

## FREMANTLE PARK

David Hutchison

There was recently community debate about a proposal to build a new football stadium for the Fremantle Dockers Football Club on Fremantle Park. The City Council, at a meeting on 26 September 2007, decided not to proceed with that concept but committed itself to further master planning. I assumed, therefore, that the Society thought that this would be a good time to review the history of this substantial reserve.

I was invited to give this paper only a few weeks ago, so this paper is, to some extent a work in progress, although the matters that need further research will not affect its major conclusions.

### 'The Green'

The first recreation area in Fremantle was known as The Green. The Fremantle historian, Hitchcock, in an early article in the journal of the Royal WA Historical Society<sup>1</sup>, wrote that

*In the early days, the area between Phillimore Street and Pakenham Streets [note that the area actually extended from Cliff Street to Pakenham Street] was shallow water. The present irregular line of buildings along the south side of Phillimore Street marks what was once the river foreshore. The townspeople, by constituting themselves working bees, reclaimed the land and planted it with couch grass, thus creating the old recreation ground, which was known as 'The Green'. Naturally, the people were very wroth when it was proposed to resume this land for railway purposes ...*<sup>2</sup>

Reece and Pascoe in their book, *A Place of Consequence*, state that The Green 'was the recreational and social centre of Fremantle'.<sup>3</sup> It was also 'the place to meet passengers from the Perth ferry and to take an evening constitutional when the temperature made it more pleasant outdoors'.<sup>4</sup>

When extension of the Eastern Railway to Fremantle was planned, The Green was selected as the best site for the railway station, workshops and associated buildings. The citizens of Fremantle objected to losing their recreational ground and, a public meeting was held on 5 May 1879, chaired by Robert M Sutherland, the Manager of the National Bank, to discuss

*a subject of great public interest — namely, what steps should be judiciously taken to induce the Government not to allow the Recreation Ground to be interfered with.*

The meeting decided unanimously to elect a deputation to wait upon the Governor, Sir Harry Ord. Those elected were R M Sutherland, J J Harwood, D K Congdon, G Parkes, W B Pearse, E A Stone, E Solomon and W E Marmion. The visit of the deputation was reported — somewhat wordily — in *The Herald* on Saturday 24 May 1879. I quote it at some length as evidence that it was the intention to retain Fremantle Park for public recreation as well as organised sports.

The object of the deputation, the paper reported, was,

*if possible, to induce the Governor to reconsider the decision he had arrived at to appropriate the public green for railway purposes ... Mr M. Sutherland, as the chairman of the public meeting nominating the deputation[spoke] in forcible terms [of] the great value the people of Fremantle set upon the piece of land they were threatened to be deprived of and begged His Excellency in the interests of the health and recreation of the inhabitants of Fremantle, to reconsider the intention of appropriating the only present recreation ground in Fremantle for the purpose contemplated. He respectfully submitted to His Excellency that the inhabitants had acquired the land — for, if it had not been actually reclaimed at the expense of the people of Fremantle, it had certainly been improved by them, and made what it now was, by the outlay of private individuals, and the Municipal-*

*ity. In fact, it was this expenditure of private and municipal money that had made the piece of land suitable for the purpose for which the Government wanted it. He submitted that waste land to the East of The Green would answer the purpose of the railway station and workshops equally as well as The Green, and again begged His Excellency to reconsider his decision in the matter, and, if possible, reserve The Green as a public recreation ground.*

The Governor asked to be shown on a map the alternative site to the east that Sutherland proposed for railway needs. He then asked the Commissioner of Railways to comment. The Commissioner was adamant that The Green met the requirements of the railway and the alternative site did not. The Governor said that

*He was fairly alive to the importance of open space in towns as a means of recreation and as conducive to public health, but he spoke professionally when he said The Green was the only place in Fremantle adapted for the railway station, workshops and other buildings ... and that he felt himself bound to concur in the opinion of the Commissioner of Railways that the appropriation of the land was an unavoidable necessity.*

Some may feel that the responses of the Governor and the Commissioner were not unlike some responses that we have been having over current major proposed developments.

