

Reference Guide 2: Justice Records

**Criminal, Civil, & Miscellaneous Cases;
Bankruptcies & Deceased Estates;
Divorce, Maintenance, & Family Proceedings Records**

Summary

The first part of this guide is an introduction to the criminal, civil, and miscellaneous case records that we hold from the numerous Magistrates'/District Courts of the Canterbury and Westland regions, and also from Supreme/High Court sittings held in Canterbury and Westland; associated records from agencies such as the New Zealand Police are also discussed. The second part of the guide focuses on records relating to the courts' (and other agencies') administration of bankruptcies and deceased estates (e.g. **probate files**). The final part of the guide concentrates on the divorce, maintenance, and family proceedings records that we hold from the courts.

- April 2020

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Introduction

Court Records held in the Christchurch Regional Office

We hold a large body of archives transferred to us by the numerous courts of the Canterbury and Westland areas. These include archives from the Magistrates'/District Courts (including the Children's/Youth Court and the Family Court), the early or 'old' District Courts (1858-1909), the Wardens' Courts and Licensing Courts, and also from Supreme/High Court sittings held in Canterbury and Westland.

Currently, the archives that we hold from the courts date from the 1850s to the early 2000s. As we regularly receive new transfers of court records, and as not all of the different types of court records that we hold are discussed in this guide, it is always best for researchers to check with an archivist or on Archway for the most up-to-date status of our holdings:

 www.archway.archives.govt.nz

This guide concentrates on the archives that we hold from the courts and associated government agencies in relation to criminal, civil, and miscellaneous cases, bankruptcies and deceased estates, and divorce, maintenance, and family proceedings.

We also hold records from the Maori Land Court covering the South Island and Chatham Islands areas but these are not discussed in this guide; for more information about these holdings see **Reference Guide 5 - Land Records**. Likewise the archives of the Wardens' and Licensing Courts of our regions are not covered by this guide, for more information about these holdings see **Reference Guide 6 - Family History**.

We hold records from:

- **Canterbury Courts:** Christchurch and Timaru sittings of the Supreme/High Court; and the Magistrates'/District (including Children's/Youth Court and the Family Court) and/or 'old' District Courts of Akaroa, Amberley, Arowhenua, Ashburton, Cheviot, Christchurch, Coalgate, Culverden, Cust, Darfield, Fairlie, Geraldine, Hampden, Hanmer, Kaiapoi, Kaikoura, Leeston, Little River, Lyttelton, Malvern, Methven, Oxford, Rakaia, Rangiora, Sheffield, Southbridge, Temuka, Timaru, Waiau, Waimate, & Waimea.
- **West Coast Courts:** Greymouth, Hokitika and Westport Supreme/High Court sittings; and the Magistrates'/District (including Children's/Youth Court and the Family Court) and/or Wardens' Courts of Ahaura, Arnold, Barrytown, Brunnerton, Camptown, Charleston, Cobden, Denniston, Dunganville, Goldsborough, Granity, Greenstone, Greymouth, Hokitika, Jackson's Bay, Kanieri, Karamea, Kumara, Lyell, Matainui, Matakiki, Murchison, Okarito, Reefton, Ross, Seddonville, Stafford, Waimangaroa, Westport, & Whataroa.

Many of the court records that we hold are subject to **access restrictions** put in place by the Ministry of Justice to protect the privacy of the individuals whose details appear within them. Each section of the guide outlines the access conditions that pertain to the particular type of record being discussed, and how, and to whom, researchers can apply for permission to access restricted material.

To find out more about a particular court's history, the geographic area it covered, and the legal jurisdiction for which it was responsible, you can conduct an 'Agency' search on Archway by using the court's name as a keyword; contextual historical information appears under the 'History and Notes' section of the 'General' tab that loads for each agency. Ask an archivist for assistance with this if you are unsure.

A Quick Guide to Court Name Changes:

Court names can be confusing, as the various courts changed their names over the years, and sometimes (e.g. in the case of 'District' Courts, and latterly the Supreme Court) names of disestablished courts were reused later on to refer to completely different courts. Here is a quick guide to explain the name changes that impact on our records series:

- **Resident Magistrates' Courts (1846-1893) → Magistrates' Courts (1893-1980) → District Court (1980-current)**
- **Early or 'old' District Courts (1858-1909)**
- **Children's Court (1925-1975) → Children and Young Persons' Court (1975-1989) → Youth Court (1989-current)**
[A division of the current District Court, formerly a division of the Magistrates' Courts]
- **Supreme Court (1841-1980) → High Court (1980-current)**


1. Criminal, Civil, & Miscellaneous Case Records

We hold registers, files, and associated material from the Magistrates'/District Courts (including the 19th century or 'early' District Courts) and the Supreme/High Court relating to criminal, civil, and miscellaneous cases in the Canterbury and Westland regions.

Criminal Cases

If you are researching criminal cases over 100 years old, and do not know which court a case was tried in, or exactly when, use **the New Zealand Police Gazettes** (see **Police Records** below for details) which may contain a relevant *Return of Prisoners Tried* which should have all of the summary details of a case that you need to search for relevant court material (the Archway series numbers of the archived *Returns of Prisoners Tried* from different courts are also printed in bold on the **Court Criminal Holdings** table below).

Papers Past is another excellent avenue for researching the details of criminal cases prior to conducting a search of our records - and quite often the information contained in the historical newspapers is much more substantial than that contained in any extant court records that we may hold:

 <https://paperspast.natlib.govt.nz/>

Most criminal offences are dealt with by the Magistrates'/District Courts, except in the case of serious crime. We hold many Criminal Record Books (and Indexes) which contain summary information on cases, but only very few detailed Criminal Case Files from the numerous Magistrates'/District Courts throughout the Canterbury and Westland regions. In cases where we do hold files from these courts, they are generally only a small sample of files from a very limited time period (e.g. 5 to 10 years). We also hold Children's (Youth) Court criminal records, detailing proceedings relating to children 16 years of age or under. See the **Court Criminal Holdings** table below for record series details. It is important to remember that if, subsequent to a Magistrate's/District Court trial, a person is sentenced in the Supreme/High Court, the Sentencing File will be found amongst those records.

Major criminal cases are heard at the Supreme/High Court. We hold detailed Trial Files, Sentencing Files, Appeal Files, and associated registers relating to these cases, as well as a number of other relevant records series, from Christchurch, Greymouth, Hokitika, Timaru & Westport Supreme/High Court sittings. See the **Court Criminal Holdings** table below for record series details.

A 'Series' search on Archway will enable you to find out more about the extent and nature of the information that can be found within each type of court record; simply click on the section 'More information and index' on the 'General' tab which loads when you conduct a series search. Ask an archivist if you need assistance with this.

Indexes/Finding Aids/Ordering Items to View

All court records relating to crime and punishment of individuals are **restricted for 100 years** from the date of last entry. **Restricted criminal files are not listed by name on Archway**; only file listings over 100 years old are searchable, and while some of these have been listed by name (case) on Archway, many are listed only by their file numbers. Where that is the case, the prisoner returns (or later on) the relevant registers, if unrestricted, will need to be searched for file numbers.

 www.archway.archives.govt.nz

Remember, quite often, an entry in a return or register may be all that we hold relating to a criminal case - a related case file has not always survived.

