
FORMER PORT FAIRY GAOL, COURT HOUSE AND CUSTOMS HOUSE

Location

28-30 GIPPS STREET AND 10-20 CAMPBELL STREET PORT FAIRY, MOYNE SHIRE

Municipality

MOYNE SHIRE

Level of significance

Heritage Inventory Site

Heritage Inventory (HI) Number

H7321-0086

Heritage Listing

Victorian Heritage Inventory

Interpretation of Site

The former Courthouse and Customs Houses are the original buildings constructed around 1860. The Customs House allotment has been modified with an extension to the rear of the original building and garage with a drive way leading to Campbell St. A relatively small wedge of open ground and garden is present between the extension and southern property boundary. Much of the old gaol area has been developed from the early 20th century. It is dominated by the modern police station and two weather board cottages to the immediate west (along with associated gardens and open spaces). The oldest structure within the site area appears to be the small bluestone store/outbuilding sited on near the common boundary of 10 Campbell Street and the former Customs House. The structure is very likely the 'earth closet' built in the late 19th century.

The archaeological significance of the site lies in the information that could be obtained on the construction and dimensions of the two generations of goal, with particular reference to the arrangement of space - the individual cells as well as recreation/common areas. Refuse and cess pits could provide information on the diet and general well being of the prisoners and custodians. Underfloor deposits within the former Court and Customs houses could reveal some insight into the activities that took place in these buildings over time.

Archaeological
Significance

The existing police station is of brick and so it can be expected that its foundations and associated services would have impacted any archaeological remains within the footprint of the building. The sealed external surfaces around the building and the relatively light ground disturbance associated with the construction of timber houses provide some promise that the archaeological remains across the majority of the area occupied by the goal would be relatively intact. The archaeological remains that can be expected would be the post holes associated with first goal, as well as ancillary structures. Strip footings from the replacement goal and later additions would also be present. External and internal surfaces, surface drains as well as refuse and cess pits could also be present on the site. Under floor deposits are also expected to be present within the footprints of the former and

Historical
Significance

This site complex represents the government presence in Port Fairy in the 19th century. Port Fairy had grown to such a size by 1860 that the inevitable by-product of commercial success and expansion meant that the mechanisms of solving disputes, incarceration and preserving order had to be constructed.

Other Names

BELFAST GAOL,

Hermes
Number

162616

Property
Number

History

By 1843-1844, the township of Port Fairy had established a customs office, court and lock-up. The customs office comprised a timber structure situated on the western bank of the Moyne River with associated jetty facilities, which operated under the powers of the Portland customs office. The court comprised the local Bench of Magistrates sitting in the waterfront warehouse of merchant firm William Rutledge & Co., fronting Gipps Street. The lock-up was a timber slab hut situated behind the "courthouse." The court sat as often as necessary, with Mr. William Rutledge generally administering the law. Prisoners were usually treated in a "free and easy" manner, often being let go home on promise to return later for their appearance before the bench and commonly if prisoners were incarcerated in the "lock-up" they frequently were able to break out of the simple hut. Serious offenders were sent to Melbourne gaol if deemed necessary - as long as a vessel was in port that could transport them there.

As the township developed, the adequacy of all these facilities began to be called into question. In late 1849, Port Fairy was declared a port for the entrance and clearance of vessels and the collection of customs duties. A Port Fairy Sub-Collector - Mr. Peter Nicolson - was appointed and in 1852 a waterfront allotment on the western bank of the Moyne was acquired under government purposes to provide improved customs facilities:- Public agitation regarding the state of the courthouse and lock-up increased during the early 1850s, prompting the Bench of Magistrates to petition the government for land and funding for proper facilities. Rutledge, on behalf of the Bench, suggested an allotment on the corner of Cox and Gipps Streets. The proposal was considered inappropriate by Superintendent La Trobe, given that the site was surrounded by residential properties. However, the Port Fairy Magistrates were assured that provision would be made in estimates "now compiling" for a suitable courthouse,

gaol and police facilities as soon as James Atkinson was "disposed to place a convenient site within the township at the disposal of the government."

In 1855, Atkinson provided the government a vacant parcel of land comprising ca. 10 acres, situated towards the southern extent of the town, on the NW corner of the intersection between Campbell and Gipps Street.

The government's first priority was the establishment of a suitable gaol - the timber hut being considered "unfit for human beings to be placed in" - indeed, the general opinion of the Legislative Council at this time, resulting largely from submissions made by the Attorney General, was that badly constructed and poorly maintained gaol were a problem across the whole colony of Victoria.

