Miners, together with Royal Engineers Lieuts Wray, Crossman and DuCane, arrived in December 1851 and January 1852. The Sappers functioned as Instructing Warders for the

¹ Bush, F (2012) *The Convicts' Contribution to the Built Environment of Colonial Western Australia between 1850-1880*. Unpublished PhD Thesis, School of the Built Environment, Curtin University, September 2012. p.50.

² Crompton, Alison *The History of the Toodyay Convict Depot: a Tale of the Convict Era in Western Australia*, Alison Crompton, Dianella WA, 2010, pp.1,4-7; Gibbs, Martin, 'The Archaeology of the Convict System', in *Australasian Historical Archaeology*, 19, 2001, pp.60-61; Bush, F (2012) *The Convicts' Contribution to the Built Environment of Colonial Western Australia between 1850-1880*. Unpublished PhD Thesis, School of the Built Environment, Curtin University, September 2012. p.157.

³ Bush, F (2012) *The Convicts' Contribution to the Built Environment of Colonial Western Australia between 1850-1880*. Unpublished PhD Thesis, School of the Built Environment, Curtin University, September 2012. p. 155-157.

convicts, while the Engineers were in charge of designing and supervising public works projects.⁴

Convict hiring depots were administration centres for hiring ticket-of-leave men out to local landowners and provided accommodation for those men between jobs or when they were occupied with public works, typically catering for 60 to 120 men. They also accommodated personnel supervising both convicts and public works, stored associated equipment and provided basic medical facilities. With the exception of specific gaol cells to punish minor offenders, hiring depots were not intended as prisons and do not appear to have had enclosing walls or guard facilities.⁵

The first convicts arrived in the recently gazetted town of Toodyay, in the Avon Valley, in August 1851. They established a camp of thatched A-frame huts north of the Avon River. The following year they began erecting a more permanent depot on Avon Location 110, a 45¼ acre parcel of land south of the river two miles upstream.⁶

Overseeing the Convict Depot at Toodyay was Lieutenant Edmund Frederick DuCane, based at Guildford. The on-site supervisor was sapper Joseph Nelson. Sappers were soldiers with additional technical skills who supervised convicts in their construction and other works.⁷

Construction began in early 1852 with Sappers' Quarters. Other structures begun in 1852 were the Convict Barracks and Superintendent's Store. The Barracks took two years to complete, as the supply of labour fluctuated. Ticket-of-leave men were also constructing a gaol at the temporary depot site in early 1852.⁸

When the gaol was completed, in July 1852, the temporary depot site was vacated and the convicts and their warders moved into the new Depot.⁹

Works of 1853 included the Warders' Quarters, Commissariat, Brick Shed and Kiln. By January 1854, 30,000 bricks had been made on site. A year later the tally was 197,000.¹⁰

The Depot Kitchen was constructed from the start of 1854, followed later in the year by the Infirmary and a second Sappers' Quarters. Other subsidiary structures at the Depot included a Well (enlarged 1853, probably constructed early 1852), Blacksmith's Shop (1853), Baker's Oven (1853), Commissariat

4 Bush, F (2012) *The Convicts' Contribution to the Built Environment of Colonial Western Australia between 1850-1880*. Unpublished PhD Thesis, School of the Built Environment, Curtin University, September 2012. p. 155-157.

5 Gibbs, 'The Archaeology of the Convict System', pp.63-64.

6 Cromb, *The History of the Toodyay Convict Depot*, pp.17-27, 92.

7 Cromb, *The History of the Toodyay Convict Depot*, pp.28-31&123.

8 Winter, Sean *Global, Regional and Local Networks: Archaeological Investigation of the Western Australian Penal Colony 1850 – 1875*, unpublished PhD Thesis, University of Western Australia (thesis under examination in May 2013), Figure 8.6 and Appendix 9.2; Cromb, *The History of the Toodyay Convict Depot*, p.59.

