



Maitland City Council

Revised Archaeological Assessment

Former Morpeth Courthouse
123 Swan Street, Morpeth



February 2021



**Revised Archaeological Assessment
Archaeological Research Design
Section 140 Permit Application**

Former Morpeth Courthouse

Prepared for
Maitland City Council
by Eureka Heritage

Project No 200302

Report written by:

A handwritten signature in black ink, appearing to read "Sue Singleton". The signature is written in a cursive style with a long horizontal stroke extending to the right.

© Sue Singleton

Heritage Consultant & Archaeologist

February 2021

Cover Illustration: Left: Photograph of Morpeth Courthouse c1930s.
Right: Sketch of front elevation of the Morpeth Courthouse from the 1862 plan.

The Value of History Statement



*The study of the past and telling its stories are critical to our sense of belonging, to our communities and to our shared future.
History shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.*

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1 Introduction

1.1 Background

Maitland City Council (MCC) engaged Eureka Heritage (Eureka) to carry out a revised historical archaeological assessment, and application for an excavation permit under s140 of the NSW Heritage Act 1977 for archaeological management during ground works located at the rear of the former Morpeth Courthouse. The works are associated with the replacement the rear boundary fence and include an upgrade of drainage.

The commission complies with Consent Conditions (6) and (7) of the Notice of Determination (DA/2019/834)¹ issued by Maitland City Council on 28 January 2020:

EXCAVATION PERMITS

6. Prior to the commencement of works, the Applicant must apply to the Heritage Office for an excavation permit under section 140 of the Heritage Act 1977.

7. The Applicant shall comply with the conditions and requirements of any excavation permit issued under Section 140 of the Heritage Act 1977 and shall ensure that allowance for compliance with these conditions and requirements is incorporated into the development program.

A number of previous archaeological investigations have taken place in the rear yard of the Morpeth Courthouse, primarily to facilitate works designed to improve the movement of water and drainage across the area. Such works have been necessary in order to control issues of rising damp within the courthouse building. The works proposed within this application will complement previous works, and will assist in answering those questions left unresolved from previous archaeological investigation.

The primary purpose and objective of this report and excavation permit application is to confirm the presence or otherwise of any structural remains of the rear wall of the c1862 police stables built at the rear of the courthouse. An eastern privy, not previously archaeologically investigated, is included within the remit of the excavation permit along with minimal disturbance of known archaeological works consisting of the western, northern and eastern footings of the police stables, and the centrally located subsurface brick cistern, in order to complete a survey to AHD (not carried out during previous archaeological investigation).

The report and supporting documents have been prepared by Sue Singleton of Eureka Heritage and Scott Warner, Project Manager, Maitland City Council. Sue Singleton is nominated as Excavation Director for the proposed archaeological investigation².

1.2 Study Area Location

1.2.1 Morpeth

Morpeth is a well-known historical township and tourist attraction, located on the south bank of the Hunter River and is within the Maitland Local Government Area. Morpeth is a short seven kilometres north-east of Maitland via Morpeth Road. Newcastle is about 30 kilometres to the south-east and Sydney is located about 150 kilometres to the south. The Morpeth township sits on the southern bank of the Hunter River with the historical Morpeth Bridge providing a river crossing connecting Morpeth to Hinton. A regional location plan is provided in **Figure 1.1**. A site location plan is shown in **Figure 1.2** and an aerial view showing the study area is provided in **Figure 1.3**.

¹ Copy attached in supporting documents.

² Sue's current CV is included with the supporting documents along with a separate document providing updated responses to the Excavation Director Criteria.



Figure 1.1 – Regional Location Plan showing township of Morpeth.
Source: Created in Google Earth



Figure 1.2 – Aerial view of the Morpeth township showing the location of the Morpeth Courthouse.
Source: Created from base map from Spatial Information Exchange.

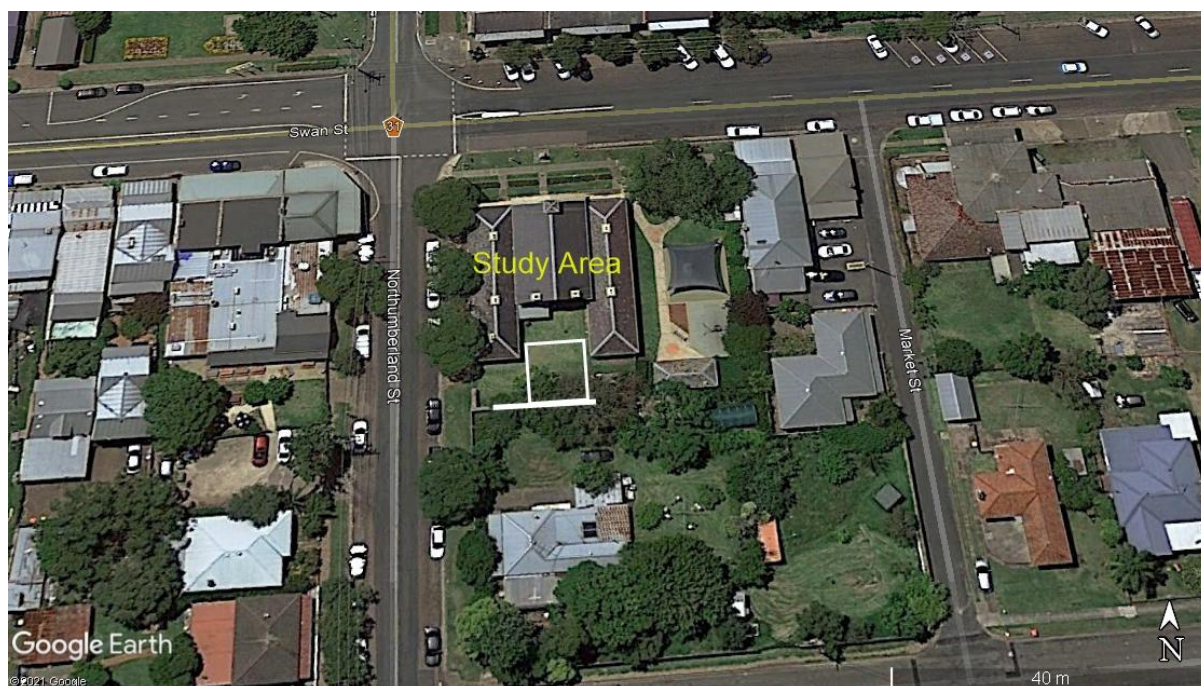


Figure 1.3 – Aerial view of the Morpeth Courthouse showing the project area highlighted in white, comprising the line of the proposed new fence and the area of rear yard containing the previously excavated stables footings and sub-surface cistern.

Created from Google Earth base image.

1.2.2 The Morpeth Museum (former Morpeth Courthouse)

The Morpeth Courthouse building is now occupied by the Morpeth Museum (see **Figure 1.4**). The building is listed on the Maitland LEP 2011 as an item of heritage significance. The museum houses a collection of historical displays and items related to stories of growth and misadventure of a riverport in the early 1800s through to the early 1900s. The features of former use and historical significance of the c1862 Morpeth Courthouse are preserved and interpreted within the internal spaces of the building under the custodianship of the museum.

The rear yard of the museum has posed management challenges for the museum as drainage issues across the rear yard, and beneath the building, have been an ongoing issue. As the owner of the site, Council has undertaken substantial works to improve drainage and to conserve the building in a number of projects. Through previous archaeological investigations and knowledge of the survival of archaeological works within the rear yard has presented an opportunity for interpretation as part of the museum display.

Photographs of the site in March 2020 and in February 2021 are provided below in **Figure 1.5** to **Figure 1.9** to provide context to the current state of the rear yard and boundary fence. Please refer to photograph captions for additional information.

In 1954, Court was no longer held in Morpeth and the courthouse building became a repository of the Maitland City Library. By 1971, the building had been renovated for use as a museum and continued to operate as a Branch Library. The Branch Library closed in about 1999 but the building has continued to operate as The Morpeth Museum to the present.



Figure 1.4 – The Morpeth Museum helping to preserve the heritage values of local history and the history of the Morpeth Courthouse.



Figure 1.5 – Looking west across the rear yard in March 2020.
Photograph by Sue Singleton.



Figure 1.6 – Looking east across the rear yard in March 2020.
Photograph by Sue Singleton.



Figure 1.7 – Remnant masonry wall of rear boundary, requiring support, in March 2020.
Photograph by Sue Singleton.



Figure 1.8 – Looking east across rear yard following demolition and removal of the timber fence.
Photograph by Scott Warner, MCC.



Figure 1.9 – Looking north-east across neighbouring property to southern boundary of the courthouse allotment. The blue arrow shows sandstone blocks used as garden surrounds within the neighbouring property, possibly remnants of the rear wall of the c1862 Police stables removed when the timber fence was constructed in the 1970s.
Photograph by Scott Warner, MCC.

1.3 Statutory Controls – Archaeological

This section provides an overview of statutory heritage controls relevant to the archaeological management of the proposed project.

1.3.1 NSW Heritage Act, 1977

Archaeological relics fall within the definition of *environmental heritage* which is protected under the *NSW Heritage Act 1977* (the Act). The Act provides that environmental heritage *may be places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance*. The Heritage Act further provides measures for the protection and management of the different types of environmental heritage, and this is dependent upon the type of item under investigation.

The entire Heritage Act serves to protect heritage but historical archaeological remains are additionally protected from being moved or excavated through the operation of the *relic's* provisions. These provisions protect unidentified relics which may form part of the environmental heritage in NSW, but which may not have been listed on statutory registers or databases.

Section 4(1) of the *NSW Heritage Act 1977* defines a relic as:

Any deposit, artefact, object or material evidence that:

Relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and

Is of State or local heritage significance.

There are two levels of heritage significance defined by Section 4A of the Act as follows:

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

According to the Act no disturbance or excavation may proceed that may expose or discover relics except with an Excavation Permit and that an excavation permit is required, if a relic is:

1. Listed on the State Heritage Register (state significant items), pursuant to **Section 60** and **Section 63** of the Act; and
2. Not listed on the State Heritage Register (locally significant items on the SHI and those considered as locally significant items through assessment), pursuant to **Section 140** and **Section 141** of the Act.

An application for an excavation permit must be made to the Heritage Council of NSW (or its delegate). The application for a permit must nominate a qualified archaeologist to manage the disturbance of the relics.

According to **Section 146** of the Act:

A person who is aware or believes that he or she has discovered or located a relic (in any circumstances), and whether or not the person has been issued with a permit) must:

- (a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic, and

- (b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

For sites not listed on the SHR or under an Interim Heritage Order, **Section 139(4)** the Act includes exceptions for works in relation to relics which may not need an excavation permit if they fall within specified terms. The relevant exceptions are:

- (1B) the excavation or disturbance of land will have minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or
- (1C) a statement describing the proposed excavation demonstrates that evidence relating to the history of nature of the site, such as its level of disturbance, indicates that the site has little likelihood of Relics or no archaeological research potential.

1.3.2 The Distinction Between a Work & a Relic

In circumstances where there is little likelihood that relics exist or that such relics are unlikely to be of a significant nature, and/or that disturbance will result in a minor impact and/or where excavation involves removal of fill only, the Heritage Act makes provision for the granting of an exemption to the need for an excavation permit for State significant sites under s57(2) of the Heritage Act, or an exception to the need for an excavation permit for locally significant sites under s139(4).

An archaeological 'relic' under the Act is an archaeological deposit, resource or feature that has heritage significance at a local or State level. In reference to the definition of *environmental heritage* contained in the Act, a *work* is not further defined by the Act, but dictionary definitions are adopted such that a work is taken to mean '*an engineering structure, such as a building, bridge, dock, etc.*'. As such structures such as bridges, culverts and drains are considered 'works' not relics and it is reasonable to define the three study sites subject of this study as works not relics.

The implications of the definition are that where a *work* will be impacted by a project, there is no requirement for a statutory permit application under the NSW Heritage Act 1977. However, the potential for the relics' provisions of the Heritage Act to be triggered should be carefully considered if a site is to be disturbed and there is a potential for *relics* to be exposed in close proximity to, or in association with, a *work*. In the event that the exposure of relics is considered possible, appropriate management measures should be put in place, including application for an excavation permit. In addition, an item, element or site defined as a work and considered to attain a level of heritage or archaeological significance, should still be the subject of appropriate heritage and/or archaeological management.

1.3.3 Maitland Local Environmental Plan 2011

Local environmental plans (LEPs) provide a framework for development control in their local area. Heritage schedules within an LEP provide for the identification and protection of heritage items. Objective 2(c) of the Maitland LEP 2011 provides the particular aims of the LEP regarding heritage management as follows:

to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland.

