

Former Supreme Court Building
36-42 Stout Street



Image: *Charles Collins, 2015*

Summary of heritage significance

- The former Supreme Court Building is a fine example of a Classical civic building designed in a distinguished Neo-Palladian style. It is notable for the high quality of its design, materials and workmanship – particularly in the interior spaces such as the old courtroom. It was the first masonry building built by the government in Wellington following the 1855 earthquake.
- The former Supreme Court building provides a continuous link with the administration of justice in New Zealand over the past 130+ years. It was presided over by all Chief Justices between 1881 and 1993 and saw a number of important cases in legal history during that time. It is now in use as part of the new Supreme Court complex. The building is a significant work by a prominent architect P.F.M Burrows.
- The building has exceptional social value for its use as the nation's highest court.

District Plan:	Map 17, reference 273
Legal Description:	Lot 1 DP 403086, Sec 1-12 Blk VII Thorndon Reclamation
Heritage Area:	Stout Street Heritage Area
HPT Listed:	Category One, reference 219
Archaeological Site:	Pre 1900 construction, Thorndon Reclamation, NZAA Central City R27/270, Police Station R27/272, Magistrates Court R27/273, Court of Arbitration R27/27, Supreme Court R27/275.
Other Names:	Former High Court
Key physical dates:	Construction: 1879-1881
Architect / Builder:	Architect: P.F.M. Burrows. Builder: Barry and McDowell's.
Former uses:	Law Enforcement - Courthouse
Current uses:	Commercial
Earthquake Prone Status:	Outside Earthquake Prone Policy – SR 268410 Base-isolated

Extent: Cityview GIS 2013



1.0 Outline History

1.1 History¹

The old Supreme Court building (after 1980 known as the High Court) is the oldest of the buildings along Stout Street. The building opened in 1881 and was used continuously for court purposes until 1993 when the new High Court opened on Molesworth Street. For over a century this building was the principle court building in Wellington and was the setting for many famous and infamous cases in New Zealand legal history, and it has been presided over by all of the Chief Justices between 1881 and 1993.

The name of the building is somewhat confusing. It was originally known as the Supreme Court, as it was the highest court in New Zealand in an era when final appeals could be heard by the Privy Council in London. In the 1980s the 'Supreme Court' was renamed the 'High Court' as part of the process to disestablish right to appeal to the Privy Council, and to create a final court of appeal in New Zealand. The building was known as the Supreme Court for 100 years from 1880 – 1980 and the High Court from 1980 – 1993. It will be referred to hereafter in this report as the former, or old, Supreme Court.

The old Supreme Court was designed by P.F.M Burrows in 1878, the architect who succeeded William Clayton as Colonial Architect (although without the formal title or salary). Land for the Court was found on the recent Thorndon reclamation and the building was to be constructed in masonry, and was the first major masonry structure to be built by the Government in Wellington since the 1855 Earthquake. The decision to build the new building in brick was due in part to new Wellington City Council bylaws that were introduced in 1877. The bylaws required all new buildings in the Number 1 Fire District – all the reclaimed land and all properties within 150 links of the Golden Mile from Thorndon Quay, along Lambton Quay, Willis Street, and Manners Street – to be clad in non-combustible materials. The old Supreme Court Building is a near-neighbour to the old Government Buildings (WCC ref 17/179) – one of the last (and certainly the largest) timber buildings to be built in the CBD

To ensure that the new masonry building was as safe as possible, a forest of piles was driven below sea level into firm ground. Burrow's estimate for the work was £16,000, however, when tenders for the construction were called the lowest was Barry and McDowell's £24,785. Construction began with an impressive Masonic ceremony to lay the foundation stone, which was laid by Frederick Whitaker, Attorney-General to the Hall Ministry of 1879-82 (and soon to become Premier himself), with numerous dignitaries in attendance. The building was completed in March 1881.

