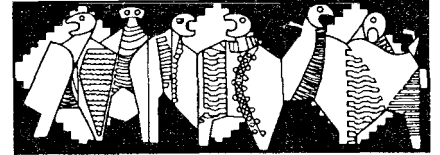


Archives

New Zealand

Te Whare Tohu

Tuhituhinga o Aotearoa



*Keeper of
the public*

01 AT JOB FILE:

AT 91/95 (associated files 86/74, 87/236)

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02 AGENCY NAME:

Department for Courts

03 AGENCY CONTACTS:

In the course of developing the schedule, a number of government officials have assisted including:

- [name removed], Records Officer, Department for Courts, Corporate Office
- [name removed], Deputy Registrar, Wellington Family Court
- [name removed], Courts Executive, Department of Justice
- [name removed], Deputy Registrar, Wellington High Court
- [name removed], Registrar, Auckland High Court
- [name removed], Registrar, Auckland District Court
- [name removed], Manager, Judicial Libraries
- [name removed], Office Solicitor, Corporate Services

Note: This list is not exhaustive.

A number of drafts of the schedule were sent out to the Courts for comment, and responses from the Court officials resulted in a number of amendments to the schedule. Archives New Zealand wishes to express its appreciation to all Court staff involved.

04 APPRAISAL ARCHIVISTS:

During the course of developing the disposal schedule a number of archivists have contributed to its final outcome. They include:

- [name removed]
- [name removed]
- [name removed]
- [name removed]
- [name removed]
- [name removed]
- [name removed]
- [name removed]
- [name removed]

05 APPRAISAL CIRCUMSTANCES:

The Courts disposal schedule was developed with the primary objective of streamlining the transfer process, ensuring Court restrictions/access conditions were uniformly applied across all Courts, the disposal requirements for the Archives Act were met and the disposal provisions were standardised nationally in terms of disposal periods. There was also a need to draw up a new disposal schedule to replace the expired schedule approved in 1954. The Court Circular Number 21/1954 (dated 14 September 1954) set out disposal criteria for Court records.

The other major reason a schedule was sought was to address the lack of storage space in the courts. This reason alone was sufficient for the Department of Justice and subsequently the Department for Courts to look favourably on a replacement disposal schedule.

Major reasons for the delay in compiling and implementing the schedule include:

- changes in Archives New Zealand and Department of Justice staff responsible for developing and implementing the schedule
- restructuring of the Courts and Department of Justice
- finalising access/restriction conditions governing Court records and ensuring these were not in contravention of any statutes and Court rules.
- agreement on the transfer provisions, including the need to periodically annotate registers and add papers to files.
- whether Court charges (search fees) should apply with respect to records held by Archives New Zealand.

The very extensive consultation process between the Courts Managers, Head Office Justice Department/Department for Courts and Archives New Zealand has meant that while... informed decisions have been reached, extensive delays have also resulted from the process adopted.

Discussions with High Court, District and Family Courts staff in Wellington, led to a decision not to sample records, for two main reasons:

- 1) the quantity of records for many of the major types of case files would render a small sample statistically invalid and therefore render statistically representative research studies meaningless.
- 2) no agreement could be reached on what sampling method would be valid. This decision followed discussions with the Department of Justice research unit.

Consequently, the task became one of attempting to analyse particular types of case files and their associated records (registers, indexes, minute books etc.) to determine whether or not they were of permanent value in archival terms.

The draft schedule was drawn up and discussed with [name removed] of the Courts Executive, Department of Justice who endorsed the schedule, subject to consultation with Court officials and the conclusion of satisfactory access agreements.

In 1987 a draft schedule was submitted to the Courts who agreed to the provisions. However, the restructuring of the Department of Justice meant access conditions were not finalised.

Following the formation of the Department of Courts the schedule was resubmitted to the Courts in 1997 for comment. As a result of responses received, some changes were made and the amended schedule was again sent to the Courts in 1998 for comment. The fact that only one response was received was viewed as general acceptance of the provisions.

This left final agreement on the access conditions as the major issue outstanding. The Department for Courts Solicitor was asked to comment on the proposed restrictions to determine if they meet all administrative and legal (i.e. statutory regulations) requirements.