Schedule 5 of the Maitland LEP 2011 lists items of Environmental Heritage afforded statutory protection. Clause 5.10(1) of the LEP lists the following objectives relevant to this study:

- *To conserve the environment heritage of the Maitland.*

- *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

Schedule 5 of the Maitland LEP 2011 lists the Morpeth Heritage Conservation Area (HCA) and the former Morpeth Courthouse as items of Local Significance. The Morpeth Courthouse is heritage item I211 shown in **Figure 1.10** and is contained within the boundary of the HCA.

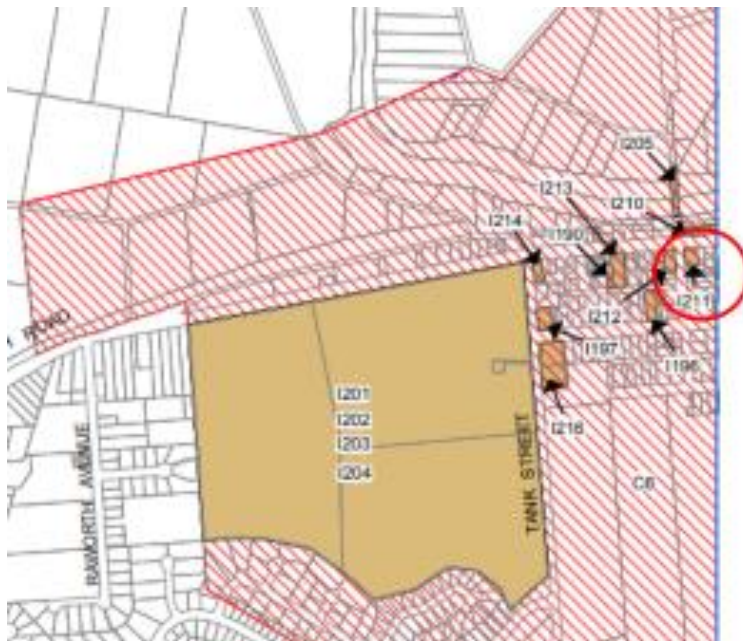


Figure 1.10 – Morpeth Heritage Conservation Area hatched, showing listed Heritage Item I211 – Morpeth Courthouse.

Source: Maitland LEP 2011

1.3.4 The Maitland City DCP 2011

The Maitland DCP 2011 (the DCP) supplements the Maitland LEP 2011, providing additional information, guidelines and assessment criteria for items contained within a Heritage Conservation Area (HCA). The DCP defines a commercial precinct within the Morpeth HCA as shown in **Figure 1.11**, within which the Morpeth Courthouse is located. Although not directly relevant to an archaeological assessment, historical context is provided in the Character Statement for the Morpeth Heritage Conservation Area:

Morpeth has a clearly defined edge and a distinctive form in a rural setting. The town is the same size and shape as indicated in the earliest known plan (1840) with few changes. It is clearly separate from other urban areas, and is also visible as an entity in the landscape from surrounding areas and from several approach roads.

The physical character of the town reflects:

- *its very early settlement (1820s) as the major port of the Hunter region;*
- *its establishment phase occurring before the halfway point of the nineteenth century and*
 - *paralleling the establishment of railways in NSW;*
- *rapid growth in the late Victorian, post gold rush period;*
- *decline after the early decades of the 20th century; and*
- *resurgence in the latter part of the 20th Century.*

The Morpeth characteristic most immediately obvious is that it has a homogenous appearance related directly to the high proportion of commercial and private buildings surviving from its middle to late 19th century establishment and growth phase.

There are a variety of building types and ages which together reflect some of the themes of history in Morpeth. Buildings which house major services within the town including the Post Office, former Courthouse, former Railway Station and CBC Bank, remain as landmarks, complemented by modest houses, churches, and schools. Morpeth is outstanding among small towns in the Hunter for the number of town uses and facilities housed in buildings of architectural and historic interest.

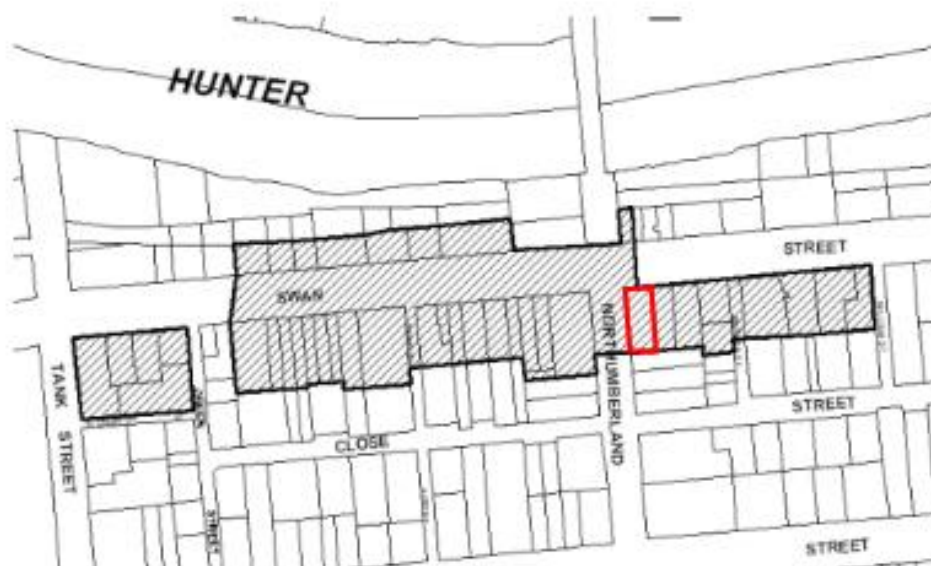


Figure 1.11 – The Morpeth Commercial Precinct as mapped in the DCP 2011 showing the courthouse in red.

Source: Maitland City Wide DCP 2011

1.4 Report Structure

Section 2 provides the historical background of the Morpeth Courthouse within the context of the establishment and development of the private township of Morpeth from the perspective of law and order in the early 1800s.

Section 3 reports on the archaeological background of the site and reviews previous archaeological investigation reports and other relevant reports. The section concludes in a comparative analysis.

Section 4 presents a review of significance assessment specifically addressing archaeological values.

Section 5 gives a description of proposed project works with an assessment of archaeological impact.

Section 6 sets out the archaeological research design in support of a s140 application for an excavation permit.

Section 7 presents the bibliography.

2 Historical Background

There are many aspects to consider when placing the study site into the historical context, including the early regional context set in the 1820s Morpeth and Maitland during an era when the area was opened to free settlement. This was the period following the relocation of the convict settlement from Newcastle to Port Macquarie. Initially a small group of carefully selected ex-convicts were allowed to take up land for the purpose of farming in what was to become Wallis Plains. In the late 1820s speculative colonials (a combination of ex-convict, ex-military and new arrivals) took up opportunities in farming, and in merchant trading and commercial enterprises that soon followed, and the townships of Morpeth, and the separate townships of East and West Maitland emerged. Law and order in the expanding colony was an issue first managed locally by appointed magistrates, usually the wealthy landholders of the area.

2.1.1 Morpeth and its' founder – Edward Charles Close

It has been well established that the history of Morpeth is linked to that of pioneering land grantee, Edward Charles Close. E C Close was born in India in 1790, the son of a British merchant. He was educated in England before enlisting at eighteen as an officer in the 48th Regiment of Foot. Following service in the Peninsular Wars he arrived in NSW in 1817 and was stationed first in Sydney before moving to Newcastle where he served as an engineer on the harbour working to improve the safety in harbour navigation.³ Close resigned his commission in 1821 and made an application to the government for a grant of land.

In 1822, Close was granted 2,560 acres at Morpeth in two portions, one of 1,030 acres and one of 1,020 acres with an additional 560 acres added to the estate lands at a later date. To establish his holding, Close was assigned 10 convicts and received 10 government cows⁴. Close called his land holding *Illulaung*. Close established the private township of Morpeth on his land holding in 1834 and it developed into a thriving port and gateway to the Hunter Valley up until the arrival of the railway to Maitland in the 1857 and the extension of the line to Morpeth in 1864.

To set the historical scene, Morpeth was a port town, a stopover for a wide cross-section of humanity. There were seamen from all over the world arriving and departing regularly. Policemen, railway workers, military personnel, factory workers, timber getters, travelling salesmen, immigrants and farmers with government workers and builders. Bullock drivers in large numbers stopped over on their journeys transporting stock and goods for trade. Such a gathering place attracted inns and hotels, prostitutes and gamblers.

In the result, Morpeth, in line with many of the townships that arose along transport and trade routes, became a vortex of misdemeanours and crimes ranging from murder, drunkenness, fighting, lewd behaviour, theft, cattle rustling, wife beating and horse stealing⁵.

The many facets of the history of Edward Close and his township of Morpeth is extensively explored in many publications and previous reports. For this reason, it is not repeated here. However, an abridged timeline is provided in **Table 2.1** below to help contextualize the history of the Morpeth Courthouse within the history of the Morpeth township. The sections below explore the history of the law and order, and the construction and function of the Morpeth Courthouse to provide context where it is relevant to the current study and application.

³ Australian Dictionary of Biography: E.C.Close ; Morisset to Goulburn enclosing Closes memorial. Hunter, 1997.

⁴ Beaumont, 2009.

⁵ Beaumont, 2009.

**Table 2.1. – Abridged historical timeline:
Morpeth township and the Morpeth Courthouse.**

Date	Detail
1821	Lt Edward Charles Close granted land at Green Hills on the banks of the Hunter River. Close developed the land for a private township.
1823	Edward Close was appointed as a Magistrate to the Court of Petty Sessions. He held hearings in his cottage (present site of the Morpeth School of Arts).
1834	<ul style="list-style-type: none"> - Township became known as Morpeth and first allotments sold. Remained a private township until 1841. - Morpeth became the Hunter Valley’s busiest port until the construction of the Great Northern Railway that saw rail transport replace river transport.
1836	J Campbell established Campbell’s Stores for trade of imported drapery, iron mongery and groceries.
1848	<ul style="list-style-type: none"> - Population had grown to about 600 with two churches, three schools, five inns, five stores and 17 dwellings. - Customs officer appointed. All incoming goods were placed in bond storage until cleared.
1858	A Court House was established in a cottage provided by Lt Close.
1860	<ul style="list-style-type: none"> - Four hundred pounds allocated to construction of a Police Office at Morpeth on a site donated by Lt Close. The site was already occupied by two cottages and a smithy. - Plans drawn up for Police Office but decision made to construct a court house instead. - Plans for court house drawn up by Mortimer Lewis Junior, Government’s Clerk of Works for the Hunter.
1860s	Mr William Arnott (Arnott’s Biscuits) established a bakery in premises above Hughes Soap Factory.
1862	<ul style="list-style-type: none"> - Tenders called for construction of the court house. - Courtroom and west wing completed by October. Post office and telegraph office also established in court house building.
1863	Police stables completed at rear of Courthouse.
1864	The Northern Rail Line extended to Morpeth, known as the Morpeth Line.
1879	East wing constructed.
1881	Post Office moved to existing site in Swan Street.
1902	<ul style="list-style-type: none"> - Bathroom addition to rear of Courthouse. - Cells constructed at rear of east wing.
1954	Court no longer held in Morpeth and court house became a repository of the Maitland City Library.
1971	Court House renovated for use as a museum and branch library.
1999-2014	Branch library closed but the court house continued in use as local historical museum.

2.1.2 The Rise of Colonial Justice in New South Wales

Until the 1820s court sittings were casual affairs with cases often heard in pubs or the homes of judges and magistrates. Sydney’s courthouse was not completed until 1827. It was much later before country courthouses became a priority⁶.

⁶ Beaumont, 2009, pp.21.

The year 1823 saw the appointment of local magistrates in many country areas. Those appointed were mainly wealthy landowners who held large estates and their service as magistrates was unpaid. Appointed magistrates administered local law and order, and recruited and directed police, along with the supervision of convict assignments and tickets of leave⁷.

Edward Close was appointed as a magistrate in 1823 and heard cases in his own home, the wooden bungalow, on the present site of the School of Arts in High Street⁸. Close found being a local magistrate was onerous and thankless and soon tired of the number of cases that required his time. Upon complaining to Colonial Secretary, Close was sacked, and was likely relieved to be able to concentrate on his own enterprises in Morpeth.

By 1832, paid police magistrates took over from the appointed landowners although country landholders were still appointed to the bench of magistrates to oversee petty sessions in their own areas.⁹ Morpeth was only ever a court of petty sessions, with serious matters being referred to a higher court in Maitland, Newcastle or Sydney¹⁰.

Edward Denny Day¹¹, appointed magistrate in 1837, was based at Maitland, and is known to have heard the court of petty sessions and police matters at Morpeth until 1841 when he retired from the role.

By 1858, the government recognised the need for a permanent courthouse in Morpeth. In 1860, frustrated by the lack of commitment by the government to begin construction, Close donated the land on the corner of Swan and Northumberland for the purpose. This was also supported by Edward Denny Day who, in a letter, urged the Department of Public Works to commit to the project. The government accepted Close's offer of land¹² and responsibility for the design of the Morpeth Courthouse was handed to Mortimer Lewis Junior¹³ of the Government Architect's Office.

