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○ FENCES, FURROWS, DITCHES AND SETTLEMENT POLICY

RAPID LANDSCAPE CHANGE IN THE SWAN RIVER COLONY

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This paper examines the behaviour of farming settlers in the Swan district of Western Australia during John Hutt's 1839 to 1846 governorship. Hutt's affiliations with Wakefield's settlement theories and his adherence to the 1829–1831 land regulation decree led settlers to physically alter the Swan district's cultural landscape by enclosing their land with ditches, furrows and fences. Settler actions demonstrate local knowledge of environmental features, a previously unrecorded awareness of land regulations and a shrewd understanding about what constitutes a barrier in a Western Australian colonial setting. This paper has been peer-reviewed.

John Hutt, Western Australia's second governor, arrived in the colony in January 1839.¹ Before coming to Western Australia, Hutt spent time as an administrator in India with the British East India Company, and was regarded as a hard working administrator (de Garis 1981a: 301). In 1836 Hutt had been closely associated with Edward Gibbon Wakefield in the foundation of the colony of South Australia, and some suggest that Hutt's appointment to the Swan River Colony was consolation for missing out on the South Australia governorship for which he had applied (Staples 1967: 575–576; de Garis 1981a: 301; Cameron 1981: 185). Hutt's reserved, bookish manner and propensity to theory (he was the only early governor of Western Australia with a non-military background) made some consider him inappropriate for the hardships of a colony established only ten years before (de Garis 1981a: 301).

On his arrival in Western Australia, Hutt was cautiously received. His association with Wakefield was looked on unfavourably, given Wakefield's very public use of inaccurate data to criticise the settlement of the Swan River Colony (cf. Irwin 1835; Wakefield 1834).² Hutt quelled some settler apprehension when he advanced their interests by promptly appointing four non-officials as members of the Legislative Council, a task delayed by the previous governor Stirling (Staples 1967: 576; de Garis 1981a: 318). However, Hutt's reign as governor is perhaps best remembered by his insistence on the unpopular forced surrender of unimproved land grants in the Swan River Colony within the time limit imposed by Colonial Office regulations of 1829–1831 (Statham 1981: 194).

Settler response to Hutt's efforts at land resumption has been thought to involve little more than complaints at the enforcement of a policy ignored by Stirling (Staples 1967: 576; Statham 1981: 194; de Garis 1981a: 301; Cameron 1981: 185). However, cartographic and archaeological evidence suggests that some settlers resisted Hutt's proclamation by doing last minute improvements to their grants, thus rapidly changing the open landscape that had existed since the land was claimed in 1830. This article draws on recent analysis of cartographic information with fine

chronological resolution, together with related archaeological surveys, to examine the land improvement behaviour of a small group of settlers of diverse backgrounds on Swan lots F and F₁ on the Swan River's right bank in the Upper Swan during the 1830 to 1839 and 1840 to 1844 periods (Figure 1). This analysis shows how settler actions permanently affected the area's cultural landscape, and suggests a more sensitive knowledge of the physical and political climate by settlers than scholars have assumed. This paper will also demonstrate how, by default, these actions opposed Hutt's Wakefieldian settlement theories and the land regulations imposed by the Colonial Office in London.

Figure 1 The Upper Swan area of the Swan River Colony showing the location of Lots F and F₁³

Swan lot F (encompassing F and after 1832, F₁) of 5000 acres (2025 hectares) was allocated to Colonel Peter Lautour during Stirling and Roe's land division in 1829 (Barrett-Lennard 1990). In September 1829, three month's after the main settler group arrived in Western Australia, Stirling, Surveyor General Roe and settlers entitled to select land travelled to where the Swan River left the Darling Range about 20 km east of Perth.⁴ As they walked down the river's banks Stirling allocated to each settler the amount of land to which he was entitled (Cameron 1981:

93–95; Bourke 1987: 32). According to instructions received from the Colonial Secretary in Britain, Stirling was not to grant more than a due proportion of river frontage to any one settler.⁵ These instructions allowed each settler easy water communication, but Stirling's adherence to the ruling also meant that settlers received roughly equal amounts of alluvial soil hugging the river in varying widths. As individual settlers were entitled to acreages between 14,887 and 500 acres (6029 and 202 hectares), most Swan River grants were long and narrow ('ribbons grants'). Swan lot E, for example, with a river frontage of about 800 metres extended 25.6 kilometres east-west (Bourke 1987: 325; Figure 1).⁶ In addition, all grants had very fertile alluvium bordering the river but infertile sands and rocky hill country on the river's right and left banks respectively (Pym 1955; Bourke 1987: 32).

