



**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)

- 3.3.4 Looking for land with agricultural potential
- 3.3.5 Laying out boundaries

HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 101 Immigration, emigration and refugees
- 104 Land Allocation and Subdivision
- 105 Exploration and Surveying

11. 1 AESTHETIC VALUE*

Boundary Tree, Swan Locations 4 and 5, Baskerville, located on the banks of the Swan River, has an aesthetic quality due to its contribution to the natural landscape of the area. (Criterion 1.3)

11. 2. HISTORIC VALUE

Boundary Tree, Swan Locations 4 and 5, Baskerville demonstrates the initial development of the Swan River Colony, marking the boundary between Swan Locations 4 and 5, which were among the earliest land grants in the colony. (Criterion 2.2)

Boundary Tree, Swan Locations 4 and 5, Baskerville is associated with the life and works of James Stirling, first Governor of Western Australia, and with the life and works of John Septimus Roe, Surveyor-General. The place is also associated with the early settler families who lived and worked on Swan Locations 4 & 5. (Criterion 2.3)

* 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Canberra, 1991, with additional reference to Richards, O. *Theoretical Framework for Designed Landscapes in WA*, unpublished report, 1997.

11. 3. SCIENTIFIC VALUE

Boundary Tree, Swan Locations 4 and 5, Baskerville contributes to the wider understanding of the cultural history of British settlement by providing evidence for historical surveying techniques. (Criterion 3.1)

11. 4. SOCIAL VALUE

Boundary Tree, Swan Locations 4 and 5, Baskerville is a rare remnant of the early British history of the locality and contributes to the community's sense of place. (Criterion 4.2)

12. DEGREE OF SIGNIFICANCE

12. 1. RARITY

Boundary Tree, Swan Locations 4 and 5, Baskerville appears to be very rare as a place directly associated with the work of James Stirling and John Septimus Roe. (Criterion 5.1)

Boundary Tree, Swan Locations 4 and 5, Baskerville is very rare as a place directly associated with the early exploration and survey of the Swan River Colony. (Criterion 5.2)

12. 2 REPRESENTATIVENESS

Boundary Tree, Swan Locations 4 and 5, Baskerville is representative of the early methods of surveying used by the British colonists in administrating and allotting land grants (Criterion 6.2)

12. 3 CONDITION

Generally *Boundary Tree, Swan Locations 4 and 5, Baskerville* is in good condition, although it has sustained damage over the historical period, including burn scarring which is likely to have obscured any surveyor's marks.

12. 4 INTEGRITY

Boundary Tree, Swan Locations 4 and 5, Baskerville has high integrity, and is still performing its function as a boundary point between different land allotments. The tree appears capable of continuing to perform this function into the future.

12. 5 AUTHENTICITY

Boundary Tree, Swan Locations 4 and 5, Baskerville has moderate authenticity. The tree is still the original tree that was used as a boundary point, although the fabric of the tree has been damaged, including obscuring any original survey marks.

13. SUPPORTING EVIDENCE

The documentation for this place is based on the heritage assessment completed by Senior Heritage Officer Moss Wilson, in June 2014, with amendments and/or additions by the State Heritage Office and the Register Committee.

13. 1 DOCUMENTARY EVIDENCE

In 1826 a small British outpost had been set up at King George Sound, along the extensive western coastline of New Holland that had been largely ignored by expansionist European powers. However, in late 1826 Captain James Stirling proposed to the Governor of New South Wales to explore the Swan River's potential for settlement as part of his journey.¹ Stirling's ship HMS *Success* left Sydney with Charles Fraser, a New South Wales government botanist, in January 1827, and arrived at the Swan River by March the same year. It was recorded by Stirling's clerk that

The object of this was to proceed, if possible, to the source of the river, to examine the banks, the depth of water, to fix on an eligible spot for a settlement, to ascertain the productions of the country, the nature of the soil, and the practicability of forming a harbor for shipping.²

On 8 March 1827 Captain Stirling, Fraser and a party of 17 people left the *Success* in two boats and after dragging the small vessels across the sandbar at the river mouth, rowed up the Swan River.

By March 13th, Stirling's party could not continue.³ Stirling's report recalls:

At length after several halts we reached, about 11 o'clock, a Spot where the River takes an Eastern direction just above a considerable Creek on the left hand; we there found unsurmountable obstructions to our further progress, in fact we had reached the termination; far beyond this there was a Bed of a torrent, but no longer a River; nor even a continuation of Water, except in a succession of distant parts. Here then on a high bank we pitched our Tent; the richness of the Soil, the bright foliage of the Shrubs, the majesty of the surrounding Trees, the abrupt and red coloured banks of the River occasionally seen, and the view of the blue summits of the Mountains, from which we were not far distant, made the scenery around this Spot as beautiful as anything of the kind I had ever witnessed.⁴

Stirling made a number of explorations from this point, and planted a small garden of potatoes and peach trees before returning to the *Success*.⁵ The 'considerable creek' was named Ellen's Brook after Stirling's wife and it was later proved that the Swan River continued upstream and became the Avon River, originally thought to be a separate water body (Figures 1 & 2).⁶

1 P Statham, 'Swan River Colony,' *A New History of Western Australia*, C T Stannage (ed.), UWA Press, 1981, p. 182

2 A Gilbert, *An Account of the Expedition of HMS "Success", Sydney, 1827*

3 D Markey, *More a Symbol than a Success*, Westbooks, 1977, pp. 15-16

4 "Captain James Stirling, Narrative of Operations – Expedition to Swan River, 1827", *Western Australian Explorations, vol. 1*, J Shoobert (ed.) Department of Land Administration, 2005, p. 26