The Court building has had numerous additions and alterations with the most significant (prior to its refurbishment) occurring in 1907 and 1913. The 1907 alterations included the extension of the public office and the construction of a strong room in the north-east corner and extensions to the Law Library in the south-east corner. The 1913 work designed by Government Architect John Campbell, faithfully matched the style of the existing building, and included the building of three new rooms in the north-west corner. In 1956 the chimneys and pediments from the first floor parapets were removed and the roofs behind altered to a hipped style.

¹ History adapted from: Wellington City Council, "36-42 Stout Street," *Wellington Heritage Building Inventory 2001: Non Residential Buildings*. (Wellington City Council, 2001) STOU 3 and Michael Kelly and Wellington City Council, *Stout Street Heritage Area Report*. (Wellington City Council: Unpublished Report, prepared for Plan Change 32, 2007).

In 1981 a new addition was made to house the judge's office, which was built alongside the west elevation of the building.

With the construction of a new High Court building in Molesworth Street in 1993, the old Supreme Court building fell out of use and by 1996 the Department for the Courts began to look at possible options for the future of the building - including its disposal. Feasibility studies for a number of potential uses were carried out including for Victoria University; the New Zealand Portrait Gallery; as a training facility; a 'Law in Schools' centre; a national Disputes Resolution Resource Centre/Arbitration, Mediation, Conciliation facility; a community Law Centre; or two restaurants and a wine bar. None of these options came to fruition,² and the building fell into disrepair.

A new Supreme Court system was established in the early 2000s with the passing of *Supreme Court Act 2003* and the removal of the right to appeal to the Privy Council in London. Temporary facilities for the new court were established and Supreme Court judges were housed in the Victoria University Law School (Old Government Buildings). The street-block between Ballance, Stout, Whitmore streets and Lambton Quay was chosen as a site for a new Supreme Court complex – known as 'Justice Park'. The subsequent proposal to demolish parts of the old Supreme Court building on this site led to a political battle involving the then Prime Minister Helen Clark, Chief Justice Sian Elias, Attorney General Margaret Wilson, Deputy Prime Minister Michael Cullen, and the New Zealand Historic Places Trust. Relations between the Historic Places Trust and the Justice Ministry deteriorated so much that former Prime Minister Sir Geoffrey Palmer was called in to mediate.³ The disagreement was finally resolved with the decision to restore the old Supreme Court in its entirety and to construct a new purpose designed building on the site of what was known as 'Justice Park'.

Alterations and repairs to the old Supreme Court building were extensive, and major work included the demolition of some of the additions to the rear of the building and the introduction of a base-isolation seismic strengthening system to the remaining parts. The building had been poorly maintained and extensive restoration was required – particularly where water had damaged the internal timber joinery and decorative plasterwork. The work to restore and repair the building was carried out to high standard, and used a mix of modern and traditional crafts, materials and trade skills. The exterior of the building was repaired and the parapet pediments were reinstated. The interiors were also repaired, the timber work restored, and the plaster ceilings reinstated – and the project has been credited as having “helped preserve some dying arts and developed the skills of craftspeople around the country – from solid plasterers to moulders and woodworkers.”⁴

The old Supreme Court building occupies approximately half of the “Justice Park” site and serves as an ancillary building to the new Supreme Court Building. The Justice Park development was designed by architects Warren and Mahoney and built by Mainzeal, it was completed in 2009 with an official opening in 2010.

² ² “Heritage Building – 34-42 Stout Street, 1996, 1041-06-STOU36, Wellington City Council Records”: Correspondence ‘Old Wellington Supreme Court Project’ c/o Buddle Findlay.

³ “Heritage Building – 34-42 Stout Street, 1996, 1041-06-STOU36, Wellington City Council Records”: Jonathan Milne, ‘Clark-Elias round two: now it’s become a High Court issue’, Sunday Star Times 8 August 2004; Vernon Small, ‘Judges wanted private garden’, 18 August 2004.

