

## Old Time Story Of St. John Court House

The Building, the Judges and Some of the Trials of the Long Ago Recalled in Article From Newspaper of the Sixties.

The following history of the St. John court house, now in ruins, is copied from a St. John newspaper published in the early sixties of the last century—  
**Our St. John Court House; Its History and Traditions.**

The organization of Courts of Justice in St. John was one of the first measures which engaged the attention of the Loyalist founders of the city. However good or virtuous men may be, it has been found, in practice, impossible to establish a state of society of such Arcadian simplicity that disputes will not arise among its members; and however excellent a community may be, unworthy men will occasionally find their way into it who require the attention of the law. Therefore, as soon as our ancestors had succeeded in establishing New Brunswick as a separate Province the formation of a Supreme Court followed as a matter of course, and no unnecessary delay was incurred in carrying this work into effect. More than a year before the first meeting of the Legislature the Courts of New Brunswick were in working order and had been the means of bringing more than one unfortunate criminal to the gallows. Prior to the 15th of August, 1784, New Brunswick formed

A single county of Nova Scotia under the name of Sunbury. On that day the separation was effected which divided the ancient territory of Acadia into two British Provinces, with separate Legislatures and Courts of Justice.

The organization of the Supreme Court of the new Province of New Brunswick was effected on the 25th of November, 1784, Duncan Ludlow being sworn in as Chief Justice, with James Putnam, Isaac Allen and Joshua Upham as Assistant Justices. At this time St. John was called Partown, and it had not reached the dignity of a city. It had no public buildings, either for legislative or civil purposes, and its private dwellings were few and unpretending in character.

The first frame building erected in St. John was a place of worship, which was used as an Episcopal church until the opening of Trinity church, on Christmas day 1791. This building was erected on lot No. 121, German street, between Duke and Queen streets, the same lot upon which the residence of James MacMillan, Esq., now stands. It was there that the first sitting of the Supreme Court for the transaction of business was held on the 1st Feb., 1785. The Hon. George D. Ludlow and the Hon. Jas. Putnam were on the bench and the commissions of the Judges were opened and read. The commission of Ward Chipman, the Attorney General, was also read, and that of Colin Campbell, the Clerk of the Court, who was then sworn in. J. W. Lawrence, Esq., president of the New Brunswick Historical Society, has in his paper on the "first courts and early judges of New Brunswick" read before that society gone at length into the proceedings at this sitting of the Supreme Court, and as we made a pretty full abstract of that valuable paper at the time it was published, it is unnecessary for us to do more than glance at that part of our subject.

**The First Criminal Trials.**  
Five persons were tried for criminal offences at this first Court. Nancy Mosley was found guilty of manslaughter and sentenced to be branded in the draw of the left arm in open Court and then discharged. Michael and Abraham Mings both malcontents, were tried for burglary and found guilty. Both were sentenced to be hanged but the sentence was only carried out in the case of Michael Mings, Abraham being

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improved, and made more worthy of the occupancy of the Judge who presides over it, and of the importance of its duties. The old court room, which is on the second story, is a very fine apartment. It is sufficiently large and quite airy, and the view of the city from the balcony on its north end, but this gallery was found to be a nuisance, and it was walled up many years ago. At the south end of the court room is a retiring room for the Judge and another for the barristers, the former communicating with a private entrance. The jury room, excepting on which is used in ordinary cases, are all on the third story. So much for the interior fittings of the building which the people of St. John were so proud forty-six years ago.

**The Court House First Opened.**  
The new St. John court house was first opened on Tuesday, Sept. 1, 1820, at the sitting of the court of quarter sessions of the peace for the county. His worship the mayor, Laughlin Donaldson, Esq., was now dead, on that occasion, in a very appropriate speech, complimented the community on the completion of the important undertaking, and the liberality shown by the citizens of St. John in paying their assessments for the purpose, even in the hard times, without murmuring.

**The First Circuit.**  
The new court house was opened for the first time for the use of the supreme court at the January circuit of 1820, by Judge Botsford. In his charge to the grand jury he said "he congratulated them and the community on having such an edifice for the accommodation of the courts of justice, and expressed the hope that the building might long stand as a monument of the public spirit of the people, and of the interest they take in the administration of justice, and that it would never be polluted by a partial and corrupt administration. Yet laws, however faithfully administered, could not, of themselves, effectually secure the

welfare and stability of a country; for equity and morality are the foundations of true greatness; they are the pillars upon which the British Constitution rests, and by which it is supported."  
Such were the impressive words which Judge Botsford opened the new building which the people of St. John had reared as a Temple of Justice. They were worthy of the bench of New Brunswick, and of the occasion on which they were uttered.

The bench of New Brunswick at that time was composed of the following judges:  
Hon. John Saunders, chief justice, residing at Fredericton;  
Hon. John Murray Bliss, puisne judge, residing at Belmont, Sunbury county;  
Hon. Wm. Botsford, puisne judge, residing at Westport, Westmorland;  
Hon. Ward Chipman, puisne judge, residing at St. John.