5 *Ibid.*, p. 27

6 Markey, *op cit.*, p. 15

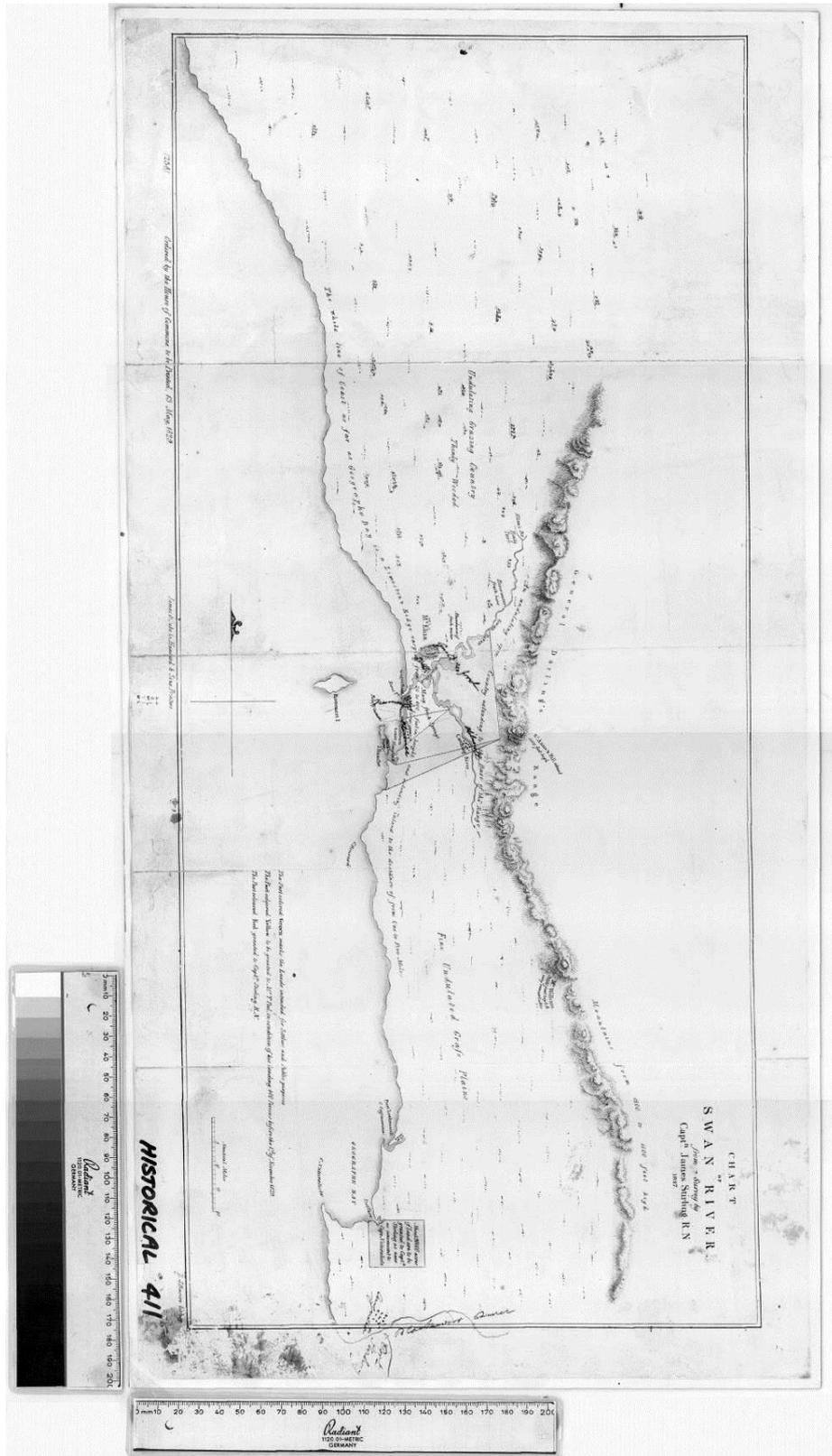


Figure 1. 1827 Map of Captain James Stirling's explorations up the Swan River⁷
 Chart of Swan River by Captain J. Stirling [b/w photographic print only]", SRO Item 411, Cons 3844, Series 234

⁷ All copies of maps included in this assessment comply with State Records Office copyright policy.

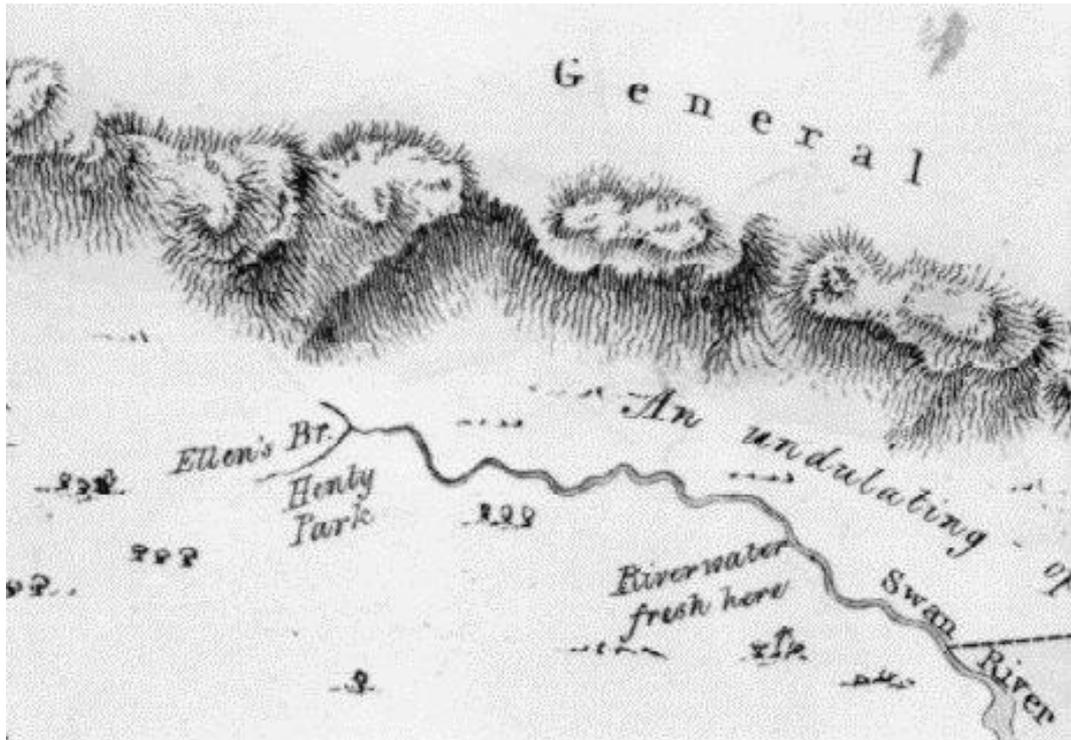


Figure 2. Detail of Stirling's map (oriented with north towards the left side of the page)

Stirling's positive recommendations for the Swan River as an area of settlement were not immediately realised, but by June 1829 he had returned on the *Parmelia* to establish a British colony as its Governor.⁸

In September 1829, Stirling and Surveyor General, John Septimus Roe, travelled to the head of the Swan River above Guildford with a group of settlers to whom permission had been given to select land. These were among the first rural land grants in the Colony. An extract of a letter from a settler who was present at this survey states:

After walking some distance... we arrived at the source of the river, called Ellen's Brook. Here the river is very narrow. The Governor next declared the land from this point for four miles down the river, to be appropriated to Mr L-, one of our party, who had a preference... The Governor made other grants, distinguishing each by marking the trees.⁹

"Mr L-" in this document refers to George Leake, who took a large grant on the western bank of the river that became Ellenbrook Estate.¹⁰

