

**Supreme Court Development, Wellington
archaeological assessment
and
section 18 archaeological investigation: final report**

**report to
The New Zealand Historic Places Trust,
The Building Intelligence Group
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**Matthew Campbell
CFG Heritage**

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Supreme Court Development, Wellington archaeological assessment and section 18 archaeological investigation: final report

Introduction

The Ministry of Justice proposes a redevelopment of the former High Court buildings on 42 Stout Street, Wellington to house the new Supreme Court. The former High Court building was built between 1879 and 1880 as the Supreme Court building, and for convenience will be referred to as such in this report. A new wing of the Supreme Court is to be built on the remainder of the block fronting onto Lambton Quay between Whitmore Street and Ballance Street (Sections 1 & 2 SO 37067 and SO 37081 (Thorndon Reclamation Block VII)), behind the current building. This had previously been the site of some important Government buildings dating to the late 19th and early 20th centuries, demolished in 1992. The archaeological potential of the site was not well understood. Accordingly, an application was made to the New Zealand Historic Places Trust under section 18 of the Historic Places Act 1993 to undertake limited test excavations in order to gather information about the archaeological stratigraphy of the site to assist with the assessment of archaeological values associated with the earlier buildings. Authority 2007/84 was subsequently granted, and archaeological investigation took place on 18 October 2006. The investigation took the form of monitoring and recording the stratigraphy and features exposed in three geotechnical pits. These were dug with a 3.5 tonne backhoe equipped with a toothed bucket. Archaeological monitoring was carried out by Matthew Campbell and Jaden Harris of CFG Heritage Ltd.

Although this report is on the section 18 investigations, it also doubles as an archaeological assessment, prepared in support of Resource Consent applications and Historic Places Trust authority applications. This work was commissioned by Bede Crestani of The Building Intelligence Group acting on behalf of the Ministry of Justice.

Scope of assessment

An archaeological assessment is an assessment of both the significance of the archaeological potential of the study area, and the effects any proposed works will have on the archaeology. In order to assess significance the archaeology must be set in context: outlining the background of previously recorded archaeology; including the relevant history of the area; and describing the physical setting of the study area as appropriate. The assessment of significance is based on a set of heritage values. The description of the archaeology of the study area includes both sites that are visible and can be recorded, and the likelihood that further sites or features will be found beneath the current ground surface. The assessments of significance and effects allow appropriate management recommendations to be made to avoid, minimise or mitigate the effects.

An archaeological site is defined in the Historic Places Act 1993 as:
any place in New Zealand that—

- (a) Either—
 - (i) Was associated with human activity that occurred before 1900; or
 - (ii) Is the site of the wreck of any vessel where the wreck occurred before 1900; and
- (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

Section 10 of the Act makes it unlawful for any person to modify, damage or destroy an archaeological site, but under Sections 11 and 12 application may be made to the New Zealand Historic Places Trust for an authority to do so. The Trust may, under Section 14, grant an authority, and under Section 15 impose conditions on the authority. Under Section 17 a qualified archaeologist will be nominated to undertake the archaeological work required under the authority.

Historic background

Historic records, compiled by Chris Cochran for a conservation report on the existing Supreme Court Building (in preparation) and briefly summarised here, indicate the site was originally foreshore – it is, therefore, quite unlikely that any prehistoric Maori material would be found, though the harbour and foreshore were a major focus of occupation. From the earliest European settlement of Wellington in the 1840s the dry land closest to the site (Lots 490 and 491 on Lambton Quay) was used for a variety of commercial purposes, including shops and Baron Charles van Alzendorf's Hotel, a two storey brick structure. Opposite this building a jetty, known variously as Alzendorf's, Taine's or Levin's wharf (probably these three invested in its construction) was probably located, jutting out into the harbour, though its exact location has not yet been established. The Wairarapa earthquake of 1855, the largest in recorded New Zealand history (during which Alzendorf's Hotel was badly damaged and Alzendorf was killed, the only fatality), resulted in the land around Lambton Quay being raised by up to 90 cm, after which the jetty was extended and another constructed somewhere along the line of Whitmore Street.

In the 1870s major reclamation, an area of 51 acres, was undertaken on the Wellington foreshore, including the subject Lot and the site of the Supreme Court buildings, which were erected from 1879–1881. This was the first major building in Wellington to be built of masonry – Chris Cochran records that work began in September 1879, with groups of workmen excavating for the foundations while other drove hollow iron foundation piles, which would have then been filled with concrete. Renovation and remodelling has continued ever since, and further stages of significant construction took place up to 1913, some of which are due for partial or complete demolition, as is the 1981 Judges' office wing at the back of the Court.

