

Reference Guide

Law and Justice Sources at the Hocken Collections



Ethel Benjamin (1875-1943), University of Otago graduate and the first woman in the British Empire to qualify as a barrister and solicitor. Photograph Collection, S05-122b.



Hocken Collections/Te Uare Taoka o Hākena,
University of Otago Library

Nau Mai Haere Mai ki Te Uare Taoka o Hākena:

Welcome to the Hocken Collections

He mihi nui tēnei ki a koutou

kā uri o kā hau e whā arā, kā mātāwaka o te motu, o te ao whānui hoki.

Nau mai, haere mai ki te taumata.

As you arrive

We seek to preserve all the taoka we hold for future generations. So that all taoka are properly protected, we ask that you:

- place your bags (including computer bags and sleeves) in the lockers provided
- leave all food and drink including water bottles in the lockers (we have a researcher lounge off the foyer which everyone is welcome to use)
- bring any materials you need for research and some ID in with you
- sign the Readers' Register each day
- enquire at the reference desk first if you wish to take digital photographs

Beginning your research

This guide gives examples of the types of material relating to the law and administration of justice held at the Hocken. All items must be used within the library. As the collection is large and constantly growing not every item is listed here, but you can search for other material on our Online Public Access Catalogues:

- for books, theses, journals, magazines, newspapers, maps, and audiovisual material, use Library Search|Ketu. The advanced search - <https://goo.gl/HVNTqH> gives you several search options, and you can refine your results to the Hocken Library on the left side of the screen.

The Library Search Guide <https://otago.libguides.com/ketuhelp> contains helpful tips and assistance for using Library Search|Ketu;

- for pictures, photographs and archives and manuscripts, use Hākena - <https://hakena.otago.ac.nz> . Listing of the ephemera collection has just begun on Hākena; please talk to desk staff if you have any questions about this collection.

The Hākena Search Help Guide <https://otago.libguides.com/hakena> contains helpful tips and assistance for using Hākena;

- some of the photographs from the Pictorial Collections are available for viewing online via Hocken Snapshot at <https://hocken.recollect.co.nz/>. Some other photographs and artworks can be viewed at <http://otago.ourheritage.ac.nz/>.

If you have any enquiries about ordering or other research questions please ask the reference desk staff – they will be happy to assist you.

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Lawyers and law firms

Archives

We hold the historic records of many local law firms, along with papers of some individual lawyers. Try searching Hākena, the pictures, photographs, ephemera, archives and manuscripts catalogue, under the subjects *lawyers* and *law firms*. Please note that most of these collections have access restrictions – these are detailed on Hākena. Some of the notable collections are:

A.C. Hanlon court briefs [AG-169]. Alfred Hanlon (1866-1944) was a well-known Dunedin barrister and solicitor, involved in many notable court cases. He became a King's Counsel in 1930. This collection includes his court briefs from 1891 to 1939. Access restrictions apply. See also MS-0687 for Hanlon's court brief for Minnie Dean, which is not restricted.

Ethel Benjamin letterbooks [Misc-MS-1149]. Ethel Benjamin (1875-1943) was the first woman to qualify as a barrister and solicitor in New Zealand and the British Empire. She practised law in Dunedin and Wellington before moving to England in 1908. This collection includes her business letters from 1903 to 1908.

Downie Stewart records [MS-1427]. This Dunedin firm was founded by William Downie Stewart in 1867 and has had various partners and name changes since. This very large collection includes various records from 1869 through to 1983, notably deeds and estate files. Access restrictions apply.

Solomons records [MS-2017]. Like many of the archives of legal firms in our collections, these Dunedin law firm archives include the records of several predecessor firms and consist largely of legal deeds and deed books. The records date from around 1886 through to 1987. Access restrictions apply.

Siewwright James Nichol and Stark and related firms [UN-029, 97-198, 98-134, MS-1919]. This Dunedin legal firm began with the partnership of Basil Siewwright and Robert Stout (later Premier and Chief Justice of New Zealand) in 1871. This very large collection dates from the 1870s to 1980s and includes a range of records, particularly estate files and legal deeds. Access restrictions apply.

Downie Stewart records [MS-1427]. This is another large collection of records of an old Dunedin legal firm, founded by William Downie Stewart in the 1860s. Dating from then to the 1980s, the collection includes a range of records, notably large series of deeds and estate files. Access restrictions apply.