⁴ Supreme Court of New Zealand, Ministry of Justice Website accessed March 2014
<http://www.justice.govt.nz/publications/global-publications/s/supreme-court-of-new-zealand/Publication>

1.2 Timeline of modifications

24 Sep 1883	Application for relaxation in building regulations, old Supreme Court - Thomas Turnbull (00233:9:1883/6517)
18 Oct 1883	Relaxation of building regulations and the old Supreme Court house - Moorehouse, Edwards & Cutten (00233:9:1883/6590)
21 Aug 1885	Water meter Supreme Court - Public Works Department (00233:12:1885/955)
1911	Re repairs to footpath at Supreme Court - G H Veale (00233:214:1911/2511)
1940	Supply of water to Supreme Court (Stout Street), Department of Justice (00001:1606:40/406)
1956	Ballance Street (32-42 Stout Street), alterations to the Supreme Court (00044:8:100)
1956-1988	Building: Stout Street, Justice Department, Supreme Court (00009:159:6/1617)
2007	34 Stout Street, 85-91 Lambton Quay, new Supreme Court of NZ (00078:3251:168162)
2007	34 Stout Street, 85-91 Lambton Quay, Old Supreme Court Building (OHCB) envelope and interior for the project, and includes the Fire Report for OHCB and the new Supreme Court. Stage 3 (00078:3316:170205)
2008	34 Stout Street, 85-91 Lambton Quay, architectural envelope of the new supreme court building Section 77, stage 5 (00078:3317:179665)
2009	34 Stout Street, 85-91 Lambton Quay, Internal fitout of the new supreme court - 3 Levels basement, ground, 1st floor. Stage 7 (00078:3301:190618)
2009	34 Stout Street, 85-91 Lambton Quay, Supreme Court of New Zealand - Siteworks and landscaping Stage 8 (00078:3317:196744)

1.3 Occupation history

1879-1993	Ministry of Justice High Court
1993-Present	Ministry of Justice Supreme Court

1.4 Architect

Burrows, Pierre Finch Martineau⁵

Burrows was born in Norwich, England, and arrived in New Zealand about 1863. He began working under W H Clayton in the Colonial Architect's Office in 1874 and became Chief Draughtsman in 1875. When Clayton died, Burrows took over his duties, but he did not receive a designation of Colonial Architect. Burrow's most important buildings include the Post Office at Christchurch (1877), the Supreme Court House, Wellington (1879), and the Mount Eden Prison (begun 1883). He was also responsible for a number of smaller post offices and courthouses. His brother Arthur Washington Burrows was also an architect, practising in Auckland and Tauranga.

⁵ Historic Places Trust, 'P.F.M. Burrows', *Professional Biographies*, accessed 13 June 2013, <http://www.historic.org.nz/corporate/registersearch/ProfessionalBio/Professional.aspx?CPName=Burrows,+Pierre+Finch+Martineau>

2.0 Physical description

2.1 Architecture

The old Supreme Court Building is one of the most significant and oldest of the buildings in the Stout Street Heritage Area. It was the first major masonry structure to be built by the government in Wellington after the 1855 earthquake and was completed in 1880 on newly reclaimed land.

Designed by P.F.M. Burrows in a carefully correct and quite elegant Palladian neo-Classical style, the old Supreme Court has a strong sense of the formal buildings of 18th century England in its appearance. It is constructed in traditional load-bearing masonry with a plaster render, a significant expression of permanence and strength appropriate to its sober function.⁶

It has a well-balanced composition, enhanced by well-designed additions of 1906 and 1913, consisting of a T-shaped plan with a two storey main block rising above flanking pavilions. The detailing is rather severe and formal but is carefully composed and elegantly executed. The lower storey is strongly rusticated above a low plain plastered base and features round-headed windows with prominent keystone details, a mid-level string course and an openwork balustraded parapet above a projecting cornice. The second storey is more ornamented with a regular composition of Composite-order pilasters framing square-headed windows with triangular pediments supported on corbels. A strong cornice line with dentils and consoles is all that remains of the original triangular pediments which were removed in the 1950s – but missing elements were replaced in the c.2009 restoration works and the building now closely resembles its original design.

While both the exterior and interior of the building were altered and added to over the 112 years of court use, the building retains a high degree of authenticity, particularly in the interior which has some work of exceptional quality (especially in the main courtroom), and it retains very high heritage values.