Over the years there have been a number of documents relating to disposal of Court records issued by the Courts including:

- Court Circular 21/1954 (dated 14 September 1954)
- Court Circular 22/1975 (dated 23 July 1975)
 details were included in the Courts Manual Volume 3 Documents and Records: Destruction of:
- Courts Circular 1988/12 (Permanent Instruction) 19 February 1988

The last mentioned circular included a list of records that could be transferred anticipating the approval of the schedule. Before it was withdrawn, a number of Courts did, in fact, transfer records. e.g. Napier, Wellington and Christchurch High Courts. [name removed] also gave authority for the transfer of Auckland High Court records in terms of the schedule. In sum, cases can be cited as precedent where the transfer provisions have been applied.

The jurisdiction of various categories of records has changed over time. For example, under the Family Proceedings Act 1980, responsibility for divorce cases was transferred from the Supreme Court to newly created Family Courts. The schedule acknowledges that changes in jurisdiction have taken place but rather than tracking all these changes, a general clause has been inserted which indicates that, irrespective of which Court the records reside in, the disposal provisions of the schedule apply. Consequently, if a category of record is held in a District Court but is listed under High Court in the Schedule, the District Court may apply the disposal provisions and vice versa.

It is also recognised that some records are no longer created by the various Courts but to exclude these from the schedule, when we were aware of their existence, would have meant Courts holding such records would have had to apply for separate disposal authority. Consequently a decision was made to include many defunct record series (i.e. categories of records). Many records have also been subject to name changes over time.

For example, on 1 January 1959, the Magistrates Court replaced the Warrant Book with a Distress Warrant Book and Miscellaneous Warrant Book and on 1 January 1957 abolished the Minute Book and Originating Summons and replaced them with the Miscellaneous Applications Register. No attempt has been made to track every name change since the creation of the Courts as the emphasis has been on listing as many categories as known, irrespective of name changes.

06. ADMINISTRATIVE BACKGROUND:

The administration of the Courts in New Zealand is reasonably complex with changes in name and responsibilities occurring throughout the period since 1840.

For example, under the Department of Justice, the following court structure existed in 1993:

The function of the Courts Division was to provide a forum for the hearing of civil, miscellaneous, criminal, family and youth court cases, disputes tribunal cases and appeals. Major Acts administered were the Judicature Act 1908, District Courts Act 1947, Summary Proceedings Act 1957, Crimes Act 1961, Criminal Justice Act 1985, Juries Act 1981, Family Courts Act 1980, Protection of Personal and Property Rights Act 1988, Children and Young Persons and Their Families Act 1989, Family Proceedings Act 1980 and Matrimonial Property Act 1976.

The country was divided into five regions controlled from regional offices in Auckland, Christchurch, Hamilton, Palmerston North and Wellington. A Courts Manager was in charge of the organisation and administration of each region, while the operation of each court was controlled by a Registrar. As the principal officer appointed to each court, Registrars had a degree of independence. A Registrar was appointed under statutory authority.

The Head Office at Wellington dealt with all matters of national policy. Controlled by the Assistant Secretary of the Division, it handled finance, staffing, equipment and aspects of legislation.

Committees advised on various aspects of the court system including the Courts Consultative Committee, the Criminal Practice Committee, the Rules Committee and the District Court Rules Committee. These committees met several times a year and had representatives from the judiciary, the Law Society and the Department.

The Court Division included:

- 66 District Courts which dealt with most criminal cases. This included part time courts and courts with a Police Registrar, which generally did not handle civil matters. Civil cases up to a value of \$200,000 were heard in District Courts. Family Courts were divisions of the District Court, and the 56 Disputes Tribunals were also administered by them;

- 19 High Courts heard, and decided, more serious cases (except for Masterton and Tauranga which were registry offices only);
- the Court of Appeal in Wellington which dealt with cases on appeal from the High Court, and from the District Court in relation to District Court jury trials;
- all of the High Courts except Auckland, Wellington and Christchurch are located in the same building as a District Court and share the same staff.

(Source: Directory of Official Information 1993 - 1995 (p.320))

From 1st July 1995, under the Department for Courts, the number of regions were reduced from five to four. Otherwise the structure has remained essentially the same although names of officials have changed, for example, each court is now controlled by a Court Manager, not Registrar, as previously was the case.

