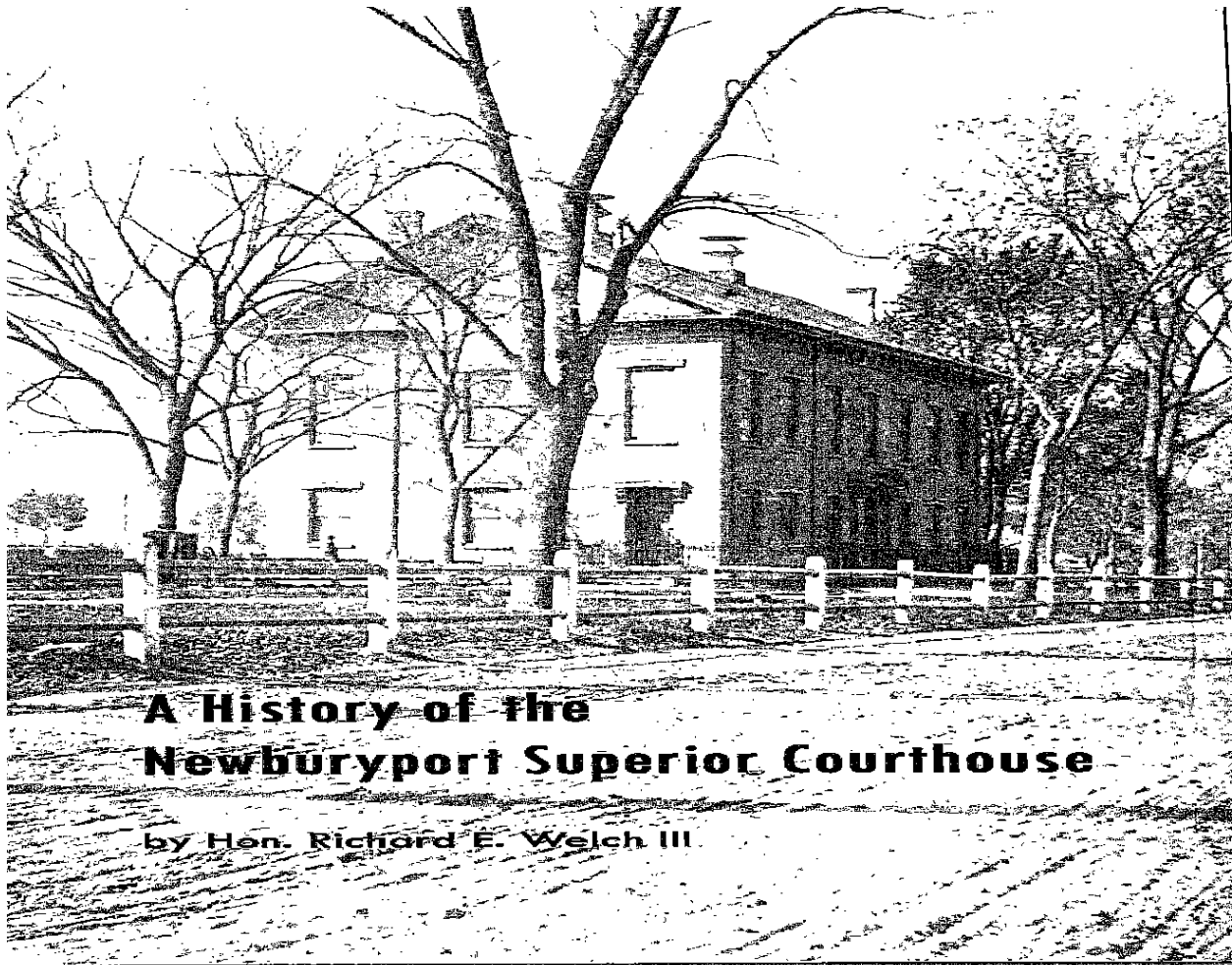




A History of the Newburyport Superior Courthouse

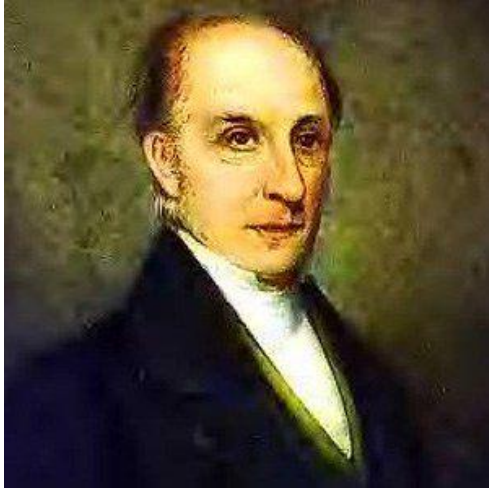
by Hon. Richard E. Welch III

A History of the Newburyport Superior Court

By Honorable Richard E., Welch, III [Additional Images added by P. Preservationist]

In 1805, Newburyport, Massachusetts was in its heyday_ It ranked as one of the – wealthiest and most important cities in the young United States. Like Boston and Salem, the merchant class of Newburyport was amassing astonishing wealth through the shipping trade. The Georgian_ and Federalist homes that still line High Street were being constructed. Prominent Newburyport Federalists still wielded great political clout in Massachusetts and with the federal government. This assured those dignitaries such as George Washington, Thomas Jefferson, Aaron Burr, and the Marquis de Lafayette visited town.

In 1804, the townspeople of Newburyport authorized the building of a courthouse near the intersection of High and Green Streets abutting the Frog Pond. The noted early



American_ architect Charles Bullfinch was hired to design and supervise the construction of the building. Compared to the present, public construction regulations must have been less complex and construction much more efficient for the courthouse was completed the very next year. In 1805, the courthouse was opened to the public. This brick building, with its simple but graceful courtroom on the second floor, has served as a courthouse ever since. The courtroom, with its tall windows, simple white woodwork, and understated grace has been a