The colony's survey department mapped small regions of this area, later called the Swan district (the town of Guildford and the agricultural lots to Guildford's north), before the first complete survey occurred in 1841, with Roe's 1839 maps of Swan lots F₁ and F on the Swan River's right bank containing detail about building location, fence types and property markers.⁷

In 1832 Lautour, through his agent Richard Wells, released the lot to Fremantle publican William Smithers, who retained the northernmost 2500 acres naming it Albion Town (and keeping the designation F), and to Captain David Dring who named the remaining 2500 acres Goodwood (designated F₁) (Bourke 1987: 328; Erickson 1988: 2887; Barrett-Lennard 1990: 23).⁸ Smithers further subdivided lot F into three, 20-acre blocks that he advertised for sale in 1833, and one 2440-acre block that he and his wife Susannah appear to have occupied intermittently until her death in April 1839.⁹ Her grave, the only marked single grave in the Swan district from the early settlement period, is on lot F.¹⁰

Late in 1839, wheelwright and carpenter Walter Sleep bought and occupied Smithers' home block (now greatly reduced to 140 acres), renaming it Spring Park (Erickson 1988: 2838). The three 20-acre blocks (that retained the name Albion Town), went through a succession of owners from 1833, but thatcher William Haddrill and family (one block) and Henry (John) Morley (two blocks) occupied them in 1839 (Erickson 1988: 1307, 2230).¹¹

The narrow width (three chains or about 60 m) of the 20-acre blocks and the decision by the occupiers to build close together (including Dring on lot F₁ and Sleep at Spring Park) saw the farms form a cultural landscape unlike other Swan River Colony agricultural areas. Of the four farms, only Haddrill's three roomed brick farmhouse remains (built in 1834), but the partly rammed earth and brick farmhouse at Spring Park erected by either Smithers or Sleep survived until 1974 when Cyclone Beverley's winds removed its roof and it was subsequently demolished (Bourke 1987: xii).¹² It is unknown when Dring's Goodwood farmhouse, built before 1834, and Morley's farmhouse were demolished, but the farms' locations are evident today by artefact scatters of fragmented bottle glass and ceramic (Burke 2004a: 327).

The settler group on Swan lots F and F₁ in 1839 were a mix of people with different life experiences, education standards and financial wealth. The Dring family – husband David, wife Emily and daughter Emily – resembled many families in the Swan district because of David Dring's service as an officer in the Royal Navy (Erickson 1988: 897). Twenty of the 35 Swan district agricultural lots issued between 1829 and 1832 (Berryman 1979) were to ex-military personnel and their families, reflecting the large group of middle to upper class families displaced

from Britain by the military downturn after the end of the Napoleonic Wars. By 1839, some of these people had left the Swan district, but many stayed.

Dring's position in the Royal Navy and his letters to the colony's newspaper indicate his literacy, but it is unknown whether either his wife or daughter could write.¹³ While operating the farm, David Dring maintained his seafaring connections by constructing boats at Albany in 1834 for whaling and sealing companies, by acting as occasional master of the colonial schooner *Champion* in 1840, and in 1841 as master and part-owner of the *Elizabeth* on its London voyage (Erickson 1988: 897).¹⁴ Like other educated men in the Swan district, Dring supplemented his farming pursuits by operating a store from Goodwood selling men's and women's clothing, and preserved food and preservatives such as pickles, peas and vinegar.¹⁵ The Drings' income was sufficient to employ a house servant and two agricultural labourers.¹⁶ Dring was fined in 1837 when one of his Durham bulls killed a neighbour's horse and, in a separate incident, his cattle damaged another neighbour's haystack. Dring believed the charges unfair because before these incidents he had been a 'quiet and well-disposed member of society'.¹⁷ Allowing the Haddrill family to stay at Goodwood in 1834 during their cottage's construction by local builder Edwards is an indication of the Dring family's friendly attitude to their Swan lot F neighbours.¹⁸ The family tried to sell Goodwood without success in 1836 and 1837.¹⁹

Eight years in Western Australia saw great changes in the lives of the Haddrill family of William, Hannah and, by 1839, three children. Brought from England in 1831 by William Tanner as indentured servants bound by work contracts, by 1833 the Haddrills were free agents able to work for any employer after Tanner found it impossible to maintain their upkeep.²⁰ The Haddrills were illiterate, but their skills were desired in the Swan River Colony's labour-short market. With wages high compared with Britain (between £24 and £36 per annum in 1831 compared to £22 per annum on average in Britain), the family in 1833 purchased one of Smithers' 20-acre blocks for £30 (£15 down and two later instalments of £7 10 shillings).²¹ Their 1833 purchase began an unbroken 143-year sequence of the Haddrill family at Albion Town.²² William and Hannah Haddrill supplemented their agricultural income by continuing to work as labourers on the Swan district farms.