Other changes include :

- the establishment of the Family Court, a division of the District Court in 1981 under the provisions of the Family Court Act 1980.
- renaming of Supreme Court as High Court in 1980 under the provisions of the Judicature Amendment Act 1979. This also resulted in the transfer of some responsibilities to the District Court.
- renaming of the Magistrates Court as District Court in 1980 under the provisions of the District Courts Amendment Act 1979.
- the Youth Court was formerly known as the Children and Young Persons Court and prior to that the Children's Court. the number of Magistrate Courts and to a lesser extent Supreme Court registries has varied since their establishment. the existing Courts often include the records of earlier administrative bodies such as the Court of Petty Sessions, Police Magistrates Court and Resident Magistrates Court (forerunner to the Magistrates Court).

For more details concerning the history of the Courts the following sources should be consulted along with the relevant annual reports published in the Appendices to the Journals of the House of Representatives (AJHR).

- J.L. Robson (General Editor) New Zealand: The Development of its Laws and Constitution; Stevens and Sons Limited, London, 1954.
- J B Ringer, An Introduction to New Zealand Government, Hazard Press Christchurch, 1991
- Peter, Spellier, Jeremy Finn, Richard Boast, A New Zealand Legal History, Brookers Ltd, Wellington, 1996.
- The Honourable Mr Justice Beattie, Report of Royal Commission on the Courts (Appendices to the Journals of the House of Representatives H2 1978).

07 DESCRIPTION OF RECORD CATEGORIES HELD BY THE COURTS:

The following sub-sections below provide an indication of the different categories of records held by the Supreme/High Court and Resident Magistrate/Magistrate/District Court, including other administrative bodies whose records may be found in the Courts.

7A SUPREME COURT/HIGH COURT:

Supreme Court was established in 1841. In 1980 its name changed to the High Court. This dealt with more serious civil cases and criminal cases, including those people tried by jury trial as well as divorce, probate, bankruptcy, appeals from the lower Courts (e.g. former Resident Magistrates Court and Magistrates Court) and so on.

A wide variety of register, indexes and case files are held, covering an extensive range of cases heard. Some record categories are no longer generated, while some have continued to be held since the establishment of the Supreme Court. Examples include:

- Divorce
- Actions/Civil Proceedings
- Admiralty records
- Criminal
- Criminal Appeals
- Civil (Minute Books, Case Files, Registers)
- Bankruptcy Minute Books, Applications, Registers
- Miscellaneous
- Probate (Probates, Letters of Administration, Intestate Files).
- Mortgagees Sales
- Criminal (Returns of Prisoners Tried and Sentenced)
- Rating Sales
- Printing Presses and Newspapers
- Public Libraries
- Powers of Attorney
- Law Practitioners/Barrister and Solicitor
- Crown Books
- Sheriffs (Writs, Letter books)
- Chattels
- Judge's Notebooks, Judgements and Notes of Evidence
- Writs of Sale
- Legal Aid

7B RESIDENT MAGISTRATE/MAGISTRATES/DISTRICT COURTS

In 1846 the Resident Magistrates Court was established. In 1893 they were renamed Magistrates Courts and in 1980 the Magistrate Court was subsequently renamed District Court. Over the years, the jurisdiction of these Courts has changed, as have the types of records they have created. Examples of some types of records both current and non-current include:

- Complaint Books

- Warrant Books
- Civil Record Books and Civil Case files
- Criminal Record Books and Criminal Case files
- Foreign Processes Books
- Minute Books
- Crown Books
- Judgement Summons Books
- Land agent Licences
- Auctioneer Licences
- Maintenance Books
- Adoption Records
- Originating Summons
- Second Hand Dealers Licences
- Massage Parlours
- Pawnbrokers
- Summary, Instalment Register
- Private Investigator and Security Guards Register
- Family Court Register
- Children Court Record Books
- Abstract Books
- Motor Dealers Licences
- Register of Licensed Dealers in Gold Coin
- Register of Money Lenders
- Vaccination Registers
- Old Age Pensions Register
- Licensing records (Publican Licences, Wine Licences and Liquor Booth Licences).