Unrestricted items can be ordered for viewing in our Reading Room via Archway. See the records tables below to obtain the **series numbers** that will assist you to search through lists of our criminal holdings from the courts on Archway; when searching for files, using the 'Series' search function is a quick way to establish the date range of files held from a particular court. Ask an archivist for assistance with Archway searching and ordering if you are unsure.

Access - Criminal Case Records

All court records relating to crime and punishment of individuals are **restricted for 100 years** from the date of last entry. Some records which contain information on criminal cases, such as Judges' Notebooks, and Minute Books from the Magistrates'/District Courts are also subject to an **indefinite restriction**.

Who do I write to in order to request access permission?

Please refer to the relevant court that transferred the records (or its successor); ask an archivist if you are uncertain:

 www.courtsofnz.govt.nz/utilities/contact/courts

All requests for permission to access restricted records should provide information about the reason for the research. The process for considering requests to access court criminal records can take some time depending on the nature of the request but in most cases, the Ministry of Justice aims to provide a response to requests within 8 weeks of application.

Court Criminal Holdings

<i>Court (and Records Available)†</i>	<i>Date Range of Material‡</i>	<i>Series Numbers (Prisoner Returns Series in Bold Print)</i>
Ahaura Magistrate's Court (Criminal Record Books)	1914-1931	3516
Akaroa Children's Court (Files)	1932-1934	18544
Akaroa Magistrate's Court (Criminal Files, Criminal Record Books, Conviction Files)	1864-1978	18515, 18664, 26378
Amberley Magistrate's Court (Criminal Record Books)	1890-1953	2240
Ashburton Children's Court (Criminal Record Books)	1930-1970	12473
Ashburton Magistrate's Court (Criminal Record Books and Indexes, Conviction Files)	1873-1971	12472, 24355, 20349
Brunnerton Magistrate's Court (Criminal Record Books)	1903-1922	3514
Charleston Magistrate's Court (Criminal Record Books)	1881-1920	26346
Cheviot Magistrate's Court (Criminal Record Books)	1898-1949	20623
Christchurch Children's Court (Criminal Record Books and Indexes, Files)	1926-1976	20322, 20323, 20128
Christchurch Magistrate's/District Court (Criminal Files, Criminal Record Books and Indexes, Destitute Persons Criminal Record Books and Indexes)	1887-1982	20127, 20318, 20319, 20320, 20321
Christchurch Supreme/High Court (Appeal Files and Registers, Criminal Appeal and Bail Application Files and Registers, Criminal Registers, Miscellaneous Files and Registers, Return of Prisoners Tried or Committed for Sentence, Sentencing Files and Calendars, Trial Files, Criminal Indexes, Nineteenth Century Appeal Files, Judges' Notebooks, Crown Books, Minute Books, Miscellaneous Papers)	1851-2007	12507, 18439, 22704, 22706, 20317, 2998, 3001, 3002 , 18438, 3032, 20327, 26228, 12477, 20328, 3010, 23432

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Culverden Magistrate's Court (Criminal Record Books and Indexes)	1908-1971	2228, 2227
Darfield Magistrate's Court (Criminal Record Books)	1894-1942	20610
Denniston Magistrate's Court (Criminal Record Books)	1899-1933	26345
Fairlie Children's Court (Criminal Record Books, Files)	1968-1977	26223, 26272
Fairlie Magistrate's Court (Criminal Files, Criminal Record Books)	1930-1977	26271, 26222
Geraldine Magistrate's Court (Criminal Record Books and Indexes)	1928-1969	26225, 26224
Goldsborough Magistrate's Court (Criminal Record Books)	1883-1892	3513
Granity Magistrate's Court (Criminal Record Books)	1908-1932	26344
Greymouth Children's Court (Criminal Record Books)	1926-1970	3434
Greymouth Magistrate's/District Court (Criminal Record Books and Indexes)	1881-1981	3393, 3395
Greymouth Supreme/High Court (Appeal Files and Registers, Miscellaneous Files and Registers, Return of Prisoners Tried or Committed for Sentence, Sentencing Files, Trial Files, Registers of Prisoners for Trial and Sentence, Crown Books, Minute Books)	1902-2003	20204, 20209, 12258, 3458, 3416 , 20281, 12257, 26247, 3423, 3414
Hokitika Children's Court (Criminal Record Books)	1926-1970	3490
Hokitika Magistrate's Court (Criminal Record Books and Indexes)	1865-1970	3463, 3467
Hokitika Supreme Court (Index to Miscellaneous and Criminal Files, Registers of Prisoners for Trial and Sentence, Return of Prisoners Tried, Trial Files, Crown Books, Minute Books)	1865-1948	3461, 3465, 3466 , 24927, 3468, 3462
Kaiapoi Magistrate's Court (Criminal Record Books and Indexes)	1881-1951	2213, 2212
Kaikoura Children's Court (Files)	1974-1976	23376
Kaikoura Magistrate's Court (Conviction Files, Criminal Files)	1876-1885, 1950-1976	20351 23377
Karamea Magistrate's Court (Criminal Record Books)	1909-1935	26343
Kumara Magistrate's Court (Criminal Record Books)	1876-1932	26356
Leeston Magistrate's Court (Criminal Record Books)	1881-1953	20592
Little River Magistrate's Court (Criminal Files, Criminal Record Books)	1881-1931	18597, 20604 [see also item: R22654538]
Lyttelton Magistrate's Court (Criminal Files, Criminal Record Books and Indexes, Conviction Files)	1854-1968	20326, 18456, 18455, 20345
Lyttelton Supreme Court (Miscellaneous Records)	1856-1859	23372
Malvern Magistrate's Court [incl. Coalgate & Sheffield] (Criminal Record Books)	1876-1894	20523
Methven Magistrate's Court (Criminal Record Books)	1866-1947	20615
Okarito Magistrate's Court (Criminal Record Books)	1866-1928	26363
Oxford Magistrate's Court (Criminal Record Books)	1876-1933	2252
Rakaia Magistrate's Court (Criminal Record Books)	1879-1881	12486
Rangiora Magistrate's Court (Criminal Files, Criminal Record Books and Indexes)	1866-1971	23317, 2201, 2200

