

# Where Did My Ancestors Live?

## An insight into records of Land Information New Zealand - by Ronald Hermon

Today, most people live in towns, cities or rural areas, and accommodation is an essential part of family life, just as it was for our ancestors. It is somewhat surprising to observe that family historians tend to overlook land records, and the information they contain. We may all ask “Where did my ancestors live? Did they own land? Did they rent or lease property? What did the land cost, and what was it sold for?”

To find answers to these questions, we will need to consult land records. In New Zealand there are two government departments responsible for maintaining the records; the Maori Land Court, which administers Maori owned land, and Land Information New Zealand (or LINZ). All land surveys and most ownership records are currently maintained by the latter.

### Land Research Preparation

While computerised name indexes exist in most government departments today, there are few nominal indexes for historic land ownership. Therefore, one cannot expect to gain any records from LINZ, simply by asking for a copy of the title of “Uncle Jim’s land in Hamilton”, as the staff cannot research such requests from the public. Before attempting a land search, one needs to establish where the ancestor lived.

The electoral rolls are generally a good place to start. For early ancestors it is worth noting that the *New Zealand Constitution Act, 1852*, only included male electors “aged 21 years and over, who *either* owned freehold property valued at £50 or more, for at least six months prior to the date of registration, *or* who was in possession of leasehold property with an annual rental value of at least £10, and with at least three years to run; *or* who was a householder occupying property with an annual rental value of at least £10 in an urban area or £5 in a rural area, and who had occupied it for at least six months.” Multiple voting was permitted and electors could vote in every electorate where they qualified.

*Table 1 - The following extract is from the 1871-1872 Waikato Electoral Roll:*

No.	Christian name and surname of each elector at Full length	Place of Abode	Nature of Qualification	Place where property situate and description of same
38	Beale, Bernard Charles	Hamilton East	Freehold	No 304, 1 acre, Hamilton East, Waikato

The above entry indicates that Mr Beale had one acre of land in Hamilton East. Allotment 304 is land that Beale was granted by the Crown, for his services as a Surgeon in the Waikato Militia. It is not the property where he lived, in Beale Street. Entry number 19 on the **1880** Waikato Electoral Roll simply lists Bernard Charles Beale with a "residential" qualification, in Hamilton East. There are few details for the researcher in this 1880 entry. By 1881, the land qualification for male electors had changed, but it was not until 1893 that **all** men and women became eligible to vote and the land qualification ceased.

As each piece of land is identified with an *appellation*, or legal description, this is the key to searching land records. Depending on the era being searched the following resources may be useful.

- Pre 1876 Electoral Rolls (legal descriptions often included)
- Rating Assessment records from Local Authorities (best source)

- Returns of Freeholders of New Zealand (published 1882)
- Postal or Street Directories
- Civil Registration Records – Adult death or Child birth registration
- Post 1876 Electoral Rolls (addresses only)

The first two resources on the previous page, normally provide a legal description and the last four above will give an address or location. Be aware that addresses change over the years as subdivision takes place.

## **Land Tenure**

At this point it is useful to understand the basic classifications of Land Tenure in New Zealand, as this designates the way that land is owned or held. All land records are founded on this, and all types of land ownership fall into one of the following three categories. We can define these categories, and identify the type of ownership that will be found in each. The best definition of land tenure is found in *Te Ture Whenua Maori (Maori Land Act), 1993*. Brief extracts from this are cited below.

**Crown Land** - *“Land (other than Maori customary land and Crown land reserved for Maori) that has not been alienated from the Crown for a subsisting estate in fee simple shall have the status of Crown land”* Section 4, Te Ture Whenua Maori, 1993.

The Crown has absolute ownership of all Crown Land. Land falling into this category is used for Forest Parks, National Parks, Scenic Reserves, State Highways and State Schools. There are also cases where individuals or organisations use Crown Land under leases or licenses. Title is administered by a Government Department or other Government Agency.

**Maori Land** - There are two main types of Maori Land where Title is administered by the Maori Land Court. Some Maori Freehold land does have a Land Transfer Title in LINZ but it remains administered by the Maori Land Court.

**Maori Customary Land** - *“Land that is held by Maori in accordance with tikanga ...”* Section 4, Te Ture Whenua Maori, 1993.

**Maori Freehold Land** - *“The beneficial ownership of which has been determined by the Maori Land Court in freehold order ...”* Section 4, Te Ture Whenua Maori, 1993.