7C. OTHER COURTS WHOSE RECORDS MAY BE DISCOVERED

Other types of records often lodged within the District and High Courts include records from the following administrative units:

- Police Magistrates Court
- Assessment Court
- Compensation Court
- Land Valuation Court
- Court of Requests
- Court of Petty Sessions
- Court of Review
- Children's Court /Children and Young Persons Court/Youth Court
- Family Court
- Coroner's Court (Note: a separate disposal schedule exists for Coroner Inquests)
- Land Sales Court
- Arbitration Court
- Court of Appeal (Note: a separate disposal schedule exists for Court of Appeal records)

- Warden's Court
- Nineteenth century District Court

The Courts often acted as an agency for certain functions, e.g. births, deaths and marriages.

Note: A more detailed description of the above administrative bodies appears in [Appendix B](#) and a more detailed description of some court records appears in [Appendix C](#).

8. DESCRIPTION OF RECORDS OFFERED FOR APPRAISAL:

Because of the diversity of records administered and received by the Courts, not all record categories have been covered by the disposal schedule. While not every record category found in the Courts is listed in the schedule, there is a covering statement indicating that should any records not covered by the schedule be found, they are to be offered to Archives New Zealand and cannot be destroyed without the prior approval of a Judge and the Chief Archivist. The intent is to cover as many records as possible and ensure future amendments are notified so that the schedule is kept up-to-date and picks up any records not currently covered.

9. EVALUATION OF THE RECORD VALUES:

The schedule represents an amalgamation of views held by a wide range of archivists and Court officials. A copy of the Public Record Office of Victoria Court Schedule was obtained and the provisions within that schedule are closely aligned to the recommendations in the attached disposal schedule.

It should be stressed that since 1985, the schedule has been sent out to the Courts on no fewer than four occasions for comment. Comments have been examined and in the majority of cases minor amendments have followed. Given this consultative process it is felt that the evaluation of records values has been thoroughly canvassed in terms of the Court requirements. Unfortunately the rationale behind the decisions to keep or destroy were usually not written down. This was because the documentary requirements when the schedule was developed in the mid 1980's did not include the current documentary requirements set out in the Appraisal Standard to justify decisions.

10. DISPOSAL CRITERIA

Introduction

The archival value of Court records has been assessed by a number of experienced archivists. The compilation of a draft schedule reflecting a consensus of their views was drawn up and submitted to court officials for comment. Changes were made to the schedule in response to submissions received, a process which was repeated a number of times before it was finalised. For specific disposal recommendations, see the attached Court Disposal Schedule.

A copy of the Public Record Office of Victoria's Record Disposal Schedule for Records of the Magistrates Court 1950-1989 (Public Record Office Standard PROS) : 95/05 was obtained and the disposal recommendations were compared. The results despite the contrast between a class based and series based approach revealed basically the same disposal recommendations. For example both, schedules recommended:

- Civil and Criminal Registers should be retained as archives and case files were recommended for destruction.
- Family Court case files and indexes to case files were recommended for retention as archives.

See [Appendix A](#) for a copy of the Public Record Office of Victoria's Record Disposal Schedule for Records of the Magistrates Court 1950-1989.

The following sub-section describes in general terms the criteria used to develop the disposal recommendations outlined in the Court Disposal Schedule.

Civil Jurisdictions

Whilst the jurisdiction of the Supreme/High Court has changed since its establishment, its civil jurisdiction gives it:

- jurisdiction to hear appeals from Magistrates Court (subsequently District Court)
- supervisory powers over inferior courts and tribunals
- authority to hear cases in the first instance above a defined monetary value (the figure has varied over the years)
- power to interpret questions of law referred from the Magistrates/District Court (i.e. make declaratory judgements)
- jurisdiction as court of first instance for a range of cases (e.g. wills; and in the main, exclusive jurisdiction over land law).