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Reefton Magistrate's Court (Criminal Record Books and Indexes)	1873-1980	3544, 3545
Ross Magistrate's Court (Criminal Record Books and Indexes)	1907-1932	26360, 26362
Seddonville Magistrate's Court (Criminal Record Books)	1908-1919	26350
South Rakaia Magistrate's Court (Criminal Record Books)	1881-1932	24378
Southbridge Magistrate's Court (Criminal Record Books)	1909-1923	20599
Stafford Magistrate's Court (Criminal Record Books)	1881-1918	26364
Temuka Children's Court (Files, Criminal Record Books and Sheets)	1926-1977	26276, 26208, 26335
Temuka Magistrate's Court (Criminal Files, Criminal Record Books and Sheets, Register of Offenders Under Probation Act 1920, Arowhenua Conviction Files)	1870, 1900-1977	26275, 26206, 26326, 26207, 20350
Timaru & Oamaru [Early] District Court (Criminal Files, Gaoler's Return of Prisoners for Trial, Return of Prisoners Tried)	1871-1904	26330, 26331, 26332
Timaru Children's Court (Criminal Record Books, Sheets, and Indexes, Files)	1926-1976	26324, 26336, 26227, 26204
Timaru Magistrate's/District Court (Criminal Trial Files, Jury Trial Files, Criminal Files, Criminal Record Books, Sheets and Indexes, Register of Offenders Under Probation Act 1920, Conviction Files)	1865-1986	26328, 3170, 26226, 26201, 26325, 26200, 26203, 20347
Timaru Supreme/High Court (Appeal Files and Registers, Miscellaneous/General Register Files and Registers [‡] , Return of Prisoners Tried, Sentencing Files, Trial and Sentencing Registers, Trial Files, Crown Books, Minute Books)	1909-2003	3161, 22196, 3158, 3167, 26462, 22543 , 3162, 22208, 3163, 26205, 3168
Waiau Magistrate's Court (Criminal Record Books)	1871-1881	23340
Waihi Crossing Magistrate's Court (Conviction Files)	1870	20346
Waimate Children's Court (Files, Criminal Record Sheets)	1972-1978	26278, 26337
Waimate Magistrate's Court (Criminal Files, Criminal Record Books, Sheets, and Indexes, Conviction Files)	1868-1979	26277, 26220, 26327, 26219, 20348
Waimea Magistrate's Court (Criminal Record Books)	1865-1867	26365
Westland [Early] District Court [Hokitika] (Return of Prisoners Tried)	1867-1898	26261
Westport Children's Court (Criminal Record Books)	1926-1961	26348
Westport Magistrate's Court (Criminal Record Books and Indexes)	1885-1959	26340, 26347
Westport Supreme Court (Miscellaneous Files and Registers [‡] , Registers of Prisoners for Trial and Sentence, Return of Prisoners Tried or Committed for Sentence, Trial Files, Crown Books, Minute Books)	1868, 1909-1969	12267, 3529, 3526, 3527 , 12261, 3525, 3522
Whataroa Magistrate's Court (Criminal Files, Criminal Record Books, Sheets, and Indexes)	1928-1974	26368, 26358, 26366, 26367
Various Canterbury Magistrates' Courts (Conviction Files)	1863-1912	20325

[†]We also hold Judges' Notebooks and Minute Books from many of the Magistrates'/District Courts, but these records are subject to an indefinite access restriction and so are not listed here.

[‡]This is a broad date range of all criminal material held from a particular court - remember that even where we do hold criminal case files from a particular court - particularly in the case of Magistrates'/District Courts, they are unlikely to cover the entirety of the date range given here. Criminal case files series from the Supreme/High Court are far more extensive in volume, and generally do cover a broad date range.

[‡]In the Canterbury & Westland region, prior to the mid-1980s, Supreme/High Court criminal appeals can be found in the Miscellaneous (& General Proceedings) Registers & Files - after that time separate Appeal Registers & Appeal Files series were created.

Police Records

The **New Zealand Police Gazettes** (1861-1990) are an invaluable source of information for those researching New Zealand criminal cases. These weekly publications (bound into yearly volumes) record police prosecutions, discharged prisoners, and warrants for arrests; as such, they often include details of an individual's place of origin and occupation, as well as physical descriptions and (sometimes) photographs of them. They also provide brief details of an individual's offence(s), and when and where they were tried. In addition, they publicised missing persons, deserters from ships, absconding husbands and school pupils, and unsolved crimes. Police appointments, promotions and dismissals are included sporadically in the earlier volumes, and regularly feature from the early 1900s onwards. There is a nominal index (or sometimes several nominal indexes) at the front of each volume, making research relatively straightforward.

From 1861 to 1876, the only extant *Police Gazettes* are provincial ones from Otago and Canterbury (Canterbury volumes include the West Coast, and commence in 1863). From 1877 to 1990, *Police Gazettes* cover the whole country. **All Police Gazette volumes 70 years old and over are open access.** Hard copies of unrestricted volumes (not including the early provincial *Police Gazettes*) can be ordered to view in the Reading Room, and digital copies (including the provincial *Police Gazettes*) are available for browsing online via Archway, and now also via the 'Magazines and Journals' section of Papers Past (www.paperspast.natlib.govt.nz).

For those researching early Christchurch criminal cases, the **Christchurch Police Record Books of Communications Received and Despatched** (see: Accession CH439 on Archway) can also be valuable. While the individual items of correspondence to which these large volumes refer are no longer extant, the summary descriptions that they contain of letters received and sent by police officers can give useful information on investigations they were undertaking, and significant happenings in the city. We have indexed the earliest volumes (1878-1882), and the indexes are searchable on our in-house index terminal (see an archivist for assistance). Later volumes are unindexed, but are worth researching if you have a reasonable idea of the dates of the incidents that interest you. We also hold some **Warrant Books** and **Diaries** from different police stations in Canterbury and Westland; see Archway for details. **Records 100 years old and over are open access.** **Police Files** were not generally kept until the 1970s, though we do hold a few files relating to high profile cases which pre-date that era. **All of the police files that we hold are subject to a 100 year access restriction**, and the file listings cannot be searched on Archway.

Access - Police Records

Access to all Police records is restricted for 100 years from date of closure, except for Police Gazettes which are restricted for 70 years, to protect personal privacy and personal safety. In addition, those record lists that contain personal information are also restricted for the same period.

Who do I write to in order to request access permission?

National Manager, Legal Services

Police National Headquarters

✉ P.O. Box 3017, Wellington 6140

✉ archives.request@police.govt.nz

Civil Cases

Civil Actions, known from the 1980s as Civil Proceedings, involve legal action brought under civil statute (as opposed to criminal statute), usually by one citizen (the plaintiff) against another citizen (the defendant) for financial or other reasons. We hold a variety of records from the courts documenting these cases.

From Canterbury and Westland Supreme/High Court sittings, we hold **Action/Civil Proceedings Files**, and **Action/Civil Proceedings Registers** dating from the 1850s to the early 2000s. The registers contain the particulars of the plaintiff, defendant, and the progress of the case; case files are far more detailed, comprising documents admitted as evidence, in addition to testimonies and judgements. **Files 60 years old and over are open access**, the **registers are all open access**. Some of the files have been listed by name (case) on Archway, but many are listed only by their file numbers. Where that is the case, the registers will need to be searched for file numbers.

From the Magistrates'/District Courts of our regions, we hold a large number of **Civil Record Books** (later known as **Civil Lists**, which record civil judgements), **Plaint Books** (which record the initial filing of a civil case), and **Judgement Summons Books** (which record applications for summonses to be made to civil debtors to appear before the courts for default of payment). **All of these records are open access**. We also hold a few **Civil Case Files** (to date only a random sample of civil files from these lower courts have been kept, and in the future, only files relating to significant District Court civil cases will be archived), **files 60 years old and over are open access**. Generally civil cases heard in the Magistrates'/District Courts relate to disputes over small amounts of money.

To apply for access to any restricted Civil material, you will need to apply to the registrar of the court that created it (or to the registrar of the successor court). (The contact details of the High Court Registrars can be found below under **Access - Bankruptcy Records**, and those of the District Court registrars under **Access - Maintenance Records & Family Proceedings Files**, and also on Archway).

Miscellaneous Cases

We also hold an extensive amount of material from the courts relating to Miscellaneous Cases, a term which was used by the courts to encompass any cases which didn't fit neatly into the other court records series (e.g. criminal, civil, bankruptcy etc.)