The Lambton Quay frontage of the block had three buildings on it, all demolished in the early 1990s – this area is now a public park, though the footings and lower walls of some of the buildings have been retained and mark the park boundary. The first of these was the Armed Constabulary Police Station on the corner of Whitmore Street and Lambton Quay, begun in 1880 and finished the following year. This was a two storey brick building which, in 1886 when the Armed Constabulary became the New Zealand Police Force, held 38 staff. The building was added to and renovated up until at least 1908. In 1918 the Police moved to a new building and the old Police Station was used by various government departments, principally Courts and Justice, and continued to undergo renovations and alterations in form.

In 1900 planning began for the construction of a new Magistrates Court, presumably to relieve pressure on the Supreme Court building, on the corner of Ballance Street and Lambton Quay. The new Court was built between 1902 and 1903. In 1934 or 1935 “parapets and overhanging ornament” were removed from the building (and probably the Police Station too) as a belated response to the 1931 Napier earthquake. In 1951–52 further strengthening work was done and internal renovations were undertaken.

Finally, in 1928 the Court of Arbitration was built on Whitmore Street between the Police Station and the Supreme Court. Little is known of its construction and alterations yet.

The Police Station and the Magistrates Court, and the courtyard between them and the Supreme Court building, were the focus of investigation.

Test Pits

Excavation of the pits was monitored, any changes in excavated material were noted, and artefacts were sampled and examined. Once completed the pits were measured and the stratigraphy was schematically recorded. The locations of the pits were plotted with reference to the historic foundation plans of the buildings.

Test Pit 1

This pit was dug in the courtyard between the Supreme Court building and the 1981 Judges' offices. The purpose of locating the pit here was to look for evidence of outbuildings, particularly latrines, in the shared courtyard of the three main buildings. The pit measured 2250 x 700 mm in plan. Under a layer of topsoil 230 mm deep there was a deep deposit of reclamation fill consisting of clay and crushed metal – this had been taken from the base of Wadestown Hill in the 1870s (Cochran in prep.). This was very loose and unstable and continuously collapsed into the excavation. Excavation continued to the water table at a depth of 2600 mm. Layers were visible in the reclamation fill indicating its deposition by the cart load (Figure 1).



Figure 1. Test Pit 1 showing layers of reclamation fill in the end wall. The reclamation fill beneath the north wall (right) has collapsed away.

Test Pit 2

This pit was dug on the Ballance Street side of the site on the site of the 1903 Magistrates Court (Figure 2). It measured 3500 x 700 mm in plan. Topsoil extended to a depth of 140 mm, below which were three layers of fill: clay to 350 mm, grey sand to 600 mm, and clay again to 1000 mm. Below this was a loose layer of demolition rubble containing mostly brick, but also plastic, electrical flex and other material. At a depth of 1200 mm was a truncated brick wall 460 mm wide (18", the 1902 plan specifies 14"). On its eastern (Stout St) side it was plastered. Locating the test pit on the 1902 Public Works Department plan indicated that it was a load bearing wall and the Stout Street side was a wall of the basement boiler room. On its western (Lambton Quay) side it had a 130 mm thick concrete facing reinforced with steel mesh and plastered (Figure 3). 700 mm below this was a concrete floor, at a depth of 1880 mm below ground level (Figure 8) (ground level here is built up as much as 500 mm from street level as part of the park design). This concrete floor and wall are later additions, not shown on the 1902 plan – they may be part of the remedial work carried out in 1951–52. Because the brick wall was very close to the eastern end of the test pit it was not feasible to excavate down to the floor of the boiler room. The Public Works Department architectural drawings of 1902 included several sections through the building, including one through the basement and the brick wall (Figure 4). These drawings indicate