2.1.3 The Morpeth Courthouse 1862

Following a number of reviews, the final design for the Morpeth Courthouse included provisions for the conduct of court, the police station and the telegraph and post office¹⁴. The final plans for the courthouse comprised a central courtroom flanked by a wing on each side with the police station and magistrates to be housed in one wing and the telegraph and post office in the other (Beaumont, 2009). The construction of the Morpeth Courthouse took place in 1862 and was overseen by its designer, Mortimer Lewis Junior. Although completed by September of 1862, the courthouse still required furnishing and the police stables were still under construction. For these reasons, Court was not held in the courthouse until well into 1863.¹⁵

An annotated plan of the Morpeth Courthouse dated 1902 shows modifications overlaid on the original plan of 1862 and provides a snapshot view of the phases of construction (see **Figure 2.1**). An underground well/cistern is shown in the centre of the rear courtyard area with underground plumbing shown extending from the rear roof down pipes. The amendments of 1902 show a bathroom extension in the north western corner of the courtyard. It is interesting to note that even in historical times, excavation of the site during construction was considered difficult by the builder, William Cain, due to the rise in land at the rear of the building on the southern side.

⁷ Ibid.

⁸ *Morpeth School of Arts, Conservation Management Plan 2019*, prepared by Placemark & Eureka for Maitland City Council.

⁹ Beaumont, 2009, pp.22.

¹⁰ Ibid.

¹¹ Edward Denny Day is a significant historical figure known for his association with the arrest and conviction of eleven white men responsible for the Myall Creek massacre.

¹² Close had reported that two cottages and a blacksmith located on the site would need to be demolished prior to the construction of the courthouse.

¹³ Son of the Colonial Architect, Mortimer Lewis.

¹⁴ Beaumont, 2009.

¹⁵ Beaumont, 2009.

Additional costs were imposed due to the need to remove earth from the site in order to construct the footings¹⁶.

The historical plans show the Police stables in close proximity to the rear wings of the courthouse (refer to **Figure 2.1**). The dimensions of stables building are shown approximately 30' (9m) x 10' (3m) and by reference to the plan, appeared capable of accommodating five horses. Two privies, or cesspits, are illustrated at the eastern and western ends of the stables building. An ash pit is shown adjacent to the stables in the south western corner of the court house site. An unspecified structure is shown in the south eastern corner of the plan.

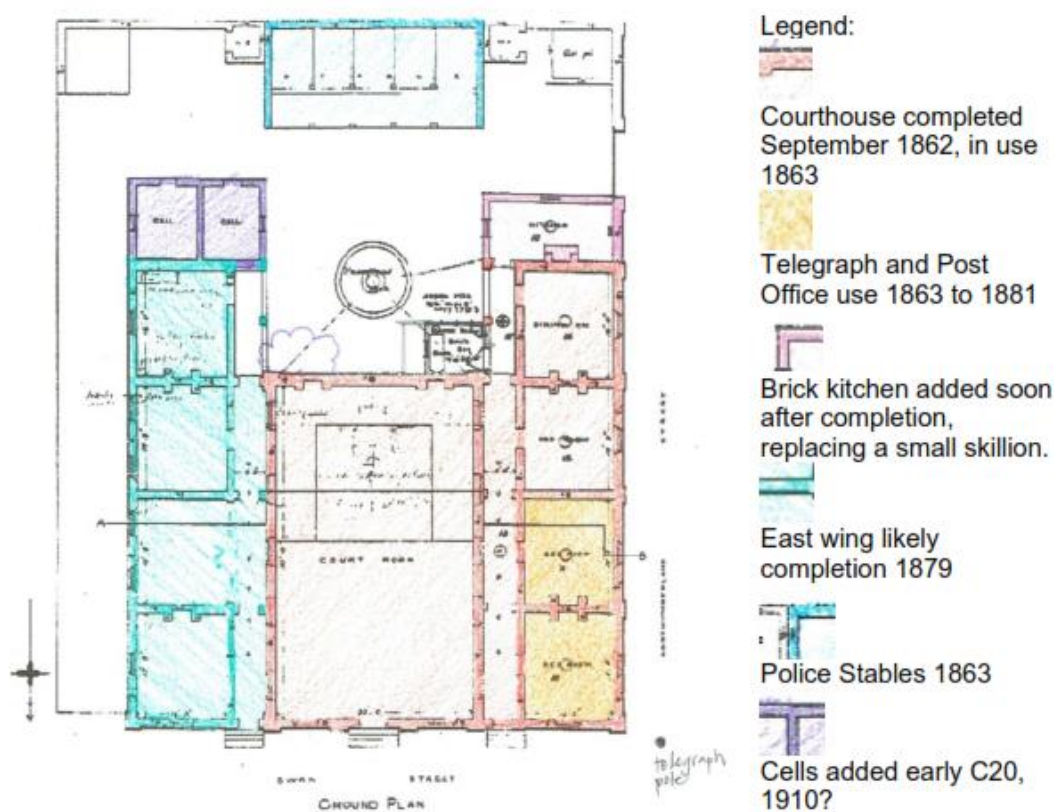


Figure 2.1 – Phases of construction and use of the Morpeth Courthouse 1862 to c1910.
Source: Image 27, Placemark, 2019.

The historical plan (refer **Figure 2.1**) show the Police stables in close proximity to the rear wings of the courthouse. The dimensions of stables building are shown approximately 30' (9m) x 10' (3m) and by reference to the plan, appeared capable of accommodating four or five horses. Two privies, or cesspits, are illustrated at the eastern and western ends of the stables building. An ash pit is shown adjacent to the stables in the south western corner of the court house site. An unspecified structure is shown in the south eastern corner of the plan.

It appears from the plan, and from historical resources, that the stables and privies were constructed in 1862/63. The date of demolition of the stables was thought to be as late as 1970s¹⁷ when a garage (now also demolished) was constructed in the rear yard. Anecdotal information places the filling in of underground cistern, for safety reasons, at around the 1970s also.

However, literature review during the current study has found evidence that can now more conclusively date demolition of the stables to the 1950s as demonstrated in **Figure 2.2** and **Figure 2.3** below.

¹⁶ Beaumont, 2009.

¹⁷ Eureka, 2012.

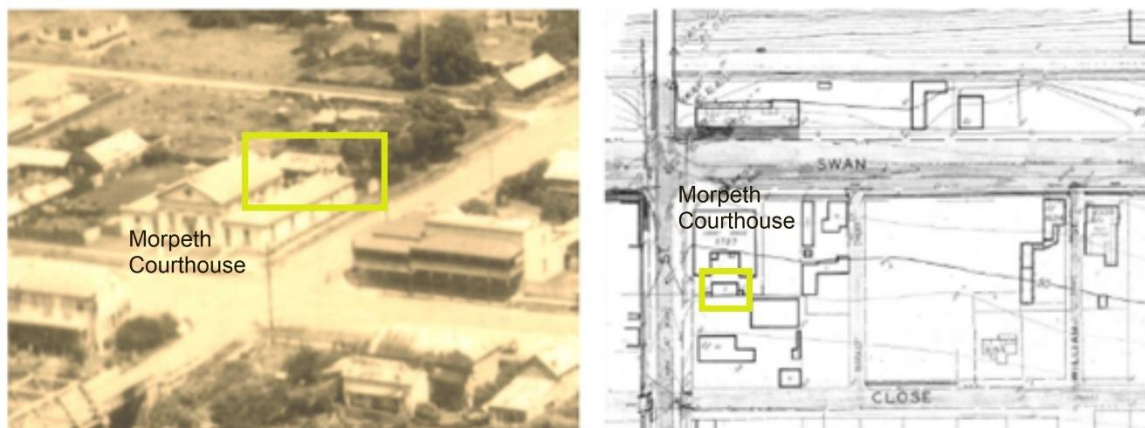


Figure 2.2 – Morpeth Courthouse in the 1940s with aerial view mid-1940s at left and in plan c1949 at right highlighting stables in yellow.

Source: SOHI, Placemark, 2019 (Images 28 and 29).

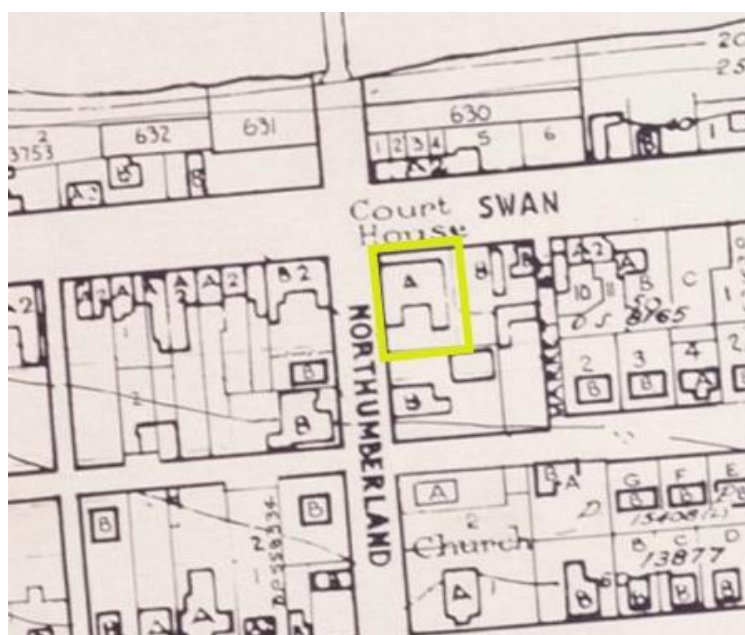


Figure 2.3 – Morpeth c1960 showing footprint of courthouse without the rear stables structure. With reference to Figure 2.1, this is evidence that the stables were demolished sometime between 1949 and 1960.

Source: Northumberland County District Four Chain Series Sheet 23 held by Maitland City Council library.

For the founder of Morpeth, Edward Close, former appointed magistrate and active advocate for law and order, it must have been very satisfying to see construction of the Courthouse completed on his donated land in 1862. At this point in time, the railway had reached Morpeth; the School of Arts was officially opened in September of 1863¹⁸, and the Newcastle Diocese held its first synod there in 1865.

Morpeth was well and truly established as a private township of status within the emerging colony through the construction of an architectural. Close enjoyed the success of his private township for a mere four years as he died suddenly in 1866 leaving a legacy that survives today.

¹⁸ Built on the site of their first cottage and where Close, as appointed magistrate, had held the court of petty sessions prior to construction of the courthouse.

3 Archaeological Background

This section provides a summary of archaeological reports for investigations carried out in the rear yard of the Morpeth Courthouse, and includes a review of other relevant reports and studies.

3.1 Reference Documents & Related Reports

The primary reference documents used in the preparation of this assessment report are listed below with additional historical references provided in the bibliography.

3.1.1 Archaeological and Heritage Reports

- NSW Department of Public Works and Services, 2002, *Former Morpeth Court House Conservation Management Plan*, prepared for Maitland City Council (CMP, 2002).
- *Research Design for Excavation Permit: Drainage works Morpeth Court House*, 2005, prepared by Nexus Archaeology and Heritage (Research Design, 2005).
- *Historical Archaeology – Sub-surface studies: Morpeth Court House, 2009*, prepared by Nexus Archaeology and Heritage (Excavation Report, 2009).
- Conservation Management Plan for the Former Morpeth Court House, a Review of the 2002 CMP Document. Prepared for Maitland City Council by John Carr Heritage Design in February 2012.
- *Archaeological Review & Work Method Statement - Former Morpeth Court House, 125 Swan Street, Morpeth*. Prepared for Maitland City Council by Eureka Heritage to support an exception to an excavation permit under s139(4) of the NSW Heritage Act, December 2012.
- *Excavation Report - Application Number 2013/s140/09. Former Morpeth Court House 125 Swan Street, Morpeth* prepared for Maitland City Council by Eureka Heritage in 2014.
- *Statement of Heritage Impact. Changes to a Listed Item within a Heritage Conservation Area. Proposed New Amenities and Shelter, Former Morpeth Courthouse, now Museum*. Prepared for Maitland City Council by Placemark, 2019¹⁹.

3.1.2 Other relevant publications

- Of particular note is the comprehensive history of the Morpeth Court House authored by Ann Beaumont in 2009, *Morpeth Courthouse - A place of justice, a place of community*.
- Also relevant to contextual history of Morpeth township is the publication in 1937 by Professor A P Elkin, *Morpeth and I*.

3.2 Conservation Management Plan 2002 (Revised 2012)

The Conservation Management Plan of 2002 assessed the heritage significance of the former Morpeth Court House as state significant for its historic, aesthetic and social values. Research potential was also identified in the CMP in regard to old water tanks, cesspits and footings of the stables (to the rear of the courthouse building), and in relation to underground cells thought to have been planned for construction at the front entry of the building.

¹⁹ Copy of the SOHI is provided for reference. See supporting documents.