Note: Both Winter and Cromb base their information about the Depot's construction on original works reports recorded by E. Ducane between 1852 and 1857. For a detailed description of the construction of the Depot, including physical descriptions of buildings where they are available, see Cromb, pp.59-69. For summaries in table form, see Winter, Figure 8.6 and Appendix 9.2.

9 Cromb, *The History of the Toodyay Convict Depot*, pp.27,52&57.

10 Winter, *Global, Regional and Local Networks*, Figure 8.6 and Appendix 9.2

Stables (1853-54), Carpenter Shop (1854), various Privies (1854), Washhouse (1854), Garden and Fencing (1854-56), and Cricket Ground (1855). Sheds and other temporary structures were also erected, including a brick shed (1856) that appears to have been used as a Morgue. Depot men also constructed the local Chaplain's Quarters, adjacent to their Depot, in 1855.¹¹

Finally, from the start of 1855, substantial Superintendent's Quarters were erected. The Superintendent's complex included Quarters, Store and Privy. The complex was finished and occupied in mid-1856, at which time the Depot was considered complete.¹² The first resident Superintendent was Robert de Burgh, arriving in 1855.¹³

Joseph Nelson returned to Fremantle in 1855. He worked for the convict establishment as a senior blacksmith and warder before earning his army discharge in 1860.¹⁴ Edmund DuCane left the Colony in 1856. He continued to work as a Royal Engineer, retiring in 1895 with the rank of Major-General and a knighthood.¹⁵

Hiring depots were discontinued by 1856, as they were seen as expensive and not very successful.¹⁶ Toodyay Hiring Depot closed on 30 November 1856. A minimal staff remained, to receive returning ticket-of-leave men and send them on to Guildford.¹⁷

The original Toodyay townsite was gradually abandoned, largely due to its propensity to flood, and settlement instead gravitated around the Convict Depot. This second town was gazetted in 1861 as Newcastle but, after confusion with Newcastle in New South Wales, it was eventually renamed Toodyay in 1910.¹⁸

As the Depot buildings were largely vacant by this time, the Governor handed them over to the Colonial Government. The Resident Magistrate, Alfred Durlacher, moved into the Superintendent's Residence. Some buildings continued to be used by the convict establishment. The police transferred from Old Toodyay to take over the remainder of the Depot. One room of the Sappers' Quarters was used for a court house.¹⁹

The original Avon Location 110, allocated for the Hiring Depot, was subdivided in 1861. The vacant lots were sold into private ownership.²⁰ The Store on 'New Road' (later Stirling Terrace) was used as a post office until 1897, after which it fell into disrepair.²¹

11 Winter, *Global, Regional and Local Networks*, Figure 8.6 and Appendix 9.2; Cromb, *The History of the Toodyay Convict Depot*, pp.67-69.

Note: Cromb (2010), also using DuCane's original reports as her source, sites both the Blacksmith Shop and Baker's Oven as erected in 1852.

12 Winter, *Global, Regional and Local Networks*, Figure 8.6 and Appendix 9.2.

13 Cromb, *The History of the Toodyay Convict Depot*, p.65.

14 Cromb, *The History of the Toodyay Convict Depot*, pp.123-24.

15 Cromb, *The History of the Toodyay Convict Depot*, pp.121-22.

16 Gibbs, 'The Archaeology of the Convict System', pp.64-65; Cromb, *The History of the Toodyay Convict Depot*, pp.80-86.

17 Cromb, *The History of the Toodyay Convict Depot*, pp.81 & 88.

18 Cromb, *The History of the Toodyay Convict Depot*, pp.17-27, 88 & 116.

19 Cromb, *The History of the Toodyay Convict Depot*, pp.88-89.

20 Cromb, *The History of the Toodyay Convict Depot*, p.92.

21 Cromb, *The History of the Toodyay Convict Depot*, pp.96 & 115.

Hiring Depots were reopened from 1862 and used to accommodate probationary convicts in work gangs, largely being set to road building in rural areas. Toodyay (now Newcastle) Depot came back into full use, with a portion of the Barracks sectioned off to continue to accommodate ticket-of-leave men separate to probationary convicts.²²