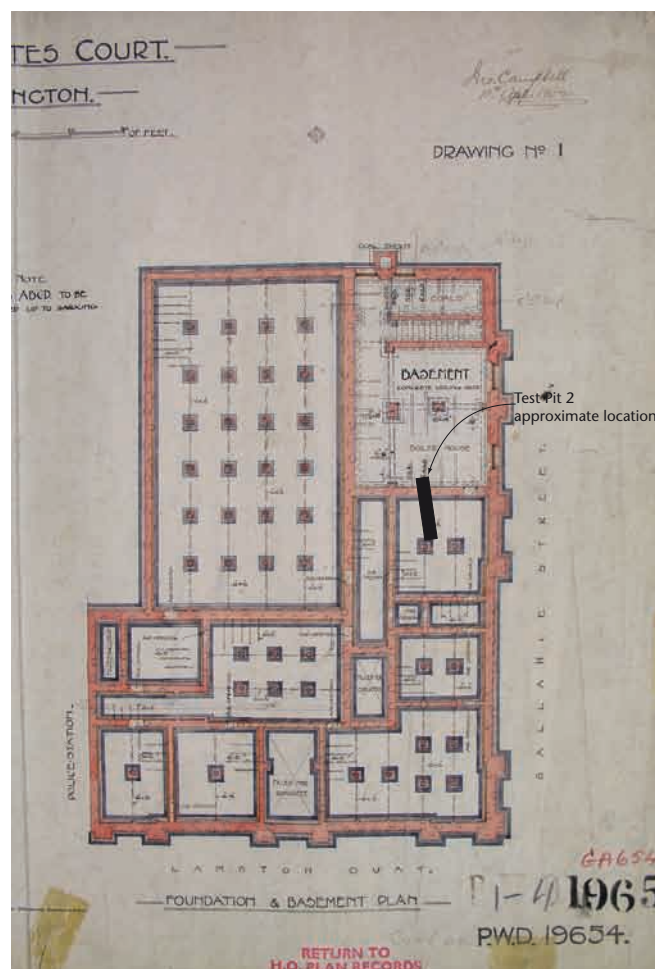


Figure 2. Approximate location of Test Pit 2, overlain on the 1902 Public Works Department foundation plan of the Magistrates Court.



Figure 3. Brick footing/load bearing wall and later mesh-reinforced concrete facing, in the base of Test Pit 2.

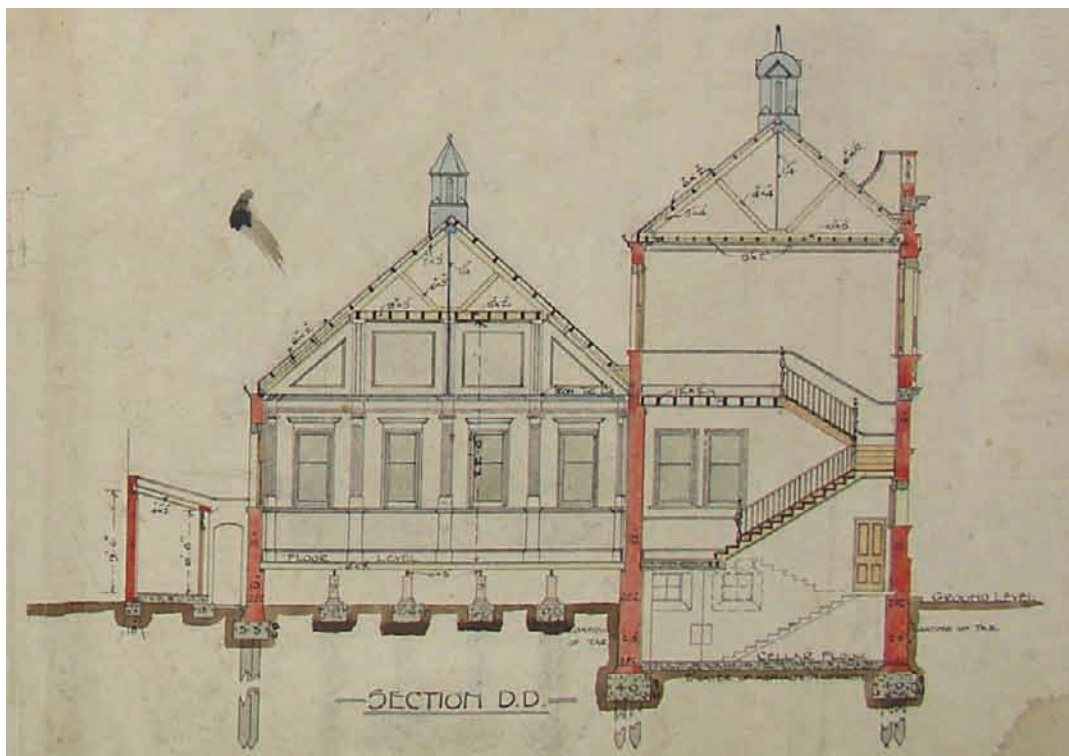


Figure 4. 1902 Public Works Department section through the Magistrates Court, including piles, the basement and the brick wall encountered in Test Pit 2.