Within 60 metres of Haddrill's cottage was Henry (John) Morley's farmhouse. Similar to the Haddrills, Morley and family (wife Sarah, and in 1839, five daughters) worked as agricultural labourers, but they were probably better educated because John Morley at least was literate (Erickson 1988: 2230). The Morleys had two 20-acre blocks at Albion Town, and later in the 1840s owned property about seven kilometres further north on Swan lot 1.²³ Little is known about Walter Sleep except that he was a wheelwright and unmarried in 1839 (Erickson 1988: 2838).

In 1839, the four farms were connected by tracks that went south via other homesteads to the small town of Guildford, and north to the newly established Cruse's Mill.²⁴ The four properties used different fence types to enclose and therefore improve their land. Sleep's and Morley's blocks contained split slab and two rail and post fences, while Haddrill and Dring used two rail and post fencing exclusively. However, fences only enclosed small percentages of the total acreage of the blocks, while blazed trees or notched timber slabs marked boundary divisions (see Table 1 and Figure 2).²⁵ Surveyors' maps show that no settler had cleared or fenced their lots entirely before 1840. Instead, most had small fenced enclosures, usually near homesteads or structures,

for animal accommodation. Unfortunately, Roe’s maps do not record land also improved by clearing and cropping on Swan lots F and F₁, but census data for 1837 show that cleared and cropped land still contributed at the most about one quarter of a block’s acreage.²⁶ The rest of the area for all blocks was most likely unimproved open woodland.²⁷

Owner	Lot or block size (acres)	Percentage of block or lot improvement		Overall % improved in 1839
		Fenced	Cleared or cropped	
Sleep F	140 ^a	15.40	0	15.40
Morley F	40 ^b	2.80	21.5	24.30
Haddrill F	20	0.20	26.5	26.70
Dring F ₁	2500	0.01	1.2	1.21

Table 1 Amount of land improved on Swan lots F and F₁ in 1837–1839²⁸
a The 140 acres for Sleep’s lot applies only to March to December 1839. Before March 1839, the lot was 2440 acres
b Morley had two, twenty-acre blocks

Figure 2 Swan lots F and F₁ in 1839²⁹
Swan lot F and F₁ land improvement between 1840 and 1843

During the colony’s early years, land was surveyed sometimes haphazardly by inexperienced surveyors or settlers using inappropriate equipment, resulting in later confusion and law suits

between neighbouring settlers.³⁰ Incorrectly marked boundaries are clearly seen on Swan lot F₁, with Sleep's and Morley's fences and animal enclosures at 265° instead of the true boundary at 270°.³¹ To correct these errors, and to determine how land had been issued to each settler and how much developed, Hutt instructed the survey department to resurvey the boundaries of the land issued in the Swan River Colony between 1829 and 1831 (Statham 1981: 189, Table 5.1; Jackson 1984). As a result, surveyor Philip Lamote Chauncy surveyed the Swan River's right bank (including Swan lots F and F₁ surveyed by Roe only two years earlier) three times between August 1841 and April 1843.³²

Unlike some surveyors, Chauncy recorded cultural data – both European and Indigenous – in his field notes, including information on the materials used for constructing buildings, and building size and location. His notes also include brief descriptions of enclosure type and owner and tenant details. Chauncy records that the Drings' Goodwood farm was unoccupied in August 1841 (David Dring was master of the colony's schooner *Champion* at this time, but the whereabouts of his family is unknown), with Sleep's Spring Park tenanted by carpenter John Atkins.³³ The Haddrill and Morley families still occupy their Swan lot F blocks.

Compared with Roe's 1839 map, Chauncy's surveys suggest a massive increase in land enclosure on Swan lots F and F₁, with what appears almost complete enclosure of Morley's, Haddrill's and Sleep's blocks along boundary lines replacing or adding to the small enclosures of two years previously (Figure 3).³⁴ Dring's Goodwood farm also shows considerable land improvement, but the greatest change had occurred to Swan Lot F's size, reduced from 2500 to just 200 acres.