In view of the hierarchical structure of the Courts, a decision was made to retain the bulk of civil cases generated by the Supreme Court on the premise that the majority of 'important' or 'more significant' cases are heard in the Supreme/High Court either by virtue of its jurisdiction to hear certain cases in first instance or appeals from the Magistrates / District Court in the second instance. Because monetary criteria also apply in respect to certain civil cases, those above a certain dollar value automatically come within the jurisdiction of the High Court. This value has varied. For example, the District Courts Amendment Act 1979 extended the District Courts jurisdiction with the limit of civil claims being extended to \$3,000. The District Court Amendment Act 1982 extended the limit of civil claims from \$12,000 to \$50,000. Currently Civil cases up to a value of \$200,000 are heard in District Court.

Based on the premise that the 'major' or more 'important' cases are generally heard in the Supreme/High Court, a decision was made only to keep a summary record of most civil cases heard in the Magistrates/District Court. Hence registers summarising cases were

recommended for retention as archives and where separate indexes were generated, these were also recommended for retention, principally as a mechanism to access the registers. In most instances, the registers are considered to be a prime record by the Court. (often they were signed by the judge).

Criminal Law

When preparing disposal recommendations for criminal cases one option considered was to group criminal crimes by type of offence as is currently applied with respect to the Police Schedule.

E.g. Indictable or Class one offences could include such offences as treason, perjury, rape, murder, manslaughter, aggravated robbery and kidnapping.

Electable or Class Two offences being offences carrying a maximum sentence above for example 3 months imprisonment not being an indictable offence or class one offences (e.g. arson, drug, offences, burglary, theft, riot, aggravated assault and unlawful assembly and theft).

Summary or Class Three offences being offences that do not exceed 3 months imprisonment except those that fall into class 2 above; also common assault on a police, prison or traffic officer which carry a maximum of 6 months imprisonment or fine not exceeding penalty of \$400.

The difficulty associated with using the above groupings (or similar groupings by offence) as disposal criteria was:

- there was no specific classification in statute.
- changes in legislation result in changes to sentencing periods and dollar values of fines.
- the jurisdiction of courts to hear specific cases varies as a result of legislative changes.

The Police Disposal Schedule with its categories of offences has also highlighted the problem resulting in changes in offence classification. For the above reasons plus the difficulty of sentencing or selecting cases on the basis of offence type, this option was rejected in favour of retaining all criminal cases heard in the Supreme/High Court plus Jury Trials heard in the District Court. In addition to maintaining these case files, all the criminal registers and indexes were recommended for retention as archives largely as a means to identify and locate particular cases and as a summary record of all criminal cases heard.

The basic reasoning was essentially the same as that applied with respect to Civil cases (i.e. based on the premise 'significant' cases will be heard in the Supreme Court (subsequently High Court); particularly indictable or class one offences. The retention of District Supreme Court Jury Trial case files reflects a shift in jurisdiction from Supreme to District Court. Until 1981, juries were available only in the Supreme Court (although in cases involving criminal offences, the party had the right to elect trial by jury, in which case the trial was transferred to the Supreme Court. The rules and procedures relating to the jury system are set out in the Juries Act 1981 and the Juries Rules 1982. Juries are available in serious criminal cases.

There has been a general trend toward ensuring court work is handled at the appropriate level of the hierarchy and associated with this, a move away from the superior court level toward the "growing capabilities" of the District Court (e.g. Courts Amendment Act 1991 extended the criminal jurisdiction of the District Courts with effect from 1 October 1991). District Courts can hear more serious crimes such as arson and aggravated robbery, and High Court judges are allowed the discretion to transfer cases including sexual violation, wounding with intent and kidnapping to the District Court.

Recognising the fact that changes in jurisdiction do periodically occur the instructions to the schedule specify that the Department of Court must advise Archives New Zealand of any changes that may impact on the type of records generated. Factors that potentially could impact on the type of records generated include, but are not limited to, changes in jurisdiction of the Courts, legislative changes relating to definition and status of particular categories of record, the introduction of computerised record systems (e.g. computerised registers), changes in filing practices, and changes in the description of records.

Significant Civil and Criminal Cases

The risk is that not all 'significant' civil or criminal cases are necessarily heard in the Supreme / High Court. In an attempt to capture these 'significant' cases, a saving clause was inserted in the general instructions to the schedule asking court officials to use their judgement to retain files that are 'important' or 'significant' in terms of

- legal precedent (in some courts, the judges identify these cases and occasionally are written-up as case law in New Zealand Law Reports)
- publicity or notoriety in cases which have received national media coverage.