The Depot Lock-up was insufficient for the new arrangements, and a new gaol was subsequently built between the Barracks and the Commissariat (then used by the police). This was completed in 1863-64, and remains extant today as P2558 *Newcastle Gaol, Lock-up and Stables Group, Toodyay*.²³

Convict transportation to the Swan River Colony continued until 1868. Nearly 10,000 convicts had arrived at Fremantle, along with several thousand associated employees and their families. The colony's population had increased five-fold over the convict years to nearly 25,000, and the convict establishment was responsible for a substantial percentage of the colony's population.²⁴

Toodyay (Newcastle) Convict Depot was closed again at the end of March 1872.²⁵ At the closure of the Depot it was recorded as comprising ten buildings: Warders' Quarters, Provision Store, Engineer Store, Depot Office, Lean-to used for Carpenter's Shop, Blacksmith's Shop, 'Division' (Barracks), Hospital, Cook house and 'Dead house' (Morgue). Further original buildings, such as the Commissariat and Sappers' Quarters, remained extant and had already been transferred to the police.²⁶

The Warders' Quarters were immediately taken over by the police as quarters for their resident Sergeant, with the attached store room converted for use as a police office.²⁷ The Police went on to take over additional Depot buildings, including the Barracks, which was used as a Court House and Magistrate's Office. A Women's Gaol was added at the eastern end of the Warders' Quarters.²⁸

The rear section of the Barracks was used as a school room until 1887, when a purpose-built school was opened elsewhere in town.²⁹

The Infirmary was put to use as a colonial hospital, along with the earth closet and kitchen at the rear of the Barracks. The original kitchen appears by this time to have been replaced by a building housing both kitchen and morgue. A new town hospital was erected in 1892-95 and subsequently the Depot Infirmary was used only occasionally as an isolation ward. As this use tapered off, it became instead a drill room and store.³⁰

22 Cromb, *The History of the Toodyay Convict Depot*, p.96.

23 Cromb, *The History of the Toodyay Convict Depot*, pp.97-99.

24 Gibbs, 'The Archaeology of the Convict System', pp.60-61 & 69.

25 'Convict Depot at Newcastle Gaol to be used by Police', SROWA Cons 129 Item 17/492

26 Cromb, Alison *The History of the Toodyay Convict Depot: a Tale of the Convict Era in Western Australia*, Alison Cromb, Dianella WA, 2010, p.103. Cromb believes the Blacksmith's Shop at this time was located behind the Warders' Quarters, not at its original site.

27 'Convict Depot at Newcastle Gaol to be used by Police', SROWA Cons 129 Item 17/492

28 Cromb, *The History of the Toodyay Convict Depot*, pp.103 & 113.

29 Cromb, *The History of the Toodyay Convict Depot*, pp.104 & 106.

30 Cromb, *The History of the Toodyay Convict Depot*, pp.104 & 108.

In 1897, the area that had housed the Commissariat and Sappers' Quarters formally became a police reserve. At the time, the Commissariat and second (1854) Sappers' Quarters were in use, while the 1852 Sappers' Quarters was a ruin. The Commissariat Stables had burned down in 1890 and been replaced with brick stables.³¹

A new Court House was completed in 1897 at a cost of £2218.³² It was designed by the Public Works Department under the supervision of George Temple Poole.³³ The new building was constructed on the site of the Barracks. The earlier building was demolished and the new structure set back from but addressing Fiennes Street opposite the intersection with Lincoln Street.³⁴

The 1896 plans also show the Police Station & Quarters (Warders' Quarters), Women's Cells, Drill Room (Infirmary), Drill Room Caretaker's Cottage (Kitchen) and Earth Closet, with the Barracks marked for demolition. The main central room of the new building, used as the courtroom, matches exactly the perimeter walls of the northern half of the barracks building.³⁵ An 1897 photograph shows the Depot site with no building in this location, presumably taken after the Barracks was demolished, prior to the new Court House being erected, indicating the 1850s structure was not incorporated into the 1897 building.³⁶ However, it is possible that the convict-built foundations were reused.