**General Land** - *“Land (other than Maori freehold land and General land owned by Maori) that has been alienated from the Crown for a subsisting estate in fee simple shall have the status of General Land.”* Section 4, Te Ture Whenua Maori, 1993.

Land owned by individuals and private companies that is not Maori Freehold Land, will fall into this category. The major portion of land ownership in New Zealand today, is General Land. Title is administered by Land Information New Zealand.

## **Land Appellation**

The unique identifier of land is the **appellation**, or legal description. Identification of land must be done in such a way that any restrictions or encumbrances (such as fencing restrictions, covenants and easements), which could possibly affect a particular area of land, are correctly “tagged” to the specific piece of land. Appellations are recorded on Rates notices, Land Titles and Valuation Certificates.

Different appellation systems apply to each type of land tenure. Just as there are three main types of tenure, so there are three main types of appellation

## **Maori Land**

Since all land in New Zealand was at some stage Maori owned, it is appropriate to identify this type of appellation first. It should be noted however, that in some parts of New Zealand, very few portions of land with Maori appellations exist today. All Maori land appellations start with the Block name. These normally have a tribal origin, being named generally for land features or prominent figures in the tribal heritage.

As an example we take the ***Puketapu (Sacred Hill) Block***, to show how appellations evolved.

1. The first subdivision or partition of the Maori Block *Puketapu* into several parts, would make the appellations: ***Puketapu A, Puketapu B*** etc.
2. If *Puketapu A* was further subdivided into several parts, the appellation would become: ***Puketapu A1, Puketapu A2*** etc.
3. Further subdivisions will use letters and numbers alternately, so an appellation could become: ***Puketapu A1B3A***.

## **Crown Land**

### ***Registration Districts***

Up until 1876, numerous communities were surveyed for the settlement of immigrants that were arriving in New Zealand at that time. The communities were called parishes, towns, settlements or villages, like those back in England. The various types of Registration District that emerged in this era were:

- Crown Grant Districts (*Hawkes Bay*)
- Districts (*Wellington*)
- Military Settlements
- Town\* or Townships
- Parishes (*Auckland*)
- Villages
- Hundreds (*Southland*)
- Rural Sections (*Canterbury*)
- Squares (*Nelson & Westland*)

Within each district, most pieces of land (legally known as parcels), were called either **sections** or **allotments**. The initial Hundreds, Rural Sections, and Squares, were the exception as they were known by these appellations in their own right.

Referring \* back to the 1871 Waikato Electoral Roll (in ***Table 1***), we saw that Dr Beale was listed as the owner of what was **actually** *Allotment 304 Town of Hamilton East*. This conforms with the above appellation format for a Town. *Note* that some original Town names have changed over the years, and these changes affect the appellations. Such changes are endorsed on the survey plans.

### ***Survey Districts***

From around 1877 portions of Crown Land, that were not located within a previously mentioned Registration District, were allocated Section numbers in relation to the Block of a Survey District. These appellations appear as: ***Section 1, Block XI, Mata Survey District***.

### ***Simplified Appellation***

In 1987, a form of ***simplified appellation*** was introduced and there were no further appellations issued for Registration or Survey Districts. New subdivisions would be allocated a section number, starting from 1, which would also include the Survey Plan number that defined the Section. The simplified appellation would appear as: ***Section 1 SO 356694***.

### **General Land**

When privately owned property was subdivided it was not possible to allocate new appellations as outlined before, so a different system was introduced. Subdivisions of land, where the Title was held under the *Land Transfer Act* are usually shown on a *Land Transfer Plan*. This plan would eventually support the issue of a new title by the department. When the Land Transfer Plan is finally deposited on behalf of the Registrar General, it becomes known as a *Deposited Plan*. The parcel would be allocated a Lot number, normally from 1, and had to include the Plan number of the Survey Plan, which defined the boundaries of the Lot. The usual appellation would appear as: ***Lot 4 DP 12448***.