Smith Milne Moore records [94-161, 96-042, 01-065]. This very large collection includes letterbooks, financial records, deeds and other records of the Dunedin legal firm, which

began with the sole practice of E.J. Smith in 1908, and continued with various partners and names until it was disestablished in 1994. Access restrictions apply.

Publications

We have a range of publications relating to New Zealand lawyers, including biographies, directories and general histories. Two histories of the Otago District Law Society provide a useful overview of the law in Otago, along with helpful appendices outlining the histories of local firms:

M.J. Cullen (1979). *Lawfully occupied: the centennial history of the Otago District Law Society*. Dunedin: Otago District Law Society.

Jim Sullivan (Ed.) (2006). *Occupied lawfully: Otago District Law Society 1979-2004*. Dunedin: Otago District Law Society.

For other books and other regions, try the following subject headings on Library Search|Ketu:

- Lawyers – New Zealand
- Law firms – New Zealand
- Legal services – New Zealand
- Legal aid – New Zealand

We have a number of directories, such as the *New Zealand law register* (1950-1993), which can help if you are searching for a particular lawyer. For others, check Library Search|Ketu under the subject:

- Lawyers – New Zealand – Directories

For obituaries of prominent lawyers and judges, try the *New Zealand law journal* – our holdings are from 1928 to 2006 (with numerous gaps from 1988 onwards).

Legislation

We have a large collection of government publications, including parliamentary debates, statutes, and provincial government debates and ordinances. For details, please see our separate guide, Government Publications at the Hocken Collections, available in hardcopy at the Hocken or online at <https://www.otago.ac.nz/library/hocken/otago038951.html>.

On case law, we have the *New Zealand law reports* for 1883 to 2008, along with a few more specialised publications. Check Library Search|Ketu using the subject

- Law reports, digests, etc. – New Zealand

We also have a range of publications on various fields of law. Try a search for the specific topic which interests you, for example

- Abortion – Law and legislation – New Zealand
- Consumer protection – Law and legislation – New Zealand
- Criminal law – New Zealand
- Land tenure (Maori law)

You may also find useful the University of Otago Library guide on law

<https://otago.libguides.com/law>.

Judges and courts

General archives

Official court records are held by Archives New Zealand, but we have papers of, or relating to, a number of judges. Try a search on Hākena under the subjects *Judges – Otago* and *Judges – New Zealand*. Notable collections are:

A.R.C. Strode letterbook [MS-0033]. Alfred Rowland Chetham Strode (1823-1890) was deputy inspector of police and resident magistrate in the new Otago colony. These letters, written in 1848 to 1850, relate to those official duties. We also have a Dunedin Resident Magistrates Court letterbook from 1852 to 1860, with letters written by Strode and John Gillies [MS-0089].

H.S. Chapman papers [ARC-0371]. Henry Samuel Chapman (1803-1881) was appointed Supreme Court judge for Wellington and districts further south in 1843. In 1852 he became Colonial Secretary of Van Diemen's Land, then a lawyer in Melbourne, returning to New Zealand as a Supreme Court judge, in Dunedin, in 1864. His papers include

court notebooks, letters, and papers relating to the transportation of criminals in Van Diemen's land, which he opposed.

H.W. Robinson papers [ARC-0546]. Henry Wirgman Robinson (1829-1905) served as a warden and resident magistrate in Mt Benger, Dunstan, Mt Ida, Oamaru and Wellington, and as a judge at Masterton and Nelson. His papers include a long series of diaries, which include brief mention of court cases and inquests, along with clippings books concerning court cases.

F.J. Burgess papers [92-134 and Misc-MS-1718]. Frederick James Burgess was a Stipendiary Magistrate in the Wakatipu district from around 1901 to 1908, during the gold dredging boom. His papers include files relating to some of his judgements during this period.

Gilfedder family papers [ARC-0586]. Michael Gilfedder (1864-1948) was admitted to the bar in 1904. He practised law in Invercargill until 1907. He then served as judge of the Native Land Court for 26 years, before practising law in Wellington from 1932 to 1935. Other family members, including Michael's brother Peter Gilfedder (1863-1916), also practised law in Invercargill. This large collection includes correspondence and other papers relating to legal matters, especially to the Native Land Court.