New police quarters were built in Duke Street in 1897, and the police largely vacated the former Warders' Quarters. With the erection of a new lock-up in 1907, the Warders' Quarters became vacant and began to deteriorate. Permission to demolish the building was granted in 1931.³⁷

In the 1930s, a portion of the Infirmary was relocated to the town hospital for use as nurses' quarters. The kitchen-morgue building and one latrine were sold off, leaving only one early latrine to service the courthouse.³⁸ A 1954 plan shows a residence to be removed in the location of the Infirmary, which may be the 1850s building. By 1957 this building is no longer shown on plans.³⁹

In 1954, the magistrate's office in Northam began petitioning for a new court house, as the existing one was deteriorating and a considerable distance from the office of the Clerk of Courts.⁴⁰ The police facilities were subsequently expanded and the Court House was left largely unused.⁴¹

Toodyay Roads Board subsequently requested permission to occupy the Court House for a boardroom and offices. In early 1958, PWD-designed repairs and additions were made to allow the Council to share the premises with the Crown

31 Cromb, *The History of the Toodyay Convict Depot*, p.109.

32 PWD file 'Toodyay, New Court House, Erection', SROWA Cons 1503 Item 1954/2478 folio 81.

33 Cromb, *The History of the Toodyay Convict Depot*, p.111.

34 PWD plans, 1896, SROWA Cons 1647 Item 4496; Undated plan, stored with 1863 plans, 'Newcastle', SROWA Cons 3850 Item 28 (a); PWD plans, 1957, SROWA Cons 1647 Item 4555.

35 PWD plans, 1896, SROWA Cons 1647 Item 4496; Undated plan, stored with 1863 plans, 'Newcastle', SROWA Cons 3850 Item 28 (a).

36 Unreferenced 1897 photograph, reproduced in Cromb, p.112.

37 Cromb, *The History of the Toodyay Convict Depot*, p.113.

38 Cromb, *The History of the Toodyay Convict Depot*, p.108.

39 PWD plan 'Toodyay Court House: Purchase and Removal of Old Residence', SROWA Cons 1647 Item 4555

40 PWD file 'Toodyay, New Court House, Erection', SROWA Cons 1503 Item 1954/2478, folio 1 (quote) & 5.

41 PWD file 'Toodyay, New Court House, Erection', SROWA Cons 1503 Item 1954/2478.

Law Department. The court room was converted for use as a Council board room, but remained available for use as a court when required. The magistrate's office and a prisoner room were also retained. The new shared facility was opened in March 1959.⁴²

In 1963, the 1856 Superintendent's Stables were demolished to make way for the Standard Gauge Railway. An adjacent house was also demolished at this time. It was much larger than the 1855-56 Superintendent's Quarters, but may have incorporated the original building. The house had been a doctor's residence since 1904, prior to which it had housed the resident magistrate.⁴³

In 1968, the vesting for reserve 2281 (site of the Court House) was changed from 'public utility' to 'municipal offices', suggesting the dual use as an occasional court house may have ceased by this time.⁴⁴

In 2003 a preliminary review for the Court House was considered by the Register Committee when it was resolved that the place was unlikely to meet the threshold for the State Register and a full assessment was not required.