Figure 5. Brick marked "GASCO", scale divisions = 200 mm.

a concrete footing beneath the load bearing wall, with piles driven into the ground beneath the footing, presumably through the reclamation fill and old sea bed to firmer ground. These piles may have been wooden or, as for the Supreme Court, hollow iron to be filled with concrete.

One brick with "GASCO" imprinted in the frog was recovered (Figure 5), the other bricks observed were plain machine-pressed bricks.

Test Pit 3

This pit was dug on the Whitmore Street side of the site on the site of the 1881 Police Station (Figure 6). It measured 2220 x 700 mm in plan. Topsoil extended to a depth of 260 mm, below which was a layer of clay fill to 830 mm. Below this was a layer of demolition rubble containing broken brick, asphalt and stones, to a depth of between 980 and 1130 mm (Figure 7). Below this was a reclamation fill similar to that encountered in Test Pit 1, but more consolidated and stable. The water table was reached at 2800 mm (Figure 8).

Two small fragments of plain white stoneware were observed in the demolition layer.

Discussion

The archaeology found in the test pits was relatively simple; given the use of the site for government buildings this may not be surprising as we would not expect the complexities that arise from domestic occupations for instance. Also, the pits were quite small in plan and only allowed a window onto a restricted part of the site – they are indicative of the type of archaeology that might be encountered during excavation, but the results should not be generalised across the whole site. Enough was encountered to indicate that much of the Magistrates Court foundations will survive, while the situation for the Police Station is less clear. The 1880 architect's drawings do not indicate any basements for this building, but the foundations are likely to be on much the same level as those of the Magistrates Court, and some at least, if not most, should survive. Like the Magistrates court, the Police Station also would have been built on deep piles and these should certainly survive.

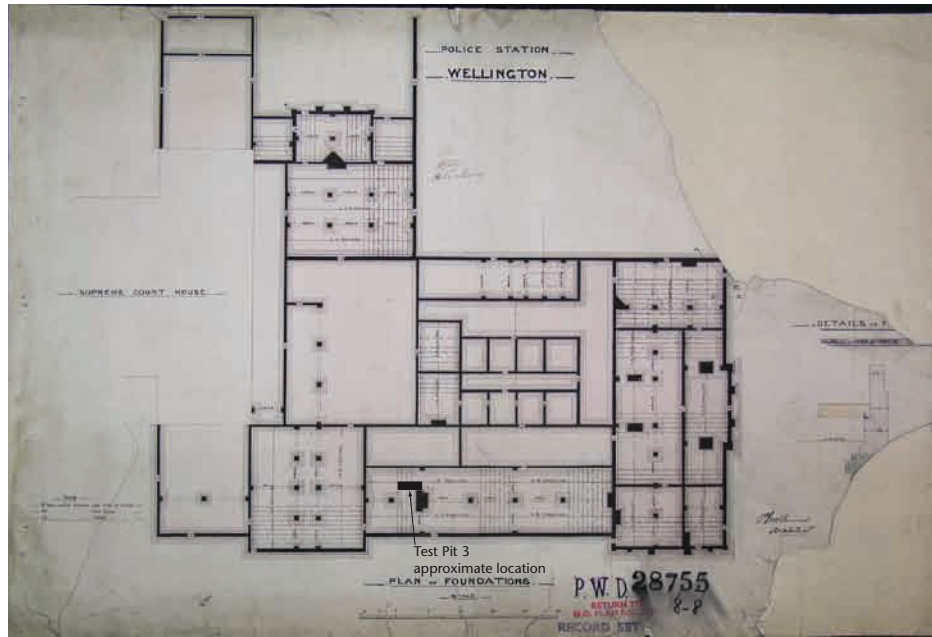


Figure 6. Approximate location of Test Pit 3, overlain on the 1880 Public Works Department foundation plan of the Armed Constabulary Police Station.



Figure 7. Test Pit 3 showing the dark band of demolition rubble.