### **Historical Origins**

If we go back to 1814, New Zealand was a simply a dependency of New South Wales. However, by a proclamation dated 21 May 1840, New Zealand became a separate Colony of Britain. Orders given to Captain William Hobson, dated 14th August 1839, instructed him to appoint officials from amongst the colonies of New South Wales and New Zealand. Felton Mathew became our first Surveyor General. The Royal Charter, dated 16th November 1840, laid down the duties of the Surveyor-General to allow for the sale of Crown land, which had up until then, been handled by the Colonial Secretary and Treasurer. These duties were:

*"To divide the country into counties, hundreds, parishes, with due regard to all natural and physical divisions; to survey the land into allotments, to provide roads and sites etc; to dispose of land at prices determined by the Secretary of State; To record all surveyed lands on charts for public inspections; To keep a public register of titles to all lands appropriated in the Colony; and to make provisions for the granting of land purchasers."*

*"There shall be deposited in the Register Office of every county, or district, maps of all lands which from time to time be surveyed within the limits thereof, which maps shall be signed by the Surveyor - General of the Colony, and by the Registrar."* - The Land Registration Ordinance, 1841, Sec 25.

Under the *Constitution Act 1852*, the provinces of Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago were established. The powers and functions of the Surveyor-General were then vested in a District Land Registrar, a Commissioner of Crown Lands, and a Chief Surveyor for each province. From 1852 until 1876 the Chief Surveyors were completely autonomous in their district, as the responsibility for land surveys was vested in them. During this period the survey plans were held by the Survey Department, or the Surveyor General's Department.

By 1 May 1876 the Lands & Survey Department had been formed, and the provinces abolished. New Zealand was eventually divided into twelve Land Districts as illustrated in ***Diagram 2***.

## Land Information New Zealand (LINZ)

The *Survey* records remained with the Lands & Survey Department until the end of March 1987, when they were transferred to the newly formed Department of Survey & Land Information.

Over the years the *Title* records have largely been in the care of the Justice Department, within what was previously known as the Deeds Office, Lands & Deeds, Land Transfer Office or the Land Registry Office.

On 1 July 1996, the new government department of Land Information New Zealand was formed, becoming responsible for maintaining all land survey and title records.

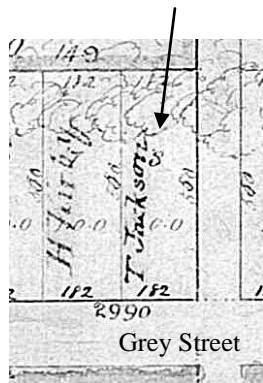
The historic records of each land district are now available only through Processing Centres in Hamilton or Christchurch.



## Survey Plans

Land appellations are first recorded on plans. Such plans are visual representations of surveys, which provide us not only with appellations, but also boundary dimensions and areas. These plans are generally referred to as Survey Plans.

*Diagram 3 (below) shows a small portion of a Survey Plan numbered SO 201 (dated 1864) showing Allotment 8, Town of Hamilton East.*



Survey Plans also provide legal information necessary for the issue of title, and often include the owner's signature. Older plans of early settlement surveys may show the names of owners who had land allocated by Crown Grant. Many plans show the location of dwellings and outbuildings on the land at the time of survey. Every survey affecting title to land must be lodged with a LINZ Processing Centre, for the Land District in which the survey is located. Since these plans affect land Title, researchers are advised to look for CT references noted on all survey plans, as they provide useful shortcuts to locating relevant historic Titles.