In 2010, students from the University of Western Australia undertook archaeological excavations of the former Convict Depot site as part of Sean Winter's PhD research into the convict system in Western Australia. The excavations, comprising six trenches, revealed intact sub-surface archaeological foundations and their associated deposits. Seven Depot structures were identified, including the Barracks (also referred to as the association ward), Infirmary, Kitchen, Warders' Quarters, Privy, Superintendent's Quarters and Commissariat.⁴⁵

In 2014, the Court House is used as Toodyay Shire Offices. The Convict Depot structures remain as sub-surface archaeological sites.⁴⁶

13.2 PHYSICAL EVIDENCE

The above-surface site features comprise a single-storey red brick and iron courthouse building (1897), in the Federation Free Classical style, which is situated in an elevated position over the Toodyay townsite. Archaeological excavations have revealed subsurface archaeological remains of the former Convict Depot including the Depot Commissariat Store, the Association Ward, the Depot Kitchen, Warder's Quarters, Depot Privy, and Depot Hospital. These sub-surface deposits comprise stone and brick structural remains and their associated deposits.

There are various other recent built elements across the site including a War Memorial on the corner of Clinton Street and Anzac Avenue, a demountable building to the rear of the Court House, tennis court and associated structures, fencing, retaining walls, road surfaces, car parks, plantings, and drainage

42 PWD file 'Toodyay, New Court House, Erection', SROWA Cons 1503 Item 1954/2478.

43 Crompton, *The History of the Toodyay Convict Depot*, pp.65 & 114-15.

44 PWD file 'Toodyay, New Court House, Erection', SROWA Cons 1503 Item 1954/2478 folio 96.

45 Winter, Sean, 'A Preliminary Report on Archaeological Investigations at Two Western Australian Regional Convict Depots. In Nomination of Archaeological Remains Associated with Newcastle Convict Depot, Toodyay, for Inclusion on the State Register of Heritage Places', Shire of Toodyay, April 2011.

46 Paterson, A, Winter, S and Williams, K, 'Conservation Management Plan for the Archaeological Remains at Newcastle Convict Depot (Toodyay)', completed for the Shire of Toodyay by Eureka Archaeological Research & Consulting, UWA,, September 2011

infrastructure. Although included within the curtilage these do not comprise part of this assessment.

Convict Depot Archaeological Sites

The following physical evidence has been summarised from the '*Conservation Management Plan for the Archaeological Remains at Newcastle Convict Depot (Toodyay)*' completed for the Shire of Toodyay by Eureka Archaeological Research & Consulting, University of WA, in September 2011. For further information please refer to pages 16-28 of this document.

In June 2010 a series of archaeological test pits were excavated across the site. These investigations determined that the site of the former Convict Depot had a high degree of archaeological potential. Excavations revealed evidence for the following structures.

Superintendent's Quarters

Located between Anzac Avenue and Fiennes Street, the excavated features include brick foundations and drainage infrastructure, as well as evidence for post-convict additions to the building. The convict era foundations are constructed from convict brick bonded with mud mortar. A convict era assemblage, comprising glass, ceramic, and metal artefacts, was also excavated. The northern part of the building has been truncated by Anzac Avenue and it is currently unknown if further structural elements are preserved beneath the road. The excavated brick foundations were in good condition.

Evidence for a brick addition to the south end of the Superintendent's Quarters, and its associated archaeological deposits, was also revealed. This has been dated to the early twentieth-century when the place was in use as a doctor's surgery.

The area known to have comprised a privy and stables was not excavated but is assessed as having a high degree of archaeological potential.

Association Ward

The Association Ward was situated within the central depot area just south of Fiennes Street, in the area between Pelham and Clinton Streets. Excavations revealed a floor, hearth, spoon drain and walls, all of convict made brick and bonded with mud mortar. The walls are on stone foundations and an associated convict-era artefact assemblage comprising glass, ceramic, bone and metal was also excavated. Deposits and foundations at the south end were in good condition while the northern end is likely to have been destroyed when the Court House was constructed (1897). Further archaeological deposits are also likely to remain in-situ thus the site has a high degree of archaeological potential.

Later deposits, dating to the period the building was in use as a school (late nineteenth-century), were also uncovered.

Depot Kitchen

The Depot Kitchen is also situated within the central depot area. Excavations revealed brick walls on stone foundations, brick drainage infrastructure, a brick floor and an associated archaeological deposit rich in artefactual material. The site is assessed as having a high degree of archaeological potential.