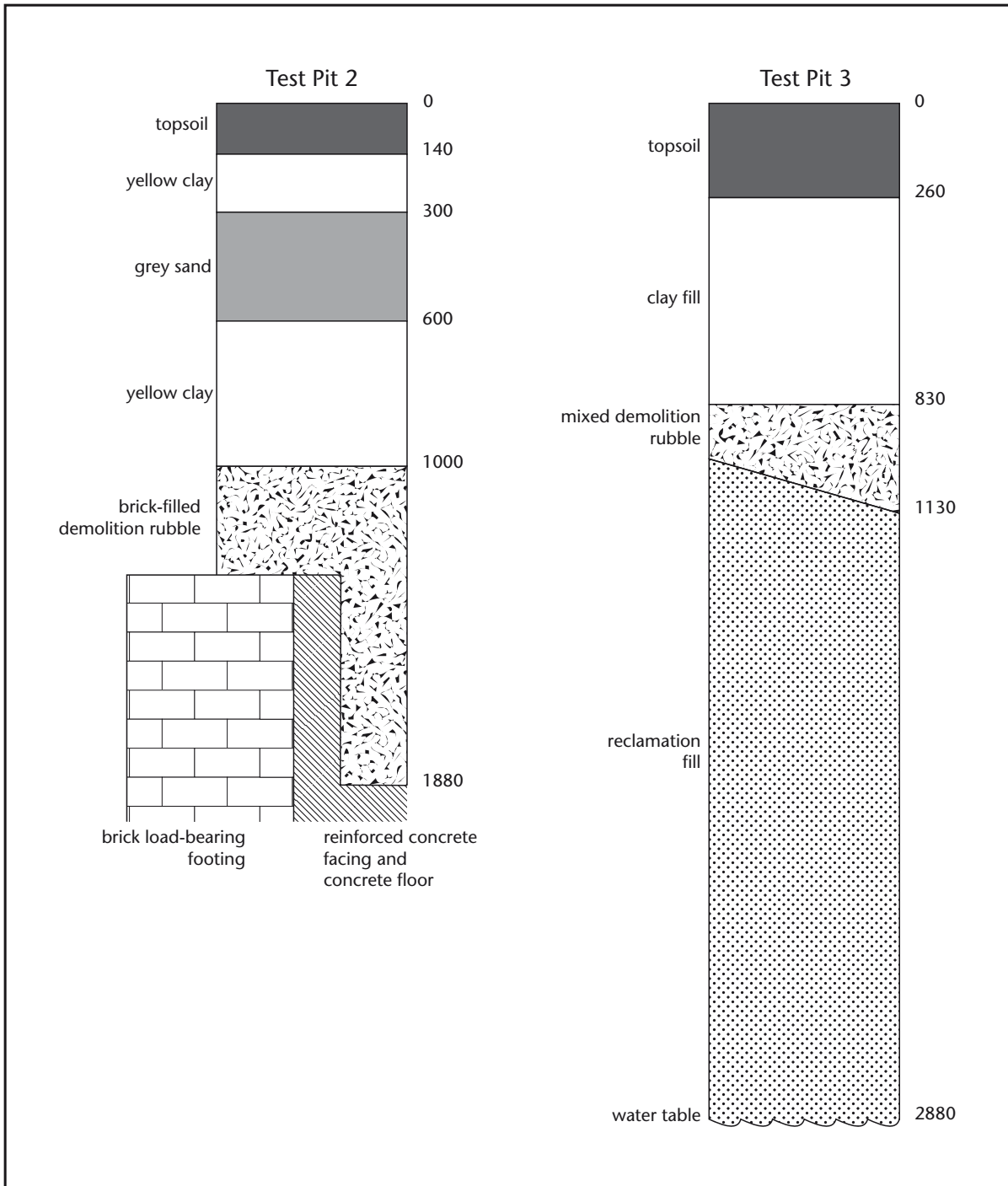


Figure 8. Schematic profiles of Test Pits 2 and 3, vertical scale in mm.

Evidence was encountered in Test Pit 2 of alterations to the Magistrates Court – the wire mesh reinforcing indicates that this is perhaps part of the 1951–52 remedial work. The history of the buildings recorded by Chris Cochran indicates that both went through numerous phases of construction and addition before their demolition in 1992 – some evidence of this has been found and more can be expected to survive.

The Magistrates Court was built more than 20 years after the Supreme Court and Police Station, during which time the ground had been held as a Masonic Grant, though a lodge had

not been built. The Government resumed ownership of the land in 1900, but it is highly likely that it had been used for other purposes in the meantime, such as outbuildings for the Supreme court and Police Station, and traces of these may survive beneath the Magistrates Court – it seems the Masonic Order never took up the grant and so they at least would have made no use of it.