Mr W Marmion, a member of the deputation thanked His Excellency

*for the attention he had given the matter and as it appeared necessary that The Green should be appropriated for railway purposes he would suggest that some compensation might be given to the town, for the loss of The Green, in the shape of another and a better piece of land; he thought a portion of the land be reserved as a Public Park, [which], with some outlay might, if His Excellency saw his way to convey it to the town in a comparatively short time, to be made available as a cricket and recreation ground.*

The Governor asked the Commissioner of Crown Land if he knew of any objection to this piece of land being given for the purpose mentioned. The Commissioner said that there was none, and the Governor said that he 'was willing to do all in his power to give the inhabitants of Fremantle compensation for the loss of The Green, which he knew they prized highly.'

There can be no doubt that Fremantle Park was the *quid pro quo* for surrendering The Green and that it was intended that the Park contain a substantial park for public recreation as well as sporting facilities. This is confirmed by a report in *The Inquirer* of 5 November 1880, quoted in *The Herald* on 18 April 1998 that

*Fremantle Park, situated in Ellen Street, was set aside by the then council for the people of Fremantle in 1879.*

Not all residents liked the exchange. A 'ratepayer' wrote to *The Herald* (14 June 1879) that he was not very impressed by the quality of the land at the new site offered by the Governor:

*in return for the cheerful inexpensive greensward by the sea — it must be acknowledged a very magnificent one — but it is as costly as worthless and it is magnificent in every sense a white elephant.*

At its meeting on 30 May, the Municipal Council decided to defer consideration of a communication from the Commissioner of Railways until the following Wednesday, 4 June.

With some force, but somewhat pompously, *The Herald* attacked the Governor in an editorial on 31 May 1879

*It is all very well for His Excellency and Mr Thomas [Commissioner of Railways] to ask us to take their word as engineers, but the present is not an engineering question but one of common sense, in which anyone who can use his eyes and is not an idiot, may be as good a judge as the greatest engineer who exists.*

I take some issue with this. In one of my *Fremantle Studies* papers, I criticised Alexander Forrest for criticising C Y O'Connor in similar terms.<sup>5</sup> The editorial continued in a more conciliatory note

*We have a great respect for the opinion of professional men in matters concerned with their profession*

but goes on to question some of the comments made by the Governor and the Commissioner of Railways on the selection of the site for the railway buildings but, later, adds that the Governor has said nothing to show that the appropriation of The Green was not 'an act of spoliation utterly unwarranted'.

The Editor claimed that the principal reason for selecting The Green was that reclamation of that site had already been completed, but the eastern site would require more reclamation. He added

*as for the proposed substitute [for The Green], there is certainly no part of the reserve which is facetiously called the "park", which could be made into a recreation ground except at great expense or to which any but a few nursemaids and children would resort after such expense was incurred.*

The Perth newspaper, *The Inquirer*, had joined the fray on 14 May, claiming that

*the people of Fremantle have at length awakened to a true sense of the danger in which they stand of losing not temporarily, but for ever, the plot of ground lying on the riverside of the town, and which, to almost everyone who has visited Fremantle is known as the Recreation Ground or more popularly, The Green*

### **Fremantle Park**

At its meeting on 4 June, Fremantle Town Council, decided, after lengthy discussion that

*it would be the wisest plan to accept the whole of the Park on the conditions specified to ascertain the probable cost of fencing the whole property, and of clearing and rendering the Westerly portion, a suitable place for recreation and for a cricket ground, then to lay the matter before the Government and ask for an annual grant to carry out the work.*

The meeting then adjourned until 6 June, when it was unanimously agreed

*I That the piece of land for public Park containing 45 acres as marked on accompanying tracing be taken over by the Council from the Crown on the conditions named in the Hon. Commissioner of Crown Lands letter: viz*

*(a) The Council to subvent the plans for bringing the ground into the condition intended and which is desired*

*(b) To engage that improvement will be carried out as the funds at their command admit*

*(c) That they are willing to take the grant in trust, guaranteeing to His Excellency's satisfaction that the ground will be always kept up in a proper manner and in an orderly condition.*