model for any number of courtrooms throughout the United States. Although there are older courthouses in America, all have been relegated to museum or ceremonial status. The Newburyport Superior Courthouse is the oldest regularly operating courthouse in the United States. As was true in 1805, citizens from Essex County come to this courthouse on a daily basis to serve as jurors or to seek justice in both criminal and civil matters.



The front exterior of the courthouse designed by Charles Bullfinch looked considerably different than it does today. As can be seen by the etching reproduced here. Bullfinch originally designed the front of the courthouse to have graceful arches on the first floor that provided an open arcade and a small interior first floor that led up to the second-floor courtroom. Copies of Bullfinch's original plans hang in the first-floor gallery of the courthouse. Bullfinch's original

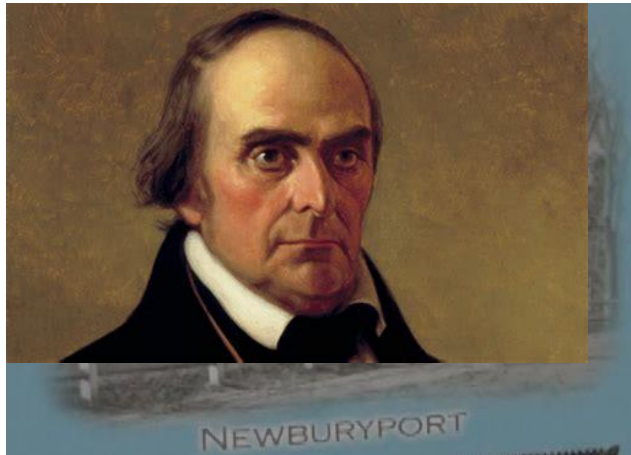
design also featured a roof with two peaks and a statue of a blindfolded female figure holding the traditional scales of justice. In 1853 the city sold the courthouse to the county. Essex County, perhaps seeking a more efficient use of space and displaying considerably different artistic sensibilities, completely remodeled the front to the courthouse. The roofline was changed to a single peak, the statue of justice removed {its

remains can be found at the Custom House Museum in Newburyport and the open-air arcade was eliminated. In its place a more formal set of windows and a massive front door enclosed the first floor. As one architectural commentator noted "finally adding insult to injury, the whole building was coated with mastic cement to resemble stone." Fortunately, the mastic cement was later removed and the traditional brickwork exposed. The original Bulfinch design can be seen best by viewing the back of the courthouse facing the Frog Pond. One will note the lighter and more simple arched windows typical of Bulfinch's handiwork.