Figure 3 Swan lots F and F₁ in 1841–1842³⁵

Chauncy's field notes show that, while some of the post and rail and split slab fences of 1839 had been extended on the five blocks, most 'enclosure' and therefore land improvement occurred using only furrows, ditches or low 'dead fences' made of tree boughs.³⁶ Recent archaeological surveys of Swan lots F and F₁ found none of these features, but ditches on the boundary of nearby

Swan lots H and I further south give clues to what they must have looked like (see figure 4) (Burke 2004a). These ditches are 225 metres long and about 0.5 metres deep, and were first recorded in 1836 as part of a large complex of ditches across the St. Leonards farm on Swan lot H. They were described later in 1841 and 1842.³⁷ If these kinds of demarcation are accepted as ways of enclosing land, the amount of land ‘improved’ in 1841–1842 compared to 1839 is much greater, with Morley (with two blocks), Haddrill and Sleep all achieving complete ‘improvement’ of their land (Table 2) – though on much reduced areas of land.

Figure 4 Boundary ditch between Swan lots H and I, looking north with the tree lined Swan River on the picture's right³⁸

Owner	Lot or block size (acres)	Area enclosed (percentage)	1839 percentage figure
Sleep F ^a	140	100	15.40
Morley F	40*	100	24.30
Haddrill F	20	100	26.70
Dring F ^b	200	100	1.21

Table 2 Amount of land improved on Swan lots F and F₁ in 1841–1842³⁹
a. John Atkin and most likely Alfred Carson and family were tenants of Sleep's block during this period (Erickson 1988: 484).⁴⁰
b. Dring's Goodwood property was unoccupied in August 1841.⁴¹
* Morley had two, twenty-acre blocks

CROWN LAND ALLOCATION POLICIES AND THE SWAN RIVER COLONY

The method of initial land allocation in the Swan River Colony greatly affected settlers’ ability to improve land and therefore legitimately claim it, but the problems experienced were common for British settlers in newly annexed territory. Early methods by the British of allocating land after annexation lacked system and consistency. In general, land was assumed valueless and granted free under Royal charter to explorers, colony promoters or companies who had plans to develop the area either directly or by selling to others intending to develop it (Pike 1967: 36). In New South Wales and Tasmania, the governor controlled the granting of land, a method open to bias and speculation.

Commissioner John Bigge, investigating New South Wales in the early 1820s, recommended the selling or granting of land to respectable settlers in proportion to capital introduced into the

colony (Pike 1967: 37). Accordingly, new instructions for land disposal issued in 1825 limited the size of future grants and required the sale of land at auction at a minimum price determined by a board of survey. As a result, 3.5 million acres (1.4 million hectares) in New South Wales and 2 million (900,000 hectares) in Tasmania were granted during the late 1820s (Roberts 1924: 75). Bigge's recommendations, however, did not inhibit the granting of large tracks of land to promoters or speculators at menial prices. Large grants were issued to the New South Wales based Australian Agricultural Company in 1824 and the Van Diemen's Land Company in 1825. Similar land deals occurred in other British colonies, the Canada Land Company acquiring 1,384,000 acres (560,529 hectares). Despite improvements, promoters still abused an ad hoc system by obtaining cheap, sometimes indifferent land and selling it at great profit (Pike 1967: 38).

Land alienation in the colony of South Australia was based on a principle established in conscious opposition to these haphazard methods. Edward Gibbon Wakefield's theory of systematic settlement proposed that the emigration of the correct proportions of capital and labour from Britain to a new province would create an ideal society free from the social, political and economic problems plaguing industrial Britain at that time (Sidgwick 1901). The correct proportions were to be achieved by linking the price of colonial land to the cost of colonial labour. Following the system's principles, the price of land in the new colony of South Australia was predetermined at a minimum of 12 shillings an acre (Pike 1967: 68). Hutt was a passionate advocate of the Wakefieldian theory of systematic settlement.