Unfortunately no clear documentary evidence has been discovered at this stage to determine what surveyor's marks were employed by Roe in his surveys, however other location maps of the 1830s describe the use of the broad arrow, cross, chevron, triangle and diamond symbols by government surveyors.¹¹

⁸ Statham, *op cit.*, p. 185

⁹ "Extract of a letter from one of the new Settlers, dated Swan River, October 13", *Western Australian Explorations*, vol. 1, J Shoobert (ed.) Department of Land Administration, 2005, pp. 85-86

¹⁰ *ibid.*

¹¹ Roe's field books skip from July 1829 to October 1829 and his map is missing a segment that may have

Among the other grants administered at this time was that of Robert Menli Lyon, who selected more than 1,000 acres at Swan Location 4, in the vicinity of where Stirling had previously finished his exploration.¹²

However, Lyon resigned his grant in 1830, stating that he feared attack from Aborigines was more likely due to the distance of his grant from that of other settlers who took up occupation of their grants in 1829-1830. Swan Location 4 was transferred to Captain William Shaw, which he named 'Belvoir' and constructed a wattle and daub homestead by 1833.¹³

A transcript of land transfer in 1838 describes Swan Location 4 as:

Bounded on the South by a similar due east line from the left bank of the Swan River passing through the centre of the stem of a tree near said left bank, distinguished by having four forks and four vertical notches.¹⁴

Swan Location 5 was initially granted to William Tanner, an agriculturalist who applied for 35,000 acres of land that included the 5,000 acre Swan Location 5.¹⁵ While Tanner was one of the wealthier settlers in the colony and secretary of the Agricultural Society of Western Australia, he was absent from the colony for substantial periods of time, and the poor economy led him to return to England in the 1840s. Swan Location 5 was sold in 1837 to Robert Dewar, and again in 1846 to Eliza Shaw.¹⁶

The ribbon grants along this section of the Swan River were mapped by Roe in 1829 (Figures 3 & 4), with a more accurate map produced by Arrowsmith in 1839.¹⁷ A closer view of the boundary between Swan Locations 4 and 5 can be seen in an 1833 map of the area by George Smythe, which depicts the boundary as intersecting with the Swan River at the midpoint of the river's serpentine curve and at the end of where Amiens Crescent currently stands (Figures 5 & 6).¹⁸

described his survey marks. See A Hillman Field Book No. 1 (field book is not by Hillman but probably JS Roe, Hillman did not arrive in the colony until 1831) SRO Item HIL/01, Cons. 3401, Series 32; "J.S. Roe - eye sketch of the Swan River, October-November 1829", SRO Item 134, Cons 3423, Series 50; 'Survey of locations on Swan River [undated, Tally No. 005136,] SRO item no. 026, Cons 3844, Series 234;

12 H Loton, *Beyond the Stirling Tree*, Hesperian Press, 2012, pp. 12-13

13 M Bourke, *On the Swan: A History of the Swan River District Western Australia*, UWA Press, Nedlands, 1987, p. 33

14 H Loton, *Beyond the Stirling Tree*, Hesperian Press, 2012, p. viii. The 'four vertical notches' would have referred to an identifying mark carved onto the boundary tree

15 N Ogle, *The Colony of Western Australia: A Manual for Emigrants*, 1839, John Ferguson Sydney (1977 ed.), Appendix 14.

16 'Third Annual Report of the Directors of the Agricultural Society,' *The Perth Gazette and Western Australian Journal*, 10 January 1835, p. 3; S Burke, *The material basis of the settlement process : the historical archaeology of the Swan District, Western Australia, 1827 to 1860* PhD Thesis, UWA, 2004, pp. 98, 104, 111

17 "J.S. Roe - eye sketch of the Swan River, October-November 1829", SRO Item 134, Cons 3423, Series 50; "J.S. Roe - map of South-West portion of colony showing explorations compiled by J. Arrowsmith, London, 1839", SRO Item 124A, Cons 3423, Series 50

18 "Survey of Swan River above Ellen's Brook to fix position of 63rd tree by George Smythe [Tally No. 005135]", SRO 027, Cons 3844, Series 234