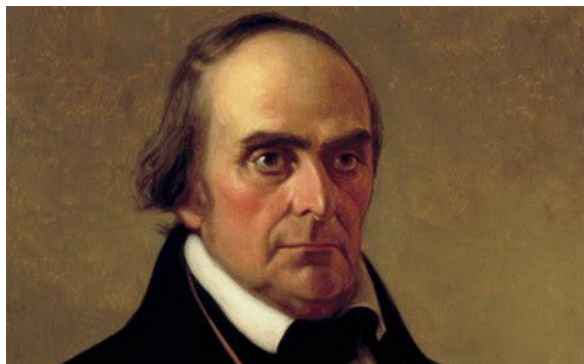
As mentioned earlier, the Newburyport Superior Courthouse has been a working courthouse since the early days of the republic. In the second-floor courtroom, a young John Quincy Adams handled his first cases. John Quincy Adams apparently tired of

Newburyport but the age's most famous trial lawyer, Daniel Webster, soon tried several notable cases in this courthouse.



One of Webster's most memorable criminal defenses occurred in this courtroom in 1816 when he convinced a jury that the two somewhat disreputable brothers, by the name of Kenniston did not commit an alleged highway robbery on a hill in Newburyport (now known as Mosely Avenue). Webster began his reputation-making defense by strongly implying that the robbery had been staged by the alleged

victim for, as he informed the jury, such things did not occur in Newburyport: "No town is more distinguished for the general correctness of the inhabitants of its citizens". During his closing arguments, Webster according to one observer, "fixing his eye on the alleged victim with "a glance that caused him to quail with conscious guilt" convinced the jury that the robbery was a sham "with a burst of eloquence scarcely equaled in the annals of jurisprudence". Due to Webster 'successful defense the location where the robbery-allegedly occurred became known as "Sham Hill".



Of course, the eloquence of lawyers did not stop with Webster. Noted nineteenth century lawyers such as Rufus Choate and Caleb Cushing followed. The court room recently has hosted everything from high profile murder trials which receive national attention to complex business disputes and even the simplest slip and fall civil action.

Although both the Supreme Judicial Court and the Appeals Court have held sessions in the courtroom, this is a trial courthouse. Throughout this 200-year history, on a daily basis, the citizens of Essex County have been assembling as jurors and the lawyers of the Commonwealth have been trying cases on a daily basis.

The life of a functioning courthouse is rarely static. One often might catch glimpses of the development of the United States through studying a public building as old as the Newburyport Superior Courthouse. First, it was a symbol of the importance of an early American shipping port and designed as a leading example of the British influenced federal style of architecture. Then in the 1850's, after Newburyport's influence had



faded, it was sold and changed to reflect the more solid Italianate style typical of many American public buildings of the time. Later its brick exterior was restored to comport with mid 20th century desire to preserve early American history. In July 1976, the building -was placed on the National Register of Historic Places. But perhaps the most bizarre turn of

events for this courthouse was when it became the object of a bombing plot in 1976. The courthouse suffered serious damage when a group of political radicals planted explosives in the courthouse on a summer night in 1976. Why this courthouse was selected as a symbol of American power or arrogance remains unclear. Nevertheless, considerable damage was done. Spearheading the effort to repair and reconstruct the courthouse was Superior Court Judge Andrew Linscott. His portrait hangs in_ the rear of the courtroom. The renovations were completed three years later, and the courthouse has not been altered since that time.



Whether one is a juror, a litigant, a lawyer, or a judge, one treads with history in this courthouse. Often, one's surroundings do make a difference. Justice delivered in. this courthouse is often enhanced because the judges, the jurors, the attorneys and the parties know either consciously or instinctively of the efforts made by generations before to provide and to preserve a

place of justice.