

# The Toodyay Convict Hiring Depot

*By Alison Cromb, Guest Writer*

The Toodyay Convict Hiring Depot was one of a number of convict hiring depots set up in 1851 after the unexpected arrival of a large number of convicts to the Swan River Colony. The *Pyrenees* anchored off Fremantle on 28 June 1851. On board were 293 convicts, all of whom would be granted their ticket-of-leave after disembarking. Three convicts had died during the voyage.

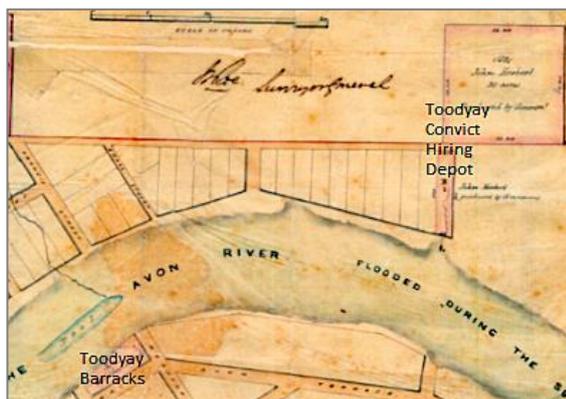
Governor Fitzgerald acted quickly. In July he announced the introduction of convict hiring depots to Western Australia. The newly arrived men would be divided into two groups, the first of which would enable convict hiring depots to be set up at North Fremantle and at the Perth Steam Mill located at the foot of Mt Eliza.

The remaining group of 120 men were going to be sent, in equal numbers, to the rural towns of York, Toodyay and Bunbury where convict hiring depots would be set up using their labour. Temporary accommodation was hastily arranged – the purchase of a cottage and land at 'old' Toodyay, rental accommodation in York and the purchase of an unfinished house in Bunbury.

Enrolled Pensioner Guards would also be sent to each depot site. The building of the convict hiring depots would be assisted by the 20<sup>th</sup> Company of Royal Sappers and Miners who would act as Instructing Warders.

## **OLD TOODYAY (now known as WEST TOODYAY)**

The party of 40 ticket-of-leave holders heading for Toodyay was held up in Guildford by heavy rain and flooding. Escorted by Pensioner Guard James Stanford, the men finally arrived at the Toodyay Barracks on Wednesday, 20 August. The Toodyay Barracks and the new depot site were situated in the 'old' town of Toodyay now known as 'West Toodyay'. The new depot site, on Lot 69 and lot R1, afforded shelter on the other side of the Avon River. The cottage and land had been purchased by the Government for the cost of one hundred pounds. Crossing the rising Avon River in order to reach their destination proved dramatic. However, all arrived safely. Once rested, the ticket-of-leave holders set to work building rush huts to accommodate the expected Pensioner Guards.



*The Toodyay Barracks and the Toodyay Convict Hiring Depot at old Toodyay (now West Toodyay), 1851*

*Extract from Cons 3850, Item 41.  
Courtesy of Western Australia  
Land Information Authority.*

Construction of a necessary lock-up at old Toodyay began on 23 December 1851. Sapper Corporal Joseph Nelson was placed in charge. Pensioner Guard Francis Kirk acted as overseer to the ticket-of-leave holders who carried out much of the work. Built of stone with a clay mortar, the lock-up contained twelve solitary cells plus an extra cell for Aboriginal prisoners. Floorboards were used throughout. The Toodyay Lock-up was completed by the end of 1852, after which Pensioner Guard John Jones was appointed as its gaoler. The lock-up was regularly referred to as the Toodyay Gaol.

The property purchased at the old township of Toodyay proved inadequate for the future needs of a convict depot. Within months another site was chosen in order to build a much larger depot.

## THE 20<sup>TH</sup> COMPANY OF ROYAL SAPPERS AND MINERS

The responsibility for the building of the new Guildford, York and Toodyay Convict Hiring Depots rested with 2<sup>nd</sup> Lt Edmund Frederick Du Cane. During the first year of construction at Toodyay, Lt Du Cane was assisted by Corporal Joseph Nelson and six other Sappers acting as Instructing Warders. The Sappers included Charles Buchanan, Robert Henshaw, Robert Lennox, David Lindsay, William Pearson and Emmanuel Unwin. Once the lock-up was complete, an average of only four Sappers was required for depot construction. Corporal Edward Taylor replaced Corporal Joseph Nelson in June 1853 and was stationed in Toodyay until September 1856. Sapper Henry Jarvis was stationed in Toodyay from Dec. 1853-Jul. 1856. Sappers were much valued for their skills in a variety of trades.