Correspondence and other material relating to judges may also appear in the papers of other people – try searching under the name of the judge who interests you.

Māori Land Court

We have microfilm copies of the minute books of the Māori Land Court through to 1975; minute books for the South Island start in 1868. In addition to the main sequence of official minute books, there are books of minutes kept by individual judges and some records of the Ngāi Tahu Committee. Bound indexes to the minute books are available in the microfilm area – they provide dates and locations of the sittings recorded in each minute book, along with the name of the judge. A computer index up to 1910 is also available online at <https://collections.library.auckland.ac.nz/mlcmbi/>. Search tips can be found at <https://bit.ly/2Ub4pEs> (please note that the microfilm reel numbers given on the database index do not correspond with our reel numbers – it is important to note down the minute book and page numbers you wish to read). Also available on our public computers is the New Zealand Maori Land Court Judgments database, which provides the full text of key judicial decisions of the court from 1958 onwards.

In addition, we have a few miscellaneous archival items relating to the court. Try an organization search on Hākena for *Native Land Court*.

Waitangi Tribunal

We have two collections of archives relating to Ngāi Tahu's Wai-27 Waitangi Tribunal claim. One collection [AG-653] was gifted to the Hocken by the Ngāi Tahu Māori Trust Board in 1994. It includes copies of around 600 of the 732 documents tabled by all parties during the claim. Another collection [MS-2449] came from the Crown Law Office in 1990. It includes copies of the evidence presented by the Crown and its witnesses. Though smaller, this collection includes some items which are not in the Ngāi Tahu Māori Trust Board collection.

We hold the published reports of the Waitangi Tribunal. These can be located with a search on Library Search|Ketu for *Waitangi Tribunal report*. The reports are also available on the tribunal's website at <https://www.waitangitribunal.govt.nz/>.

Royal Commissions

The papers of some individuals and organisations in our archives include submissions and evidence they presented to various Royal Commissions of Inquiry, and we also have copies or transcripts of the full proceedings of a number of Commissions. Try searching Hākena using the name of the Commission. Those we have detailed archives for are (with approximate dates):

- Royal Commission of Inquiry into Licensing, 1945 [UN-105]
- Royal Commission on Monetary, Banking and Credit Systems, 1956 [UN-109]
- Royal Commission of Inquiry into the D.I.C. Scaffolding Accident, 1957 [UN-116]
- Royal Commission of Inquiry on the Fluoridation of Public Water Supplies, 1957 [UN-108]
- Royal Commission of Inquiry into New Zealand Patents [1948-1950?] [UN-110]
- Royal Commission of Inquiry into the Kaimai Tunnel [c.1969?] [UN-115]
- Royal Commission of Inquiry into Social Security, 1969 [UN-112]
- Royal Commission of Inquiry into Horse Racing, Trotting and Dog Racing, 1970 [UN-106]
- Royal Commission of Inquiry into Equal Pay, 1971 [UN-111]
- Royal Commission of Inquiry into Housing, 1971 [UN-107]
- Royal Commission of Inquiry into Shipping, 1971 [UN-113]
- Royal Commission of Inquiry into Psychiatric Service at Oakley Hospital, 1971 [UN-114]

- Royal Commission of Inquiry on Salary and Wage Fixing Procedures in the New Zealand State Services, 1972 [UN-119]
- Royal Commission of Inquiry into the Liquor Industry, 1973 [AG-030]
- Royal Commission of Inquiry into the Meat Industry, 1974 [UN-117]
- Royal Commission of Inquiry into Contraception, Sterilisation and Abortion in New Zealand, 1977 [UN-104]
- Royal Commission on the Maori Courts, 1978-1979 [AG-303]
- Royal Commission of Inquiry on Social Policy, 1988 [88-072]

Reports of Royal Commissions are generally published in the *Appendix to the Journals of the House of Representatives* [AJHR]. Some are catalogued individually on Library Search | Ketu; for others see the AJHR for the appropriate year - AJHR for the period 1858-1950 are available online at <https://paperspast.natlib.govt.nz/parliamentary>; (see our Government Publications at the Hocken guide for more information about the AJHR <https://www.otago.ac.nz/library/hocken/otago038951.html>).

