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## Enduring Testament to Justice

By Justice Stephen Estcourt



Main picture: Leigh Woolley

*As Australia's oldest Supreme Court nears its 200th anniversary, **Stephen Estcourt** traces the dramatic history of the halls of justice*

THE first sitting of the Supreme Court of Tasmania, the oldest Supreme Court in Australia, took place on May 10, 1824 amidst the hurriedly finished interior of the building that still stands on the southeast corner of Murray St and Macquarie St, opposite St David's Cathedral.

The building of the courthouse was ordered by Lieutenant-Governor Sorell. It is suggested in the 2017 Conservation Management Plan for Franklin Square Offices prepared by Graeme Corney that the building was designed by superintendent of stonemasons William Hartley Wilson. The building had long arched windows fitted with small panes of glass and the northeastern corner of the building was shaped into an incongruous circular turret.

The building was not completed but was temporarily fitted up for the first sitting of the Court. It was not ready for use as a courthouse for another 16 months. According to Corney, it

seems likely that sessions of the Court in Hobart took place in a private house close to the centre of town, that the government had purchased and converted into a temporary courthouse to be used by the Lieutenant-Governor's Court from 1822 until May 1824. The Hobart Town Gazette of September 17, 1825 notes that regular sittings at the new courthouse began on September 12 of that year.

In any event, the Court was opened at a time of much rejoicing that Van Diemen's Land finally had a Supreme Court with full civil and criminal jurisdiction, although the new building, which was also used for public meetings and religious services, was described by James Backhouse Walker, the well-known Tasmanian solicitor and historian, as constructed of "dirty brown stone" and "gloomy and dingy".

In 1825 an Order-in-Council granted Van Diemen's Land an independent government and thus extended the authority of the Court's first Chief Justice, Sir John Lewes Pedder, by abolishing the right of appeal from his decisions to the Governor in New South Wales (assisted by the Chief Justice of NSW). Between 1826 and 1842, Pedder sentenced 302 persons to be hung, generally within the Hobart Gaol grounds opposite the Court, and in full public view. There was no waiting for the sentence to be carried out, and no appeal process.

John Lee Archer arrived in Hobart to take up the position of Colonial Architect on August 2, 1827. In the 11 years he held the position he drew up a series of plans for improvements and extensions to the 1824 courthouse, as well as plans for other notable public buildings and structures.

In 1859 tenders were invited by the Director of Public Works for the additions and alterations required for the erection of courts and offices at the Campbell Street Penitentiary to accommodate the criminal jurisdiction of the Supreme Court. These major alterations involved the conversion of the Trinity Chapel northern and eastern wings into two courtrooms. Astonishingly, these courtrooms continued to operate until 1975, when the criminal side of the Court was relocated to the newly built Salamanca Place complex. The built fabric of the criminal and civil jurisdictions of the Court would not be reunited until the second stage of the Salamanca Place complex was opened in 1980.

The Trinity Chapel, dubbed the Tench, has an interesting history. It is still open for guided tours and the gallows erected there still stand.

In 1857 the first gaol, in Murray St, which had been damaged by fire the previous year, had been closed and about 500 prisoners were moved to the Penitentiary. In 1943 the Penitentiary gaol was described as "unsafe and ruinous", and in the 1950s a new gaol, dubbed "The Pink Palace", was built at Risdon on the eastern shore of the Derwent. The last prisoners were relocated there from the Campbell St site in 1960.

In 1958, after completion of the new Government House on the Domain, the earlier Government House in St George's Square (now Franklin Square) was demolished. A two-storey Supreme Court building was commenced on the Macquarie St and Franklin Square corner of the site. In 1860 the civil jurisdiction of the Court was moved to the new building, just next door to the 1824 courthouse in Macquarie St. This was to be the home of judges of the Supreme Court for 120 years.

Within a couple of years, the Court had grown again into the areas adjacent to its space. By the time of the completion of the second stage of the Salamanca Place complex in 1980, when the Court vacated the Government offices, it had doubled in size within the office complex.

In 1975 the Court moved from the Campbell St courts into new criminal courts in the building that is in Salamanca Place today. As suggested by former Chief Justice Sir Stanley Burbury, the courtrooms are nearly circular in shape, a novel concept which works very well. Sir Stanley's prototype for this design can be seen in the Supreme Court in Burnie, opened in 1970.

The year 1980 saw completion of the Salamanca Place building next to the new criminal court, which houses civil courts, judges' chambers and the court registry. Originally a six-storey building was planned on that site, which would have housed the Supreme Court and law-related offices. Happily that was abandoned and the more modestly profiled and much more attractive buildings you see now were constructed instead. They were designed by architect Peter Partridge. He was awarded the 2010 Australian Institute of Architects Enduring Architecture Award for the Supreme Court project.

**Justice Stephen Estcourt is completing a book on the history of the Supreme Court for the court's bicentenary in 2024. Changes to the court's three Tasmanian court buildings to accommodate COVID-19-safe jury trials have seen possibly permanent alterations to the built fabric of the court.**