These disposal criteria are rather nebulous and therefore do place considerable onus on the judgement of court officials. However, discussions with senior court staff confirm the view that their knowledge should ensure a high likelihood that 'significant' cases are filtered from the mass of other cases heard. The alternatives are for archives staff to appraise District Court case files individually or to recommend that all District Court files are destroyed and therefore make no attempt to identify the 'significant' cases. Examples of significant cases:

- Rainbow Warrior Inquiry
- Bastion Point Inquiry
- Judge Walleye's Inquiry into Abortion Claims 1975
- Inquiry into Collapsed Cranes on the Regent Hotel 1987
- major cases not heard in the High Court due to changes in jurisdiction of the District Court serious aggravated assaults, manslaughter, major arson or major burglary cases
- cases involving national identities, except minor offences or civil matters(e.g traffic notices).

In time, it is intended that more detailed guidelines will be developed based on precedents.

Domestic Law / Family Law

Under the Guardianship Act 1968 and the Matrimonial Property Act 1976, the Magistrates Court had jurisdiction broadly concurrent with that of the Supreme Court. The Magistrates Courts had exclusive jurisdiction in adoption proceedings (Adoption Act 1955, including Maori adoptions since 1962); indeed the only important jurisdiction they lacked in the field of family law was the power to grant divorces.

The Family Court Act 1980 (effective 1 October 1981) established the Family Court as a branch of the District Court and gave it jurisdiction to deal with the following matters:

- Adoption
- Care of children - custody access, guardianship, paternity, child support
- Care and protection of abused and neglected children
- Claims for maintenance and support out of the estate of deceased persons
- Consents for minors to marry
- Dissolution of Marriage/Divorce
- Domestic Violence Protection Orders
- Mental Health Compulsory Assessments
- Matrimonial Property
- Hague Convention child abductions
- Occupation of home
- Separation
- Protection of personal and property rights for persons seriously incapacitated through age, illness etc.

It was decided to retain those records documenting these activities not only because of their legal value but because of the very high research use made of these records, particularly by social historians and genealogists. Many of the records are important in terms of the personal identity (i.e. legal identity and legal rights, and lineage) of the record subjects and their forebears.

Notes on particular cases

Laud Valuation Court Case files and Land Sales Court files

The Land Sales Court had two principal functions:

- a) to hear and determine objections to the compulsory taking of farm lands for settling ex-servicemen and to fix compensation payable for land so taken; b) to control the prices for sale or lease of rural land and urban land .

For the most part the Land Sales Court acted as an appellant tribunal for the decisions of the Land Sales Committees to whom applications to the court were normally referred in the first instance. These tribunals were abolished in 1948 and their functions were taken over by new tribunals known as the Land Valuation Court and the Land Valuation Committees. The new tribunals were given the additional functions of disposing of claims for compensation for land taken over by the Crown for public works and for hearing objection to valuations made for rating and revenue purposes. In 1950 the control of the sale or lease of urban land was

removed, and the control in respect of rural land was substantially modified with provision for its expiry on June 30 1952. Since the Land Settlement Promotion and Land Acquisition Act 1952, the majority of matters dealt with by the Land Valuation Tribunals have been applications for consent under Part II and Part IIA of the Land Settlement Promotion and Land Acquisition Act 1953.

Under the provisions of the 1952 Act, the regular course of events was that applications and declarations in support would be filed in duplicate. A copy would be sent to the Crown Representative who in turn would provide a report for the attention of the chairman of the Tribunal. The chairman, having considered the file in Chambers, would then record his decision on file. Notices of grant would be subsequently forwarded to the relevant vendor and purchasers: the Crown Representative and Valuation New Zealand.

After 1952, by which time the majority of soldier settlement matters had been dealt with, it is recommended the Land Valuation Tribunal case files be destroyed by reason of their number, kind and routine nature. Cases dealt with by the Land Sales Committees and Land Valuation Committee prior to 1952 provide evidence of how the cases were dealt with administratively and provide additional details concerning urban land and soldier settlement. As a consequence, they have been recommended for retention. The Land Valuation Registers have been recommended for retention as a summary record of cases heard.