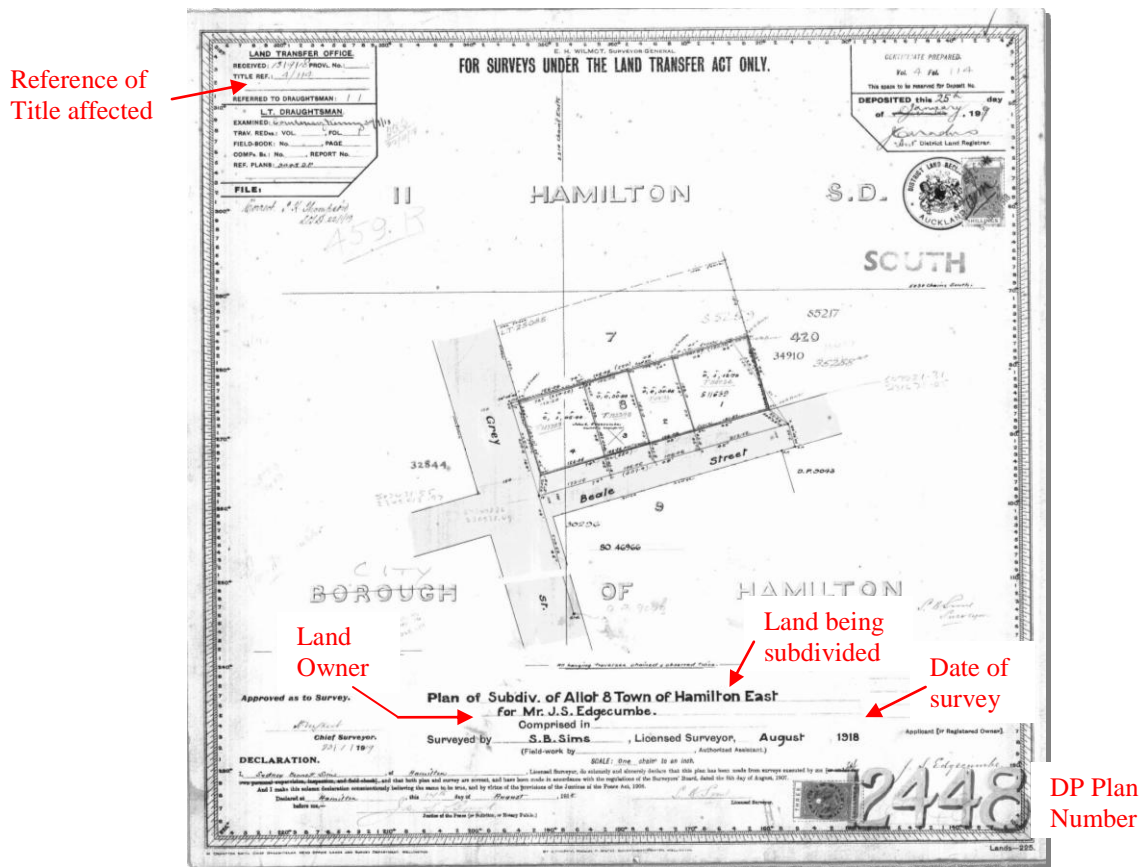
All plans are checked to ensure they comply with current survey regulations and any legislation that may affect the survey. When a plan is found to be correct, it is **approved** as to survey by Land Information NZ (or formerly the Chief Surveyor). It then becomes the property of the Crown.

## Imperial Survey Plans - (Pre 1973)

With over 160 years of survey records available it is evident that requirements for plans have changed over time. The imperial plans had the following attributes;

- they were hand drawn, in colour, on mounted card
- they were usually produced in two sizes – 20 x 20 or 30 x 30 inches. Other variations, including Roll Plans, were also produced and these may be found in some Processing Centres.
- they normally had distances shown in “links” (100 links = a chain); and areas were shown in acres, roods and perches.

*Diagram 4 (below) depicts a copy of DP 12488, showing the August 1918 subdivision of property into 4 Lots, on the corner of Grey & Beale Streets.*



The **colours** shown on these early plans all have some significance, being set down by various Survey Regulations. If one needs to interpret the colours on imperial survey plans, it is advisable to refer to the *1959 Survey Regulations*. A schedule of Conversion factors for metric and imperial measurements is listed near the end of these notes.

## Metric Survey Plans - (Post 1973)

From 1973 onwards all plans of surveys are presented in metric measurements. The metric plans have the following attributes;

- they are either hand or computer drawn, in black ink onto transparency
- they are produced in one standard A2 size
- they show distances in metres

- they show areas in square metres or hectares; and
- where a survey is involved the plan, it will comprise two separate sheets - one being the survey sheet and the other a title sheet.

Should one come across a set of sheets with the same plan number, the title and survey sheets can be identified as follows:

**Title Sheets:** - have boundary dimensions, appellations, areas, and where applicable, owners' consents. On these you will see Title references in the "comprised in" panel of the plan.

**Survey Sheets:** - have survey traverse lines, internal witness marks and any information relevant to the actual survey carried out. Buildings and fences etc may appear on this plan also. It does not duplicate any information mentioned for the title sheet.

On all plans the symbols depicted have some meaning. If one needs to interpret the symbols used on metric plans, the *1972 Survey Regulations* will assist.

### **Types of Survey Plans**

There are generally three basic categories of plans and they relate to Land Tenure, mentioned earlier:

#### **Survey Office Plans (SO)**

These plans are usually surveys for the Crown. They generally depict surveys of:

- Land required for a specific purpose (i.e. school, road, etc.). These plans are referred to as statutory or legalisation plans, and
- Subdivision of land owned by the Crown (i.e. land for Crown townships and other settlements).