The three depots were built concurrently which meant a good deal of travelling by Du Cane. Progress of all three was recorded in his six monthly reports. A home was built for Du Cane in Guildford.

Lt Du Cane returned to England in February 1856. The last of the 20<sup>th</sup> Company of Royal Sappers and Miners departed in April 1862 after having served the colony well. Some men remained behind to create a new life for themselves.

## CONSTRUCTION OF THE TOODYAY CONVICT HIRING DEPOT

In early 1852, Lt Du Cane began organising the construction of the much larger convict hiring depot located approximately six kilometres upstream. The site chosen was an area of Crown land designated as Avon Location 110. It measured a little over 45 acres (18 hectares) and, importantly, was not subject to being flooded by the Avon River as had happened to the old Toodyay townsite. The survey of the depot and its adjacent Pensioner Guard allotments was carried out by Surveyor Francis T Gregory.

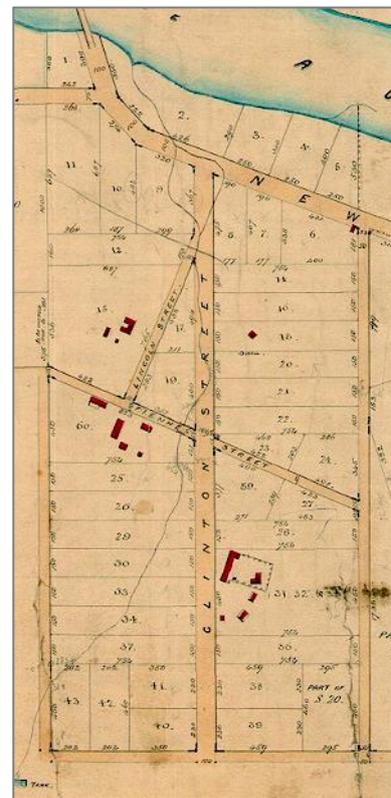
Hiring depots were built according to the same plan. However, variations did occur due to the lay of the land and other circumstance. Each convict hiring depot included the following structures:

Main depot barracks, Commissariat, warders' quarters, infirmary, Superintendent's store, kitchen/cookhouse, Sappers' quarters, and blacksmith's shop, and a Superintendent's house.

In the beginning, an average of 40 ticket-of-leave holders were housed on site in a large waterproof tent provided with tables and stretchers. Sappers temporarily lived in rush huts constructed by ticket-of-leave holders. A well was sunk which was supplemented by water derived from a nearby permanent spring, Pelham Brook.

The first buildings erected were a store, a building which became the Commissariat, and one of the two-roomed Sappers' cottages. The latter two were constructed of stone with a clay mortar and a shingled roof. The warders' quarters were also built of stone and had a shingled roof. Footings were stone-based. Timber was carted from saw pits at Jimperding.

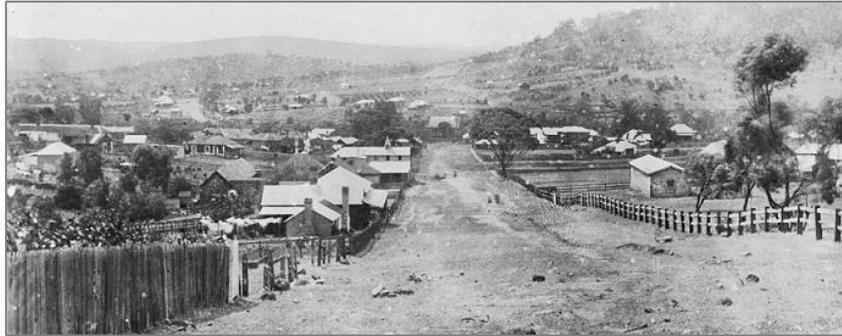
By late 1852, bricks had been introduced to the site by a local brick-maker. Very soon a kiln was erected and a good source of lime found. The depot then began producing its own bricks. As a result, all remaining buildings were erected with bricks made on site. In his report dated 25 September 1854, Du Cane reports that over 100,000 bricks had been made. In addition, 785 bushels of charcoal had been burnt, much of which would have been used by the depot blacksmith.



*Subdivision of Toodyay Convict Hiring Depot 1861. Extract from Cons 3868 Item 400. Courtesy Western Australia Land Information Authority.*

All main buildings had shingled roofs. The buildings were furnished with doors, windows, floorboards, plastered walls where applicable, and fireplace and chimneys for heating in the winter months. Floors were either brick-paved or had floorboards laid. Most buildings were fenced and white-washed.