*(d). That the Council having gone into the question of cost of bringing the whole 45 acres into the condition intended for a Recreation Ground and finding that it would be too great to recommend to the Government to be done at present, it was unanimously resolved that a portion only of the whole can be laid out, fenced, cleared, etc, mainly that portion extending from Parry Street on the West to the Asylum Road in the East. The Council likewise finding that the portion only would require a sum of not less than £500, and an annual grant of £100 from the Legislative Council.*

Asylum Road was the track, shown by dotted lines on the map. It would and would have linked the Asylum to the Prison. Part of it was close to the alignment of present Ord Street. Our newsagent in South Terrace told me that, when he was a boy at CBC, that road still existed, and the boys called it 'the goat track'. Ord Street was not laid down until the 1960s.

The Council did not receive a satisfactory response until about a month later. At its meeting on 9 July, the Chairman reported a communication from the Colonial Secretary that His Excellency would recommend Council's application for a sum of £500 and annual grant of £100 to next session of the Legislative Council. In the meantime he had authorised that £100 be placed at the Council's disposal.

I wonder if the annual grant to Fremantle Council has ever been rescinded.

By mid July, work on preparing the cricket ground had started and, apparently, the Council planned to remove turf from The Green to use on the new ground. The Commissioner of Railways telegraphed that the Council could not remove any of that turf without permission of the Railway Contractor. Councillors were angry and the Chairman was authorised to see the Contractor to 'arrange matters amicably', if this could not be done, he should appeal to the Governor. The matter must have been settled amicably because it was reported on 18 July that 'half a dozen men were put to work clearing and grubbing to prepare a cricket ground. It was decided that one of the men should be put in charge of the gang and Waylen was appointed, being granted a wage rise from 4s 6d to 5s 6d per day. On 22 August, it was reported that permission to remove turf from The Green had been granted.

This makes the turf of that part of Fremantle Park even more hallowed.

On 6 November, it was decided to call tenders for a well at the Park and, in his Annual Report to a meeting on 17 November, the Council Chairman reported that

*he had recently received a letter from the Commissioner of Crown Lands announcing that the Deed of Grant had been prepared and signed by His Excellency conveying the piece of ground known as the Public Park Reserve ... to the Municipal Council and their successors ... it would be forwarded in a few days.*

However, it was not actually received until 6 May 1880. Early in 1881, at a meeting on 5 January, the Council decided to call tenders for raising stone and levelling portion of the Park also Quarry Street and James Street

### **Development of the Park**

In the early days, the Park was terraced, with upper and lower playing fields. In the Centennial Year, 1929, as part of the celebration of Fremantle becoming a City

*a ceremonial tree planting had councillors and local parliamentarians vying for a position to place 'their' Moreton Bay fig trees into a prepared hole.*

Those trees were planted along Ellen Street as well as the future Ord Street. Some of those in Ellen Street were ripped out in 1960.

CBC has used the park as its school oval since 1882 and it has been home to many sporting groups over the years: football, cricket, tennis, bowls, soccer, hockey, rugby and lacrosse. There was even a marching band. The Fremantle Parakeets Midget Marching Team won the national marching title in 1977.

### **Changes to the boundaries of Fremantle Park**

A map in the Local History Section file (Fig. 1) shows the proposed original boundaries of the Park as lying between Parry Street on the west, Finnerty Street on the north, East Street on the east and Ellen Street on the south. Two areas were excluded: the Lunatic Asylum and its grounds, and a triangular section bounded on two sides by Quarry and Stirling Streets. The latter area now houses the Leisure Centre. Stirling Street at that date is shown as extending from Ellen Street, but that extension appears not to have been made. Ord Street did not then exist; it was constructed in the 1960s, following approximately the line of the southern part of 'Asylum Road'. The map is not dated, but appears to be the original vesting in 1880. The Location number is identified as Reserve 222A.

In the same file<sup>6</sup>, there are printed copies of the exchange of letters between the Government and the Council regarding the vesting of the land as a Public Park. The Council accepted as a stipulation in the vesting deed

*That, in the event of any of the land being allowed for any other purpose, other than 'for the recreation and enjoyment of the public, the Crown can re-enter and resume [it].'*

It seems to me that that stipulation would prevent the alienation of the Park, or a substantial part of it, for the purpose of a football (or any other) sporting stadium. Further research is required to determine on what grounds substantial areas of the original Park have been re-vested: part for the Finnerty Street Cemetery and a large part — bounded on the west by Ord Street and on the east by East Street — for the John Curtin High School.