All Survey Office plan numbers, are prefixed by **SO**

#### **Maori Land Plans (ML)**

These depict surveys of land, or partitions of land to support Court Orders, subject to the Maori Affairs Act, or *Te Ture Whenua Maori (Maori Land Act), 1993*. These plans have no legal effect on Title until they are signed by a Maori Land Court Judge.

All Maori Land plan numbers are prefixed by **ML**

#### **Land Transfer Plans (LT) or Deposited Plans (DP)**

These plans show freehold land or subdivisions of the same, carried out under the Land Transfer Act 1952.

While these plans are initially referred to as Land Transfer Plans, once they have met the requirements for title purposes, they become Deposited Plans, with the number prefix changing from **LT** to **DP**.

**Note:** - The South Auckland Land District was divided out of the former Auckland District in 1963. Since then the Land Transfer plans for the new district have been numbered with the prefix of either **LTS** or **DPS**, to distinguish them from Auckland plans.

## **Field Notes**

The only other survey record that may interest the genealogist, is the information contained in the surveyors' field notes. Early surveyors were given the task of surveying the routes of our roads and railways, for the development of land, often across swamp or alpine regions, and sometimes at the cost of their lives. Offsetting the hardship these pioneers endured was the beauty and ruggedness of an untamed country. Among them were artists, botanists, mineralogists and early photographers. Often the Field Books were used as the canvas.

The records of field measurement made by surveyors can be considered among the most authentic records of all. When surveyors have finished with their field notes, they **may** send them to LINZ where they are numbered and bound into volumes prior to being filed for safe-keeping. The reference numbers for the field notes are recorded on the relevant survey plan. They are available for public inspection and copies can be purchased.

## **Land Titles and the Treaty of Waitangi**

From the earliest settlement of New Zealand, traders and others had bought land from Maori, but establishing ownership of this land prior to the Treaty being signed, was difficult.

A Proclamation issued soon after the Treaty signing on 6 February 1840, stated that all land purchases prior to the Treaty were declared null and void, and that the Crown had sole right to purchase land from Maori. In administering the Treaty, Governor Hobson did not acknowledge any title to land that was not derived from, or confirmed by a Grant from the Crown.

The New Zealand Company and early settlers, who claimed to have purchased land prior to the Treaty, had to produce evidence of such purchase from Maori, to the Land Claims Commission. A survey was also required, and individual grants were limited to 2650 acres. These Claims were investigated over several years and once purchase was proven, a grant from the Crown was issued. For interesting reading, see the records of early land purchases published in "Turton's Deeds" (3 volumes), which can be found in major libraries on microfiche. Amongst the early records, one may come across OLC references, the abbreviation used for an Old Land Claim. The former Land Claim Commission records are now held by *Archives NZ* in Wellington.

## **Title Issued by the Crown**

### **Crown Grants**

Since the Crown sold land to settlers, it needed to provide documented evidence to the purchaser, of land ownership. It follows, that in land research, a Crown Grant (or its equivalent) will usually be the first Title issued for land in New Zealand. Only the purchase deed of land from Maori, by the Crown, precedes this Crown Grant.

The original grants (printed on parchment), were actually signed by the Governor personally. Prior to April 1856, the original Crown Grant document was handed to the grantee or his agent, and was signed for in a register which is now located at *Archives NZ*, in Wellington. After that date Grants were forwarded to the Registrar of Deeds by the General Crown Lands Office, where after being recorded and fees paid, they were issued by the Registrar to the grantees. The set of Crown Grants in *Archives NZ* is the only complete record of Grants issued, and there is a nominal index available for them.

The Crown Grants for land sold, after the *Land Transfer Act 1870* came into force, became subject to that Act, and were handed to the District Land Registrar for incorporation in the registers - *Section 4, Land Transfer Amendment Act 1871*.

The system of issuing individual Grants was changed with the passing of the *Land Transfer Amendment Act, in 1880*. Section 10 of that Act provided that the Governor should sign a schedule, referred to as a *Warrant*, authorising the District Land Registrar to issue Certificates of Title, to persons named therein for the land specified.

Title arising from Crown Land sales under the *Land Act 1948*, was then issued by means of a certificate to the District Land Registrar, signed by the Commissioner of Crown Lands and the Chief Surveyor, under the authority of *Section 116, of the Land Act 1948*. In these cases, the first Title is generally endorsed “Certificate in Lieu of Grant”.