The CMP 2002 provided the following statement of cultural significance:

The Morpeth Court House site is of state significance. It is of significance for its association with the historical development of the Morpeth Township. It is significant with its association initially with law and order and postal and telegraphic communication and later, library and museum use. It is an important site in the centre of the Morpeth main street and business area. The site is of archaeological research potential. (CMP, 2002: 19)

In 2012, the CMP 2002 was reviewed and revised by John Carr Heritage Design. The review acknowledged the archaeological components of the site. The revised CMP included the results of archaeological investigations carried out in the years between 2006 and 2009. However the question of archaeological research potential related to the former outbuildings located in the rear yard was still unresolved at the time of writing in 2012.

The CMP Review 2012 stated that *no description of the outbuildings has been found in the records or newspaper articles to date their construction, however the need for Toilets and Stables would have been important from the outset, so it is possible that the remnant wall may be as old as the building or have been constructed with the Kitchen and Tank Stand in 1863. It should be noted that the specifications for the original building (before deductions of the underground cells) called for the Excavator to:*

Excavate ground for Cesspits 7 feet square and 6 feet deep²⁰.

The revised CMP 2012 concluded with a summary statement of cultural significance as follows:

- *The former Morpeth Court House site is assessed as being of State heritage significance²¹, which is recognised through its listing on the Maitland City Council's 1993 LEP.*
- *The Morpeth Court House is one of the oldest courthouse buildings in the Hunter valley, designed in 1861, constructed in 1862 and began operations in 1863.*
- *The Morpeth Court House building remains largely intact and its extant layout and fabric demonstrate the operation of justice administration in the 1860s through to the twentieth century.*
- *The Morpeth Court House is important for its association with Edward Close, Alexander Dawson and Mortimer Lewis Junior for their efforts in providing a new Court building for the growing port town of Morpeth.*
- *The Morpeth Court House is a good example of the Victorian Regency style of architecture, retaining the original design layout and a considerable amount of original fabric and detail.*
- *The site has the potential to reveal further technical information to the areas of demolished outbuildings on the southern portion of the site.*
- *The Morpeth Court House is representative of the small country courthouses in NSW.*

The CMP 2012 identified areas for the possible installation of new buildings or structures as shown in **Figure 3.1** below.

²⁰ CMP Review 2012, John Carr Heritage Design 2012.

²¹ Notwithstanding an assessment of state significance in the CMP 2002 and CMP review 2012, the site of the former Morpeth Court House is currently listed on the Maitland LEP 2011 as an item of **local** significance where the recent review of the heritage schedule by MCC considered this level of significance appropriate.

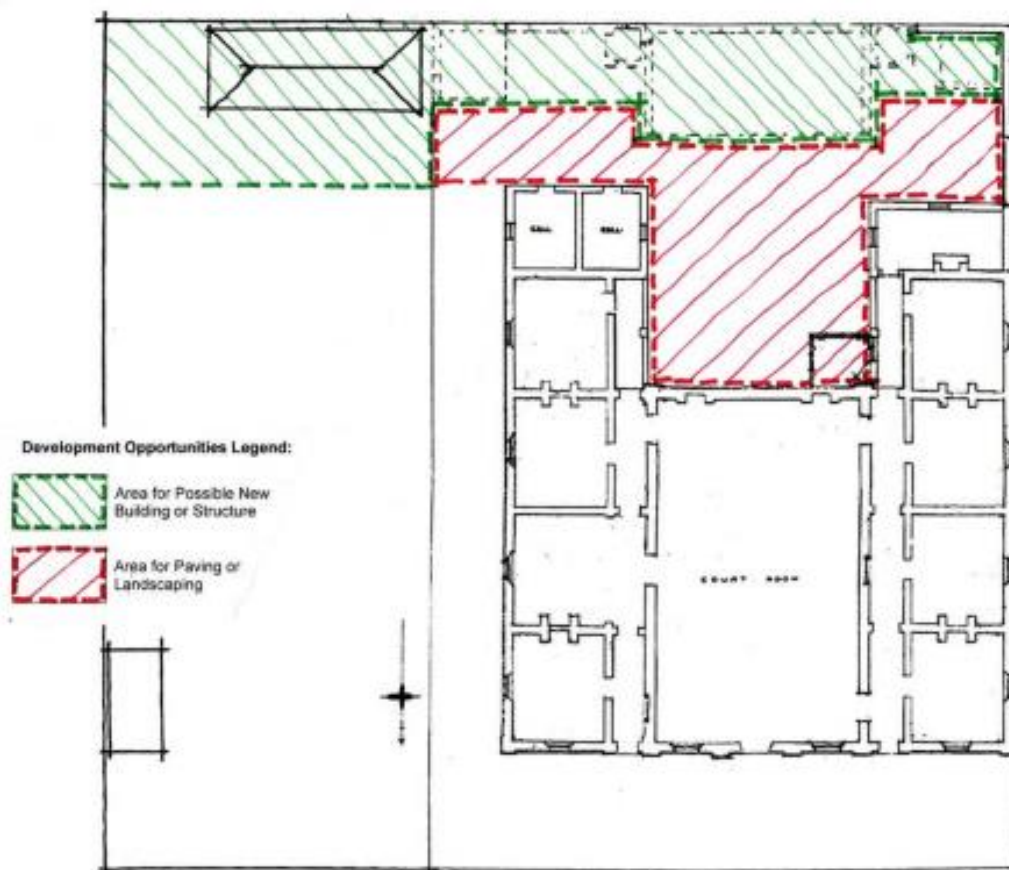


Figure 3.1 - Plate 6.2 of the CMP 2012 showing area for potential development, paving/landscape potential.

Source: John Carr Heritage Design, 2012.

Policy 17 of the CMP 2012 addressed the potential for archaeological resources of the stables, WCs (privies) and Ash Pit to remain in the ground:

Policy 17

Ensure that any excavation works that may damage or disturb archaeological relics is undertaken in a manner that conforms to the Heritage Act of 1977 and guidelines issued by the Heritage Office. Should relics be uncovered during excavation works, ensure liaison with Heritage Office is undertaken to determine the appropriate treatment of the relics (i.e. removal or conservation in-situ).

Reference to maintenance works included in Section 8.3 of the CMP 2012 relevant to the current study and the currently proposed works are:

Water ingress substantially damages building fabric in both the short term for light materials such as timber and the long term for more substantial materials such as stone and brick. Ensuring the gutters, downpipes and stormwater systems are clear and working is essential. Regular inspection and testing of these services will help prevent decay by water ingress.

3.2.1 Archaeological Assessment & Research Design, 2005

This study and research design was prepared by Archaeologist Sue Singleton (Nexus 2005), and this acknowledged that application to the NSW Heritage Council for a s140 excavation permit was considered appropriate for the management of works to improve drainage at the site. The justification for archaeological management was based upon an assessment of archaeological potential for structural works and associated artefacts to survive at the site, as presented in **Table 3.1** below.

Table 3.1: Potential Archaeological Resources, rear yard Morpeth Courthouse, 2005.

Item/Feature	Years	Potential Resource	Assessed likelihood of exposure
Overall court yard area	1860s	Scattered/stratified artefacts related to the stables and general household artefacts related to the accommodation wing.	High likelihood
		Possibly artefacts transported from the Tobin brothers' blacksmith shop.	Moderate likelihood
Underground well and pipes	1860s	Structural evidence of the well (most likely brick lined) and water pipes (most likely earthenware)	High likelihood
Stables and privies	1860s	Structural footings and movable artefacts relating to the use and function of the stables.	Moderate likelihood as there has been sediment build up in this precinct.

A set of research questions was developed as part of the research design as follows:

- Does the material evidence provide clues as to how the court yard area was used during the early years of the operation of the court house and the way in which *law and order* were carried out in the 19th Century?
- Does any artefactual evidence provide clues to the occupants of the dwelling or to the occupants of the cells? Does this evidence contribute to knowledge of the standard of *accommodation* and facilities of the period?
- What subsurface evidence exists relating to the pre 1860 blacksmith shop? Does this evidence provide further clues as to the location of the shop and to the conduct of *industry* during the pre-courthouse period?
- Do the footings of the stables show that construction followed the original plans? Does this evidence provide further information on the function of the court yard? Does any artefactual evidence inform the known history of the site and/or contribute to the knowledge of *transport* during the era of horse transport?
- Does evidence remain of the underground well and associated plumbing? Does any artefactual evidence indicate the time the well was filled? Does the evidence provide further information regarding the construction of *utilities* in an urban setting in the mid-19th Century?

Archaeological monitoring during this stage of work was unable to resolve any of the research questions due to the limited amount of excavation that took place. The next stage of works was

carried out in 2009 under the same s140 excavation permit and a report was produced that covered both the 2006 and the 2009 works.

3.2.2 Archaeological Excavation Report, 2009

The excavation report of 2009 incorporated the results of two sessions of archaeological monitoring, the first of which took place in December 2006 and addressed urgent site works. Drainage works were then completed in September 2009. The 2006 and 2009 works were covered under a Section 140 excavation permit issued in 2005 by the then NSW Heritage Branch.

The 2006 ground works addressed the demolition of a disused toilet block, the lifting of sections of a concrete path and the re-shaping of the ground surface to the rear of the Court House in order to alter the ground fall and the drainage pattern in the open yard. A concrete sump had been installed prior to 2006 and this was utilised in the new drainage design which is shown in **Figure 3.2** below.

Archeological monitoring occurred during the excavation of the new drainage lines and during ground works to grade and shape the fall of the rear yard (refer **Figure 3.2**).

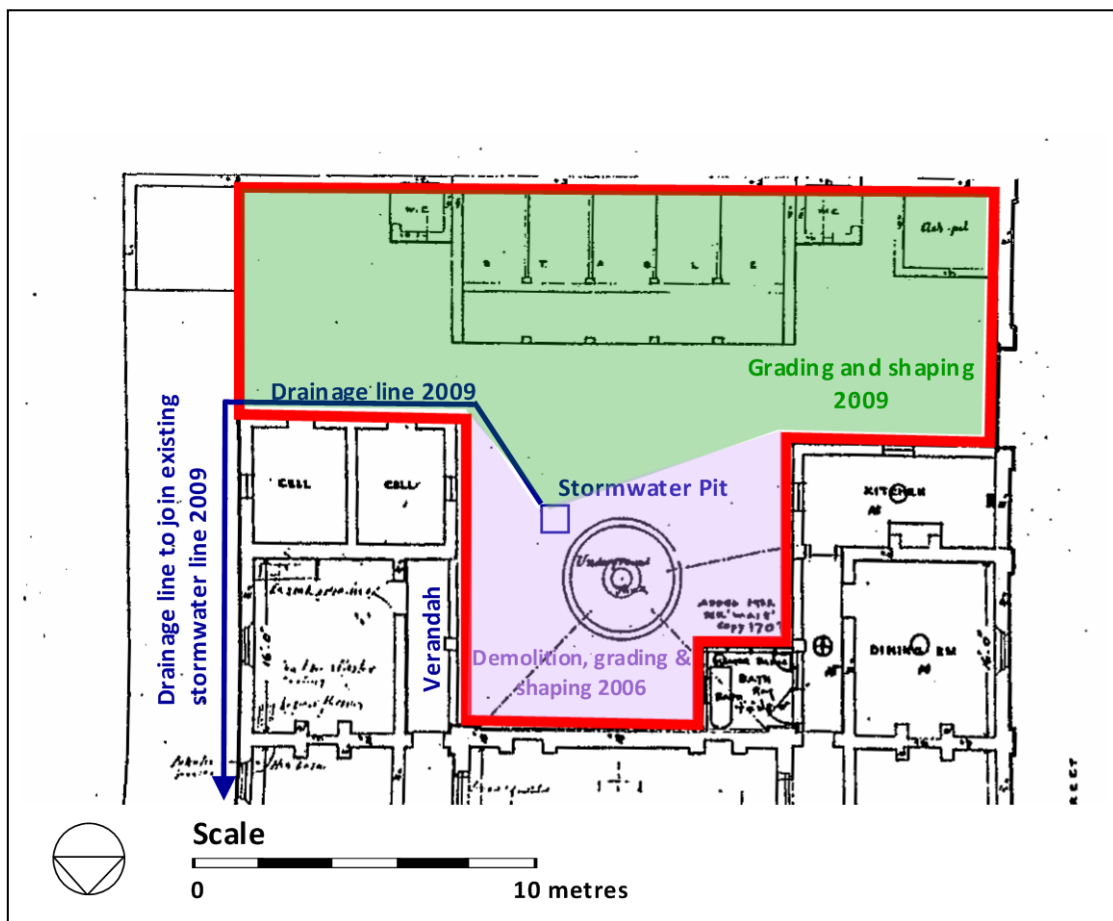


Figure 3.2 – Graphic showing archaeological excavation results in 2009.

Source: Nexus, 2009.