From Canterbury and Westland Supreme/High Court sittings, we hold **Miscellaneous Registers** and **Miscellaneous Files** (sometimes known as **General Registers** and **General Register Files**), which contain material on companies winding up, aged and infirm persons, changes of name by deed poll (pre-1940s), criminal and civil appeals (prior to the mid-1980s), applications by solicitors for admission to the bar, and any other legal issues dealt with by the Court but not covered by other records series. Miscellaneous case records containing sensitive personal information, or information about criminal cases are **restricted for 100 years** from their dates of closure, in line with relevant legislation. **Indefinite restrictions** have been placed on records in which adoption information may be contained; see Archway for further details.

From the Magistrates'/District Courts of our regions, we hold a number of **Miscellaneous Applications Registers**, and a few **Miscellaneous Applications Files**; as with the Supreme/High Court, these cover a wide variety of cases and can include applications for committal to institutions (for alcoholism, drug addiction, or under the Mental Health Act), licensing applications (for an extension of licensing or shop hours, or trading licenses for real estate agents, second hand dealers, and sharebrokers), apprentices, and applications under the Tenancy Act. Miscellaneous case records containing sensitive personal information, or information about criminal cases are **restricted for 100 years** from their dates of closure, in line with relevant legislation. **Indefinite restrictions** have been placed on records in which adoption information may be contained; see Archway for further details.

To apply for access to restricted Miscellaneous material, you will need to apply to the registrar of the court that created it (or to the registrar of the successor court). (The contact details of the High Court Registrars can be found below under **Access - Bankruptcy Records**, and those of the District Court registrars under **Access - Maintenance Records & Family Proceedings Files**, and also on Archway).

2. Bankruptcy & Deceased Estate Records

Bankruptcies

There are **two** key types of bankruptcy records:

- **Supreme/High Court** bankruptcy records
- **Official Assignee** bankruptcy records

We hold Official Assignee's files for Christchurch, Timaru & Ashburton (and registers from Timaru & the West Coast), and Supreme/High Court files, indexes and registers from Christchurch, Timaru & the West Coast.

For every Official Assignee file, there was a corresponding Supreme/High Court file with the same number. The numbers came from the Supreme/High Court Bankruptcy Registers. Cases not proceeded with, struck out, or settled before bankruptcy was adjudged would have a Supreme/High Court file, but not an Official Assignee file.

(We also hold a small amount of bankruptcy material from the early or 'old' District Courts, which administered bankruptcy cases in some regions until c.1909; see the holdings tables below for more details).

What is Bankruptcy?

Prior to 1863, debtors had been punished by being sent to jail, but while incarcerated they had no ability to service or pay their outstanding debts. The Debtors and Creditors Act of 1863 was the first piece of legislation introduced in New Zealand that provided a means of restitution for bankrupts.

The law of bankruptcy makes available the property of an insolvent to their creditors. Its purpose is to:

- Ensure that the distribution among the creditors of what property there is, is fair and that it is proportionate to the amount of their claims.
- Give the debtor a chance of making a clean start, discharged of their liabilities.

Bankruptcies can be voluntary, where the bankrupt party files at the High Court, but does not appear in front of a Judge. Alternatively the creditors can petition the High Court to declare someone bankrupt; in this case both parties appear before a judge.

Information Contained in Bankruptcy Files

- **Supreme/High Court:** Order for bankrupt's discharge, motion for discharge of bankrupt, affidavit by bankrupt in support of application for discharge, motion for assignee's release, statement of accounts and balance sheet with the Audit Office report thereon, debtor's petition, report of assignee, and order of release.
- **Official Assignee:** Notice of adjudication schedule, statement of bankrupt, list of unsecured creditors, liabilities, real estate, statement of bankrupt's affairs, report of the assignee, claimants' letters to Official Assignee, promissory notes, proofs of debt.

Indexes/Finding Aids/Ordering Items to View

There is no complete nominal index of bankruptcy files held by our office, though we have listed Official Assignee bankruptcy files by name on our online holdings database Archway. Restricted Official Assignee bankruptcy files are not listed by name on Archway for personal privacy reasons; only file listings over 70 years old are searchable.

 www.archway.archives.govt.nz

Some of the Supreme/High Court bankruptcy files have been listed by name on Archway, but many are listed only by their file numbers. Where that is the case, court bankruptcy registers will need to be searched for file numbers, or if you have found an Official Assignee file, you could use that file number to see whether we hold a corresponding court bankruptcy file (it will have the same number). In some instances, court files haven't survived, and the registers may be the only source of information. See the records tables below to obtain the **series numbers** that will assist you to search through lists of our bankruptcy holdings on Archway.

Unrestricted items can be ordered for viewing in our Reading Room via Archway. If you have permission to view restricted material (see **Access - Bankruptcy Records**, below), then please provide evidence of this to the Desk Archivist, who will assist you to order the item(s), where possible.

Access - Bankruptcy Records

There is a **70 year restriction** on access to Official Assignee bankruptcy files; Official Assignee liquidation (company bankruptcy) files are unrestricted. There is a **60 year restriction** on access to bankruptcy files, and some bankruptcy minute books from the Supreme/High Court (see Archway if unsure); the Supreme/High Court bankruptcy registers are open access.

Who do I write to in order to request access permission?

Restricted Records from Supreme/High Court sittings in Christchurch:

The Registrar
Christchurch High Court
20 Lichfield Street, Christchurch
 DX WX10021, Christchurch
 0800 268 787, or +64 9 583 1900 from overseas
 christchurchhc@justice.govt.nz

Restricted Records from Supreme/High Court sittings in Timaru:

The Registrar
Timaru High Court
12 - 14 North Street, Timaru
 DX WX10639, Timaru
 0800 268 787, or +64 9 583 1900 from overseas
 timaru.dc@justice.govt.nz

Restricted Records from Supreme/High Court sittings on the West Coast:

The Registrar
Greymouth High Court
60 Guinness Street, Greymouth
 DX WX10403, Greymouth
 0800 268 787, or +64 9 583 1900 from overseas
 greymouth.dc@justice.govt.nz

Restricted Records from the Official Assignee:

NZ Insolvency and Trustee Service

✉ Private Bag 4714,

Christchurch 8140

☎ 0508 467 658

Bankruptcy Holdings**Christchurch**

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Christchurch Supreme/High Court Bankruptcy Registers†	1863-1998 [Gaps]	3003
Christchurch Supreme/High Court Bankruptcy Files‡ (includes Debtors' Petition Files - voluntary bankruptcies to 1997)	1870-1998 [Gaps]	3006
Christchurch Supreme Court Bankruptcy Minute Books	1884-1946	20496
Christchurch High Court Debtors' Petition Files (voluntary bankruptcies)	1997-1998	21370
Christchurch Official Assignee Bankruptcy & Liquidation Files (includes Timaru cases)	1877-2001	3310

†We have no Christchurch Supreme Court Bankruptcy Registers for the years 1868-1875, presumably they have not survived. ‡Most of the Christchurch Supreme Court Bankruptcy Files with dates prior to 1898 are not extant. Files on bankruptcy cases to 1862, and files under the Debtors and Creditors Act 1862 may be filed amongst the Action Files [Series: 2990]; check through Action Registers [Series: 2996] from 1852 onwards, but remember that there are often several creditors, and the case may be indexed under the name of only one.