Parts of Supreme Court building itself are due for demolition as part of the development, including the 1907 addition to the northeast of the building and a 1913 addition to the northwest, as is the 1981 judge's offices building behind the Supreme Court – the latter is not an archaeological site, but the Supreme Court is. Similar kinds of archaeological evidence may be expected to be found in association with these parts of the Supreme Court building, and the standing building itself will be amenable to analysis using buildings archaeology techniques.

Other archaeological features that may survive include rubbish pits, latrines and boundary walls. The courtyard between the three main buildings, where Test Pit 1 was located and under the 1981 Judges' offices, is a likely place to find features of this kind, though they weren't encountered during the current investigation.

The reclamation fill is also an archaeological feature. Piles from the 1840s jetty will almost certainly survive in the reclamation fill, as may other features. Previous geotechnical test pits dug in 2003 around the Supreme Court building also showed the reclamation fill as generally unstable, especially once the water table was reached. Traces of brick, rubbish and concrete were recorded in all four pits to depths of at least 1 m. In Test Pit 4, at the north corner of the building on Whitmore Street, the marine sediments beneath the reclamation fill were reached at 3.3–3.6 m and “traces of seeds, wood fibre, shells and leather” (Connell Wagner 2003) were recorded. This indicates either that the raised seabed may have been used for various purposes between the earthquake and the start of reclamation, or that preparatory work for the reclamation has left its trace on the former ground surface, or both. It is likely that this surface will be revealed during the excavation through the reclamation fill for the car park basement.

Assessment

An archaeological assessment of effects is based on both the results described in the previous section and an assessment of the values and significance of the archaeology. The following assessment relates only to archaeological values. Other interested parties, in particular tangata whenua, may hold different values regarding the proposed development.

Assessment of values and significance

Despite the apparent simplicity of the archaeology, these buildings, in particular the Supreme Court, Police Station and Magistrates Court, were important Government buildings and emblematic of the New Zealand's increasing political maturity in the late 19th century. On historic, social, aesthetic and scientific grounds Chris Cochran has rated the Supreme Court building as being of National Significance, with most of its major elements rating as exceptionally significant (he notes that it is also registered as a Category 1 by the New Zealand Historic Places Trust and is scheduled on the Wellington City Council District Plan). While the other buildings are no longer standing, on many of the same grounds they are highly significant archaeological sites, particularly as regards their historic, social and scientific (construction methods) values.

In addition to this, any archaeological investigation associated with the construction of the new Supreme Court building will be highly visible and has the potential to generate considerable public interest. This is another value and a potential source of significance.

Assessment of effects

Although final engineering plans for the proposed construction are dependant on the results of the geotechnical testing, it is safe to assume that all, or nearly all, remaining foundations, rubbish pits, latrines and other features will be severely modified or destroyed by construction. Parts of the reclamation fill will be removed to provide a car parking basement and the piles of both the main buildings and the 1840s jetty may also be modified or destroyed. Piles for the new building are likely to be driven into the former sea bed.

Recommendations

These recommendations are only made on the basis of the archaeological values that have been outlined above. Any cultural values associated with tangata whenua can only be determined by them, and any historical or social values associated with other interested parties are best determined by qualified specialists:

- that the three buildings and the Supreme Court be recorded as archaeological sites in the New Zealand Archaeological Association site recording database;
- that further historical research be undertaken on all aspects of the development area from a specifically archaeological viewpoint;
 - that if the position of the 1840s wharf can be determined, that it also be recorded as an archaeological site;
- that an Authority to modify, damage or destroy the sites be applied for from the New Zealand Historic Places Trust under Section 11 of the Historic Places Act (1993);
 - note that this is a legal requirement;
 - note that the authority may take three months to be processed from the date of lodgement;
- that a comprehensive research design and excavation strategy be prepared in consultation with the New Zealand Historic Places Trust;
- that a comprehensive archaeological management plan be prepared in consultation with the New Zealand Historic Places Trust, the site engineer and the primary contractor;
- that since this survey does not address sites of traditional significance to Maori, or wahi tapu, the appropriate tangata whenua authorities should be consulted regarding the possible existence of such sites, and the recommendations in this report;
- that other interested parties who may be known or who may identify themselves be consulted regarding the recommendations in this report.

References

Cochran, C. in prep. Supreme Court 42 Stout Street, Wellington, conservation report.
Connell Wagner Ltd. 2003. Old High Court restoration, Central Wellington, geotechnical investigation report. Unpublished report.