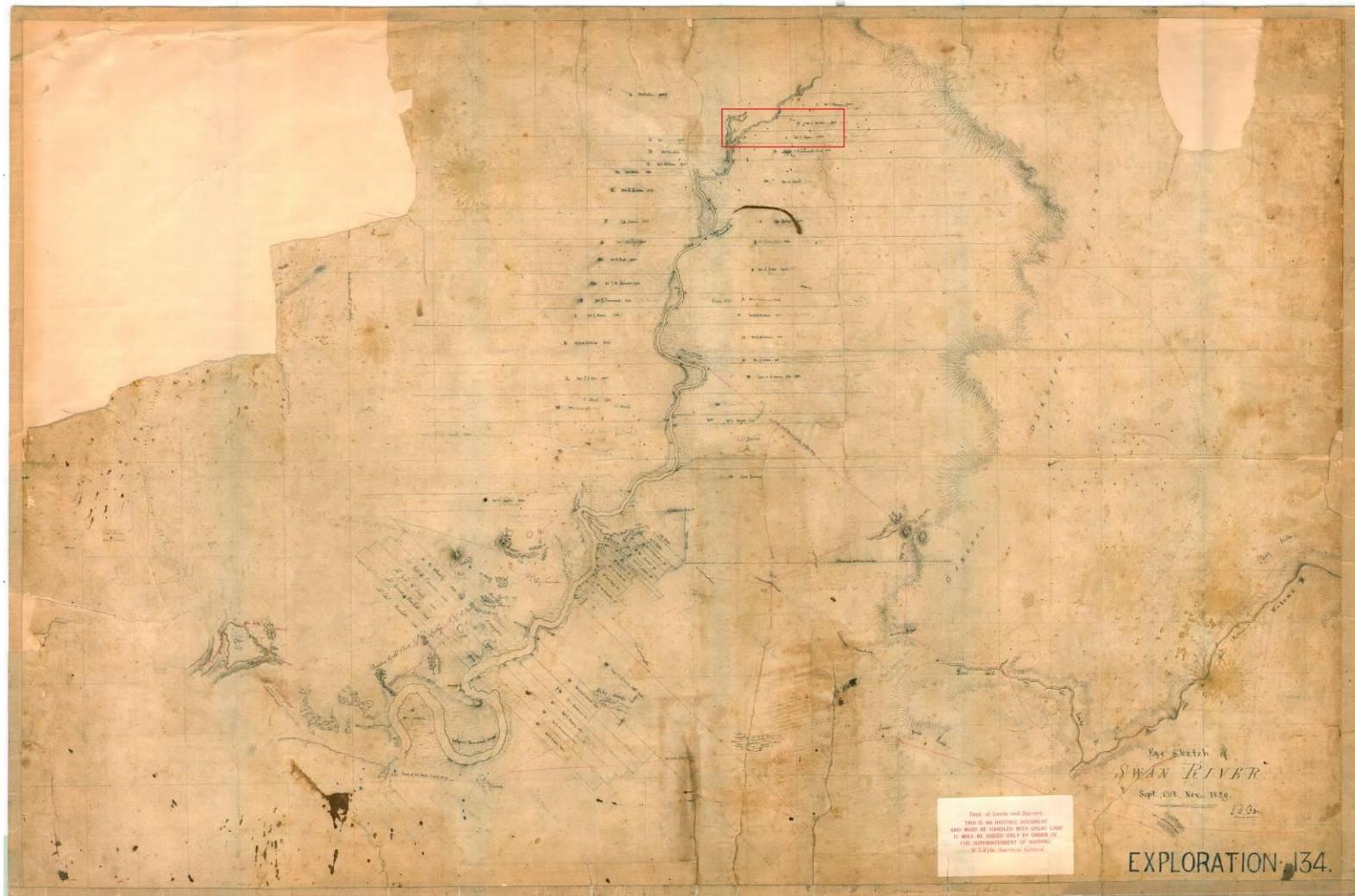


Figure 3. J S Roe's 1829 map of the Swan River Locations, Swan Locations 4 & 5 highlighted in red
"J.S. Roe - eye sketch of the Swan River, October-November 1829", SRO Item 134, Cons 3423, Series 50

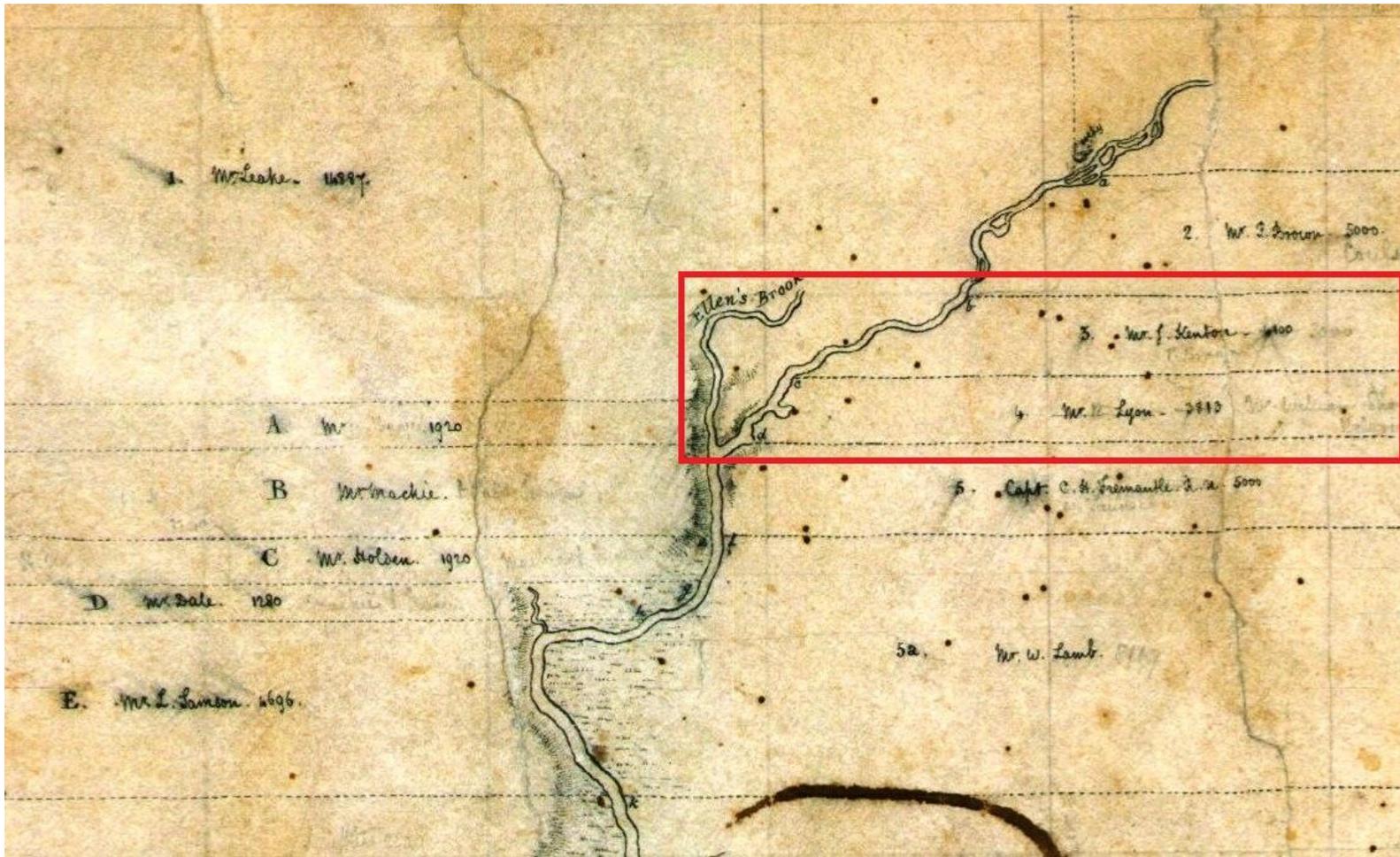


Figure 4. Detail of Roe's 1829 map showing Swan Locations 4 and 5 highlighted in red.