The building now serves as an annexe to the new Supreme Court building (2009) – a large modern curtain-walled 'box' that has been over-clad by a decorative bronze screen. The interiors of the new building, particularly the new courtroom 'pod' clad in kauri and copper, are particularly fine.

2.2 Materials

The building is constructed in load bearing brick masonry on concrete foundations and piles. The floors and roof are timber framed. The exterior was originally plastered with a mixture of sand and cement and the roof was originally shingled.

During the refurbishment of the building a number of changes were made to the fabric of the building. Many of the original timber windows were removed and repaired, any decayed sections were replaced using similar timbers, in most cases heart Totara and Heart Rimu. Finishing trims were repaired and replaced in materials that matched the original, in most places Swamp Kauri. The original Matai flooring was salvaged and re-laid. The timber panelling and carving was repaired and refitted to the interior walls. New doors were installed that matched the originals that had been repaired and all doors were placed on new hinges and fitted with new locks, latches, handles etc.

⁶ Adapted from Michael Kelly et al, 'Stout Street Heritage Area' WCC unpublished heritage report for DPC 48, 2006

The ceiling plaster was removed and replaced with new fibrous plaster. The exterior plasterwork was also removed during the refurbishment and replaced with a Sto Stolit MP Remedial Plaster system and the building was also base isolated.

2.3 Setting

The old Supreme Court building has a high townscape value. It is bounded by Lambton Quay, Ballance, Stout, and Whitmore Streets, with its main frontage onto Stout Street and occupies a prominent corner within the CBD. The building has been adapted to join the new Supreme Court building (2009) and now serves an ancillary function to the new building. The new “Justice Park” complex occupies a key street block in the CBD, and is part of the Stout Street Heritage Area.

The building can be seen as a counterpoint to the old Government Buildings – its near neighbour on Lambton Quay. The two buildings show the transition between timber and brick as the predominant building material in the CBD – the old Government Buildings was one of the last (and one of only two surviving) timber buildings on the Golden Mile whereas the old Supreme Court is one of the oldest surviving masonry buildings.

3.0 Sources

“Heritage Building – 34-42 Stout Street”. 1996. 1041-06-STOU36. Wellington City Council Records.

Historic Places Trust, ‘P.F.M. Burrows’. *Professional Biographies*. Accessed 13 June 2013.

<http://www.historic.org.nz/corporate/registersearch/ProfessionalBio/Professional.aspx?CPName=Burrows,+Pierre+Finch+Martineau>

Wellington City Council. *Wellington Heritage Building Inventory 2001: Non Residential Buildings*. Wellington City Council, 2001.

Kelly, Michael, and Russell Murray. *Stout Street Heritage Area Report*. Wellington City Council: Unpublished Report, prepared for Plan Change 32, 2007.

Criteria for assessing cultural heritage significance

Cultural heritage values

Aesthetic Value:

Architectural: *Does the item have architectural or artistic value for characteristics that may include its design, style, era, form, scale, materials, colour, texture, patina of age, quality of space, craftsmanship, smells, and sounds?*

The old Supreme Court Building is a fine example of a Classical civic building designed in a distinguished Neo-Palladian style. It is notable for the high quality of its design, materials and workmanship – particularly in the interior spaces such as the old courtroom. It was the first masonry building built by the government in Wellington following the 1855 earthquake.

Townscape: *Does the item have townscape value for the part it plays in defining a space or street; providing visual interest; its role as a landmark; or the contribution it makes to the character and sense of place of Wellington?*

This building has extremely high townscape values and occupies a prominent CBD site.

Group: *Is the item part of a group of buildings, structures, or sites that taken together have coherence because of their age, history, style, scale, materials, or use?*

The building contributes to the Stout Street Heritage Area.

Historic Value:

Association: *Is the item associated with an important person, group, or organisation?*

The old Supreme Court building provides a continuous link with the administration of justice in New Zealand over the past 130+ years. It was presided over by all Chief Justices between 1881 and 1993 and saw a number of important cases in legal history during that time. It is now in use as part of the new Supreme Court complex.