Timaru

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Timaru Supreme Court Miscellaneous Bankruptcy Material†	1863, 1888-1927, 1954-1979	26444
Timaru Supreme/High Court Bankruptcy Files (includes Debtors' Petition Files - voluntary bankruptcies; also includes early Timaru District Court Bankruptcy Files) ‡	1889-1997	22224
Timaru Supreme Court Bankruptcy Minute Books	1909-1962	26443
Timaru Supreme/High Court Bankruptcy Registers	1909-2003	22201
Timaru Official Assignee Estate Cash Books	1932-1937	26450

†Information dating from 1910-1922 can also be found in item R22398207 [Accession: CH24, item 259].

‡Timaru Supreme and Early District Court Bankruptcy Files start in 1889, and many are listed by case on Archway; prior to this, Timaru cases appear in the Christchurch Official Assignee Bankruptcy Files for the years 1884-1890 (later Timaru cases can also be found in this series) [Series: 3310].

Ashburton

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Ashburton Early District Court Bankruptcy Registers	1881-1909	26440
Ashburton Early District Court Bankruptcy Minute Books†	1881, 1883	26441
Ashburton Official Assignee Bankruptcy & Liquidation Files	1879-1930	26439

†Ashburton Early or 'old' District Court Bankruptcy Minute Books start in 1881 and are listed by case on Archway; unlike most court minute books, they are not large bound volumes covering multiple cases, each is a small soft-cover booklet relating to a specific case - often with additional loose files relating to the case contained inside.

West Coast

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Charleston Early District Court Bankruptcy Registers	1869-1874	26449
Greymouth Early District Court Bankruptcy Registers	1868-1874	3456
Greymouth Supreme Court Miscellaneous Bankruptcy Material	1893-1969	3438
Greymouth Supreme/High Court Bankruptcy Registers	1908-2003	3439
Greymouth Supreme/High Court Bankruptcy Files	1955-1996	12259
Greymouth Official Assignee Estate Ledger Books	1976-1991	3452
Hokitika Supreme Court Bankruptcy Registers	1866-1952	3484
Hokitika Supreme Court Minute Book Bankruptcies	1867-1872	3483
Hokitika Supreme Court Bankruptcy Files	1874	12277
Hokitika Supreme Court Particulars of Bankrupt Estates	1884-1926	3485
Hokitika Supreme Court Debtors' Petition Files (voluntary bankruptcies)	1885-1886	12278
Reefton Court Office Particulars of Bankrupt Estates	1884-1934	26448
Westport Supreme Court Bankruptcy Registers	1868-1971	26445
Westport Supreme Court Particulars of Bankrupt Estates	1884-1950	26447
Westport Supreme Court Miscellaneous Bankruptcy Material	1884-1951	3533
Westport Supreme Court Bankruptcy Files (includes early Westland District Court Bankruptcy Files)	1867-1970	12281
Westport Official Assignee Estate Cash Books	1917-1934	3534

Deceased Estates (Probate Files and Death Duty Registers)**Probate Files**

Probate is the official proving of a will. Probate files contain all of the legal documentation required for the granting of probate on a will (i.e. the legal administration of an estate). Therefore, most files contain a copy of the deceased person's will. Note however, that not everyone who made a will has a probate file. The size of the estate seems to be the determining factor in whether wills go to probate. The amount which determined whether a will or intestate estate must go through the court varied from time to time, but may be found in the relevant legislation (i.e. the various Public Trust and Administration acts).

In New Zealand the High Court (known prior to 1980 as the Supreme Court) has exclusive jurisdiction in the matters of probate and administration (although until c.1908, the early District Courts also administered probates). Those wills which were probated were usually lodged in the Supreme/High Court nearest to where the deceased resided. However, a person's will may be registered in more than one court. If a person died without making a will (intestate), then there may be a file of Letters of Administration, containing the legal documentation required for the administration of the deceased person's estate; in Christchurch we refer to these generically as 'probate files'.

We hold probate files from the Christchurch, Timaru, Ashburton, Oamaru (1973 onwards), Greymouth, Hokitika, Reefton & Westport courts.

Useful Definitions - Probate Files

- **The Will:** A will is a statement made by a person in their lifetime of their intentions as to how their property is to be dealt with after their death. The general rule is that anyone (except an infant or a person of unsound mind) may make a will. A will must be in the form of a written document although any written document will suffice, even a mere letter. It must be signed by the testator in the presence of at least two witnesses, who must themselves sign the will in the testator's presence. If anyone to whom the testator has left property acts as witness, they will not be entitled to benefit under the will. The only exceptions to these requirements are for soldiers, sailors and airmen while members of New Zealand Armed Forces and seamen at sea.
- **The Executor(s):** Personal representatives who are appointed by a testator in their will are called executors. The function of the executor is to administer the testator's property and to carry out the provisions of their will.
- **Administrators:** An administrator is a person appointed by the Court to administer the property of a person in three main cases. Where that person has: (a) died without leaving a valid will (i.e. intestate, in which case the personal representatives derive their powers from the grant of *Letters of Administration*); (b) failed to appoint an executor under their will; or (c) appointed an executor, but the appointment has failed for some reason.
- **Probate and Letters of Administration:** Probate granted to an executor is merely the official recognition by the Court of the appointment made by the testator - the executor has not actually been appointed by the Court. The granting of Letters of Administration is the actual appointment of an administrator by the Court. Although an executor can enter their duties immediately after the death of the testator, their right to dispose of the estate is not fully established until they have obtained a *grant of probate* of the will from the High Court. In New Zealand, to obtain the usual grant of probate an executor must file the following in the High Court: an Ex Parte Notice of Application for Probate, an affidavit or affidavits, and the will.
- **Public Trust Wills:** Public Trust wills do generate a court file. In general, until c.1950 these were all filed in the Wellington Supreme Court and were subsequently transferred to Archives New Zealand's Head Office in Wellington. However, other courts should be checked if a check of the Wellington holdings does not reveal the probate. After 1950, Public Trust wills were proved in the local Supreme/High Court, so from this date they can be found amongst probate files held at the relevant office of Archives New Zealand.

Information Contained in Probate Files

Probate files are particularly valuable for genealogical work - they give detailed information about deceased persons, including the exact date of death.

Most probate files contain the following information:

- Name of testator or intestate person
- Place of residence
- Occupation
- Exact date of death
- Date of administration and names of administrators
- When probate was filed
- Net value of property, and other details relating to the estate
- The will
- Name(s) of beneficiaries, and their relationship to the deceased
- Amount of share of the beneficiary
- Name(s) of solicitor
- Payment of duty details

Finding Aids/Ordering Items to View/Digitised Probate Files Online

All of our probate files are listed by name on our online holdings database Archway:

 www.archway.archives.govt.nz

Probate files held by Archives New Zealand's four offices are currently being digitised as part of a joint project between Archives New Zealand and Family Search. All probate files over 50 years old are being made available online, free of charge, for searching, viewing, and printing, via the Family Search website:

 <http://familysearch.org>

In the Christchurch Office this process is complete and all of our probate files from the Canterbury and Westland regions, up to the end of 1966, have been digitised, indexed and made available on Family Search. At the beginning of each year, another year's worth of probates will be added to Family Search. Please ask an archivist for more detailed instructions on using the Family Search website, or see **Reference Guide 6 - Family History**.

Please note that probates which have been digitised and made available online will not be produced for viewing in our office, or copied for remote research requests.

Probate files under 50 years old can be ordered for viewing in our Reading Room via Archway, or copied via our remote research service.