No archaeological works were exposed during the either of the 2006 or the 2009 site works. The excavation report considered that the failure of earthworks to expose any artefacts indicated that historical demolition and ground works (in particular, the demolition of the structures of the stables, privy blocks, ash pit and shed) had cleared the site of any structural and/or artefactual remains.

The report concluded that the results of archaeological monitoring works were unable to contribute any meaningful information or address any of the research questions. It is important to note that the scope covered under the s140 excavation permit did not include archaeological exploration to confirm of the presence or otherwise of the cistern or the stables.

Anecdotal information, provided by members of the Morpeth Historical Society in 2006 (and again in 2012), confirmed the presence of the cistern in the location shown in historical plans. The source of the information, a long-time resident of Morpeth, related a living memory of the filling of the well around 1970 as a result of safety concerns. To the knowledge of current members of the historical society, the well had not been demolished since being filled with rubble and sealed over.

The author of the Excavation Report, 2009²², was apparently not aware of anecdotal information regarding the presence of the cistern when the following conclusion was drawn: *The fact that no trace was found of the supposed well or cistern raises the serious possibility that, although clearly in plan, it was never constructed*²³. Notwithstanding this highly speculative conclusion, the research question on the survival of underground cistern (well) and the stables footings remained unresolved in 2009.

3.2.3 Archaeological Review & Work Method Statement 2012

In December 2012 Eureka Heritage prepared an application under s139(4) of the NSW Heritage Act for an exception to the need for an archaeological permit in order to carry out archaeological investigation in preparation for yet another program of drainage works at the rear of courthouse.

The primary objective of archaeological investigation was to resolve the question of the survival of archaeological remains of the underground cistern²⁴ (shown on the historical plan and located centrally within the rear courtyard) and the police stables and adjoined eastern and western privies. The results of archaeological investigation were to inform drainage design should archaeological works survive within the rear yard.

Archaeological investigation was carried out by Eureka Heritage in 2013 and an excavation report produced in 2014.

3.2.4 Archaeological Excavation Report 2014

Targeted archaeological excavation resulted in the discovery of archaeological works of the underground cistern shown in **Figure 3.3**. Constructed in brick and circular in form over a diameter of four metres, with by a domed cover of brick showing the shadow of a former above ground structure of brick presumably providing access and support for a hand pump. The cistern was full of a water-logged matrix of fill and rubbish. Remnants of earthenware pipes were exposed showing that cistern collected roof water as the historical plan indicated.

Excavation to discover the present of the stables footings resulted in the confirmation of the southern, eastern and western footings of sandstone, and the brick footings of the western privy (see **Figure 3.4** and **Figure 3.5**). The presence of the rear boundary fence and a stockpile of timber prevented excavation to confirm the survival of the southern footing of the stables or the eastern privy.

Archaeological works were recorded in plan (**Figure 3.6**) but survey to AHD was not carried out at this time. A total of 116 artefacts were salvaged during the excavation with details summarised

²² Paul Rheinberger, Nexus Archaeology and Heritage.

²³ Nexus, 2009, p 14).

²⁴ There was ongoing concern that any residual water collection within an underground cistern would be contributing to issues of water ingress to the courthouse building, and the issues of rising damp.

in **Table 3.2**. The salvaged artefacts were catalogued and analysed, and have deposited for safe keeping with the Morpeth Museum.

**Table 5.1 – Summary of recovered artefacts
by precinct and type – Morpeth Courthouse Excavation Report. Eureka Heritage, 2014.**

Precinct	Total number	Glass	Ceramic/EW	Metal	Other
Stables	19	4	10	5	0
Open yard	35	11	18	5	1
Cesspit	62	19	38	3	2



**Figure 3.3 – Domed brick cover of the underground cistern
located in the rear yard of the Morpeth Courthouse.**

Source: Eureka Heritage, 2014.



Figure 3.4 – Sandstone footings of the Police Stables, Morpeth Courthouse, facing south-east.

Source: Eureka Heritage, 2014.



Figure 3.5 – Brick footings of the western privy adjoining the sandstone footings of the police stables, Morpeth Courthouse.

Source: Eureka Heritage, 2014.

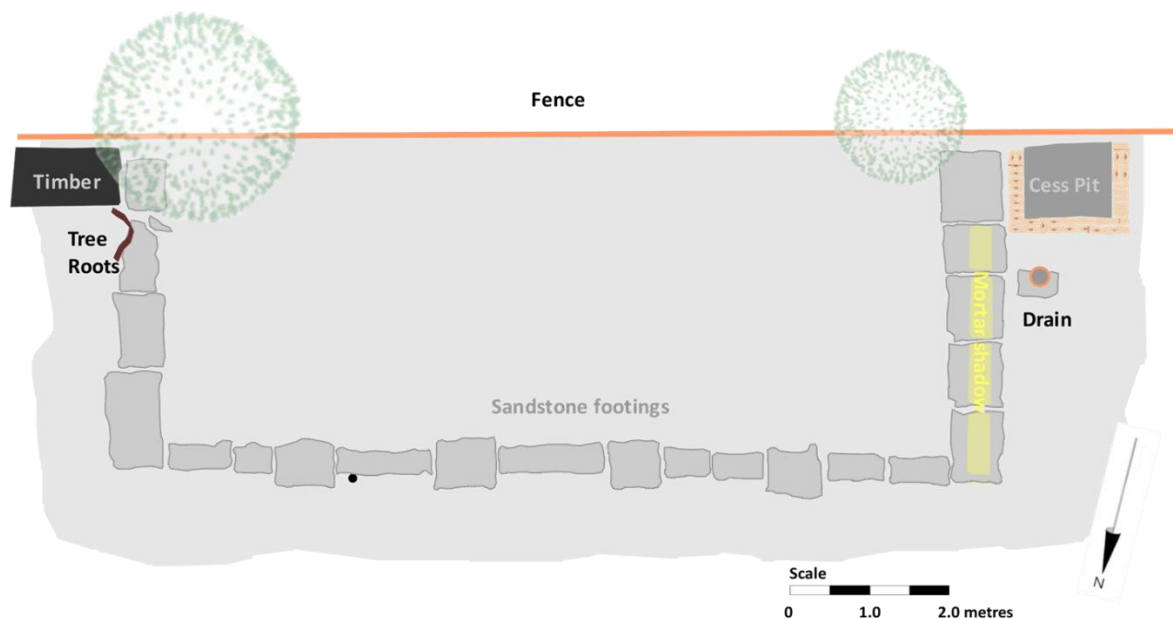


Figure 3.6 – Plan of footings of Police Stables and western privy, Morpeth Courthouse.
Source: Eureka Heritage, 2014.

3.3 Comparative Analysis²⁵

Alexander Dawson, Colonial Architect (1856-1862), oversaw a large package of works associated with Police Stations/Lockups and Court Houses with the changes to the administration of Justice in NSW during his tenure.

In her book *Morpeth Courthouse a place of justice, a place of community*, Ann Beaumont correctly credits Mortimer Lewis Junior as the designer of the Morpeth Court House. At that time, he was a very competent a Clerk of Works for the Colonial Architects Office and there is no doubt that his skills at design and draftsmanship were learned from his father and the Colonial Architects Office.

It is important to understand the workings of government and an architectural office when examining the origin of the design for the Morpeth Court House. It is not a coincidence that the East Maitland Court House designed by Dawson bears a striking resemblance to the Morpeth building (see **Figure 3.6**), including the original subfloor cell area in the original design. I believe Mortimer Lewis Junior would have been strongly influenced by Dawson’s work, and as a Clerk of Works, Dawson must have had faith in his ability to design a smaller building based on the designs of East Maitland.

This approach is similar to the administration of the Government Architect’s Office of today, except the design reviews and controls are dispersed at management level throughout the office as the Government Architect is not in a position to overview all the work that passes through his office. Similarly, the client will have developed a brief for the court together with feedback from other successful (or unsuccessful) buildings as a continuous improvement.

Today, the Government Architect is credited with the design together with the Project Architect who was responsible for undertaking the work. As mentioned above, the East Maitland Court House is very similar in planning and detail to Morpeth, however is larger with longer wings to the front of the building. The original cell range is underneath the building accessed from the external courtyard and then by a steep stair and trapdoor into the Dock. A similar building by Dawson was constructed at Armidale in 1860 with the Entry Porch added in 1870 and a clock

²⁵ Excerpted from the CMP Review, 2012.

installed in 1878. Another at Albury was completed in 1861. Gundagai Court House was completed in 1859 and Tamworth in 1860.

In the analysis of comparative sites, the CMP Review of 2012 proposed:

The Morpeth Court House has been successfully adapted for use as a museum of local history in the Maitland District. Enough detail and original building fabric survives for the eventual reconstruction of missing materials and detail. The former Morpeth Court House is an excellent example of an 1860's court house building, particularly when grouped with the still functioning East Maitland Court House.



Figure 3.7 – East Maitland Courthouse

4 Revised Significance Assessment

Based on the cumulative results of previous archaeological investigation, this section provides a revised archaeological assessment and a revised assessment of significance.

4.1 Assessment of Archaeological Significance

The main aim of an archaeological significance assessment is to identify whether an archaeological resource, deposit, site or feature is of heritage value. The assessment should result in a succinct statement of archaeological significance that summarises the values of the place, site, resource, deposit or feature.

For archaeological sites that have been assessed as containing 'relics', understanding the significant values is critical, because these sites are a non-renewable resource. Like other environmental resources, they must be managed for both the present and the future. The identified values (the heritage significance) of the site, or 'relics,' will help determine the most appropriate management options.

Archaeological significance assessment is carried out within the broader framework of heritage significance assessment. The NSW heritage assessment process is guided by criteria endorsed by the Heritage Council of NSW. This assessment process forms an integral part of the conservation and management of Environmental Heritage across NSW.

An assessment of archaeological significance is undertaken to explain why a particular site or item is important for its archaeological potential, and to enable appropriate management to be determined should ground disturbance occur. Considerations in the assessment process includes whether a site, or the fabric contained within a site, contributes knowledge in addition to that already known and/or already well established, or has the potential to do so.

The main aim of an archaeological significance assessment is to identify whether an archaeological resource is of value through an assessment of the potential for significant archaeological resources to be present at a site, or whether or not it is reasonable to conclude otherwise. It is useful to examine the evidence for potential archaeological resources by anticipating the nature and extent of any such resources based on the established historical context of the site. Potential archaeological resources are identified through the synthesis of the archaeological, historical and physical contexts of a study area with consideration given to recent development, occupation and/or use of the site.

4.1.1 Heritage Significance

Heritage significance is distinct from archaeological potential. The assessment of archaeological potential considers the probability of physical evidence from previous human activity to still exist on a site. Assessment of heritage significance for archaeological features considers the cultural values associated with those remains. The following assessment of archaeological heritage significance has been prepared in accordance with the 2009 Heritage Branch guidelines: *Assessing Significance for Historical Archaeological Sites and 'Relics'*.²⁶

To identify the heritage significance of an archaeological site it is necessary to understand the significance of the study area. This process will allow for the analysis of the site's varied values. These criteria are part of the system of assessment which is guided by the Burra Charter of Australia ICOMOS. The Burra Charter principles are important to the assessment, conservation and management of sites and relics. The assessment of heritage significance is enshrined through legislation in the NSW Heritage Act 1977 and implemented through the NSW Heritage Manual

²⁶ NSW Heritage Branch 2009 *Assessing Significance for Historical Archaeological Sites and 'Relics'*, Heritage Branch, Department of Planning.

and the Archaeological Assessment Guidelines and Assessing Significance for Historical Archaeological Sites and 'Relics'.²⁷ To be assessed as having heritage significance an item must:

- Meet at least one of the seven selection criteria, and
- Retain the integrity of its key attributes.

If an item is to be considered to be of State significance it should meet more than one criterion, namely in the case of relics, its research potential.

4.1.2 Archaeological Significance

Archaeological significance may be linked to other significance categories especially where sites were created as a result of a specific historic event or decision, or when sites have been the actual location of particular incidents, events or historically significant people.

Other relevant factors may be comparative values related to the intactness and rarity of individual items. The rarity of individual site types is an important factor, which should inform management decisions.

Potential relics must also be ranked according to their heritage significance as having:

- **State significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- **Local significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

If a potential relic is not considered to reach the threshold for either local or State significance, then it is not considered as, or defined as, a *relic* under the Act.

4.1.3 Assessment of Archaeological Significance

An assessment of archaeological significance is carried out within the same framework as an assessment of heritage significance. This approach is to ensure that assessments are consistent with the way other heritage items such as buildings, works, precincts or landscapes are identified and managed in NSW. The same approach is used for known resources and for potential resources that may be reasonably anticipated to be present at a site.

The three defining questions of archaeological significance have been applied to the study sites in order to assess whether any reasonably anticipated archaeological resources may be of significance. The emphasis in these three questions is on the need for archaeological research to add to the knowledge of the past in an important way, rather than merely duplicating known information or information readily available from other historical or archaeological sources.