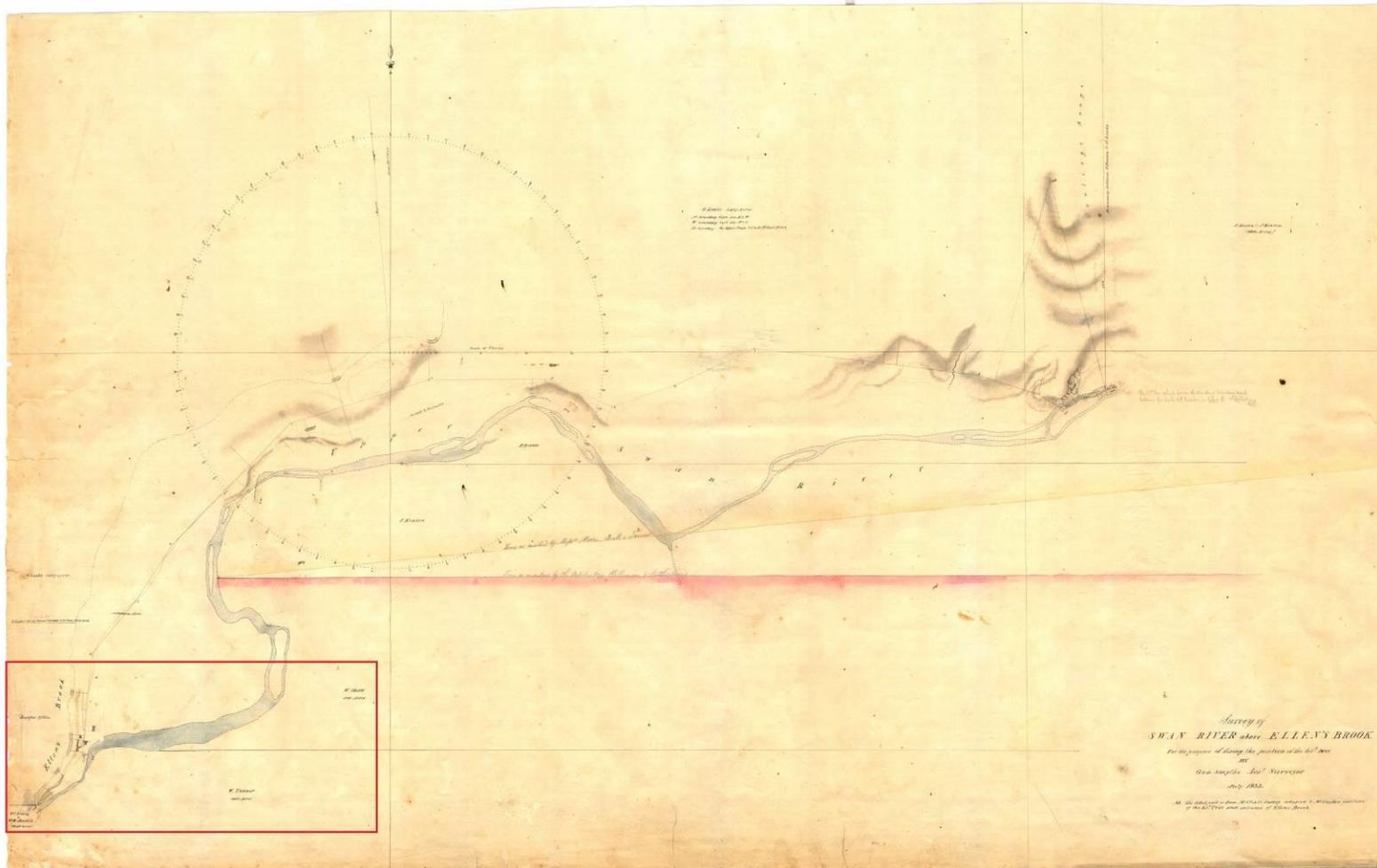


Figure 5. G Smythe's 1833 map of Swan River Locations 3, 4 and 5, the Location 4/5 boundary highlighted in red
"Survey of Swan River above Ellen's Brook to fix position of 63rd tree by George Smythe [Tally No. 005135]", SRO 027, Cons 3844, Series 234

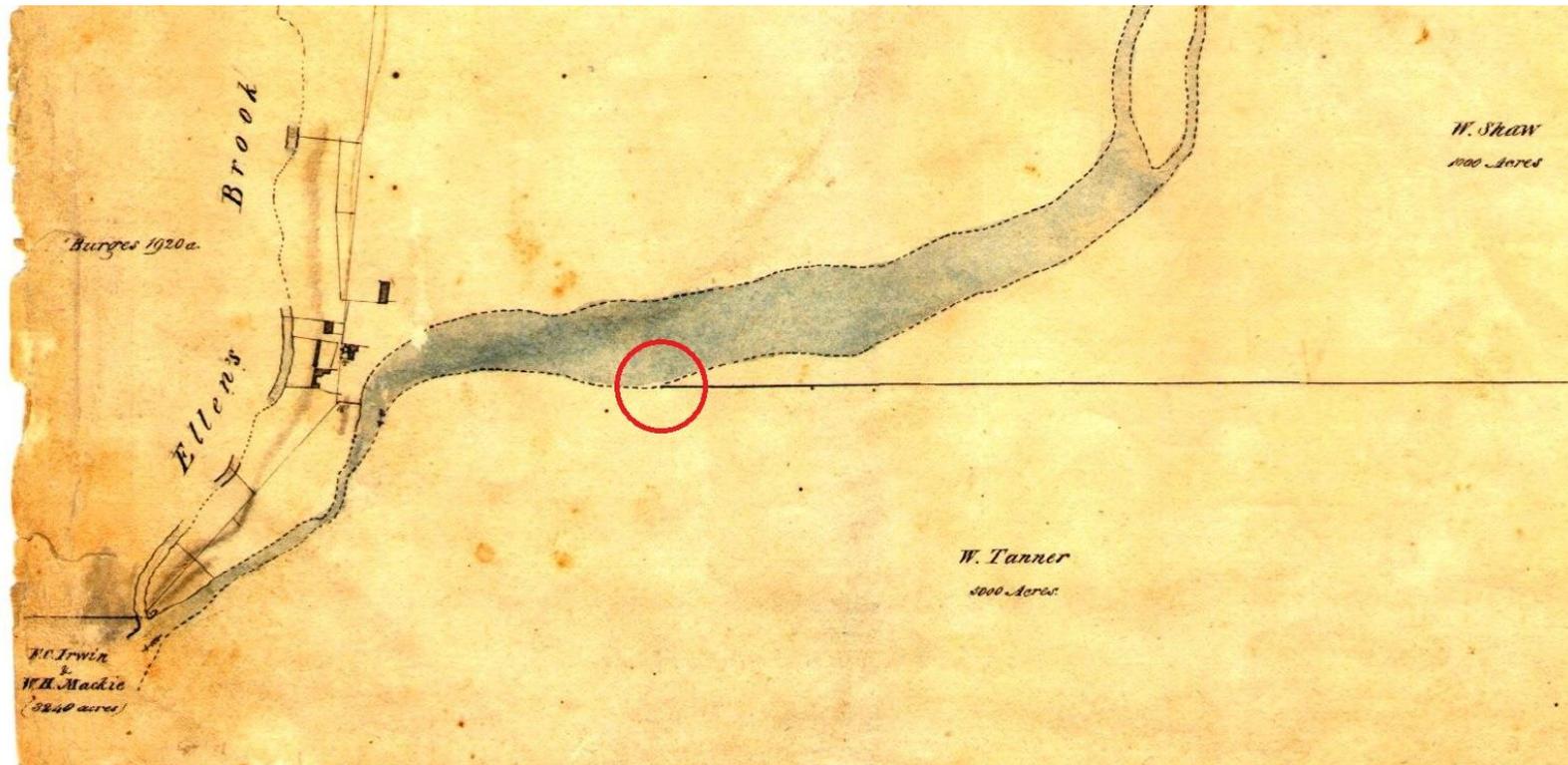


Figure 6. Detail of Smythe's 1833 map with boundary termination at the site of the Stirling Tree circled in red. Note the difference in the course of the Swan River as depicted in Roe's 1829 map.