Probate Holdings

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Christchurch Probate Files	1855-2002 2003	2989 26057
Timaru Probate Files (including Oamaru from 1973 onwards, and Ashburton from 1891 to 1909)†	1871-2000	3155
Greymouth Probate Files	1868-1996	3387
Hokitika Probate Files	1865-1953‡	20702
Reefton Probate Files	1876-1909‡	20703
Westport Probate Files	1875-1970‡	20704

†Pre-1973 Oamaru probates were filed at the Dunedin Supreme Court; post-1909 Ashburton probates were filed amongst the Christchurch Probate Files [Series:2989].

‡The Greymouth Supreme/High Court took over the functions of these courts over the years, so Hokitika, Reefton and Westport probate files post-dating these date ranges can be found filed amongst the Greymouth Probate Files [Series: 3387].

Death Duty Registers

Succession, Legacy, and Residuary Duty Registers: Under the Stamp Duties Act of 1866, deceased estates had to bear three types of duty - succession duty, legacy duty and residuary duty. This act required that the District Commissioners of Stamp Duties keep a record of duties payable, and those paid. In practice, a register was kept for each type of duty at the district level and a person's name was entered in all three volumes even if they only paid one type of duty.

After an enquiry in 1875 (*AJHR H-16*), new legislation reduced to one the number of duties payable on the estate of a deceased person. Therefore, the registers begun in 1867 to record the three different duties payable were superseded in 1876 by district testamentary registers. Unfortunately, only the Legacy Duty Register contains an index of names. To access the other two registers, use the index in the Legacy Duty Register. Find the year and number within that year which identifies the person you are seeking. This reference (year plus number) applies to all three registers.

Holdings

<i>Record description</i>	<i>Dates</i>	<i>Accession/Item</i>
Legacy duty register	1867-76	CH291, /1
Residuary duty register	1867-76	CH291, /2
Succession duty register	1867-76	CH291, /3

Testamentary Registers: We hold Testamentary Registers created after 1875 by the Stamp Duty Office and its successor, the Inland Revenue Department, to record the duty payable on the estates of all deceased persons and when they were paid. Duty was payable on all estates for which probate was granted. These registers are a valuable source for family research, as they can be easily used and they contain detailed information about deceased persons' estates. They also contain the probate file number and initials of the relevant court (where applicable). This can be found at the bottom left of the death duty entry.

Under the Stamp Act of 1875, every administrator of a will was required to file a statement with the District Commissioner or Deputy Commissioner of Stamp Duties, giving the particulars of all of the personal property which belonged to the deceased at the time of his or her death. This included debts due and the value of all real property. This statement was used to assess the amount of duty to be paid by the heirs, which was recorded in the Stamp Office district register and marked off as having been paid. After the duty had been paid, the commissioner would issue the grant of administration, which had been forwarded by the Registrar of the District Supreme Court, to whoever was entitled to receive it.

Like the succession, legacy and residuary duty registers, testamentary registers were kept at two levels - an original, at the district office level, and a duplicate copy for each district at head office. Each register contains its own alphabetical index, and covers a number of years.

A register entry will include most, but usually not all, of the following information:

- Name of testator or intestate person
- Place of residence
- Occupation
- Date of entry
- Exact date of death
- Date of administration, and sometimes name(s) of administrator(s)
- When statement was filed
- Net value of property, and other details relating to the estate
- A brief resume of the will
- Name(s) of beneficiaries, and their relation to the deceased
- Amount of share of beneficiary
- Name(s) of solicitor
- Payment of duty details
- Probate number and initials of the relevant court, if will probated

Holdings

<i>Record description</i>	<i>Dates</i>	<i>Accession/Item</i>
Canterbury Testamentary (death duty) Registers	1876-1931 1936-1937	CH291, /5-21 CH291, /26
Canterbury Testamentary (death duty) Registers	1932-1983	CH515, /1-20
West Coast Testamentary (death duty) Registers	1876-1983	CH383, /1-8

Native Succession Order Registers: Under the Death Duties Act 1909, and successive legislation, a duplicate copy of every succession order made by the Maori (Native) Land Court or Native Appellate Court had to be sent to the Commissioner of Stamps, who would register and assess the duty payable on the property. Only when this duty had been paid was the succession legally allowed to take place.

All the registers are indexed by the name of the deceased. A register entry will include the following information:

- Name of deceased
- Name(s) of successor(s), and usually where the property was situated
- Value of succession
- Duty assessed
- Date of payment
- Maori Land Court memo reference

Holdings

<i>Record description</i>	<i>Dates</i>	<i>Accession/Item</i>
Native Succession Orders	1911-56	CH291, /22-25

All New Zealand Estates Index 1921-62 and the New Zealand Estates Index 1963-73: These indexes cover all estates in New Zealand between 1921 and 1973. The names of deceased persons are listed alphabetically by surname. Information provided includes the name, district, year and testamentary number, which corresponds to the person's listing in the relevant testamentary register. The All NZ Estates indexes are useful for those people trying to track down the year and court in which a particular estate was administered.

Holdings

<i>Record description</i>	<i>Dates</i>	<i>Accession/Item</i>
All New Zealand Estates Index	1921-1962	CH515, /21-29
New Zealand Estates Index	1963-1973	CH515, /30-34

Access - Death Duty Registers

The All New Zealand Estates Index and the New Zealand Estates Index are both unrestricted. **Access to Testamentary Registers and Native Succession Order Registers dated after 1921 is restricted.** Written permission to view restricted registers must be obtained from Inland Revenue, but **please note that access to post-1921 registers has never yet been granted.**

Who do I write to in order to request access permission?

Inland Revenue Department
 P.O. Box 39010,
 Wellington Mail Centre
 Lower Hutt 5045

3. Divorce, Maintenance, & Family Proceedings Records

Divorce Records

A divorce is the official termination of a marriage. Once a **Decree Absolute**, the final decree in divorce proceedings, has been granted, it becomes lawful for the respective parties to marry again as if the prior marriage had been dissolved by death.

Divorce files contain all the legal documentation required for the granting of a divorce. Note however that not everyone who filed a petition for divorce actually completed the divorce proceedings. If the parties reconciled after the petition was filed, then the divorce proceedings stopped. If later they wished to terminate the marriage then a new file was started under a new number. Some parties commenced divorce proceedings more than once over a number of years. In some of these cases the husband may have been the petitioner in the first proceedings, and in the second file the wife is the petitioner and the husband the respondent. Petitioning for divorce does not always end in the termination of a marriage.

Also parties may start proceedings in one court (e.g. Christchurch), not finalise them, then with one party moving to another area, start again in another Court (e.g. Greymouth). Researchers should not assume that because the family lived in one area, that a divorce could not therefore be filed in a different district.

We hold divorce files and registers from the Christchurch, Greymouth, Hokitika, Timaru & Westport courts.

The Origins of Divorce Laws in New Zealand

In New Zealand the Supreme Court (known from 1980 as the High Court) had exclusive jurisdiction in the matters of divorce proceedings from 1867 until 1980. The 1867 Divorce and Matrimonial Causes Act permitted husbands to divorce their wives for provable adultery on the part of the wife. Wives, however, had to prove both adultery and some other legally defined type of cruelty, or desertion.