The attorney-general of that day was Charles J. Peters of Fredericton. The solicitor-general was George Frederick Street of Fredericton, who afterwards became a judge of the supreme court. These two gentlemen were retained at every circuit in St. John in civil suits. The leading St. John lawyers of that period were Robert and Neville Parker, both of whom afterwards became judges of the supreme court; William B. Kinnear, afterwards judge of probate and clerk of the peace; Yng Peters, Le Baron Hazen, Robert F. Hazen, Horatio Nelson Hicks Lugin, Moses H. Perley, James Peters and William Wright, none of whom are now living. Of the men who stood on the roll of barristers of this province when the St. John court was first opened in January, 1820, only five survive. Hon. James Simcoe Saunders, the president of the legislative council; Hon. E. B. Chandler, a member of the same honorable body; George Jarvis Dibble, clerk of the peace for the county of York; and William Carman, the venerable and respected clerk of the peace of the supreme court. Not a single member of the St. John bar of that day is now living.

**The First Murder Trial.**  
In 1820, at the August circuit, Adam Hull was tried for the murder of his mother-in-law. The unfortunate prisoner was a colored man of many stature, and a general favorite, and it appears he committed the murder with an axe while in a state of intoxication. He was convicted, found guilty, and, as prisoners were rare in those days, executed. Joseph W. Lawrence, Esq., to whom we are

included for much of the information contained in this paper, was in the court room when the sentence of death was pronounced on Hull. He died truly penitent, and in his last days was attended by Revs. Enoch Wood and William Harrison, both of whom still survive. There was much sympathy felt for the unfortunate man; but no one seems to have thought of trying to get the sentence changed, and so he was left to his fate.

**The Hooper Trial.**  
The January circuit of 1831 was presided over by His Honor Ward Chipman. For nearly two years prior to that time he had been in Europe in connection with the northeastern boundary questions. His charge to the grand jury was the most exhaustive which up to that time had been delivered in New Brunswick. It was at that circuit that the trial of the King against John Hooper took place. He was charged with publishing a libel against the judges, lawyers, sheriff and clerks of the New Brunswick courts in the St. John Colonist of which he was the editor and proprietor. The motto of this paper was "the pen is mightier than the sword," and Mr. Hooper claimed to be the author of this saying. He conducted his own case against the attorney-general, and addressed the jury in a speech which lasted from 10 a. m. to 3 p. m. The jury were out all night and returned in court at noon next day with a verdict of acquittal. Mr. Hooper was not the author of the article; it was written by a gentleman living in the northern section of the province, and given to Mr. Hooper by a person who copied it.

The courts which now sit in the court house or which are entitled to sit there are five in number, the supreme court, the county court, the Vice admiralty, the city court and the court of sessions. The three rooms—the supreme court room, the city court room and the council chamber—are available as court rooms, and it not infrequently happens that all three are occupied for judicial purposes at the same time. Sometimes two judges of the supreme court are holding nisi prius sittings in the court house at the same time, and sometimes the county court has its sittings, while the supreme court is in session. The council chamber has frequently been used by the supreme court and many important trials have been held in this room.

**Other Uses.**  
The court house has been, ever since

its erection, used for levees and other public purposes of a similar character. It was in that building the Prince of Wales held his reception when he landed at St. John, and likewise his brother, Prince Arthur. Many governors and commanders-in-chief have been received in its apartments, and the other public uses to which the building has been put are numerous. Its halls have echoed with sounds of merriment and tones of sorrow; it has witnessed scenes that might draw tears from a stolid and incidents which might provoke the laughter of a Diogenes.

**Its Political Uses.**  
From the very opening of the court house it has been the scene of all the contests for legislative honors that have taken place in this country. There many a man who was willing to offer himself on the altar of his country has made his maiden bow to the public. There, many have made their last. The death of George IV. in 1830 caused the dissolution of the legislature and thus led to a contest that year, and gave the new court house its first introduction to political life. The elections in those times lasted fifteen days, which gave the free and independent citizens an ample opportunity of becoming excited over the contest. The candidates for the city of St. John at the election of 1830 were Thomas Barlow, Wm. B. Kinnear, Benjamin L. Peters and Gregory Vanhorne. The following table, which shows the state of the poll on each day of the fifteen election lasted, will perhaps interest some of those who remember this event:

	Barlow	Kinnear	Peters	Vanhorne
First day .....	23	11	25	5
Second day .....	86	51	56	21
Third day .....	142	96	91	49
Fourth day .....	189	134	122	64
Fifth day .....	238	186	167	102
Sixth day .....	346	250	229	155
Seventh day .....	378	274	244	165
Eighth day .....	440	296	258	174
Ninth day .....	488	321	286	192
Tenth day .....	498	336	294	185
Eleventh day .....	467	346	309	191
Twelfth day .....	518	379	318	201
Thirteenth day .....	547	402	381	210
Fourteenth day .....	593	441	417	237
Fifteenth day .....	661	495	482	260

It is needless to say that Messrs. Barlow and Kinnear were returned, although Donahue's stables, Waterloo street.

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Charles Smith, teamster, of Thorne avenue, met a heavy loss yesterday when a valuable horse, five years old, and purchased less than a month ago for \$800 dropped dead in front of William Donahue's stables, Waterloo street.