Publications

For publications relating to the courts, try a subject search on Library Search | Ketu for *Courts – New Zealand*, or for the specific court with interests you, for example:

- New Zealand. Family Court
- New Zealand. High Court
- New Zealand. Māori Land Court
- New Zealand. Waitangi Tribunal

We have a number of books relating to specific cases, trials, or defence lawyers. Try a subject search on Library Search | Ketu under the offence, the name of the accused, or a more general heading, for example:

- Trials (Murder) – New Zealand
- Chignell, Renee Melanie – Trials, litigation, etc.
- Justice, Administration of – New Zealand

Newspapers often include extensive information on court cases. We have a large collection of New Zealand newspapers, including extensive coverage of the main centres and many smaller Otago and Southland towns. See Papers Past for a range of nineteenth and twentieth century New Zealand newspapers - <https://paperspast.natlib.govt.nz/>.

Prisons and prisoners

Archives

Official prison records are held at Archives New Zealand, but we do have a few archives relating to prisons and prison reform, including several accounts by prisoners. Try a search on Hākena using the subjects *prisons* or *prisoners*. Among the items of interest are:

Henry Monson journal [MS-0088]. Monson (1793-1866) was the first gaoler at Dunedin Gaol. This journal dates from 1851 to 1861 and records his work there, along with the gaol's rules and regulations. For further information on Monson, see the papers of his biographer, Elsie Locke [ARC-0278].

L.C. Tonkin papers [ARC-0701 and 81-131]. Lance Tonkin was a researcher and writer with a particular interest in the history of crime. His papers include various items relating to criminals and to prison life.

Ron Malcolm papers [AG-775]. Malcolm (1910-1994) was a pacifist, imprisoned during World War II in a military defaulters camp and later in Mt Eden and other prisons. He became involved in the Howard League for Penal Reform and other justice-related campaigns. His papers include, among other items, correspondence from prison and papers relating to prisons reform.

C.E.R. Webber papers [MS-3333]. Ernie Webber (1905-1983) was imprisoned from 1957 to 1962 for homosexual offences, fraud and conspiracy. We have a large collection of his papers, which include a fictionalised account of life inside Mt Eden Prison by Bert Pimley.

We also have records relating to prisoners of war. Try a search on Hākena using the subject *prisoners of war*. Notable holdings include the records of the Dunedin branch of the New Zealand Ex-Prisoners of War Association [AG-706], papers of Thomas Aitken relating to his time in Stalag XVIII A during World War II [MS-1186], and papers of John Borrie, a doctor who was a prisoner of war in Greece and Germany during World War II [AG-691].

Publications

We have numerous publications relating to prisons and prisoners in New Zealand. Try the following subject searches on the Library Search | Ketu:

- Prisons – New Zealand
- Prisoners – New Zealand
- Criminals – New Zealand
- Sentences (Criminal procedure) – New Zealand

- Corrections – New Zealand

Police

Archives

Official police archives are held by Archives New Zealand, but we have a few miscellaneous archives relating to the police. They include some papers of Frederick Mallard, a policeman in Otago in the 1860s and 1870s [ARC-0611], and essays on the history of policing in Otago by H.C. Hollander [Misc-MS-1179]. Try a subject search on Hākena for *police*.

Publications

For a detailed history of New Zealand policing, see the official 5 volume series by various authors:

Richard S. Hill (1986). *Policing the colonial frontier: the theory and practice of coercive social and racial control in New Zealand, 1767-1867*. Wellington: Historical Publications Branch, Department of Internal Affairs. In 2 volumes.

Richard S. Hill (1989). *The colonial frontier tamed: New Zealand policing in transition, 1867-1886*. Wellington: Historical Branch of Internal Affairs.

Richard S. Hill (1995). *The iron hand in the velvet glove: the modernisation of policing in New Zealand, 1886-1917*. Palmerston North: Dunmore Press/Historical Branch, Department of Internal Affairs.

Graeme Dunstall (1999). *A policeman's paradise?: policing a stable society, 1918-1945*. Palmerston North: Dunmore Press/Historical Branch, Department of Internal Affairs.

Susan Butterworth (2005). *More than law and order: policing a changing society 1945-1992*. Dunedin: University of Otago Press.

We also have various other histories of the police in New Zealand, include some regional and district histories: try a search on Library Search|Ketu using the subject *Police – New Zealand – History*.