The depot barracks were rectangular in shape and measured approximately 60ft by 25 ft. The men slept in hammocks. The floor was brick-paved. Originally accommodating only 60 men, in 1854 the number was increased to 120 men by installing two tiers of hammocks. The Commissariat was extended using bricks on stone foundations. The extension measured 35ft by 20ft and was fitted out with shelves. Wooden stables, erected close by, were large enough for seven horses. Fresh vegetables were grown in a fenced garden set up adjacent to the Commissariat.



*Clinton St and remnants of the Toodyay Convict Hiring Depot circa 1896, Courtesy Battye Library*

Ticket-of-leave holders, were expected to find employment for themselves within the Toodyay District. Those without work were required to return to the depot and take part in depot construction where their lives were governed by routine. In the early years, a ticket-of-leave holder, if he was lucky enough, could sometimes gain paid employment within the depot eg as a cook, baker or a cleaner and later as a police constable. Payment ceased in 1856 forcing such men to find paid employment elsewhere.

Unfortunately, construction was often slowed because too few ticket-of-leave holders were available for work at the depot. Nevertheless, most of the work was completed by the end of 1855.

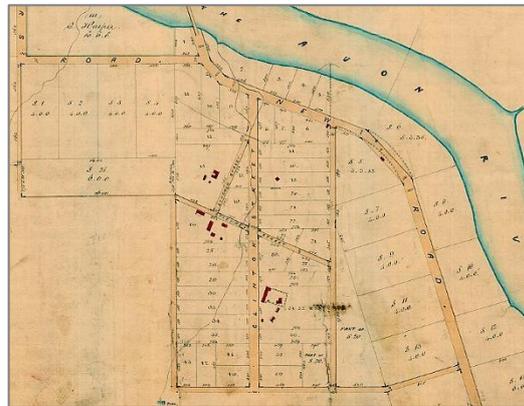
### **ENROLLED PENSIONER GUARDS**

Enrolled Pensioner Guards volunteered as guards on the ships transporting convicts to Western Australia. Many were accompanied by wives and children. After an initial period of six months military employment in the colony (later increased to twelve months), the men were released from permanent duty but were expected to attend twelve days exercise per year without additional pay. Each Sunday morning the pensioners appeared for muster and church parade. If necessary, they could be called upon for extra duties of peace-keeping of a military nature thus ensuring additional army presence at a fraction of the cost of military troops.

Pensioner Guards were offered a grant of approximately four acres of land situated as closely as possible to the convict hiring depot so that a ready force of men could be called upon if necessary. The thirteen allotments of land, which had previously been surveyed at old Toodyay, was subsequently sold off with the exception of Lot P3 owned by John Jones, the Toodyay gaoler. Thirteen suburban allotments, S1-S13, were surveyed by Surveyor Francis T Gregory during the depot survey of 1852. Because the Land Sales Act in force prevented free grants of land, some form of payment was necessary. The Pensioner Guards were required to pay ten pounds. An allowance of ten pounds towards the cost of building a cottage was given in order to compensate for this. In January 1853, this amount was increased to fifteen pounds. Full title was granted after seven years.

While the depot was under construction, the Pensioner Guards continued to occupy the cottage and rush huts at the original depot site in old Toodyay. The area became known as 'The Barracks'. Towards

the end of winter 1853, rush huts were erected on allotments adjacent to the new depot, so that the men could begin to live on and cultivate their own land while their cottages were being built. Building of the cottages began in 1854 and was completed two years later. Mud, brick or stone was used according to their wishes. Roofs were thatched. Work was carried out using ticket-of-leave labour. The modern township of Toodyay prides itself in that a number of these cottages are still standing and continue to be occupied to this day.



*Thirteen Enrolled Pensioner Guard Allotments beside the Toodyay Convict Hiring Depot, surveyed in 1852.*

*Extract from Cons 3868 Item 400. Courtesy of Western Australia Land Information Authority.*

Suburban four acre allotments assigned to the Enrolled Pensioner Guards were as follows:

Lot S1	James Griffith	Lot S8	James Smith
Lot S2	William Ainsworth	Lot S9	Thomas Goggins
Lot S3	Margaret Dronecan	Lot S10	Owen Hackett
Lot S4	William Purcell	Lot S11	Darby Connors
Lot S5	Margaret Woolhouse	Lot S12	Francis Kirk
Lot S6	John Latham	Lot S13	Charles Palmer
Lot S7	David Gailey		

When first set up, the title of the land and its cottage was granted to the Pensioner Guard after seven years. However, if the Pensioner Guard were to die before the end of that seven year period, the title of land and cottage reverted to the Government who, in turn, passed it on to another Pensioner Guard. Only the value of other improvements were passed on to the family. Over time, this ruling created hardship and the law was softened accordingly, as seen above by ownership having been granted to Margaret Dronecan (wife of John) and Margaret Woolhouse (wife of Jeremiah, d.1861).