- *Can/does the resource have the potential to contribute knowledge that **no other resource can?***
- *Can/does the resource have the potential to contribute knowledge **that no other site can?***
- *Can/does the resource have the potential to contribute knowledge that is relevant to general questions about human history, Australian history or other major research questions?*

²⁷ NSW Heritage Office 1996 *Archaeological Assessments, Archaeological Assessment Guidelines*, Department of Urban Affairs and Planning, pp. 25-27; NSW Heritage Office 2001 *Assessing Significance: A NSW Heritage Manual Update*; NSW Heritage Branch 2009.

To reiterate, the emphasis in the assessment of archaeological significance lies in the need for archaeological research to add to the knowledge of the past in an important way, rather than merely duplicating known information or information readily available from other historical sources or other archaeological sites. If the answer to any of the questions posed above is *yes*, then the site will have archaeological research potential that can be clarified using a scale of **Nil**, **Low**, **Moderate** or **High** to indicate the degree to which archaeological remains are likely to survive when balanced with historical site disturbances. In some instances, zones of differing archaeological potential might exist across a site.

4.1.4 Assessment of Archaeological Potential

The potential archaeological resources of the southern footings of the stables and eastern privy are expected to have been impacted to some degree by the construction of the boundary fence c1970s particularly as it has encroached upon the courthouse allotment. The cycles of changing use and technology, and the cycle of demolition and modification, for example; the abandonment of the use of the cistern as a water supply and installation of town supply, are also considered contributory to impact.

There is some potential that the sandstone blocks that formed the southern stables footings were removed at the time of fence construction, or perhaps by the neighbouring landholder some time thereabouts, in order to create a garden surround (refer **Figure 1.9**). Disturbance may also have been caused by garden plantings and tree roots that have enmeshed and moved subsurface structures from their original location.

Since 2006, ongoing shaping and grading works across the rear yard to improve site drainage have also impacted archaeological resources through their discovery and exposure. However, this has demonstrated the presence of anticipated archaeological resources and is evidence to suggest the likely presence of the currently anticipated resources. For this reason, archaeological potential is assessed as moderate to high.

4.1.5 Heritage Significance of Archaeological Resources

The heritage significance of archaeological remains most often lies in their research potential (criterion [e] of the Heritage Council criteria). The assessment of research potential has its own peculiarities compared with the assessment of other heritage items. The 1996 Archaeological Assessment Guidelines comment:

Research potential is the most relevant criterion for assessing archaeological sites. However, assessing research potential for archaeological sites can be difficult as the nature or extent of features is sometimes unknown, therefore judgements must be formed on the basis of expected or potential attributes. One benefit of a detailed archaeological assessment is that the element of judgement can be made more rigorous by historical or other research.

Archaeological significance may also be linked to other significance categories especially where sites were created as a result of a specific historic event or decision, or when sites have been the actual location of particular incidents, events or occupancies.

4.2 Assessment of Heritage Significance (Archaeological)

The following section provides an assessment of the heritage significance of the potential archaeological resource, as assessed in **Section 4.1.3**. An assessment of heritage significance addressing the built components of the Morpeth Courthouse is presented in the CMP Review 2012. Please refer to **Section 3.2** for the summary statement of heritage significance.

It is acknowledged that the significance assessment of the CMP 2012 is relevant for context, and it does raise questions of unresolved archaeological potential. However, the significance

assessment of the CMP is not relevant for the purpose of this application as it does not assess archaeological values. A review of heritage significance addressing archaeological values against the assessment criterion is presented below.

Historical Significance (Criterion [a])

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The township of Morpeth is associated with a significant historical phase of land grants and free settlement along the Hunter River, and most significantly with the pattern and expansion of law and order across the colony. As a river port in the early 1800s, Morpeth made a substantial contribution to the course and pattern of free settlement through opening up transport and trade routes to and from Sydney, Newcastle, Maitland and the Hunter Valley. Although a court of petty sessions was held in Morpeth from the early 1820s, the recognition of the important status of the private township of Morpeth was marked by the government's construction of the Morpeth Courthouse in 1862/63. During this era, a courthouse was an architectural symbol of recognition of status and importance by the government of the day.

The archaeological resources of the police stables and privy are unlikely to provide information that is not readily available elsewhere in historical or archaeological records. However, artefacts may provide evidence on the era of horse transportation and the associated pattern of development of amenities required to carry out government services associated with a visiting magistrate, prisoner transport, and conduct of a court of petty sessions. For these reasons, it is reasonable to anticipate that archaeological resources may reach a level of local significance although this would require evidence-based analysis.

Historical Association (Criterion [b])

An item has strong or special association with the life or works of a person, or group of persons, or importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The site of the Morpeth Courthouse sits within the bounds of the government land grant to Edward Charles Close in 1821 he was appointed as a magistrate in 1823. In 1834 Close established the private township of Morpeth. Although sacked from his appointment as magistrate, he remained an active advocate for law and order within the township and surrounding lands of Morpeth. Frustrated by government delays in construction of the courthouse, Close donated the land upon which it was constructed and this forms part of his legacy and represents a special association with the life and achievements of a significant person important to the history of Morpeth and integral to the opening up of the Hunter Valley prior to 1850.

The anticipated archaeological deposits of the stables and privy are unlikely to be directly associated with Edward Close, or any particular individual or group of persons, although certain artefacts may be linked to a specific era of occupation and occupation and use of the courthouse.

Under this criterion, the potential archaeological resource within the study could meet the threshold for local significance but this would need to be demonstrated by evidence-based analysis.

Aesthetic Values (Criterion [c])

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or of the local area).

Aesthetic significance is rarely demonstrated through archaeological resources. While interesting in form and materials, archaeological works such as the sandstone footings of the stables do not demonstrate a high degree of creative or of technical achievement in NSW. The construction of the domed underground cistern is fascinating to the present-day observer but this style of underground construction for storage of water was commonplace in NSW in the mid-1800s.

Archaeological resources associated with the police stables and privies are unlikely to be associated with a particular or identifiable individual. Under this criterion, the potential for archaeological resources to meet this criterion is low and at best any archaeological resources might reach the threshold for local significance but would rely upon evidence revealed at excavation that can clearly support association.

Social Values (Criterion [d])

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

The measures taken to preserve and conserve the Morpeth Courthouse by the owners of the site, Maitland City Council, are a demonstration of the social value the courthouse building holds within the local community of Morpeth and throughout the wider community in Maitland local government area. The strong degree of social attachment to the community is further reinforced by the conversion of the building to a local museum, run successfully by a group of dedicated local volunteers continuously since 1971. Social values are again supported in the proposal and planning, in consultation with the museum management team, for an extension of the museum display into the rear yard of the site to effectively interpret the history of the site as a building of historical and social significance in the history of Morpeth.

Under this criterion, any archaeological remains are likely to be of local significance for their ability to engage the local community on the social history of law and order specific to 19th century Morpeth.

Research Values (Criterion [e])

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Previous archaeological excavation has demonstrated the survival and presence of structural remnants with some artefacts found in association with the archaeological works. Thus, it is reasoned that the archaeological resource of the study area has the potential to yield information that would contribute to our understanding of the use and occupation of the outbuildings of a 19th century courthouse. Artefacts deposited into and recovered from the western privy provided evidence of 19th and 20th century household garbage disposal, and it is reasonable to anticipate that the eastern privy will contain a similar/comparable artefact assemblage.

Archaeological potential for southern footings of the police stable and the eastern privy is considered moderate to high. It is likely that archaeological resources would attain a local level of significance.

Rarity (Criterion [f])

An item possess uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Archaeological resources consisting of a mid-19th century stables and privy are a relatively common resource in regional areas. For example; the comparative East Maitland Courthouse still retains the built components of outbuildings including the stables. For this reason, unless substantive intact archaeological remains are present, the archaeological resources of the Morpeth Courthouse are not considered rare.

Representativeness (Criterion [g])

Archaeological remains located in the rear yard of the Morpeth Courthouse are considered representative of contemporary sites of which many examples are extant in regional NSW. Substantiative archaeological remains could be of local significance for their representativeness but this would need to be supported by evidence and analysis.

Integrity

An assessment of the degree to which archaeological resources may have been disturbed by the development history and occupational use of a site.

Notwithstanding the demolition of the standing structures, the integrity of the archaeological resources is considered reduced due to known disturbances across the rear yard of the courthouse and more specifically, the construction of the rear boundary fence which it is now understood, encroached upon the footprint of the stables and adjoined privies. Tree roots are also known to have disturbed those footings already exposed during earlier archaeological excavation further supporting a reduction in integrity.

4.3 Statement of Archaeological Significance

The potential archaeological resource contained in the rear yard of the former Morpeth Courthouse are considered historically significant for an association with the construction and operation of a mid-19th century architecturally designed government-built courthouse, constructed to service a court of petty sessions for the private township of Morpeth.

Through the land it sits upon there is historical association with significant historical figure, Edward Charles Close, the founder of Morpeth and a leader across the cultural spheres of the time, including his advocacy for law and order. Social significance is supported in the current community support in preserving the site's history through the presence and operation of a successful community-run local museum since 1971.

Archaeological resources have some potential to address research questions specific to the site, and enhance knowledge of the characteristics of local occupation and use that may contribute to an understanding of the way in which law and order was carried out in mid-19th century Morpeth. Anticipated archaeological remains comprising the southern footings of the stable and eastern privy (particularly artefact-bearing deposits) are expected to be of **local** significance for their historical, social and potential research values, and considered to be of representative value

5 Project Works & Archaeological Impact

5.1 Overview of Proposed Works

The overall project proposed for the Morpeth Courthouse is for the installation of new amenities and shelter to enhance the operation of the site as the Morpeth Museum. In summary, the works include new boundary walls, a covered outdoor learning area, new toilets and accessible entry. New drainage and pathways are included in the proposed works. The project is to enable the Museum to better utilise the space as an exhibition / interpretation area open to the public during Museum hours. The fences, gates and paths will also connect the adjacent public park and Northumberland Street to the back of the Courthouse building²⁸.

An overlay of existing (known) archaeology was used in the planning and design process for the project works. It is important to note that during the concept stage and in the design process, there was reasoned speculation that the footings of the rear wall of the stables had not survived in the ground. An overlay of the known archaeological works was used during the planning process as shown in **Figure 5.1**.

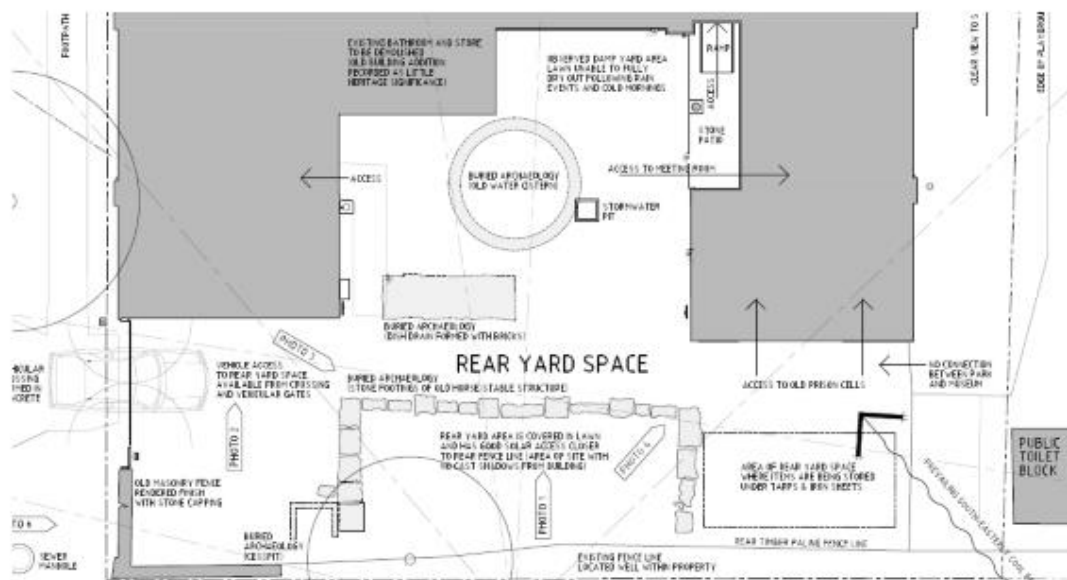


Image 21: Existing Archaeology Source: drawing A002 by Donn Architects and Eureka Heritage

Figure 5.1 – Existing archaeological works overlay used during the concept and planning stages.

Source: Drawing A002 by Donn Architects based on Eureka 2013 in Placemark 2019.

The timber boundary fence was recently demolished to make way for a new boundary fence to be constructed on the correct alignment along the surveyed lot boundary (refer to **Figure 1.7** and **Figure 1.8**). The design of the proposed fence, shown in **Figure 5.2** below, is to allow the integration of the fence with the construction of a covered interpretation station to mark the location of the Police stables. The proposed interpretation of the rear yard of the courthouse is a project not yet funded and is anticipated to be a later stage of a comprehensive interpretation project at the site that has been the subject of a Statement of Heritage Impact (SOHI) by Placemark Consultants in August 2019. An overall plan of the proposed interpretation works for the rear yard area is shown in **Figure 5.2** below.