As the survey of the grant locations were performed by a group of government surveyors marking out boundaries using a compass, disputes over boundary locations were inevitable. Captain William Shaw and his neighbour to the north, Peter Brown of 'Coulston,' could not agree on a boundary between their properties and even asked Henry Bull, William Tanner and George Fletcher Moore to mark an independent boundary line. When this line was still disputed the matter was taken to a special sitting of the Civil Court, leading to the unfortunate spectacle of government surveyors Smythe, Hillman and Surveyor General Roe being called to testify on the accuracy of each other's work.¹⁹

The trees marked by Stirling in 1829 were re-used by J W Gregory as part of a government contract survey of the Swan in 1842 (Figures 7 & 8), where the tree is described as 'Tanner's Northern Boundary Tree.'²⁰

An intriguing detail of this map is a tree symbol marking the location of the 'Success Tree (dead)', west and downstream from *Boundary Tree, Swan Locations 4 and 5, Baskerville*. This may represent the site of Stirling's furthest point upstream in his 1827 exploration, and the location generally corresponds to Stirling's map of this journey.²¹

19 'Civil Court – Special Sitting,' *The Perth Gazette and Western Australian Journal*, 30 January 1836, pp. 2-3. It should be noted that Tanner's neighbour to the north was originally Kenton at Swan Location 3, which was bought out by Brown by 1836 and merged with his estate of Coulston at Swan Location 2.

20 "Folio XXX. Survey of Swan River showing boundary marks of several grants, as placed by J.W. Gregory", SRO Item Swan 30, Cons 3848, Series 238; "J. W. Gregory Field Book No. 1", SRO Item GREJ/01, Cons 3401, Series 32, p. 67; *The Perth Gazette and Western Australian Journal*, 16 April 1842, p. 4

21 "Chart of Swan River by Captain J. Stirling [b/w photographic print only]", SRO Item 411, Cons 3844, Series 234. Pers. comm. with Dr Burke 2 May 2014 indicates that an attempt was made to locate the 'Success Tree' in 2000 and may no longer be extant

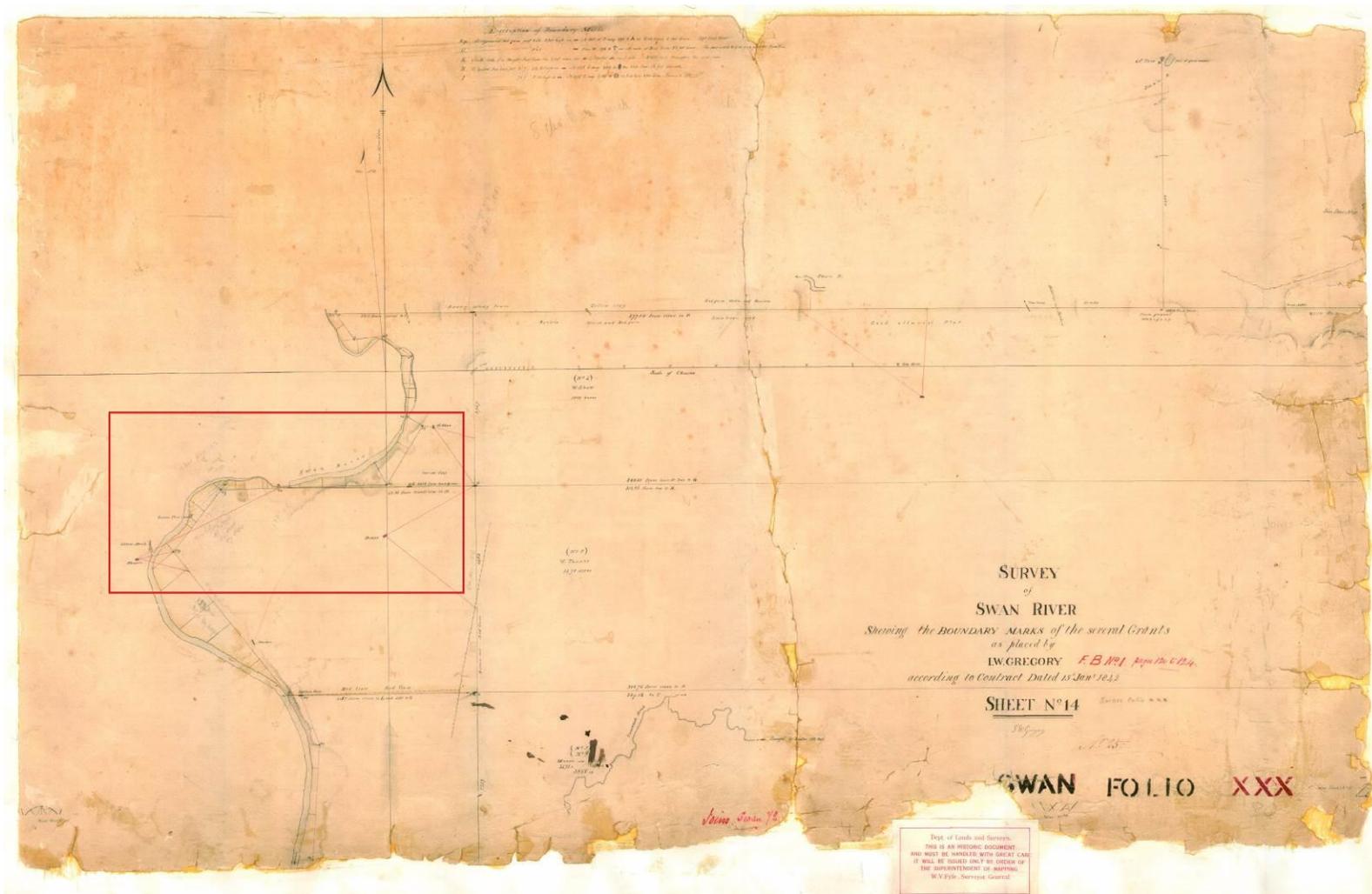


Figure 7. J W Gregory's 1842 map of Swan Locations, Location 4/5 highlighted in red "Folio XXX. Survey of Swan River showing boundary marks of several grants, as placed by J.W. Gregory", SRO Item Swan 30, Cons 3848, Series 238