A considerable number of Pensioner Guards chose to become warders whose task it was to supervise the convicts working at a variety of public works or in road parties. In 1858, Francis Kirk, Pensioner Guard, and his road party spent some time working on the depot ford in an effort to raise it and therefore increase its safety.

Darby Connors taught the local children from his rush hut at the Pensioner Barracks in West Toodyay. When required to take up his pensioner allotment, Lot S11, in 1855, he reluctantly closed his school. He resumed his teaching when the Toodyay Valley Catholic School opened in 1859 and taught there until 1863. Connors was married with four children. A large percentage of the Pensioner Guards were Catholics.

#### **DEPOT CLOSURE**

On 30 November 1856, Governor Arthur Kennedy issued the order to close both the York and Toodyay Convict Hiring Depots. He believed it unnecessary to maintain six hiring depots for seldom more than three hundred men all of whom were placed in very easy distance of hotels and temptations of all kinds. Ninety per cent of the money earned by the men occupying the depots appeared to be spent on drink. Public debt was considerable and Kennedy was seeking to increase efficiency and reduce expense wherever possible. As a result, the total number of hiring depots was reduced to two.

The York and Toodyay Convict Hiring Depots would become receiving depots only. Kennedy also ordered that staff at the receiving depots be reduced to the Senior Assistant Superintendent, a Sapper and a probationary convict prisoner acting as the hospital orderly. It was the duty of the Sapper to ensure that all buildings were well maintained and that the men returned to depot were usefully employed until transferred to Guildford. The same officer inspected and issued reports on roads in the area. All other Sappers were returned to headquarters.

All ticket-of-leave men returning to the depot would henceforth be escorted to the Guildford Convict Hiring Depot. Construction of the Guildford and York Convict Hiring Depots had progressed at much the same rate as that at Toodyay. The buildings were similar, and, by the end of 1855, most of the work had been completed. However, in order to receive an increased number of ticket-of-leave holders, new barracks were built to accommodate 200 men at the Guildford depot.

In future, all hiring of labour would be organised from the Guildford depot. Lists of men available for hire would be sent to the York and Toodyay depots and the Police Stations in York, Toodyay and Northam. Ticket-of-leave holders, on return to Guildford, were put to work on the York and Toodyay roads in parties numbering at least twenty men. An overseer or warder, often a Pensioner Guard, was placed in charge of each road party. The men lived in tents or bush huts. They usually behaved themselves well enough, the biggest problem being liquor smuggled to them by passers-by.

The York Greenmount and Toodyay Greenmount out-stations, each accommodating between 50 and 60 men, were extended. The Toodyay Greenmount out-station gained its own lock-up and warder's quarter. Both had their own Assistant Superintendent. A Sapper attended these two out-stations and monitored road repairs. He also supervised any difficult road and bridge construction. Smaller out-stations were situated along the York and Toodyay Roads.

Buildings retained for possible future use at the Toodyay depot included the main barracks, a portion of the warders' quarters, the kitchen, infirmary, depot store and Commissariat store. The police transferred from the old town of Toodyay to the depot site where they occupied the remaining buildings. The Superintendent's Quarters were taken over by the incoming Resident Magistrate, Alfred Durlacher.

By 1860, plans were afoot to subdivide land no longer in use at the depot together with a portion of surrounding Crown land. In August 1859, Assistant Surveyor William Phelps marked out another sixteen Suburban allotments, S14 –S29, some of which were purchased by Pensioner Guards. Each measured five acres.



*A further sixteen Suburban allotments marked out, August 1859. Cons 3868 Item 400. Courtesy of Western Australia Land Information Authority.*

Additional five acre Suburban allotments purchased by Enrolled Pensioner Guards were as follows:

Lot S14	Francis Kirk	Lot S17	David Gailey
Lot S15	Charles Palmer	Lot S20	Darby Connors
Lot S16	Jeremiah Woolhouse	Lot S22	William Purcell

Another of the original Pensioner Guards, James Smith, purchased Town Lots 42 and 43 in 1863. Both lots were situated in Henry Street.

On 1 October 1860, Governor Kennedy proclaimed that a new town was to be established in the Avon District. It would be named Newcastle in honour of the Duke of Newcastle, the Secretary of State of the Colony.