In 1889 the Divorce and Matrimonial Causes Act was amended so that a husband or a wife could now petition for divorce simply on the grounds of adultery. The grounds for divorce were also extended to include other causes such as wilfully deserting the petitioner without cause for 5 years, or being a habitual drunkard for 4 years or more (with a failure to provide support or neglect of domestic duties), cruelty, attempted murder of the petitioning spouse or any of their children, that the respondent was of unsound mind and had been confined in an institution for at least 10 years, or that the husband was guilty of incestuous adultery, rape, sodomy, or bestiality. Other grounds for divorce were in cases where one party had married twice, or when there were reasonable grounds for supposing the other party to the marriage was dead. Over the years the grounds for divorce have further been extended and waiting times reduced.

In 1980 the Family Proceedings Act and Family Court Act meant that divorce proceedings now came under the jurisdiction of the District Court (under the newly established Family Court division), and from that point onwards, divorce papers can be found in the Family Proceedings files series (see **Family Proceedings Records** below for details). All divorce proceedings commenced in the Supreme Court prior to the establishment of the Family Court in 1980, continued to be handled by the Supreme Court.

Useful Definitions - Divorce Records

- **Petition for Dissolution of Marriage:** This is a request to the court for a decree of divorce.
- **Petition for Restitution of Conjugal Rights:** When one spouse has withdrawn from co-habitation, the other may present a petition for restitution of conjugal rights and the court may make a decree directing the spouse who withdrew to return to cohabitation. Failure to comply with the decree may be a ground for granting a decree of separation. Failure to comply with a decree of restitution of conjugal rights for 2 years or more could be a ground for divorce.
- **Presumption of Death and Dissolution of Marriage:** Any married person may present a petition to the court where there are reasonable grounds for supposing that the other party to the marriage is dead. Usually the person must have been absent for seven or more years, and it must be proven that nothing has happened within that time to give the petitioner reason to believe that the other party was still living. Every decree of presumption of death and dissolution of marriage is a **Decree Nisi** in the first instance.
- **Dissolution of a Voidable Marriage:** A petition for dissolution of a voidable marriage could be made by either party to the marriage. A marriage was considered voidable if it had not been consummated, if either party had a mental disorder at the time of the marriage, if the respondent was suffering from venereal disease in a communicable form at the time of marriage, if the wife was pregnant by another man, or another woman was pregnant by the husband, at the time of the marriage.
- **Petitioner:** The husband or wife who presents a formal written application to the court requesting judicial action in the matter of the dissolution of a marriage, and the grounds for that dissolution, which require the judgement and sanction of the court.
- **Respondent:** The husband or wife, who is required to make an answer to the petition of the partner requesting a divorce.
- **Co-respondent:** A co-defendant; a person summoned to answer a petition, together with another respondent. Used, for example, to designate the person charged with adultery with the respondent in a suit for divorce where adultery is given as the cause of the petition. The co-respondent is joined as a defendant with the respondent.
- **Affidavit:** A written declaration or statement of facts that has been made voluntarily, and is confirmed by an oath or affirmation by the person making the statement. This statement can only be taken before a person having authority to administer such oaths or affirmations.
- **Motion:** An application made to the court or a judge in chambers. Its object is to obtain an order directing some act to be done in favour of the applicant.
- **Prohibition Order:** An application for an order or final decision to stop, or review a situation or customary procedure.
- **Judicial Separation:** A separation of a husband and wife, by a decree of court. It is less complete than an absolute divorce. It could be considered a 'limited divorce' or a 'divorce a mensa et thoro' (i.e. 'a separation from bed and board'). This was only granted on three grounds: adultery, cruelty which was deemed to be life threatening, or both.
- **Decree Nisi:** Every decree for dissolution of marriage granted by the Supreme Court was in the first instance a Decree Nisi (i.e. a 'provisional' divorce). After a certain period of time had elapsed (between 3 to 6 months), the petitioner was required to apply to the court in order for a Decree Absolute to be granted.
- **Decree Absolute:** This is the final decree in the proceedings for a divorce. Once the specified waiting time has elapsed since the Decree Nisi is granted and provision made for the maintenance of the wife and children, the petitioner applies for a Decree Absolute. Once granted by the court a copy of the Decree Absolute is sealed and a duplicate is issued to the petitioner. At this point the marriage is terminated and it is lawful for the respective parties to remarry.

Information Contained in Divorce Files

Divorce files are particularly valuable for genealogical and social research as they give detailed information about the parties involved. A divorce file should contain most of the following information:

- Full name of husband
- Occupation
- Full name of wife
- Wife's maiden name
- Where both husband and wife currently reside
- Date of marriage
- Place of marriage (e.g. church, chapel, registry office, house etc.)
- Area or location where marriage took place
- Name of minister, registrar, or celebrant
- Copy of marriage certificate
- Cause of application and dates of events, incidents, or behaviour
- Name of co-respondent
- Co-respondent's occupation
- Co-respondent's current address
- Place of birth of husband and wife
- Name of petitioner's, respondent's and co-respondent's solicitors
- Full names of the children of the marriage
- Ages of the children at the time of the petition
- Occasionally personal letters, postcards, or photographs submitted in evidence
- From about 1889 onwards occasionally photographs (usually of the respondent)

Finding Aids/Ordering Items to View

In this office, all of our Supreme/High Court divorce files (i.e. divorce files dating to c.1981) are listed by name on our online holdings database Archway (check the holdings tables below for the dates of the records that we hold from each area to see if we are likely to hold the file that you are seeking).

Please note that records that we hold which resulted from divorce proceedings that took place in the Family Court (i.e. dating from c.1980 onwards) are not listed by name on Archway (please see **Family Proceedings Records** below for further details about these records).

Supreme/High Court divorce files over 100 years old can be ordered for viewing in our Reading Room via Archway, or copied via our remote research service. **Files under 100 years old are restricted** (see **Access - Divorce Files** below for further details).

If a divorce file is unable to be found on Archway, the divorce registers can be consulted. See an archivist for further details.

 www.archway.archives.govt.nz

Access - Divorce Files

There is a **100 year restriction** on access to Supreme/High Court divorce files; researchers will need to apply to one of the court registrars below for access permission to restricted files. If access is granted, the court concerned will liaise directly with the researcher to make arrangements for the file, or a copy of the file to be viewed.

If you were a party to a divorce and we hold the relevant file, Archives New Zealand can provide you with a copy of the order dissolving the marriage on production of sufficient proof of identity (i.e. photographic identification such as a passport or driver's licence); we cannot provide you with a copy of the whole file. Please ensure that you provide us with advance notice of your request via telephone or email, to enable us the time that we require to find, retrieve and copy the relevant part of the file for you.

Who do I write to in order to request access permission?

Restricted Supreme/High Court Divorce Files from Christchurch:

The Registrar
 Christchurch High Court
 20 Lichfield Street, Christchurch
 ✉ DX WX10021, Christchurch
 ☎ 0800 268 787, or +64 9 583 1900 from overseas
 📧 christchurchhc@justice.govt.nz

Restricted Supreme/High Court Divorce Files from Timaru:

The Registrar
 Timaru High Court
 12 - 14 North Street, Timaru
 ✉ DX WX10639, Timaru
 ☎ 0800 268 787, or +64 9 583 1900 from overseas
 📧 timaru.dc@justice.govt.nz

Restricted Supreme/High Court Divorce Files from the West Coast:

The Registrar
 Greymouth High Court
 60 Guinness Street, Greymouth
 ✉ DX WX10403, Greymouth
 ☎ 0800 268 787, or +64 9 583 1900 from overseas
 📧 greymouth.dc@justice.govt.nz

Supreme/High Court Divorce File Holdings

<i>Record description</i>	<i>Dates</i>	<i>Series</i>
Christchurch Supreme/High Court Divorce Files	1870-1981 [‡]	3007
Timaru Supreme/High Court Divorce Files	1909-1981 [‡]	20475
Greymouth Supreme/High Court Divorce Files	1909-1981 [‡]	12255
Hokitika Supreme Court Divorce Files	1869-1952 [†]	12269
Westport Supreme Court Divorce Files	1909-1970 [‡]	12260

[†]Post-1952 Hokitika Divorce Files were filed amongst the Greymouth Divorce Files series [Series:12255].