Land alienation in the Swan River Colony at its settlement in 1829 followed neither the principles of systematic settlement nor the free-for-all of the convict colonies. However, the system followed did have aspects of Bigge's early 1820s recommendation of granting land to settlers in proportion to capital introduced into the colony. Land was granted by the Colonial Office to some private syndicates and many individuals according to the capital they introduced to the colony, including the cost of the importation of servants indentured to labour on their estates (Cameron 1981: 39; Bourke 1987: 26). By 1830, however, it was apparent that settlement was not proceeding as planned. Wakefield, who often used the Swan River Colony's plight as a case study to emphasise systematic settlement, alleged that the problems stemmed from indentured servants' poor attitude to work (Wakefield 1834), stressing that in all Australian colonies and elsewhere the system of indentured labour had failed.

However, a combination of many factors caused the Swan River Colony's early problems. Settlers' inability to clear their land and the small amount of good soil meant that agricultural production did not develop as rapidly as envisioned, and negative reports to Britain concerning the colony's environment and organisation caused reduced immigration by mid-1830 (Cameron 1981: 107). Many landowners moved to other Australian colonies or returned to Britain. The departure of experienced and wealthy settlers resulted in a considerable shortage of liquid funds in the colony. A deficiency of cash meant supplies were difficult to purchase from ships in port and, coupled with slow agricultural development, food scarcity occurred in the Swan River Colony until 1832 (Crowley and de Garis 1969: 13). Despite these difficulties the colony survived, but the combined impact of all these factors meant agricultural production and colony population remained low.

In 1829–1831 the Colonial Office introduced regulations influenced by the theories of systematic colonisation which were intended to regulate land allocation across the British Empire.

These regulations greatly affected the rate of land improvement in the Swan River Colony. The regulations contained in Colonial Office Circulars 'A' of 1828, 'B' of 1829 and 'C' of 1830, approved the granting of 40 acres for each £3 invested by settlers in the type of assets local authorities considered appropriate for land improvement.⁴² Assets usually consisted of tools and draft animals, but could also include labour (Statham 1981: 183). Haphazard methods in this 'entitlement to select' phase of land allocation – a settler simply lodged a form with the Colonial Secretary's clerk asking for land – resulted in much valuable land going to inappropriate people (Barrett-Lennard 1990: 2). However, to ensure that assets and labour admitted for land entitlement were used productively, settlers were at first given only occupation rights to their grants. Title, and therefore ownership, was withheld until the colony's Board of Land Commissioners was satisfied that the settler had done 'location duties' consisting of 'improving' all land granted to the value of at least 1 shilling 6 pence per acre. The term 'improved' was ambiguous, but it did include the erection of fences. Fines were to be imposed on settlers not improving at least a quarter of their grant within three years of first occupation, with the Crown resuming grants not wholly improved within ten years (Statham 1981: 183).

Those allocated land soon realised the problems these regulations caused. In addition to the difficulties of labour and equipment shortages, inexperience in agricultural practices (but this point has been overemphasised; cf. Cameron 1981; cf. Burke 2004a: 314), and poisonous native flora, problems arose inherent to the process of land alienation; grants were fragmented, or contained poor farming land that settlers considered wasteful or impossible to improve. (Dell and Gardner 1937: 23; Cameron 1981; Burke 2004a). In April 1835, settler ill-feeling to the regulations culminated in a memorial to the Colonial Office in London demanding that fragmented grants be considered as one grant, and that 'all expenditure on location duties done on one such portion, over and above what may be required by the government regulations, be transferred towards location duties on any remaining portion of such grant'.⁴³ In March 1837, as a direct result of the memorial, the Colonial Office's parliamentary secretary Lord Glenelg introduced the policy of tenure through surrender.⁴⁴ Glenelg's proposal allowed settlers to surrender any number of acres and to use the remission certificates gained to purchase a third of the number of acres surrendered in Crown land. Many took advantage of the scheme. A fifth of the 1.178 million acres granted between 1829 and 1831 in the Swan River Colony were returned to the Crown, including land from 24 settlers on the Swan River and nearby Helena River (Cameron 1981: 181). However, despite the scheme, only a fraction of settler properties were wholly improved when Hutt arrived in the colony in 1839, at a time when the 10-year land resumption clause was enforceable on some grants.

In February 1838, as one of his last acts as governor, Stirling announced his intention to impose fines on all land not improved at the year's end, and to resume land if still unimproved at the end of 1839. Stirling's collection of fines, however, was half-hearted and largely ineffective (Cameron 1981). It was left to Hutt to enforce the ruling when he arrived on January 1 1839. A special meeting of the Agricultural Society at Guildford on January 14th 1839 sent a memorial to the governor asking for a remission of fines and the granting of fee simple to settlers who had spent large sums of money on small areas of land.⁴⁵ Hutt responded to the memorial and other complaints by extending the time limit for fines on unimproved land until the end of March

1839, but he made it clear that all unimproved land would be resumed without exception at the end of that year (Cameron 1981: 185).