By March, 1855, plans for the gaol had been prepared and approved of and government funding was being set aside for gaol staff wages, provisions and other expenses. Tenders were called for the construction of the "police lock-up" with the contract being awarded to Mr. Broadbent. The basalt building was constructed between ca. mid 1855-early 1857. On the 21st of August, 1857, it was proclaimed by Sir Henry Barkly, Capt-General & Governor-in-Chief as a the *Belfast Gaol*; a "public gaol, prison and house of correction" within the meaning of the *Act to Make Provision for the Better Control & Disposol of Offenders (1852)*. The establishment and proclamation of the Belfast Gaol was widely welcomed. not only as an improved facility, but the Borough Council could now also retain p'risoners sentenced to 12 months or more (who previously had to be sent to Melbourne) and thus secure their labour 'for the benefit of the township.

On the very first day the gaol was opened for the reception of prisoners, Mr. Broadbent apparently became the first inmate. Having heavily celebrated the completion of the project, Broadbent was arrested on a charge of drunk and disorderly. The following morning, when presented to court, he pleaded guilty, apparently remarking in his Yorkshire accent to the presiding magistrate "Wa'll, I builded the plaice, so I think I had a right to be the first to occupy 'en." The plea was accepted and he was discharged.

A courthouse was the next priority for the township of Port Fairy, initially intended to accommodate a circuit court. During ca. 1858 plans for a substantial basalt building were prepared by the Public Works Department the primary designer is believed to have been Colonial Architect Mr. James Balmain. A call for tenders was placed with the contract awarded to Mr. James Mason. The courthouse was constructed in 1859-1860 within the government allotment, situated to the east of the gaol, near the corner of Cox and Gipps Street, fronting Gipps.

Throughout the 1860-1880s, a number of additions and alterations were made to the structures and facilities within the Port Fairy justice and law enforcement precinct on the corner of Cox and Gipps Streets.

The Belfast Gaol allotment (comprising just over one acre) was permanently reserved by government order in 1864. By 1867, the gaol building, accommodation and facilities were proving inadequate and substantial alterations and additions were planned and carried out, These were completed sometime during the 1870s-early 1880s and included the establishment of a large central gaol house and yard with five small structures and facilities constructed in the rear of the allotment; in 1887 the facility was renamed by proclamation as the *Port Fairy Gaol*.

The customs house was modified, with a front verandah added and a basalt "earth closet" installed at the rear of the building. The courthouse was extended to provide additional accommodation for judge's room and barrister's rooms and an arcaded portico was erected along the front of the building. A mortuary was also apparently attached to the building at some point.

In 1883-1884, the justice and law enforcement precinct was expanded when the government acquired the allotment to the north (fronting Gipps Street) and constructed a new police station house fronting Gipps Street, with facilities situated behind,

An 1887 surveyor's plan of Port Fairy depicts the structures within the allotments at this time.

While the courthouse was being constructed, pressure was also mounting to establish an improved customs office. The original customs house, which was still being utilised in the late 1850s. was situated on a section of the waterfront that had been purchased in 1853 by Dr. Alexander Russell, who had plans on constructing a flour mill on the site. By the late 1850s, Dr. Russell, supported by the Port Fairy Borough Council, began complaining about the customs house and in 1859 made a formal complaint to the government, stating that he would *take* steps to *have* it removed in *three months* as it encroached on Gipps Street.

Plans were subsequently made to construct a new customs house within the government allotment on the corner of Cox and Gipps Streets. Designs were prepared by the Mr. Charles Maplestone, draftsman and Clerk of Works at the Public Works Department, for a utilitarian basalt structure. The building contract was awarded to Cox & Co., and during 1860-1861, the customs house was constructed, situated to the south of the courthouse, fronting Gipps Street.

By the end of the 1880s, it appears that the Port Fairy Gaol was still considered unsuitable or inadequate. Despite the added structures and facilities; for in 1890 the proclamation of the land and buildings therein as a gaol under relevant legislation was revoked. Details are not known. However, it appears that the gaol buildings were subsequently demolished by the end of the 19th century and the land divided and sold for residential purposes. Convicted offenders sentenced to imprisonment in the Port Fairy courthouse thereafter were sent to Geelong gaol.

The courthouse and customs house continued to operate throughout the early - mid 20th century, with the courthouse variously formed the home for sittings of the Magistrates Court, Quarter Sessions, and during its prime in the 1920s, the Supreme Court. The customs house and the small basalt privy remain standing, now under private ownership and was classified by the National Trust of Australia (Victoria) in 1997 (NT# B3470). The last case was heard in the courthouse in 1992 and the building has now been converted by, the Port Fairy Historical Society into the Port Fairy History Centre (still under ownership of the Moyne Shire Council).

The building was classified by the National Trust of Australia (Victoria) in 1997 (NT# B343) and is also included in the Victorian Heritage Database (VHR H 1480).

This place/object may be included in the Victorian Heritage Register pursuant to the Heritage Act 2017. Check the Victorian Heritage Database, selecting 'Heritage Victoria' as the place source.

For further details about Heritage Overlay places, contact the relevant local council or go to Planning Schemes Online <http://planningschemes.dpcd.vic.gov.au/>