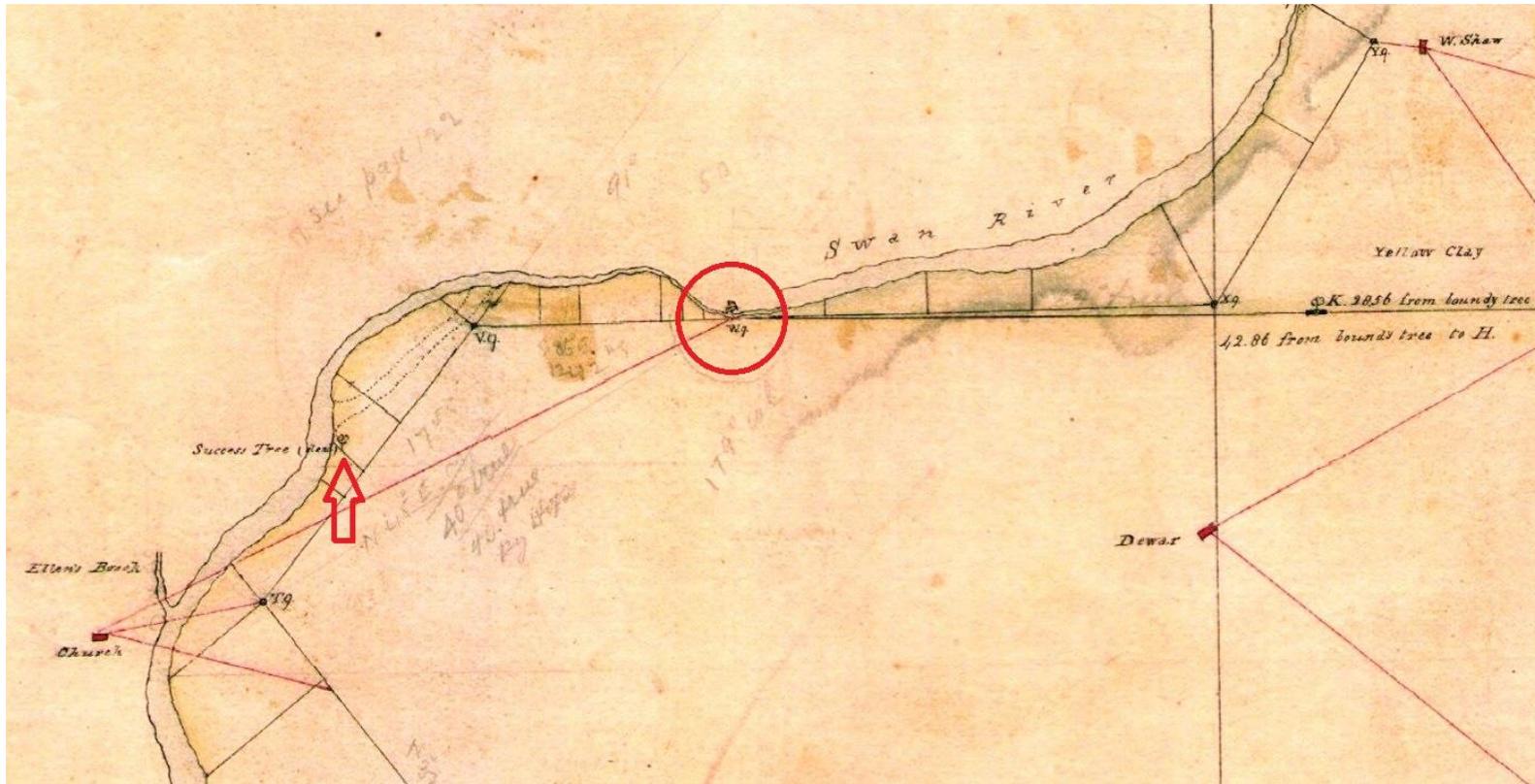


Figure 8. Detail of Gregory's 1842 map. Several features are of note: *Stirling Tree* is located at point WG (circled in red), and Shaw's homestead, Tanner's homestead and P2492 All Saints Anglican Church are also all marked. Between points T9 and V9 is 'Success Tree (dead)', highlighted with a red arrow

Captain Shaw continued to live at Swan Location 4 until his death in 1862, the estate managed by his wife Eliza Shaw and their son George Shaw until it was sold in 1876 to W T Loton. A more substantial homestead was eventually built at the place by the Loton family c.1887. The Loton family continued to live at the place until 1962.²²

Boundary Tree, Swan Locations 4 and 5, Baskerville continued to mark the boundary of Locations 4 & 5 as the area developed, and by 1936 the Locations had become subdivided. The new lots 67 and 68 (formerly part of Location 5) were divided by Amiens Crescent, the *Boundary Tree, Swan Locations 4 and 5, Baskerville* intersection of Locations 4 & 5 becoming the western boundary of the road reserve where it meets the Swan River.²³

In 2004, the Eucalypt at the end of Amiens Crescent was identified by Dr Shane Burke as the tree marked by Stirling in 1829. A description of the tree at this time indicated that bark had been removed from the tree's south side. A photo of the tree taken by Dr Burke shows a large section of the tree's surface as missing, presumed damaged in a bushfire.²⁴ The tree was also photographed and recognised by H Loton as the boundary tree between Swan Locations 4 and 5 in 2012, identified by the four forks described in the 1838 land transfer. Loton additionally contended that the tree also represents the furthest point reached by Stirling in 1827.²⁵

13. 2 PHYSICAL EVIDENCE

The place consists of a single Flooded Gum (*Eucalyptuys rudis*), growing on the south side of the Swan River where it flows along an east-west axis through Baskerville. To the south of the Eucalypt is Amiens Crescent, residences and Mann Winery to the southeast. The tree itself is approximately 20 m high with a diameter of 2 to 2.5 m.

The Eucalypt is living but has sustained a great deal of damage when compared to historical images; the tree has burn scars, termite holes and a number of the uppermost limbs are missing. In particular, a section of the bark on the southern face of the tree is no longer extant, and is considered to have been burnt off in a lightning strike. The tree surface is also covered in numerous nodules. Despite this, the tree is putting forth fresh green branches.

No signs of artificial modification such as deliberate scarring or the carving of symbols are apparent. If such marks existed, they may have been obscured or removed by burning.

13. 3 COMPARATIVE INFORMATION

James Stirling

A search of the State Heritage Office database for places associated with Governor Stirling returns 12 places, 5 of which are listed on the State Register of Heritage Places (RHP). The places associated with Governor Stirling include memorials, farms and residences. Entries that are comparable to *Boundary Tree*,

²² HCWA Assessment Documentation for P2531 *Belvoir Homestead Group*, pp. 7-10, 17

²³ Certificate of Title Lot 5, Diagram 18824 (1191/701) & Lot 68, Plan 4637 (1009/317)

²⁴ S Burke, *op cit.*, pp. 89-90. The image of the tree is consistent with the photos taken in April 2014.