For other books and periodicals relating to the police, use a general search for the subject *New Zealand Police*, or try a more specific subject search, for example,

- Community policing – New Zealand
- Police training – New Zealand
- Traffic police – New Zealand

A useful source for tracing Otago police and criminal activities in the colonial period is the *Otago Police Gazette*. Our holdings cover the period 1861 to 1877, with a few small gaps. It is available online via PapersPast <https://paperspast.natlib.govt.nz/periodicals/otago-police-gazette>. This periodical has been indexed as part of the Otago Nominal Index, which is available on our database computers or at <https://www.otago.ac.nz/library/hocken/oni/>.

The *New Zealand Police Gazette* are held by Archives New Zealand for the period 1877-1991. Issues for 1878-1945 have been digitised and are available through PapersPast at <https://paperspast.natlib.govt.nz/periodicals/new-zealand-police-gazette>. The *Canterbury Police Gazette* for the period 1863-1877 is also available via PapersPast at <https://paperspast.natlib.govt.nz/periodicals/canterbury-police-gazette>.

The *Appendix to the Journals of the House of Representatives* [AJHR] includes annual reports of the New Zealand Police Force, with statistics on offences. Some reports for the provincial government period (1852 to 1876) are available in the official publications of the various provincial governments. For further information on these publications, please see our separate Government Publications guide, available in the reference area or on our website at <https://www.otago.ac.nz/library/hocken/otago038951.html>.

Police annual reports for 2000 onwards and a range of statistics are available online on the Police website at <https://www.police.govt.nz/about-us/publications-statistics>.

University of Otago, Faculty of Law

We have a collection of archives of the law faculty, covering the period 1965 to 2001 [ARC-0157]. These include various administrative records, such as minutes, correspondence, financial records, surveys and admission applications. Access restrictions apply. Further material relating to the faculty and its earlier history can be found in the general administrative records of the University of Otago [ARC-0018].

Societies

We hold archives of a number of societies and associations relating to the law and the justice system. Check Hākena using the name of the society that interests you. Collections of interest are:

Otago District Law Society [94-159, 01-209, 02-005]. The society was founded in 1879. It maintains a library, deals with complaints about lawyers and generally represents the legal profession in Otago. The collection includes minutes, correspondence, annual reports, complaints files, applications for admission as a barrister and solicitor and various other records. Access restrictions apply.

Otago Women Lawyers Society [94-050]. This small collection includes oral history tapes and transcripts relating to Otago graduates. Access restrictions apply.

Otago Justices of the Peace Association [ARC-0155]. The Association was founded in 1926, and we hold archives from then through to recent years. The collection includes minutes, correspondence and other administrative archives, along with newsletters and publications.

Dunedin Friends at Court Society [Misc-MS-0811, 92-071]. This society was formed in 1975 to offer friendship to women attending court. It wound up in 1991. Archives include minutes, correspondence, reports, newsletters and other miscellaneous records.

Patients and Prisoners Aid Society [ARC-0044]. The society was formed in 1877 – one of its aims was to provide aid and rehabilitation to prisoners. This collection covers the period 1877 to 2004 and includes minutes, correspondence, financial records and other administrative papers.

Pictorial collections

There are some photographs of interest, including portraits of various judges and lawyers, and images of courthouses and prisons, in our photographs collection (upstairs). Some of these are available for browsing in the reader access files. The photographs in the reader access file have been digitised and can be browsed or searched online at Hocken Snapshot <https://hocken.recollect.co.nz/>.

For other photographs, try a search on Hākena. Perhaps most notable are two collections of photographs of the former Dunedin prison, taken by Chris Gable in 2007 [P07-034], and by Nigel Yates in 2011 [P11-023].

For other artworks, try a search on Hākena under the name of the person or organization that you are interested in. You can then refine results to the pictures or photographs collection.

Please talk to desk staff if you wish to access the pictorial collections.

Websites

New Zealand Law Society includes a link to search the current register of lawyers:

<https://www.lawsociety.org.nz/>

New Zealand's Lost Cases is a project to collate early New Zealand legal cases:

<https://www.victoria.ac.nz/law/nzlostcases/>

The **New Zealand Police Museum** has some interesting online exhibitions:

<https://www.police.govt.nz/about-us/history-museum/museum>

Archives New Zealand holds official government archives, including those for courts, prisons and police. See their research guide 'Law and the Courts' <https://bit.ly/2UI1imO>.