On April 27 1862, the 20<sup>th</sup> Company of Royal Engineers departed the colony making it necessary for the colony to undertake the management of its own public works from hereon.

Edmund Yeamans Henderson, Henry Wray, Edmund Frederick Du Cane and William Crossman, all returned to England and went on to achieve illustrious careers. Henderson, Du Cane and Crossman were each granted a knighthood for services rendered. Wray was promoted to the position of Major General and served as Lieutenant Governor of the Bailiwick of Jersey before retiring.

Sapper Joseph Nelson was one who chose to stay permanently in Western Australia. He took his discharge as a Colour Sergeant in 1860 and later became the Keeper of the Point King Lighthouse, worked as a blacksmith in Albany and ran the licensed inn at Chokerup before moving to Etipup. He died at Etipup in 1907, aged 88 years.

### **DEPOT REOPENING**

John Stephen Hampton took office as Governor on 28 February 1862. Comptroller General E Y Henderson, known and respected for his humane management of convicts, resigned in 1863. Henderson had incorporated the principles advocated by Alexander Maconochie, famed pioneer of penal reform. Maconochie asserted that the emphasis on physical punishment was insufficient to bring about a change for the better. He believed that some form of moral training needed to be put in place in order to reform the prisoner and that self-responsibility needed to be encouraged.

Nevertheless, the years under Hampton's government saw a reversion to the old system of punishment and harsh discipline.

In 1862, a total of 893 convicts arrived in the colony. The sudden influx of convicts resulted in the re-opening of the depots at York and Toodyay. A senior warder was put in charge accompanied by two assistant warders. All provisions were supplied by contract. Both ticket-of-leave men and probationary convicts were now accommodated at the barracks, their sleeping quarters separated by what was termed the 'Division'. Probationary convicts and ticket-of-leave holders in depot were assigned to public works and road making. Work was carried out while under the supervision of a warder.



*The Newcastle Gaol, Courtesy Royal Western Australian Historical Society*

Building commenced on a much needed new lock-up in 1863. It was designed by Richard Roach Jewel. The original gaol in old Toodyay had been closed after the police transferred their quarters to the new town of Newcastle. A temporary lock-up set up within the main barracks proved most inadequate. Work on the Newcastle Lock-up was completed on 12 September 1865. It was classified as a gaol in 1879.

In 1864, Hampton received notice that transportation would be discontinued. The 1669 convicts who arrived within the last few years were put to work on the roads. The increased number of men working on the roads brought about a huge improvement to the district's road system. The road from Newcastle to Guildford and Perth became one of the best in the colony.

On 9 January 1868, the *Hougoumont* arrived off Fremantle. On board were 280 convicts and 108 passengers. Most of the passengers were Pensioner Guards and their families. Among the convicts,

however, there were 62 Fenian political prisoners, 17 of whom were military Fenians. The inclusion of political prisoners caused concern within the colony of Western Australia. Nevertheless, the arrival of the *Hougoumont* was significant in that it marked the end of convict transportation to Australia.

### **FINAL DEPOT CLOSURE**

On 16 February 1872, Henry Wakeford issued a memorandum for the Toodyay Convict Hiring Depot to be closed. Despite protests it was duly closed and its men transferred elsewhere. The York Hiring Depot remained open until 1874.

After the closure of the Toodyay depot, the remaining buildings were handed over to the Government. An increased Police Force occupied most of the remaining buildings. A women's gaol was erected at the eastern end of the original warders' quarters.



*The remains of the original warders' quarters and the women's gaol, circa 1930s. Courtesy Batty Library*

The main barracks continued to be used. Its front section was converted to a courtroom while the rear section became a schoolroom measuring approximately 25ft by 16ft. The schoolroom proved far too small for the average attendance of 42 pupils. It was finally replaced when a new school opened in May 1887. In 1897, the original barracks were demolished to make way for the building of a new Courthouse. That year a new Police Station was ready for occupation. The Courthouse stands today and is the location of the offices of the Toodyay Shire Council.

The warders' quarters, Sappers' quarters and Commissariat fell to ruin. The old wooden stables burnt down in 1890 but were replaced in 1891 by the brick building which still stands today. The Superintendent's quarters were demolished in 1963 in order to make way for the new Standard Gauge Railway Line.

The Newcastle Gaol was restored in 1962 and now serves the community as the Newcastle Gaol Museum.

On 6 May 1910, it was declared that Newcastle and the old townsite of Toodyay would henceforth be known as Toodyay and West Toodyay. Modern township of Toodyay was founded on the site of the old Toodyay Convict Hiring Depot.



*Stirling Terrace, Toodyay. 25 May 2014, Photograph Alison Cromb*