²⁵ Loton *op cit.*, pp. 4-5, 10-11

Swan Locations 4 and 5, Baskerville as places directly associated with Stirling's life and actions include:

- P3957 *Pinjarra Massacre Site* (RHP): comprises an area of vacant land in a natural bush setting, memorialised as the site of a massacre of Binjareb Nyungars by British settlers in 1834. Governor Stirling organised and led the party that took part in the massacre. The place is significant as a massacre site and as being representative of the armed conflict between Nyungars and British settlers.
- P3289 *Heathcote Hospital* (RHP): comprises a number of buildings built 1929-1930 as a hospital, the site is significant as the landing and camp site of Captain James Stirling during his exploration of the Swan River in 1827. The area was also briefly considered as a settlement site, which was passed over for Perth.
- P3650 Rottneest Island: comprises the 1859 hectare island off the coast of Western Australia, significant for a number of events relating to the early life of the colony. The place was visited by Stirling in his 1827 explorations as Captain of the *Success*, and used by Stirling as a launching point for settlement in 1829. Several sites on the island are in the State Register.
- P18184 Cliff Point Historic Site, part of P4501 Garden Island: area within Garden Island where Governor Stirling's party camped for two months before moving to the Swan River settlement on the mainland. Includes the potential archaeological remains of Stirling's hut.

While not listed in the State Heritage Office database as places directly associated with Governor Stirling, there are a number of significant buildings and structures in Perth and Fremantle that were constructed during his governorship, three of which include:

- P896 *Round House and Arthur Head Reserve* (RHP): comprises twelve sided limestone gaol built in 1830 and the surrounding limestone cliffs. Governor Stirling commissioned the building, which remains the oldest permanent public building in Western Australia.
- P1948 Old Court House, part of P1947 *Supreme Court Buildings and Gardens, Old Court House Stirling Gardens* (RHP): comprises a complex of buildings associated with the development of Perth and the changes to the Swan River shoreline between 1836 and 1953. The Old Court House was commissioned in 1836 by Stirling and is the oldest public building extant in Perth.
- P2492 *All Saints Anglican Church* (RHP), Henley Brook: comprises a small church constructed of clay brick, timber and shingles, including original 1841 building fabric. The place is one of the oldest church buildings in the state and is associated with both the British settlement of the Swan Valley as well as James Stirling's 1827 exploration. The assessment documentation notes this place as the site of Stirling's furthest exploration up the Swan River in 1827.

John Septimus Roe

A search of the State Heritage Office database for places associated with Surveyor General John Septimus Roe returns 10 entries, 4 of which are listed in the RHP. The places associated with Roe include homesteads, historic sites, mine sites and memorials. The places that are comparable to *Boundary Tree*, *Swan Locations 4 and 5*, *Baskerville* as places directly associated with Roe's work as a government official (as opposed to places with family or commercial connection) include:

- P1132 *Maddington Homestead* (RHP): comprises a two storey stone house with detached kitchen, dairy, tack room and sheds, the land originally owned by Augustus Gilbert and the farm established c.1836 by Major William Nairn. John Septimus Roe selected the site of the land allotment for Gilbert in 1829 after being authorised as his agent.
- P3957 *Pinjarra Massacre Site* (RHP): see above. Roe was a member of Stirling's party and took notes on the massacre, although did not participate himself.
- P2164 *East Perth Cemeteries*: sited on a hill overlooking the Swan River, the cemetery contains the graves of the settlement's early pioneers. The place was surveyed by Roe in 1829 with the first burial taking place in 1830.

It should be noted that this list does not include all the places that Roe surveyed, as this information has generally not been recorded in the State Heritage Office database.

Exploration and Surveying

A search of the State Heritage Office database for places associated with the state theme of exploration and surveying returns 186 entries, 8 of which are listed on the RHP. Of the 187 places, 111 are dated prior 1850. The majority of these places appear to relate to geological heritage and not early British exploration. By reducing this list to places directly related to British exploration prior to 1850 (including townsite pegs, survey cairns and natural features used in surveys), the following 9 places were found to be comparable to *Boundary Tree*, *Swan Locations 4 and 5*, *Baskerville*:

- P1900 *Warribanno Smelter Complex and Ruin* (RHP): comprises a complex of smelter buildings established in 1849 at Northampton. Includes two 'L' shaped stone cairns marking the northern boundary of the original lot.
- P8565 *Chauncy's Cairn* (RHP): comprises an 1846 stone cairn built around a timber post atop a granite outcrop on Ngangaguringguring Hill. The place is significant as the only remaining survey marker used by Chauncy for York Road, and is the oldest known surviving road survey marker in Western Australia.
- P15278 *Eaglestone*: a granite outcrop, used as a survey point by J S Roe in 1836.
- P15282 *Knugajin Hill*: a granite outcrop, used as a survey point by J S Roe in 1836. A cairn is known to exist at this hill.

- P16325 77 Mile Peg, York Road: the remains of a timber mile post established in the 1840s as part of the original Peth-York Road.

Other early markers

Given the paucity of places in the database relating to early settlement boundary markers (such as trees, stone cairns and pegs), a number of other places can be identified that may yet contain extant remains demonstrating this theme. These include, but are not limited to:

- Boundary Ditch SL3, identified as part of S Burke's 2002 thesis on the settlement of the Swan district. This place is a 225 m long remnant earthwork that originally formed part of the boundary between Swan Locations H and I, and was described as early as 1836.²⁶
- John Forrest's Cairns 1877-1878: part of the triangulation survey of the eastern districts. While not part of the early settlement period, the group nonetheless marks a significant project in the surveying of the state. A number of these cairns are still extant and some are part of the Avon Valley Survey Heritage Trail.²⁷

Conclusion

The comparative evidence suggests that as a place associated with James Stirling and as a place associated with the initial exploration and survey of the Swan River Colony, *Boundary Tree, Swan Locations 4 and 5, Baskerville* is very rare. The comparative evidence further suggests that *Boundary Tree, Swan Locations 4 and 5, Baskerville* is very rare as a place associated with the work of Surveyor General John Septimus Roe, however this is harder to gauge given the large number of places where Roe's original survey of the area has been unrecorded. The comparative evidence therefore indicates that more research may be required to identify the extent of places relevant to these themes.

13. 4 KEY REFERENCES

13. 5 FURTHER RESEARCH

Further research on other early survey markers.

²⁶ S Burke, *op cit*, pp. 89-91.

²⁷ F K Crowley, *Big John Forrest 1847-1918: a founding father of the Commonwealth of Australia*, UWA Press, 2000, p. 35; 'Avon Valley Survey Heritage Trails', website accessed 8 August 2014, http://www.walkgps.com/images/Avon_Valley_Survey_Heritage_Trails_maps-undated-pre2000-2pages.pdf