There is a 1904 map (Fig. 2), on which it is noted that it is 'associated with a cancelled Certificate of Title 304 Folio 26 and later updated in 1962 to show the new lot 1826.' The original lot number shown on this map as 1517. It appears that the original number, Reserve 222A, must have been changed at some time between 1880 and 1904. On this map, the Park is reduced by the exclusion of the Finnerty Street cemetery. A new road, Park Road — that was never laid down — was planned along the southern side of the cemetery. The Asylum Road was closed and a future southern extension of Shuffrey Street was transferred to the Crown.

The accompanying document giving details of the boundaries and of the vesting is very difficult to read, being partly faded. I note that it now gives the area of the Park as 35 acres — 10 acres less than the original area, probably due to the excision of the cemetery. The document states that

*the lands and hereditaments hereunder described be used and held upon trust solely for the purposes of a Public Park satisfactory to the satisfaction of Our Governor of Our State of Western Australia*

This appears to reinforce the terms of the original vestment. The Associated Crown Grant document, dated 10/5/1904 states that the land was to be held in trust for the *purpose of Park, Recreation and Community Centre*.

An application for a Crown Grant, dated 26/2/1963, created a new lot No. 1826 being Reserve 24833 to be *held in trust for the purpose of Park, Recreation and Community centre*. On the back of that document is the statement:

*Subject to the condition that the land shall not be leased or mortgaged in whole or in part without the consent of the Governor.*

Crown Grant, Vol. 349 Folio 88A, being Lot 1826 registered on 6/4/1970 is the current Crown Grant for Fremantle Park, which is *to be used and held solely in trust for the purpose of Park, Recreation and Community Centre*. The Certificate of Title notes that a portion of Fremantle Town Lot 1517 was re-vested to create Fremantle Park bounded on the east by Ord Street and not East Street.

Fig. 3 (Diagram 12882) shows the re-vestment of the western part of the Park between Ord and East Streets, presumably increasing the area of land available for John Curtin High School. The re-vestment is dated 6/6/1952. The land between this land and East Street must have been re-vested in the Education Department earlier.

There is also a map (Fig. 4) showing 'a reserve search of the old John Curtin Reserve 1777 occupying part of the old Lot 506.' This reserve was transferred, in May 1969, to the City of Fremantle to be used as an Aquatic Centre from the Director of Education and is the current location of Reserve 30391 Lot 1928 being the Leisure Centre. This transfer may have been partial compensation for the re-vestment of the western part — between Ord and East Streets — of the original Park in the Department of Education.

Further research is required to determine the negotiations that must have taken place between the City Council, the government and other authorities to allow changes to the Park's boundaries, given the terms of vestment.

Although John Curtin High School is a major community asset, it is a pity that a large part of the original Park was lost. It would have made an excellent botanic garden of indigenous coastal flora. Perhaps something can be retrieved. I suggested, some twelve or more years ago, that the relatively waste land along Ord Street might be used as a botanical garden of local flora, providing an attractive walkway to link the Fremantle Museum and Arts Centre with Samson House.

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Note that a major source for this paper were the Minutes of the Fremantle Town [later Municipal] Council, available on micro-film at the Local History Section of the City of Fremantle Library.

<sup>1</sup> Hitchcock, J K, 'Fremantle, 1829-49, *Early Days*, 1, 1, 21

<sup>2</sup> Local History Section File 712.5

<sup>3</sup> Reece, R and Pascoe, R, *A Place of Consequence: a pictorial history of Fremantle*, Fremantle Arts Centre Press, Fremantle, 1983, 25

<sup>4</sup> *Op. cit.*, 26

<sup>5</sup> Hutchison, David, 'The Railway Workshops in Fremantle', *Fremantle Studies*, Vol. 3, Fremantle History Society, 2004, 81

<sup>6</sup> File 712.15