**Diagram 5 (below)** depicts a copy of the Crown Grant issued to Thomas Jackson, a Private in the Fourth Regiment of the Waikato Militia, for Allotment 8, Town of Hamilton East. This is the **first** form of Title issued to the land on the corner of Grey and Beale Streets, which was subsequently purchased by Dr Beale.

**Name & rank of Grantee**  
 DATED 1867  
 Grant to Thomas Jackson  
 Act "The New Zealand Settlements Act, 1863," and the New Zealand Settlements Amendment and Continuance Act, 1865."  
 1A. OR OR  
 TOWN OF HAMILTON EAST

**Act land granted in terms of**

**Plan of land from SO 21**  
 Seal of Crown  
 2078

**Description of land granted**  
 Issued from Feb 1867

**Signed by George Grey as Governor**

Victoria, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, Queen:  
 To all to whom these Presents shall come, Greeting:  
 Know Ye that for good considerations To Us hereunto moving We do by Our Heirs and Successors do hereby Grant unto Thomas Jackson Private in the Fourth Regiment of Waikato Militia and His Heirs and Assigns and to all Parcel of Land in our Province of Auckland, in our Colony of New Zealand, containing by admeasurement Two Acres more or less, and being Allotment Number: Eight in the Town of Hamilton East in the Parish of Sturkiris and Banks County of Hamilton bounded on the North East by a line One hundred and eighty two links on the South East by a street One hundred links wide Five hundred and fifty links on the South West by a street One hundred and fifty links wide One hundred and eighty two links and on the North West by allotment number seven Five hundred and fifty links

At the same is delineated on the plan drawn by the margin hereof, with all the Rights and Appurtenances:  
 To hold unto the said Thomas Jackson His Heirs and Assigns for ever, to be had from the sixteenth day of February 1867

In Testimony Whereof, We have caused this our Grant to be sealed with the Seal of Our Colony of New Zealand.  
 Witness Our Trusty and Well-beloved George Grey Esq  
 Governor and Commander-in-Chief in and over the Colony of New Zealand, at Wellington this Tenth day of October in the Third year of Our Reign; and in the year of our Lord One thousand eight hundred and sixty seven

**The Deeds System**

The first New Zealand titles were issued under the English system, one that was described as far back as the reign of James I as “*manifold, intricate, changeable, tedious and uncertain*”, but any attempts at reform were always rendered ineffective by the wiles of the conveyancers.

Laws were modified to some extent by the *Conveyancing Ordinance of 1842* and are now, with further amendments, embodied in the *Property Law Act 1952*. In 1841, an Act “to provide for the registration of deeds and instruments affecting real property” was passed. This is now embodied in the *Deeds Registration Act 1908*.

## **Form of Deed**

One copy of each deed was prepared and a description of the land given, often in metes and bounds. A plan of the land was essential although it could be a sketch only. Signatures were witnessed in the usual way.

## **Documents of Title**

To have a good title to land, it was necessary to hold **all** the actual deeds relating to it. These deeds included the Crown Grant, each subsequent conveyance from one owner to another, each mortgage, and the discharge thereof, and any other relevant document, such as a grant of easement, or the probate of a will. This resulted in a huge bundle of accumulating deeds, particularly in the case of large holdings.

Provision was then made in various Deeds Registration Acts, to allow deeds to be deposited in the custody of the Registrar. In the advent of the loss of deeds, difficulty was experienced especially with the transfer of land, as a purchaser expected all the original deeds for a good title. The owner had possessory rights while he or she occupied the land, but this was insufficient evidence for a purchaser.

Some transfers were effected by the vendor obtaining copies of all registered documents from the deeds office, but deeds records were themselves only copies of the originals. There could also be unregistered deeds in existence, and so to cover this, a deed indemnity was prepared to guarantee the purchaser against eviction or loss of property due to the transaction. This was not acceptable to all purchasers, as deed losses were a major flaw in the Deeds System.

## **Deed Registration**

The object of registration is to give notice, or in other words, to record the transaction and secure priority. Two instruments may purport to give title to a piece of land, but the one first registered would have priority and the second would be void, although it may have been executed at an earlier date. (*Section 35, Deeds Registration Act 1908*).