Depot Hospital

The Depot Hospital is also situated within the central depot area. Excavations revealed stone foundations and archaeological deposits. A portion of the Depot Hospital was destroyed by subsequent building events and road widening and is assessed as having a low degree of archaeological potential.

Warders' Quarters and Women's Cells (1872)

The Warders' Quarters and Women's Cells are also situated within the central depot area. Excavations revealed stone and brick foundations/walls, as well as stone drainage infrastructure. The site comprised both the Warders' Quarters and remains of the Women's Quarters which were constructed in 1872. The site revealed associated archaeological deposits including glass, ceramic, and metal. The excavated trench indicated that the south end of the structural remains are in good condition. However, it is unknown whether the north end survived or was destroyed with the construction of Fiennes Street. The site is assessed as having a high degree of archaeological potential.

Depot Privy

The Depot Privy, also situated within the central depot area, comprised brick walls on stone foundations, brick drainage infrastructure, and an associated archaeological deposit. Despite a twentieth-century drain having cut through the structural elements much of the building remains including what may be a brick cess pit (this was not further excavated at this time). The site is assessed as having a high degree of archaeological potential.

Wider Depot Context

Although the above describes the Depot structures in terms of their discreet built elements, the wider site and spaces between the various structural elements would have been in continuous use during the Convict Depot period. The evidence revealed to date indicates that the survival of intact archaeological deposits and features across the site is high. The wider site is therefore assessed as having a high degree of archaeological potential.

Court House

The Court House (fmr), situated in an elevated position over the Toodyay townsite, is a single-storey red brick and iron building constructed in 1897 in the Federation Free Classical style. The building was constructed at the location of the former convict hiring depot (1852), and the previous court house (1867). The corrugated iron roof is hipped and the frontage has arched window detailing and a rendered and white-painted plinth. The building was designed by George Temple Poole during his time with the Public Works Department. An interior inspection was not undertaken for this assessment.

Sites Outside of the Curtilage

Depot Commissariat Store

The Depot Commissariat Store was located on the eastern side of Clinton Street east of the Old Gaol. Excavations revealed remnant timber joists and fence post holes, brick foundations, an artefact scatter and archaeological deposits. This area is registered as part of P2558 *Newcastle Gaol, Lock-up and Stables Group, Toodyay*.

Smithy & Well

These sites were not excavated in 2011 and their locations have been identified using historical maps of the Depot. Site surveys of the area conducted in 2011 suggest that the Smithy is likely to have been destroyed by excavations for the railway. The Well may survive as an archaeological deposit but this cannot be confirmed at this time.

13.3 COMPARATIVE INFORMATION

Convict Depot

Regional convict depots were set up in Albany, York, Toodyay, Lynton, Geraldton, and Guildford⁴⁷ and a search of the HCWA database returns 14 entries with the keywords 'convict depot'. Of these five are the sites of former convict depots and only one is on the State Register of Heritage Places:

- *P1915 Lynton Convict Hiring Depot (Ruins)*, Shire of Northampton

Five places, also on the State Register, are associated with the convict establishment and comprise some elements of former convict depots:

- *P0039 Residency Museum*, Albany
- *P1048 Bill Sewell Community Recreation Complex*, Geraldton
- *P2460 Guildford Town Hall & Library*
- *P2469 Garrick Theatre*, Guildford
- *P2870 Residency Museum*, York

As comprehensive archaeological excavations have not been undertaken at the majority of these places the extent of survival of the archaeological remains is unknown. *P1915 Lynton Convict Hiring Depot (Ruins)* is largely complete, albeit a ruin. This suggests the archaeological remains at *Toodyay Court House (fmr)* and former Convict Depot Archaeological Sites may be rare as an extensive and intact archaeological site of a former Convict Depot.

Court House

A search of the HCWA database returns 13 other courthouses designed by George Temple Poole. Of these 12 are on the State Register. Some of these places served additional functions. Only one is in the Federation Free Classical Architectural style.