Search for records on their online catalogue 'Archway':

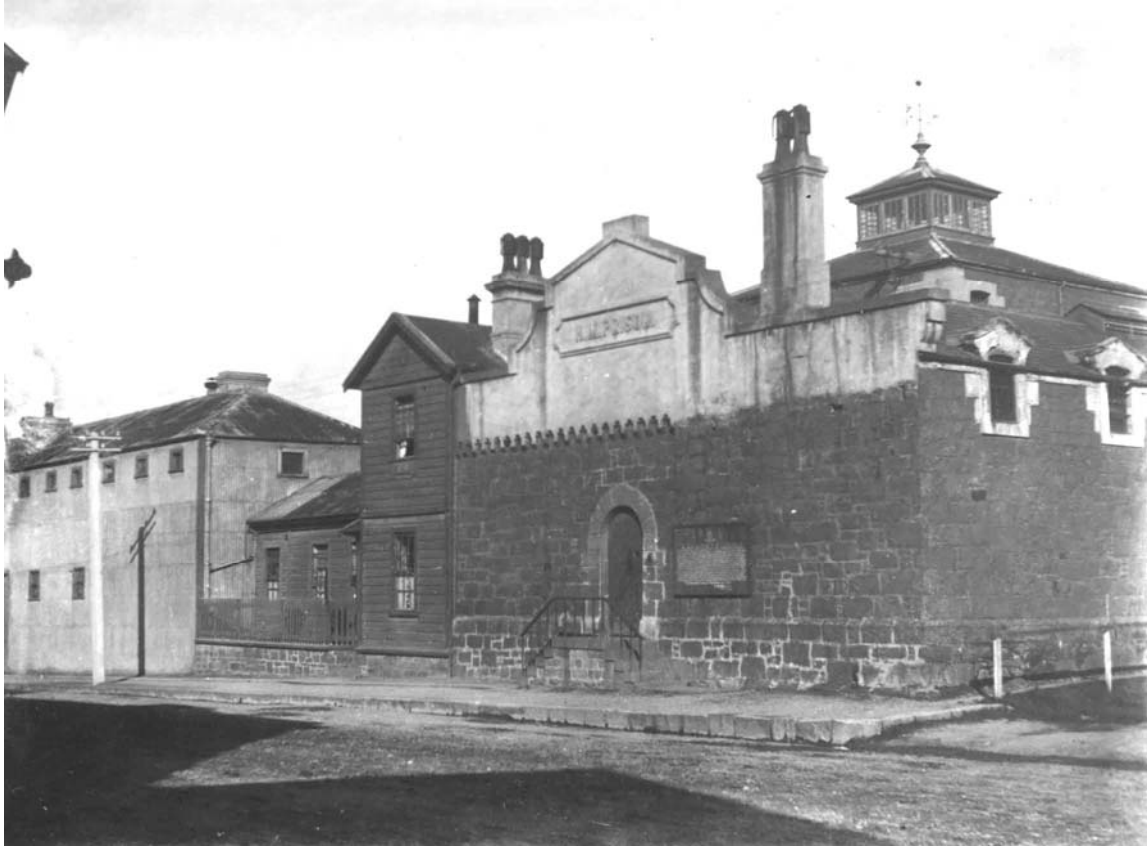
<https://www.archway.archives.govt.nz/>

Te Ara The Encyclopedia of New Zealand has a section on the legal system:

<https://teara.govt.nz/en/legal-system>

New Zealand Legal Information Institute (NZLII) provides free access to legal information in New Zealand <http://www.nzlii.org/>

Pacific Islands Legal Information Institute (PacLII) collects and publishes legal materials from 20 Pacific Islands Countries on its website www.pacii.org which is hosted by AustLII. The materials consist mainly of primary materials such as court decisions and legislation but also include decisions of various tribunals, panels, Ombudsmen's reports or secondary information such as court rules or bench books.



An undated photograph of the old Dunedin Prison, Photograph Collection, S04-157a.

Hocken Collections/Te Uare Taoka o Hākena
90 Anzac Ave, PO Box 56, Dunedin 9054
Phone 03 479 8868
reference.hocken@otago.ac.nz
<https://www.otago.ac.nz/library/hocken/>

For hours, please check our website:
<https://www.otago.ac.nz/library/hocken/>