The timing of land 'improvement' on the Swan River between 1839 and 1841–42 strongly suggests a positive correlation with Hutt's arrival and his declared intention to resume land in accordance with the Colonial Office regulations of 1829–1831. Further, the shift from arbitrary and imaginary lines on the ground in 1839 to visually obvious lines of demarcation by 1841 suggests changes in settler confidence in the colony's government and in the nature of local perceptions of what constituted a unit or boundary. The decision by occupiers of Swan lots F and F₁ to enclose their blocks with readily passable physical barriers such as furrows, ditches and dead fences suggests that their efforts were symbolic. The barriers did no more than confirm the separation of their block from their neighbours, demonstrating to Hutt's Swan River Colony government and the Colonial Office in London their control and technical 'improvement' of their property; they were not meant to keep stock enclosed or pests out.

Land enclosure can be construed as a type of resistance by some Swan district settlers to imposed imperial order. By defining spatial units and placing boundaries between them, the settlers of Swan lots F and F₁ informed Hutt of their knowledge of the intricacies of imperial land policy (cf. Given 2002). They also turned ambiguities about 'improvement' in the document supposedly drafted to control land ownership and property development (the 1829–1831 regulations) against the Colonial Office, while taking full advantage of the Office's inability to cope with the details of Swan district land ownership.

The type of land which settlers chose to release back to the Crown under Glenelg's policy of tenure by surrender shows settler knowledge of government policy and also of the physical environment of the colony. The intention of the regulations was to hasten settlement concentration by breaking up large estates, but settlers instead relinquished sandy and rocky sections of their lots worthless for agricultural purposes (Cameron 1981: 181). Glenelg's regulations provided settlers with an opportunity of gaining full title to the best land on their existing grants while simultaneously allowing them to select elsewhere in the colony, an outcome contradictory to the regulations' original purpose. Smithers and Dring took advantage of the regulations. In March 1839, Smithers released 2300 of the 2440 acres on Swan lot F₁ allowing him to hold title to the remaining 140 acres, while in November 1839 (just after Roe's survey) Dring released back to the Crown 2300 acres of his lot, giving him full title to the 200 acres now comprising Swan lot F.⁴⁶ Both Dring's and Smithers' land was now immune to the 1829–1831 regulations land resumption clause. Dring's surrender of land also accounts for the alteration of Swan lot F's western boundary recorded by Chauncy in 1842.⁴⁷

The speed at which settlers gathered data about the physical environment and government regulations affecting their rights and property was rapid (five to nine years), and provides insights into the use and transmission of information in a society that contained a high proportion of illiterate people (Erickson 1988: 1307, 2838). This tends to confirm the observation by Meltzer (2003: 223) that the greatest effort in information acquisition by a colonising group occurs in patchy environments that vary temporally and on a large scale. Rapid information acquisition, experimentation and implementation is also seen in the Swan district's archaeological record in the forms of building construction, farm location, crop irrigation and water powered flour milling technology (Burke 2004a: 322–335; Burke 2004b). However, these and other practices recorded

in the historical record like crop rotation, market diversification and planting times have experiment and implement phases of between five and 20 years, with experiment failure commonly noted (Cameron 1981: 160–167).⁴⁸ By contrast the very rapid enclosure of land between 1839 and 1841 is not the result of an ‘emergence of order’ experimentation phase as Cameron (1981: 160–197) describes, but instead is caused by a changing political environment.

By default, settler responses to the government’s land resumption decree greatly altered the Swan district’s cultural landscape. The results of the events in the Swan district in the late 1830s are similar to those Tudor and parliamentary enclosures imposed on the English agricultural landscape over a very much longer period (Overton 1996: 147–148). In addition to alterations to property boundaries, comparison of maps of Swan lots F and F₁ in 1839 and 1841–1842 indicate that substantial changes to transport routes also occurred during the two periods because of the increase in features associated with enclosure. Between 1830 and 1840, most tracks were close to the Swan River on the right bank because most linked farms located near the river and the fertile alluvium for crop growing. The clay based alluvium also allowed a firmer surface for wheeled vehicles, avoiding the soft, sandy and boggy surfaces further from the river. As Swan lots F and F₁ in 1839 showed, the lack of fences or other forms of enclosure allowed tracks to pass from farm to farm in an uncoordinated and unhindered manner.⁴⁹ The enclosures completed by 1841–1842 forced a revision of transport routes. The earlier farm-to-farm tracks were cut because of fence and ditch construction (with some tracks kept for private use only, for example to Sleep’s Spring Park farm tenanted at the time by Atkin and Carson) and replaced by a single north-south track surveyed in 1842 and in use by 1843 inland of all homesteads.⁵⁰ The alignment of what settlers called the ‘government road’ forms most of the present West Swan Road. Gates on fences suggest that drives ran from the new road to Sleep’s, Morley’s, Haddrill’s and Dring’s farm complexes as they do today.⁵¹