The building is a significant work by a prominent architect P.F.M Burrows.

Association: *Is the item associated with an important historic event, theme, pattern, phase, or activity?*

Scientific Value:

Archaeological: *Does the item have archaeological value for its ability to provide scientific information about past human activity?*

The Former Supreme Court building is associated with a number of archaeological sites including: the Thorndon Reclamation, NZAA Central City R27/270, Police Station R27/272, Magistrates Court R27/273, Court of Arbitration R27/27, and Supreme Court R27/275.

Educational: *Does the item have educational value for what it can demonstrate about aspects of the past?*

This building has important education value for what it can demonstrate about the Court system in New Zealand throughout the 20th century. The style of the court in

New Zealand has changed significantly over this time, so the former Supreme Court building is important as a representative of its time.

Technological: *Does the item have technological value for its innovative or important construction methods or use of materials?*

There is technical value as an early surviving example of a masonry building in earthquake-prone Wellington. The high quality of the interior fixtures and finishes is also of technological value.

Social Value:

Public esteem: *Is the item held in high public esteem?*

This building is held in very high public esteem. This can be demonstrated by the intense, high-level negotiations that were held as part of the process to develop the Justice Park site.

Symbolic, commemorative, traditional, spiritual: *Does the item have symbolic, commemorative, traditional, spiritual or other cultural value for the community who has used and continues to use it?*

This building possesses significant traditional and commemorative values due to the contribution that it has made, and the role that it has had, in the history of the justice system in New Zealand. It is of particular importance to the legal community as the home of the High Court between 1881 and 1993. It is still used for commemorative events such as the admittance to the bar.

Identity/Sense of place/Continuity:

*Is the item a focus of community, regional, or national identity?
Does the item contribute to sense of place or continuity?*

This building is the oldest building on Stout Street, and contributes to the sense of place and continuity of the Stout Street Heritage Area. It was home to New Zealand's highest court for over a century and contributes to Wellington's identity as the nation's capital city.

Sentiment/Connection: *Is the item a focus of community sentiment and connection?*

The former Supreme Court remains in use by the Ministry of Justice as part of the new Supreme Court complex and is likely to be a focus of community sentiment and connection.

Level of cultural heritage significance

Rare: *Is the item rare, unique, unusual, seminal, influential, or outstanding?*

The former Supreme Court is one of the nation's most significant civic buildings and has outstanding cultural heritage value. The building is one of the oldest masonry buildings in Wellington

Representative: *Is the item a good example of the class it represents?*

This building is a good representative of the Classical tradition built in masonry.

Authentic: *Does the item have authenticity or integrity because it retains*

significant fabric from the time of its construction or from later periods when important additions or modifications were carried out?

This building has authenticity and integrity as it retains a great amount of original material. Although this building has been refurbished, all modifications were carried out to a high degree of quality, repairing original features and only replacing features that were too deteriorate to be re-used. The base isolation of this building is an important feature as it secures its future retention.

Local/Regional/National/International

Is the item important for any of the above characteristics at a local, regional, national, or international level?

The former Supreme Court is a nationally significant building. It was the home of the highest court in New Zealand's from 1880 – 1993, and is now part of the new Supreme Court complex.

4.0 Appendix

Research checklist (desktop)

Source	Y/N	Comments
1995 Heritage Inventory		
2001 Non-Residential heritage Inventory		
WCC Records – building file		
WCC Records – grant files (earthquake strengthening, enhancement of heritage values)		
Research notes from 2001 Non-Residential heritage Inventory		
Plan change?		
Heritage Area Report		
Heritage Area Spreadsheet		
Heritage items folder (electronic)		
HPT website		
HPT files		
Conservation Plan		
Searched Heritage Library (CAB 2)		

Background research

Insert any relevant background information into this section. This may include:

- *Additional plans, such as those for alterations*
- *Chunks of text from other sources such as Cyclopedia of NZ, Papers Past*
- *Additional images*