²⁸ Statement of Heritage Impact, Changes to a listed item in a Heritage Conservation Area, Placemark Consultants,

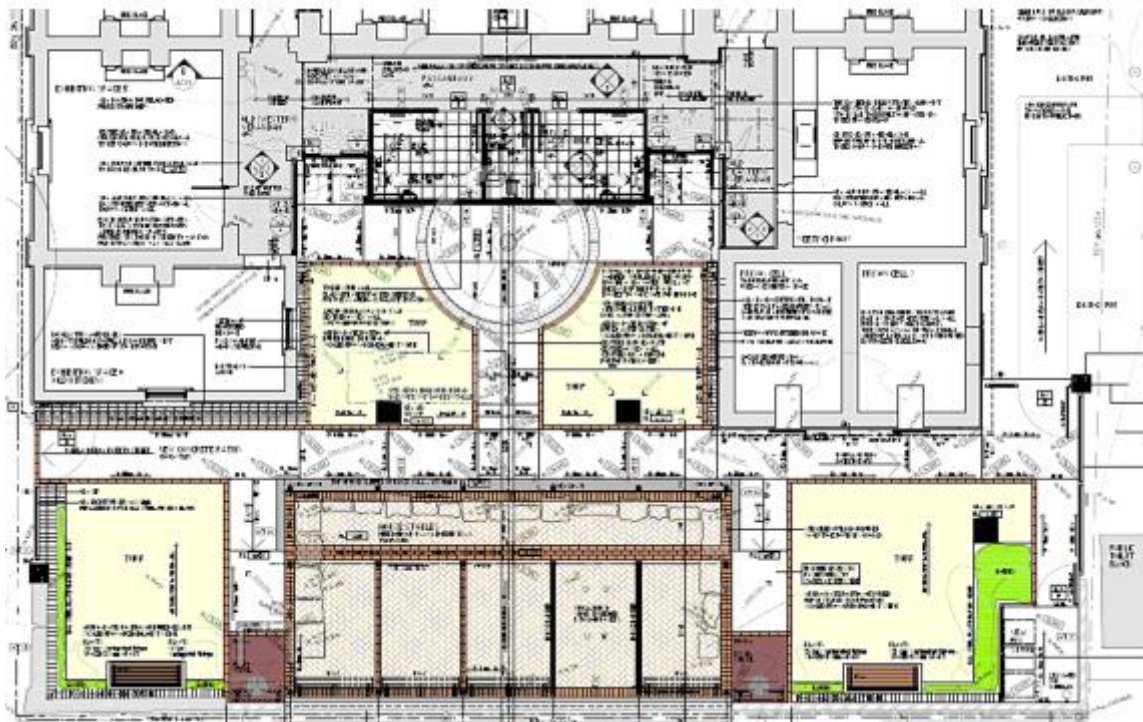


Figure 5.2 – Proposed interpretation works for the rear yard of the Morpeth Museum in plan.

Source: Drawing A010 by Donn Architects.

5.2 Proposed Project Works (rear boundary fence and drainage)

The works associated with proposed interpretation program mentioned above are not the subject of the current study, assessment and application, and are not relevant to the current discussion. Please refer to the SOHI 2019 by Placemark Consultants which addressed the heritage impact of proposed modifications and alterations to the built heritage components.

The project work relevant to this application is the proposed new rear boundary fence and spoon drain, and the potential for impact to any surviving archaeological works of the c1862 police stables and eastern privy. The construction of the boundary fence, based on the attached plans, shown in elevation in **Figure 5.3** and in detail in **Figure 5.4**, would require:

- Excavation to 1700mm below ground surface for construction of a concrete strip footing for construction of a masonry fence/wall.
- Along the southern face of the fence/wall, excavation to 600mm below ground surface for construction of a trench for installation of an ag line at the base and the trench filled with gravel to a depth of 200mm below ground level.
- Above the gravel filled trench, construction of a concrete spoon-drain to divert surface run-off at ground level.

As can be observed in the cross section (**Figure 5.3**), it is intended that the new boundary fence would be incorporated to form the rear wall of a covered display area to be constructed at a later stage as part of the overall rear yard interpretation works.

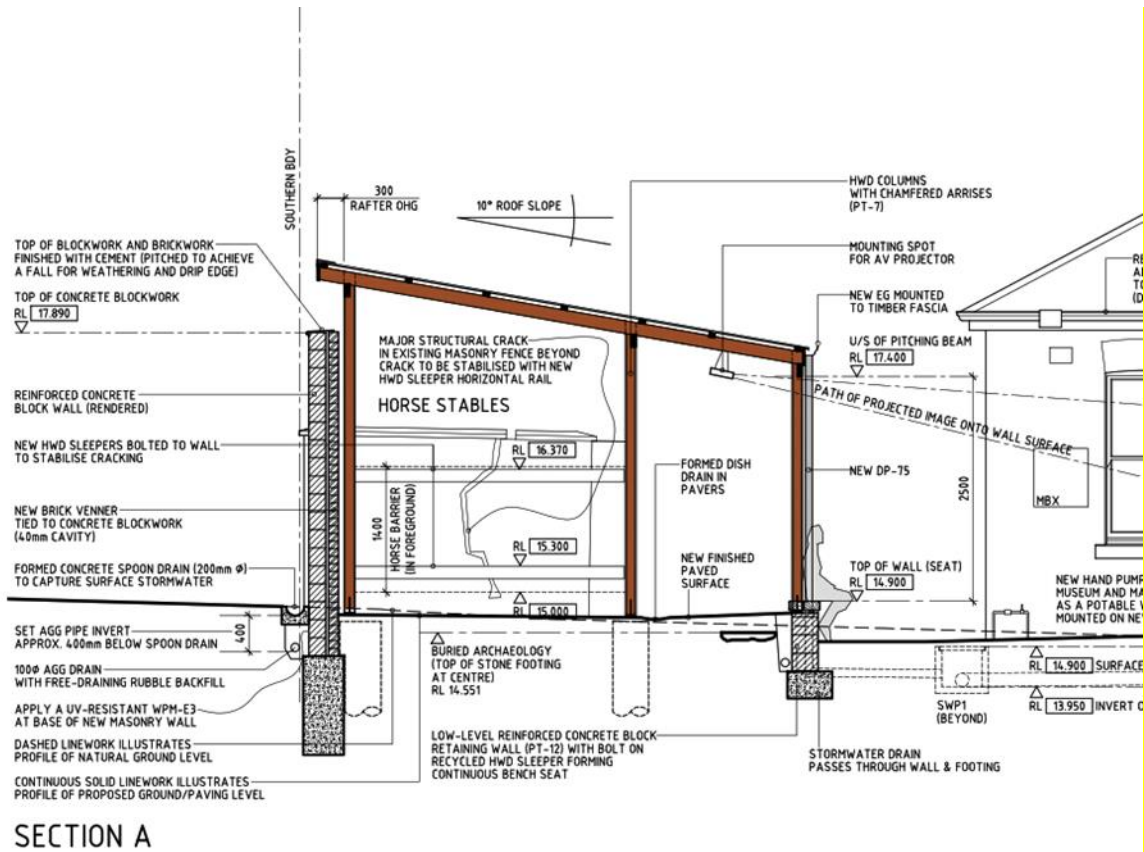


Figure 5.3 – Cross-section of proposed boundary fence, drainage and covered interpretation station over the location of the c1862 Police stables.

See Figure 5.4 for detail.

Source: Drawing A020 by Donn Architects.

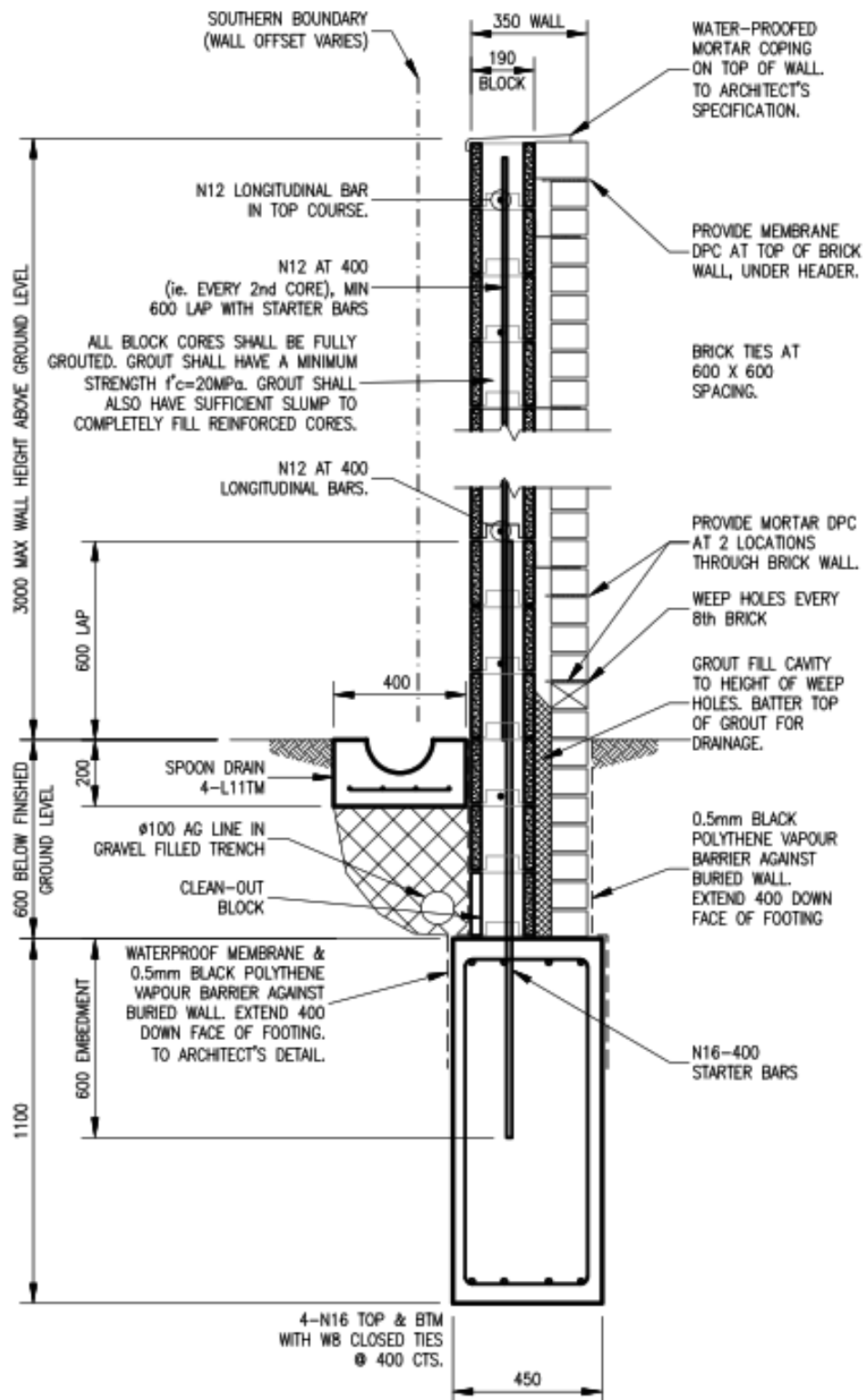


Figure 5.4 – Design specifications for the rear boundary fence and drainage.
Source: Maitland City Council - Plan 1914-S11

5.3 Statement of Archaeological Impact

To reiterate, the primary purpose of the proposed archaeological excavation covered under the s140 application, is to confirm the presence, or otherwise, of the footings of the rear (southern) wall of the former police stables and eastern privy dating to c1862/63 (demolished c1950). These works were not excavated in previous archaeological investigation due to obstruction by the then existing rear fence and the storage of building materials along the rear fence. The currently proposed archaeological investigation is designed to provide clarity on whether the proposed fence and drainage design will result in any impact to *in situ* archaeological works and relics, through the confirmation of the presence or otherwise of archaeological resources at this location.

Archaeological impact to surviving archaeological works and relics would generally be unacceptable unless there were no alternative option. In this instance, there are two possible outcomes affecting the assessment of archaeological impact.

1. In the event that the sandstone footings of the rear wall of the c1862/63 police stables and eastern privy still survive in the ground and in place, the archaeological impact for construction of the proposed rear boundary wall would be assessed as **high** and would be considered unacceptable. In this instance, there would be a need for further assessment of construction design that would likely require re-design in order to avoid impact to the archaeological works. In this regard, MCC would be prepared to consider other options for the construction of the rear boundary fence and an alternative drainage design.
2. In the alternative, where archaeological investigation can conclusively confirm prior disturbance has removed or displaced the sandstone footings and/or disturbed the sub-soil to a degree such that no archaeological works or relics related to the former structures are discovered, there would be no reasoned archaeological impact along the line of the proposed rear boundary fence and drain. In this instance, the proposed works for construction of the rear fence and drain could proceed based on the current design.