The Land Valuation Registers list objections to valuations, sale of farm land (anything over two hectares), with names of parties and details of orders made.

In 1974 jurisdiction of the Land Valuation Court moved from the Supreme to District Court with appeals heard in the Supreme Court (Miscellaneous Files). The Land Valuation proceedings Amendment Act 1977 substituted Land Valuation Tribunals for Land Valuation Committees.

The Land Settlement Promotion and Land Promotion Acquisition Act 1912 was repealed as from 15 January 1996 by section 15 (1) of the Overseas Investment Amendment Act 1995.

Chattels

Chattels list hire purchase agreements, loans against asset, or any other cases where money has been borrowed and the agreement registered or renewed in the past 5 years. An alphabetical card index is kept of borrowers and (in some cases) lenders. Repayments are not recorded on the index cards. In addition, all chattels are briefly recorded in registers giving names of parties, occupation and instrument number and whom it is with (often a bank). Given the paucity of details and lack of information concerning the loaning etc. (and as they were often loans for cars prior to the Motor Vehicle Securities Register), the information was not considered to be of long-term value.

A decision was made that case files may be destroyed once all actions are complete (i.e. they are no longer required for administrative purposes). This will mean all repayments have been met (or possibly written off). Because of the lack of details contained in the registers and indexes, they were not considered worthy of preservation as a summary record. Furthermore

the case files were not considered to have sufficient evidential or informational value to warrant their long-term preservation.

Chattels are administered under the provisions of the Chattels Transfer Act 1924 and regulations (e.g. Chattels Transfer Fees Regulations 1981).

Criminal Record Sheets

To be covered by a separate disposal schedule.

Summary of Information recommended for transfer

1. Records containing evidence of private, personal or property rights or civic rights. This applies to virtually all High Court records.
2. The registers of District Court cases, as they contain the relevant dates, documents filed, and results of court action, are recommended for transfer (as opposed to the files they control).

Summary of Information recommended for destruction

1. Records of District Court actions where adequate details are held in registers.
2. Chattels and bail files from the High Court for which adequate details are held in registers.

11. RESEARCH POTENTIAL IN RECORDS RECOMMENDED FOR TRANSFER

[has been removed]

- Peter Spillier, Jeremy Finn and Richard Boast, [A New Zealand Legal History](#)
- J L Robson, [New Zealand: The Development of its laws and Constitution](#)

The Court records will also provide a wealth of details for legal biographies and autobiographies. For example:

Peter Spiller	-	<u>The Chapman Family</u>
Ken Catran	-	<u>Hanlon, A Casebook</u>
Guy Lennard	-'	<u>Sir William Martin</u>
O.T.J Alpers	-	<u>Cheerful Yesterdays</u>
Sir Vincent Meredith	-	<u>A Brief Experiences of A Crown Solicitor</u>

- They will also provide details for studies of particular crimes and incidents. For example:
 - H A Willis - [Manhunt. The Story of Stanley Graham](#)
 - Sherwood Young - [Guilty on the Gallows. Famous Crimes of New Zealand](#)
 - David Burton - [Confessions of Richard Burgess](#)
 - J Halket Millar - [Death Round The Bend](#)
 - J Halket Millar - [The Bayley Murder Case](#)
 - David Gee - [The Cowards Weapon](#)
 - DGDyne - [Famous New Zealand Murders](#)
 - G A Treadwell - [Notable New Zealand Trials](#)
 - David Yallop - [Beyond Reasonable Doubt](#)
 - Tony Williams - [The Bad, The Very Bad and the Ugly. Who's Who of NZ Crime](#)

The television series "Epitaph" has highlighted the public interest in New Zealand crimes; the programme has drawn heavily on archival sources.

The article by John Skinnon "Court Records : A Heritage of Risk" highlights the fact that Court records represent an important part of New Zealand's documentary history and need to be preserved. See [Appendix D](#). Barrie MacDonald's comments concerning the Court of Review case files illustrate the value of case files in detailed social economic studies. See [Appendix D](#). This includes an article by Barrie MacDonald and David Thomson, "Mortgage Relief, Farm Finance and Rural Depression in New Zealand in the 1930's"

12. ACCESS PROVISIONS:

[have been removed]