Apart from the question of priority, an instrument does not derive any additional value from registration, nor is the State responsible for its accuracy beyond ensuring that the plan and description of the land are sufficient to identify it in the index. The deed constitutes proof of ownership of the particular piece of land, and a purchaser's security depends on the legal accuracy of that document. Although registration of each Deed was not essential, it was usually done. Deeds could be registered in any order.

The above paragraph should be particularly noted, since the point outlined therein constitutes one of the main differences between the Deeds system and the Land Transfer system.

Each deed registered was copied into the record books, at first by hand, but later, typewritten copies were made. When the Deed was uplifted from the Registry, after registration, the person taking it was required to read it over to a member of the Registry staff to ensure the recording was correct. Fees were paid for recording deeds, as well the as fees for the actual registration.

This system was very cumbersome. Over time it was necessary to hold large numbers of deeds. The method of recording was intricate, and time consuming, and there was no guarantee of a secure title. If the title to a farm for instance, was partly under the Deeds and partly under the Land Transfer system, separate documents were required for each part. It was the custom, and it was essential, to cross reference one with the other.

### **Records of the Deeds System**

In 1841 it became possible to register Deeds with the Deeds Registrar. These records were mostly handwritten, on stiff parchment paper, and they carried a seal of endorsement. Since they generally form the foundation of land ownership records, a full land search will eventually lead back to them, and to the Crown Grants amongst them. Deed Records are currently being moved to the relevant Centre of *Archives NZ*. To monitor progress on this move visit the [Record Location & Access](#) webpage on the LINZ website

Where the Deed Records are still held by LINZ it is recommended that researchers make enquiries to the relevant Processing Centre, by using the [request form](#) provided by LINZ on their website. Due to the size of volumes and the age of these records, photocopying is **not** permitted, but the records can be transcribed. **Note** however, that the Deed Records for the *South Auckland* Land District are held in the *Auckland* Processing Centre.

Listed below are the three principal components of the Deed Records. They are:-

#### **Primary Indexes**

These books list all deeds and instruments in order of presentation. Each document is allocated a number which is then entered into the Primary Index. This provides a chronological record of documents received, and is probably of limited use to the genealogist.

#### **Deeds Index Books**

These books record the deed and instrument numbers relating to specific parcels of land, usually under a Registration District appellation. There is rarely a nominal index to search, although it would be worth asking if any exist.

*Table 6 - The following extract is from the **Auckland Deeds Index 1F**, folio 388, which is rather brief in comparison with typical examples.*

#### **Hamilton East No 8**

No.	Receipt of Instrument	Nature of Instrument	Date of Instrument	Where Recorded *	Reference ‡	SIGNATURE
716F	10 Feb 1868 11:30 am	Crown Grant	10 Oct 1867	5GF 158		<i>Thos Jackson</i>
† Registered under Land Transfer Act in Volume 4 Folio 114 on 3 July 1872						

\* The details in the *Where Recorded* column refer to a volume and page number in a particular *Deeds Register*, where the copy of the Deed is recorded.

‡ When only a part of the land is sold to another person by a recorded conveyance, this column would record a *Deeds Index* reference, where transactions for that piece of land are recorded from then onwards.

† As the Deeds System was replaced by Certificates of Title, often the last entry will refer to the CT reference of the new Title, and the application file reference associated with this.

Elsewhere is a diagram on this *Deeds Index* page showing the boundaries of the land. There is also a list of the document numbers, with the names of the persons involved written alongside. This list can be useful where you have the land owner selling to a new owner, where both parties are named.

## Deeds Registers



### *Diagram 7 – Showing collection of Deeds Registers*

These are usually large books containing handwritten copies of all registered deeds. Crown Grants, Conveyances, Mortgages, Declarations and Probates are all filed within their covers. By consulting the *Deeds Index Books* first, to obtain the relevant research reference, access to the *Deeds Registers* can then begin in earnest.

When Deed land was brought under the Land Transfer Act, its new Certificate of Title reference was generally recorded in the Deeds Index Book, alongside the appropriate parcel of land. The latest Act affecting Deeds Registration was the “*Deeds Registration Act, 1908*”.

### Closure of the Deeds System

The Deeds system does not apply to any land granted by the Crown after February 1871, the date of the first New Zealand Land Transfer Act.