CONCLUSION

Hutt arrived in 1839 with a land resumption decree from the Colonial Office. Historical sources suggest that opposition to the decree was so acute that Hutt resolved in February 1840 to postpone any action until he knew the attitude of the Colonial Office in London to the antagonism. By the time Hutt enforced the 1829–1831 land regulations at the end of 1840 – a year later than anticipated – most settlers in danger of losing land had time like Dring and Smithers to surrender worthless land back to the Crown. Three Swan district settlers lost a paltry 1423 acres with the enforcement of the 1829–1831 land resumption clause (Cameron 1981: 184). Cartographic data and archaeological remains from the period further suggest that settlers like Sleep, Morley, Haddrill and Dring countered the decree by physically altering the Swan district’s cultural landscape. Their ability to retain their land shows the success of the features used by them to enclosure their lots to show land ‘improvement’.

The behaviour of settlers to the threat of losing their assets demonstrates local knowledge of environmental features such as soil type and topography, and also a previously unrecorded awareness of land regulations and a shrewd understanding about what constitutes a fence in a Western Australian colonial setting. In addition, land boundaries shared between two landowners indicate a degree of cooperation, in the case on Swan lots F and F₁ between settlers of different backgrounds, skills, and occupations.

ENDNOTES

- 1 Thanks to Dr Daniel Franklin, Centre for Forensic Science, University of Western Australia, Dr Martin Gibbs of the Department of Archaeology, School of Philosophical and Historical Inquiry, University of Sydney and an anonymous reviewer who read the manuscript and supplied useful suggestions and amendments.
- 2 *Perth Gazette*, 2/2/1839.
- 3 Figure 1 adapted from L. W. Pym, *Soils of the Swan Valley Vineyard Area, Western Australia*. Soils and Land Use Series No. 15. CSIRO, Melbourne; 1955, and Michael J Bourke, *On the Swan. A History of the Swan District Western Australia*, Middle Swan: University of Western Australia Press, Nedlands, for the Shire of Swan Council; 1987.
- 4 Entry for 18th November 1829, Journal of Henry Camfield, Burrswood, Western Australia; ACC 1459A Battye Library, Perth, Western Australia (hereafter Battye).
- 5 Letter to Captain James Stirling dated 30th Dec. 1828 from Sir George Murray formally appointing him as Lieutenant-Governor of the Swan River Colony and furnishing him with his instructions; Con 391/19, WAS 1182, State Records Office of Western Australia (hereafter SROWA).
- 6 Entry for April 1843 p. 43, 'Survey Field Book 20 containing surveys in the districts Swan', by assistant surveyor Philip Chauncy; CON 3401, WAS 32, item CHAU/20, SROWA.
- 7 'Plan of part of Spring Park Farm on the Swan River, Western Australia the property of Mr. Walter Sleep', Nov. 1839, by J (I). S. Roe; original held at the Swan Guildford Historical Society, Guildford, Western Australia; Unfinished map of Albion Town, unsigned and undated but most likely by Roe 1839; Historical Plan 26. Department of Land Administration, Midland, Western Australia.
- 8 *Perth Gazette* 22/6/1833.
- 9 *Perth Gazette* 29/6/1833; Entry for 8th April 1839, Journal of George Fletcher Moore, Upper Swan, Western Australia; ACC 263A, Battye.
- 10 'An Interesting Memorial', West Australian Church News, 1909.
- 11 Plan of part of Spring Park by Roe.
- 12 Recorded interview with Mr Brian Haddrill, 17 November 1998, at Haddrill's Cottage, copy with the author.
- 13 *Perth Gazette* 8/4/1837.
- 14 *Perth Gazette* 8/11/1834; 1/1/1840; 18/1/1840; 4/12/1841.
- 15 Other educated men taking up shopkeeping included Samuel Moore and William Wade. Entry for 7th March 1836, Farm Journal of Samuel Moore, Middle Swan, Western Australia; ACC 406A, Battye Library, Perth, Western Australia; Manuscript of the reminiscences and correspondence of William Wade in 1909 to 1910; ACC 949A, Battye; *Perth Gazette* 3/8/1836; 15/7/1837.
- 16 Colonial Secretary's Office Inward Correspondence Files; AN 24, ACC 488/12, vol 58, pp. 68.
- 17 *Perth Gazette* 8/4/1837.
- 18 Brian Haddrill interview.
- 19 *Perth Gazette* 3/8/1836; 15/4/1837.
- 20 Entry for 11th April 1831 and 21st Sept. 1832, Journal of the Tanner family, Upper Swan, Western Australia; ACC 2678A, Battye.
- 21 G. F. Moore journal 12th Nov. 1831; Book 1, Page 475, 1837; Department of Land Information, Midland, Western Australia.
- 22 Brian Haddrill interview.