- *P0030 Old Albany Post Office* (Victorian Free Gothic)
- *P0051 Albany Court House Complex* (Federation Romanesque/Queen Anne)
- *P0401 Busselton Court House and Police Complex* (Victorian Georgian/Federation Bungalow)
- *P0629 Cue Public Buildings* (Federation Arts & Crafts)
- *P1369 Agricultural Hall (fmr), Kellerberrin* (Federation Romanesque)
- *P1804 Courthouse Museum, Narrogin* (Federation Free Style)

⁴⁷ Attachment 2 - Winter, S 'A Preliminary Report on Archaeological Investigation at two Western Australian Regional Convict Depots, p. 3, in *Nomination of archaeological remains associated with the Newcastle Convict Depot, Toodyay, for inclusion on the State Register of Heritage Places*. Shire of Toodyay, April 2011.

- *P2319 Roebourne Police Station, Gaol & Court House Precinct* (Victorian Georgian)
- *P2346 The Old Court House, Cossack* (Georgian)
- *P2804 Court House & Registrar's Office (fmr)*, Southern Cross (Victorian Regency)
- *P2852 York Police Station, Court House & Gaol* (Victorian Georgian)
- *P3444 Old Onslow Townsite*
- *P6291 Beverley Judicial Complex* (Federation Free Classical/ Federation Arts & Crafts)

A search of the HCWA database for places designed in the Federation Free Classical Architectural style returns 471 entries, five of which are court houses. In addition, there are seven other places designed by George Temple Poole in the Federation Free Classical style included in the HCWA database.

The above would suggest that the Toodyay Court House (fmr) is not rare for its architectural style, or as either a court house or for being designed by Temple Poole.

13.4 KEY REFERENCES

Cromb, Alison, *The History of the Toodyay Convict Depot: a Tale of the Convict Era in Western Australia*, Alison Cromb, Dianella WA, 2010.

13.5 FURTHER RESEARCH

Demolition dates have not been identified for the Blacksmiths Shop, Baker's Oven, Carpenter's Shop, Brick Shed & Kiln, Superintendent's Store, Commissariat or Sappers' Quarters.

The locations of the Baker's Oven and Brick Shed & Kiln have not been identified, as they are not shown on plans. Cromb identifies the Carpenter's Shop in an 1854 painting of the Depot⁴⁸, but it is not known on what she bases her identification.

Further information about the construction of the Depot may be found by reading Lt DuCane's original reports:

Ducane, E. 1853. Report of works executed in the Eastern District for the half-year ending 30th June 1852, dated July 1852. London: George Edward Eyre and William Spottiswoode.

Ducane, E. 1854. Report of works in the Eastern District for the half year ending June 30, 1853, dated July 26, 1853. London: George Edward Eyre and William Spottiswoode.

Ducane, E. 1855. Report of work completed in the Eastern District for the half-year ending December 31st, 1853. Dated 26 January 1854. London: George Edward Eyre and William Spottiswoode.

Ducane, E. 1855. Report of work performed in the Eastern District for the half year ending 30th June 1854. Dated September 25th, 1854. London: George Edward Eyre and William Spottiswoode.

⁴⁸ Cromb, *The History of the Toodyay Convict Depot*, Figures 24 and 25, pp.60-61.

Ducane, E. 1856. Report of work in the Eastern District for the half-year ending 30th June 1855, dated August 11, 1855. London: George Edward Eyre and William Spottiswoode.

Ducane, E. 1856. Report of works in the Eastern District for the half year ending 31st December 1854, dated January 17 1855. London: George Edward Eyre and William Spottiswoode.

Ducane, E. 1857. Report of work performed in the Eastern District for the half year ending 31st December 1855, dated January 15, 1856. London: George Edward Eyre and William Spottiswoode.

Further information about the daily activities of the Depot may be obtained from the occurrence books for the period:

Occurrence Books – Toodyay Depot, SROWA Cons 1156 Series 847 Item OCC 2 (microfilm).