6 Archaeological Research Design

This section presents an archaeological research design in support of an application for a s140 excavation permit. It provides a detailed methodology for the archaeological excavation of the rear wall of the c1862 police stables and eastern privy. It also details a methodology to carry out a survey to AHD including previously excavated archaeological works in the rear yard.

6.1 Aims & Objectives

The primary objective of this proposed archaeological excavation is to complement previous archaeological investigation to essentially provide clarity in the confirmation of the presence or otherwise of the rear wall of c1862 police stables and eastern privy.

In addition, previously discovered archaeological works of the eastern, western and northern stables footings, the western privy and underground cistern would be exposed in order to carry out survey to AHD. This information would be added to Council records for future reference.

6.2 Archaeological Excavation Methodology

The following section outlines the archaeological methodology for the program of proposed archaeological investigation. If intact archaeological remains are identified, archaeological salvage excavation may be warranted as was the case in previous archaeological excavations.

The predicted archaeological resource is assessed as having historical and social significance and research potential at the **local** level. The focus of the archaeological program would be to identify the survival of the archaeological resources anticipated to be present and the compilation of archaeological data from previous archaeological investigations with a revised survey that forms a single reference document.

Any excavation or ground disturbance must be undertaken in a manner consistent with the s140 Conditions of Approval. If any unexpected, potentially State significant archaeology is found, the Heritage Council of NSW must be notified.

Archaeological excavation would comprise two components discussed in the sections following.

6.2.1 Excavation along line of new boundary fence and eastern privy

It is proposed that the most efficient method for excavation would be to use a suitably sized and equipped excavator which would excavate along the line of the proposed rear boundary fence and the anticipated location of the eastern privy (see **Figure 6.1**). Machine access to the site would be through the existing gateway on Northumberland Street.

The excavator would be manned by an operator skilled and experienced in archaeological investigation, and who would carry out the excavation under the direction of the project archaeologist in such a way as to avoid inadvertent damage to any known sub-surface structure. A mud bucket will be used to remove topsoil to approximately 200mm. Thereafter, a narrow mud bucket will be used with shallow scraps to extend the depth of excavation to a point whereby any remnant structure is exposed or that it can be confidently concluded that the structure no longer exists.

Should the archaeologist consider it appropriate at any time during mechanical excavation, due to the presence of suspected historical material, mechanical excavation would cease and hand excavation, using hand tools and hand cleaning methods, would be commenced.

For purposes of field recording the process of excavation, it may be appropriate to use an alphanumeric grid system to identify location and context of any works and relics.

In consideration of the outcomes of this component of investigation:

1. In the event that excavation does not expose any evidence of the sub-surface structures:

the area would be back filled and cleared of the need for any further archaeological management in this area during fence and drainage construction. Notwithstanding, the need to manage unexpected archeological finds remains in place.

2. In the event that structural remains are exposed:

- a. Careful excavation would define the extent of the archaeological works, and salvage any associated moveable artefacts. The structure would not be disturbed, other than to clear and clean, to the extent possible, for recording to archival standards; and
- b. Options for the conservation and management of structural remains would need to be discussed/formulated with MCC, and the retention and conservation of *in situ* remains would need to be formulated and taken into account in revised construction and drainage design.

6.2.2 Existing archaeological works

Mechanical excavation to re-expose structural relics of the eastern, northern and western footings of the stables is proposed in order to carry out a survey to AHD. Where previously obscured by the fence, the footings of the western privy would be fully excavated, any artefacts salvaged and then the structure surveyed. It is proposed a single trench be excavated across the site of underground cistern to again survey and obtain levels to AHD. Please see **Figure 6.1** showing proposed targeted areas of excavation. Previously excavated works were covered with geofabric and clean sand fill prior to covering with top soil. This will assist with the easy re-location of the works.

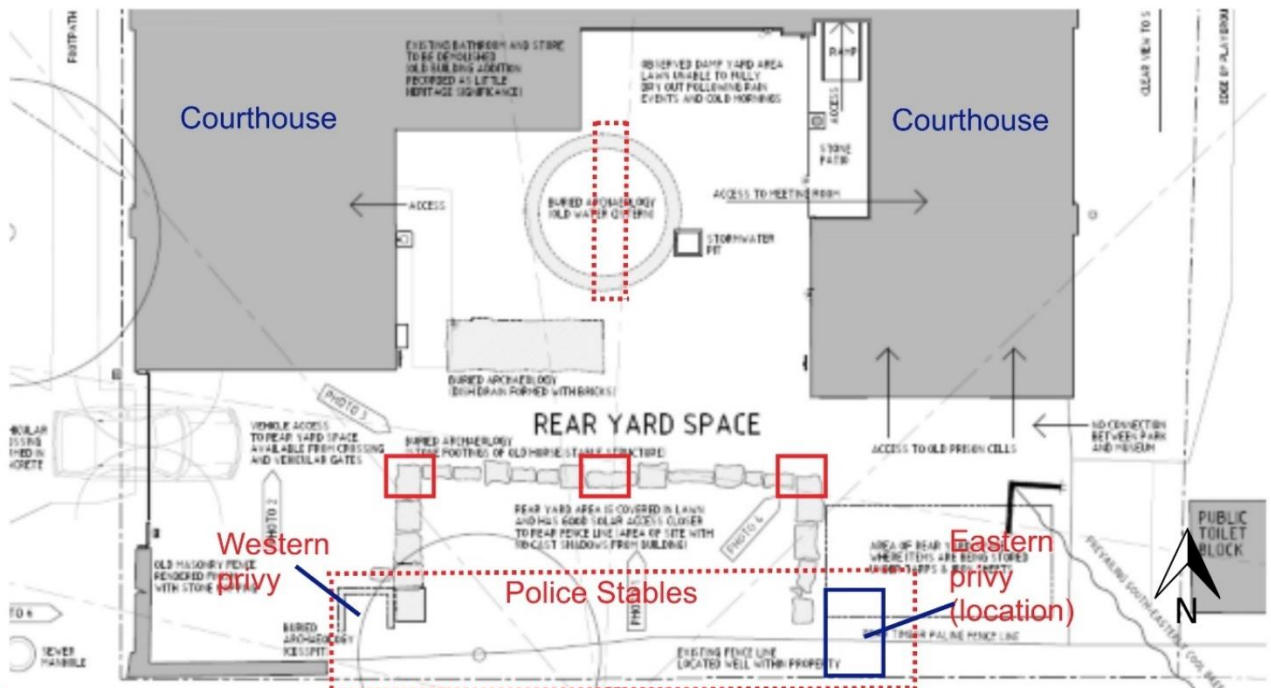


Figure 6.1 – Site plan showing proposed areas of archaeological excavation in red.

6.3 Archaeological Recording

Structural elements would be recorded:

- by description of provenance, context, nature, type, fabric/material, shape and dimension;
- by plan and section field drawings as appropriate;
- by survey to Australian Height Datum utilising the MCC survey department; and
- by archival standard photography (possibly utilising drone technology if permitted).

Moveable artefacts would be recorded:

- as appropriate by plan and section field drawings identifying context (single context recording and scaled maps showing their locations)
- as appropriate by archival photography of found context; and
- if warranted, movable artefacts will be collected and bagged, using identifiers, for transport by the archaeologist to a safe repository for cataloguing and detailed analysis during the reporting process.

6.4 Unexpected Finds

While not reasonably anticipated during this project, in the event that unexpected archaeological resources are exposed that are beyond the scope of an endorsed excavation permit, project works would cease in the immediate area and the project archaeologist would consult with Heritage NSW. Project works would not continue until any requirements of Heritage NSW had been satisfied.

6.5 Site Personnel

Sue Singleton would act as Excavation Director, assisted by experienced field hand and excavator operator Phill Williamson. Please see the attached CV for Sue Singleton and responses to Excavation Director Criteria. Scott Warner is project manager for Maitland City Council.

6.6 Research Questions

Research questions posed in previous archaeological excavations have been revisited here with some modifications:

- Do the archaeological works comprising the footings of the c1862/63 police stables and adjoining eastern privy survive intact? If not, are identifiable remnants of the works or relics present?
- Are artefacts salvaged from the current excavation contemporary with those excavated in 2013?
- Does the material evidence provide clues as to how the rear court yard area was used during the early years of the operation of the court house and the way in which *law and order* were carried out in Morpeth in the 19th Century?
- Does any artefactual evidence provide clues to the occupants of the stables or those employed at the courthouse? Does this evidence contribute to knowledge of the standard of *accommodation* and facilities of the period?

- What subsurface evidence exists relating to the pre 1860 blacksmith shop? Does this evidence provide further clues as to the location of the shop and to the conduct of *industry* during the pre-courthouse period?
- Do the footings of the stables show that construction followed the original plans? Does this evidence provide further information on the function of the court yard? Does any artefactual evidence inform the known history of the site and/or contribute to the knowledge of *transport* (specifically transport of police, magistrates and prisoners) during the mid-to-late 1800s?
- Does artefactual evidence provide any clues on who built the stables, or any activities occurred within and around the stables building.

6.7 Artefact Cataloguing & Artefact Repository

Significant artefacts salvaged during excavation will be catalogued and analysed. Where justified by anticipated significance, artefacts will be referred to a specialist who would be commissioned to produce a report on the items outlining issues of importance with additional analysis linking artefacts to historical eras of use and/or occupants of the site.

In addition, and where it is justified by significance, important artefacts would be referred to a specialist for conservation. This would include gluing of important and/or early pottery and conservation of important metal artefacts and where there are significant leather materials.

Once cataloguing is completed the boxed artefacts would be handed over to the owner of the site. MCC (the owner) would need to provide a repository in perpetuity for the storage of all artefacts retained from this site. As a functional local museum, the Morpeth Museum is an ideal option for the repository of artefacts. Previously salvaged artefacts from the rear yard have been deposited with the museum.

6.8 Archaeological Excavation Report

A summary of excavation results would be prepared within 30 days of the completion of site works as is routinely conditioned in the issue of a s140 excavation permit.

The results of the archaeological salvage and monitoring will be presented in a final report. This report will need to conform to the Heritage NSW guidelines, and respond to the research design formulated for the project. The report will need to:

- Address any conditions of consent attached to the Excavation Permit approval.
- Provide a review of the previous archaeological investigations, incorporating existing results with the current results to provide a single point of reference for the results of all archaeological investigations.
- Describe the results of the excavation and any artefacts recovered from the site, including context of origin, if not single context.
- In overview, the final excavation report would provide:
 - Description of the archaeological remains including both structures and contexts and any phases of construction, occupation and/or demolition that are identifiable.
 - Overall synthesis of the results.
 - Computer graphics generated from site plans to present scaled maps showing contexts/locations, and including relevant levels reduced to Australian Height Datum.

- Incorporation of photographs as part of the reporting.
- Analysis of the artefacts utilising a computer database for the catalogue. Analytical techniques used should reflect the research questions and, if appropriate, be presented graphically. Analysis needs to respond to the archaeological contexts in a meaningful way.
- If utilised, artefact/conservation specialists' reports presenting a detailed overview of salvaged artefacts with analysis.

7 Bibliography

Beaumont, A., 2009. *Morpeth Courthouse - A place of justice, a place of community*. Maitland City Council.

Elkin, A.P., 1937. *Morpeth and I*. Australian Medical Publishing Company.

Eureka Heritage, 2012. *Archaeological Review & Work Method Statement - Former Morpeth Court House, 125 Swan Street, Morpeth*. Prepared for Maitland City Council.

Eureka Heritage, 2014. *Excavation Report - Application Number 2013/s140/09. Former Morpeth Court House 125 Swan Street, Morpeth* prepared for Maitland City Council.

John Carr Heritage Design, 2012. *Conservation Management Plan for the Former Morpeth Court House, a Review of the 2002 CMP Document*. Prepared for Maitland City Council.

NSW Heritage Office, 1998- 2009. *NSW Heritage Manual*:

- Archaeological Assessments.
- Historical Archaeological Sites.
- Heritage Assessment Guidelines.
- Assessing Heritage Significance.
- Heritage Curtilages.
- NSW Department of Public Works and Services, 2002, *Former Morpeth Court House Conservation Management Plan*, prepared for Maitland City Council.

Nexus Archaeology and Heritage, 2005. *Research Design for Excavation Permit: Drainage works Morpeth Court House*, prepared for Maitland City Council.

Nexus Archaeology and Heritage, 2009. *Historical Archaeology – Sub-surface studies: Morpeth Court House*, prepared for Maitland City Council.

Placemark Consultants, 2019. *Statement of Heritage Impact. Changes to a Listed Item within a Heritage Conservation Area. Proposed New Amenities and Shelter, Former Morpeth Courthouse, now Museum*. Prepared for Maitland City Council.