- 23 Damaged map of the Upper Swan region, undated but containing 1842 and 1843 surveys by assistant
surveyor Philip Chauncy; CON 3848, WAS 238, item 19, SROWA.
- 24 Plan of part of Spring Park by Roe; *Perth Gazette* 22/4/1837; 'Survey of the Swan River above Ellen's
Brook for the purpose of fixing the position of the 63rd tree', 1833, by George Smythe; CON 3844,
WAS 234, item 27, SROWA; Entry for March 1836, 'Survey Field Book 4 containing surveys on the
road from Albany to Perth', by surveyor Alfred Hillman; CON 3401, WAS 32, item HIL/04, SROWA.
- 25 Plan of part of Spring Park by Roe.
- 26 Colonial Secretary's Office Inward Correspondence Files; vol 58, pp. 76–77.
- 27 Entry for August 1841, 'Survey Field Book 16 containing surveys in the districts Swan' pp. 75–76 by
assistant surveyor Philip Chauncy; CON 3401, WAS 32, item CHAU/16, SROWA; Entry for March
1842, 'Survey Field Book 14 containing surveys in the districts Perthshire, Swan' pp. 48–49, 55–56,
58–60 by assistant surveyor Philip Chauncy; CON 3401, WAS 32, item CHAU/14, SROWA.
- 28 Plan of part of Spring Park by Roe; Colonial Secretary's Office Inward Correspondence Files; vol 58,
pp. 76–77.
- 29 Figure 2 adapted from Plan of part of Spring Park by Roe.
- 30 Chauncy survey field book 20, p. 1; *Perth Gazette* 23/1/1836.
- 31 Plan of part of Spring Park by Roe.
- 32 Chauncy survey field book 16; Chauncy survey field book 14; 'Survey of the Right Bank of the Swan
River and the Locations Abutting Thereon', 1842, map by Philip Chauncy; CON 3848, WAS 238,
item 13, SROWA; Chauncy survey field book 20; CON 3401, WAS 32, item CHAU/20, SROWA;
Damaged map of the Upper Swan region, by Chauncy.
- 33 Chauncy survey field book 16, pp. 75–76.
- 34 Chauncy survey field book 16, pp. 75–76; Chauncy survey field book 14, pp. 59–60.
- 35 Figure 3 adapted from Chauncy survey field book 16, pp. 75–76, Chauncy survey field book 14, pp.
59–60, Chauncy Survey of the Right Bank of the Swan River and the Locations Abutting Thereon
1842 and entry from 1842, 'Survey Field Book 18 containing surveys in the districts Swan' pp. 39–81,
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- 36 Chauncy survey field book 14, pp. 59–60.
- 37 Chauncy survey field book 16, p. 71; Chauncy survey field book 14, p. 42; Hillman survey field book
4.
- 38 Photograph taken by the author in 2000 and in his private collection.
- 39 Chauncy survey field book 16, pp. 75–76; Chauncy survey field book 14, pp. 59–60.
- 40 Chauncy survey field book 16, p. 76.
- 41 Chauncy survey field book 16, p. 76.
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- 47 Chauncy survey field book 14, pp. 59–60.
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- 49 Plan of part of Spring Park by Roe.

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- ⁵¹ Map dated 1846 in Samuel Moore's farm journal; Chauncy survey field book 16, pp. 59–60.

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