

## The Old High Court – Dark Times

Between 1881 and 1961, there were at least seven trials held in the Old High Court where the defendant was convicted of murder and subsequently executed. The death penalty was abolished after 1961.

*Discretion is advised – the following accounts of crime include information on the death penalty. Please take care of yourself when reading these accounts.*

**1897**                      **Etienne Jean Brocher**  
Justice Edwards

Living in Petone under the fake name of Stephen Boshier, French immigrant Etienne Brocher was convicted of murdering Joseph and Emma Jones. The elderly Joneses owned a small shop near where Brocher lived. Stabbed to death by an unknown assailant, the couple's bodies were found the next morning by a neighbour after Brocher, who had gone to collect a package from the shopkeepers, failed to get a response from them.

Suspicion turned to Brocher after a local drunk man's whereabouts on the night of the murders had been verified. The trial was held over several months and was adjourned several times. The case against Brocher was purely circumstantial, but other external matters portrayed him as guilty of something: Brocher was charged with murdering the Joneses while serving two years' imprisonment both for stealing and attempting to sell property and for being married to Mary Anne Reece while still being legally married to his first wife, Josephine Libeau.

On 24 March 1897, the Evening Post reported that while the evidence was so inconclusive that the case against Brocher must fail, once all the "damning circumstances of time and place" started to fit together, it was clear "the man who had committed this awful crime was in the toils and the law would be avenged".

Brocher was found guilty and was executed on 21 April 1897.

**1898**                      **Frank Philpott**  
Justice Edwards

A bootmaker by trade, Frank Philpott (also known as Halcyon Maida Stanhope) was charged with murdering his 21-year-old friend, Ernest Hawthorne. Hawthorne disappeared from his bush camp on 7 September 1897 and his body was later found buried in a shallow grave in the bush at Silverstream, Upper Hutt. He had been shot by his own gun.

The Crown prosecutor asserted that Philpott was motivated to kill Hawthorne because he was known to have 27 sovereigns on him when he died.

The trial was made more sensational for the public by the actions of the defence counsel who was frequently rebuked by the judge for his fierce outbursts. When the defence counsel accused the Crown prosecutor of scoffing at his questions, Justice Edwards struck the desk in fury and told him "you are trifling with the court, sir".

Philpott was found guilty and died on the scaffold on 23 March 1898.

**1905**                    **James William Ellis**  
Justice Denniston

James William Ellis (also known as John McKenzie) was charged with murdering his boss, Leonard Collinson. In 1904, Ellis was in the Wairarapa working with a group that was cutting scrub. He was treated badly and left the group, making threats against Collinson. Sometime later, in an isolated area of bush, Collinson died after being shot. Seen as the main suspect, Ellis evaded arrest for 10 months before being found in a shepherd's hut. Thirteen years earlier, in the same courtroom, Ellis had been found guilty of raping an 11-year-old girl. He was sentenced to 12 years' imprisonment and two floggings of 30 lashes each. Considered a 'special class' prisoner (well-behaved), Ellis' sentence was cancelled and he was released in 1891. He had served nine years in prison and had received the flogging, a punishment where a prisoner was struck with the cat o' nine tails across his bare back for a given number of strokes. (The last flogging took place in 1935, and was abolished as a sentence in 1941). On whether Ellis murdered Collinson, the jury deliberated for two hours before returning with a guilty verdict and a recommendation of mercy on the ground of great provocation. No mercy was shown though. Ellis was hung on 28 February 1905.

**1923**                    **John Tuhi**  
Justice Chapman

"The trial of the young Māori, John Tuhi, on a charge of murdering his employer, Herbert Henry Knight, at Johnsonville, on or about 17th October last" was held in the Old High Court in March 1923. The trial included evidence of the post-mortem examination of the deceased and blood stain evidence from Government Bacteriologist Frederick Armitage.

Several parties suggested Tuhi was not responsible for his actions. There were two petitions suggesting he was deficient mentally. Tuhi was assessed by the Inspector General of Mental Hospitals along with the doctor in charge of the Porirua Asylum, both of whom found there were no grounds for suggesting Tuhi was not responsible for his actions. Both petitions and the report were laid before the Governor-General and Cabinet.

The death sentence was upheld; Tuhi was hung on 19 April 1923.

**1923**                    **Daniel Cooper**  
Justice Chapman

Daniel Cooper was charged with performing illegal abortions as a 'health specialist'. He was arrested at his office on Lambton Quay. A young woman named Mary McLeod then came forward claiming Cooper had taken her newborn illegitimate child, which she had not seen since.

During the subsequent investigation, the police dug up the bodies of 3 infants in the Coopers' garden in Newlands. Cooper and his wife were formally charged with murdering Margaret McLeod on 17 January 1923. During the trial, evidence was produced about the alleged adoption of other infants by the accused and the dead bodies of other infants buried on the property.

The jury returned a verdict of guilty for Cooper, but his wife was acquitted. Cooper's counsel appealed on the grounds the evidence about the other infants was wrongly admitted. Chief Justice Stout dismissed the application.

Cooper was executed on 16 June 1923.

**1931**                      **George Errol Coats**  
Justice Blair

In 1931, 17-year-old Phyllis Symons left her parents' home to live with a relief worker, George Errol Coats, in an Adelaide Road rooming house in Wellington. Her parents were later given a suicide note by a man who had received it from Coats, that their daughter supposedly had written. The police were called in.

Coats was working on the Mount Victoria Tunnel excavations and Detective Murray was convinced Symons' body would be found there. He was suspicious of Coats as the relief worker had been seen digging there the night Symons, who was pregnant at the time, went missing.

A large party of police and 40 relief workers shifted 2,000 tons of soil in the search for her body. After five days of digging, Symons' body was found. The pathologist, Dr P Lynch, concluded Symons had knelt beside the grave with a scarf tied over her head and had been hit on the head several times.

On trial, Coats claimed he had taken Symons to the landfill where he had gone to relieve himself. When he returned, he found her by a rock and thought she must have fallen on it. He was scared so he buried her body. The defence brought forward medical evidence and the trial turned into a contest between the medical experts.

Coats was found guilty and was executed on 17 December 1931.

**1933**                      **George Edward James**  
Chief Justice Myers

On 30 June 1933, 57-year-old engine driver George Edward James was rescued from the Wellington harbour at Thorndon and taken to the hospital. Later that day, the body of Cecilia Smith, a widow he had been living with, was found in their flat.

James had been seen leaving the flat with a 4-year-old boy, Noel, who was Smith's son. The boy was heard saying to James, "Are we going for a ride on the bike, daddy?" James was then seen riding his bike toward Kilbirnie with the boy on it.

Noel's body was found at Point Halswell. It was believed James had either hit Noel on the back of the head with a rock or thrown him onto the rocks, stunning him. James then placed the boy in a depression between the rocks where he drowned. James was not charged with Noel's death. There was no discussion in the media as to why he was never charged.

James claimed he and Cecilia had not fought and that it had been an accident with a knife that had caused her fatal injuries. A tenant of the building where they lived testified that there had been an argument, he had heard screams and that Cecilia called out, "Oh George, go for the doctor, I'm done". The person hearing this did not intervene or call the police.

The jury returned a guilty verdict and James was executed on 15 December 1933.

#### *DISCLAIMER*

*These accounts have been taken from the media reports written at the time of the trials rather than the court records. There may be some inaccuracies. The intention is to offer an insight into each case. You can view these newspapers on the [Papers Past website](#).*