[‡]Post-1970 Westport Divorce Files were filed amongst the Greymouth Divorce Files series [Series:12255].

[#]From c.1980 onwards, divorce proceedings took place in the Family Court and are found within Family Proceedings Files (see below).

Maintenance Records

A Maintenance Order is a court order which requires a person to make regular maintenance payments towards the upkeep of a family member. The most common form of maintenance order is one requiring a father to make provision for his children, whether legitimate or illegitimate. However, at various times under New Zealand law, it has also been common for the courts to make orders for the maintenance of other relatives, such as wives, husbands, sisters, brothers, or elderly parents.

We hold maintenance records from the Magistrates' Courts of Canterbury and Westland (including Ashburton, Christchurch, Culverden, Darfield, Denniston, Granity, Greymouth, Hokitika, Kaiapoi, Kumara, Rangiora, Seddonville, Temuka, Timaru, Waimate, & Westport) dating from the 1870s to 1970. Please be aware however that extant holdings are patchy and many of the records are unindexed, which means that searching can be extremely time-consuming.

We hold two main types of maintenance records, the Maintenance Orders themselves (loose or arranged in Guard Books), which record the details of who is to make payments for whom and the amount of the payments to be made, and also Records of Payments on Maintenance Orders (sometimes described as Maintenance Record Books, Maintenance Books, or Ledgers), which record the details of payments subsequently made.

The Magistrate's Court Criminal Record Books (discussed under **Criminal Cases** above) are a valuable entry point into the maintenance records, as maintenance cases were heard and recorded under the courts' criminal jurisdiction, prior to the orders being made.

Maintenance records and Criminal Record Books from the Magistrates' Courts with dates over 100 years old can be ordered for viewing in our Reading Room via Archway (see an archivist for assistance to conduct a 'Series' search of our holdings), or copied via our remote research service.

 www.archway.archives.govt.nz

Maintenance records under 100 years old are restricted (see **Access - Maintenance Records & Family Proceedings Files** below for further details).

From 1970, maintenance matters were dealt with in the Domestic Proceedings (later known as Family Proceedings) records series (please see **Family Proceedings Records** below for further details about these post-1970 records).

Family Proceedings Records

We also hold Domestic Proceedings, Miscellaneous Domestic Proceedings, Family Proceedings, and Miscellaneous Family Proceedings files and registers from the Magistrates'/District Courts and Family Courts in the Canterbury and Westland regions (files date from 1970 onwards, and include cases from Ashburton, Christchurch, Greymouth, Hokitika, Rangiora, Timaru, Waimate & Westport).

Domestic/Family Proceedings files may deal with the following family and relationship matters:

- Adoption
- Care of children (e.g. custody, access, guardianship, paternity, and child support)
- Care and protection of children who are abused or neglected
- Consents for minors to marry
- Protection from domestic violence
- Separation
- Matrimonial/relationship property
- Compulsory mental health assessment and treatment

- Protection of personal and property rights for people incapacitated through age, illness, etc.
- Claims for maintenance and support or bequests from the estate of deceased persons
- **Dissolution of marriage (divorce) - from c.1980 onwards**

Domestic Proceedings and Family Proceedings Files are the same type of file, they have simply undergone a name change over time. The files commence in 1970, and were first known as Domestic Proceedings Files, when these cases were the responsibility of the Magistrates'/District Courts. After the passing of the Family Proceedings and Family Court Acts (1980), the Family Court was established as a division of the District Court, and the files became known as Family Proceedings Files. The same name change occurred in the related Miscellaneous Domestic Proceedings Files series, which became Miscellaneous Family Proceedings Files; these files are generated when further related matters are dealt with after a family proceedings hearing has already taken place.

From c.1980 onwards, the files can contain divorce proceedings as the Family Court now held that jurisdiction (formerly held by the Supreme/High Court).

There is a **100 year restriction** on access to these files, and the listings are not available for viewing on Archway (see **Access - Maintenance Records & Family Proceedings Files** below for further details).

Access - Maintenance Records & Family Proceedings Files

There is a **100 year restriction** on access to maintenance records, Family Proceedings files and registers; researchers will need to apply to one of the court registrars below for access permission to restricted material.

If access is granted to maintenance records with dates prior to 1970, Archives New Zealand staff may be able to conduct research into the material on behalf of the enquirer, or in some circumstances the enquirer may be able to conduct research into the records in person. See an archivist for more details about this process.

If access is granted to a Family Proceedings file, the court concerned will borrow the file back from Archives New Zealand, and liaise directly with the researcher to make arrangements for the file, or a copy of the file to be viewed.

If you were a party to a divorce after 1980, and we hold the relevant Family Proceedings file, Archives New Zealand can provide you with a copy of the order dissolving the marriage on production of sufficient proof of identity (i.e. photographic identification such as a passport or driver's licence); we cannot provide you with a copy of the whole file. Please ensure that you provide us with advance notice of your request via telephone or email, to enable us the time that we require to find, retrieve and copy the relevant part of the file for you.

Who do I write to in order to request access permission?

Maintenance Records/Family Proceedings Files from Ashburton:

The District/Family Court Registrar

Ashburton District Court

Corner of Baring Square West & Cameron Street, Ashburton

✉ DX WX10605, Ashburton

☎ 0800 268 787, or +64 9 583 1900 from overseas

📧 ashburton.dc@justice.govt.nz

Maintenance Records/Family Proceedings Files from Christchurch (including Culverden, Darfield, Kaiapoi & Rangiora):

The District/Family Court Registrar
Christchurch District Court
20 Lichfield Street, Christchurch
✉ DX WX10021, Christchurch
☎ 0800 268 787, or +64 9 583 1900 from overseas
✉ chfamily@justice.govt.nz

Maintenance Records/Family Proceedings Files from Greymouth (including Hokitika & Kumara):

The District/Family Court Registrar
Greymouth District Court
60 Guinness Street, Greymouth
✉ DX WX10403, Greymouth
☎ 0800 268 787, or +64 9 583 1900 from overseas
✉ greymouth.dc@justice.govt.nz

Maintenance Records/Family Proceedings Files from Timaru (including Temuka & Waimate):

The District/Family Court Registrar
Timaru District Court
12 - 14 North Street, Timaru
✉ DX WX10639, Timaru
☎ 0800 268 787, or +64 9 583 1900 from overseas
✉ timaru.dc@justice.govt.nz

Maintenance Records/Family Proceedings Files from Westport (including Denniston & Granity):

The District/Family Court Registrar
Westport District Court
11 Wakefield Street, Westport
✉ DX WX10421, Westport
☎ 0800 268 787, or +64 9 583 1900 from overseas
✉ westport.dc@justice.govt.nz

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✉ P.O. Box 642, Christchurch 8140,
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