Since a survey of the land was the basis of the guaranteed title under the new Land Transfer Act, it was not possible to accommodate all the earlier deed titles into the new registration system. However, it was possible for the deeds’ owners (*like Thomas Jackson*) to bring their land under the Land Transfer System by *application*, and after, complying with the new land survey provision. Over the years only a limited number accepted this facility, and it was obvious that many years would transpire if the onus was left with the deeds’ owners, to convert their titles to the new guaranteed Land Transfer system. It was also becoming unwieldy, operating two systems for land registration.

In 1924, the *Compulsory Registration of Titles Act* was passed, whereby it became the responsibility of the Registrars to bring all the land under the Land Transfer Act. Because most of the land held in deeds was unsurveyed, the Crown could not guarantee the title as to the parcels (ie. area and dimensions). Some also could not be guaranteed as to title without some further ownership evidence. Thus new Titles were annotated, “*Limited as to Title and Parcels*”, and subsequently became known as *Limited Titles*.

There were either voluntary or compulsory applications used to change Title from the Deeds system to the Land Transfer System, and these can be found within LINZ records. They are referenced as Appln (plus a number) in Deeds Indexes, on the first Title, and/or in some instances of early survey plans. Compulsory applications often show the letter “C” in front of the number. The contents of application files can be useful for researchers and [requests](#) can be made to LINZ to access this information. The photocopying of these documents is at the discretion of LINZ staff, as it depends on the condition of the papers filed, and their content.

By 1932, the majority of titles under the Deeds system had been merged into the Land Transfer system. There are still isolated areas which were missed for various reasons, and applications to bring these areas under the Land Transfer Act are still being received today.

## **Records of the Land Transfer System.**

### **Title in the Torrens System**

Under the Torrens system introduced in 1871, a Certificate of Title was established along with a Register of Titles. Together they were called the **General Land Register**. Most land titles were duplicated, with the Department retaining the original *Register Copy* and the owner receiving the copy. Early titles were hand drawn, and colour was used to illustrate the diagram of the land. Much of the information on titles was handwritten also. Keeping this in mind, and the fact that older titles were drawn on large forms, care is needed to ensure that any photocopies are clear.

From 1871 to the 1960s, all Certificates of Title were held in large bound registers, but these A2 size Titles could not readily be photocopied. From the 1960's onwards, only loose leaf titles were created. The early registers were either dismantled, or the titles photocopied and stored in a loose leaf system up until 2002.

### **Maintaining Land Title**

The basic concept of maintaining the Land Title is as follows:-

- Land ownership is recorded by Land Information NZ on a Land Title. Such titles enjoy the State guarantee that “the record” is correct.
- When anyone needs to update or alter “the record”, a legal document recording evidence of another legal transaction must be lodged with LINZ.
- Once the document is successfully registered, and found to be correct, then “the record” is updated accordingly by staff, on behalf of the Registrar General of Land.

### **Certificates of Title References**

There are several forms of Title for land, but in this medium only the Certificate of Title issued for freehold land will be discussed. The principle of cross-referencing other forms of Title is similar to that outlined below.

Each Certificate of Title (**CT**) carries a unique reference on it. To obtain a CT reference we need an appellation (or legal description) or the current owners' name, for the given piece of land.

The Title sample in **Diagram 8** carries the reference 467/65 in the side margins. The 467 portion of the reference is the **volume** number and the 65 portion is the **folio** number. The Volume portion of a CT reference changed however, when the Titles ceased to be bound in registers. When the loose leaf filing system began in the 1960's, the Volume reference would generally comprise a number, followed by a letter between A to D – e.g. 12D. This reference indicated that the title was in filing **cabinet 12**, in **drawer D**. This unique reference identifies the correct title being sought.

## Certificate of Title SA467/65

A *Certificate of Title* is a basic record of transactions concerning a specific piece of land. It provides a legal description and diagram of the land, as well as a record of past and present owners. A summary of legal documents affecting the land is also listed on the title.

**Diagram 8** – The following is a copy of the Historic Title, for the land known as Lot 4 DP 12448, which was first issued in November 1927.

**Previous Title reference**

**Former Deeds Index & Application References are shown here**

**Title Reference**

**Date this Title issued**

**Initial land owner when Title first issued**

**Appellation or Legal description of land in Title**

**Diagram of land in Title**

**These are the memorials on this Title. They list various Land Transfer Documents affecting this Title. The memorial comprises a document reference, then a document type, followed by a summary of the document transaction. The date and time shown relates to when the document is registered.**

**This document (being the last transfer listed) indicates who the present owner is**

NEW ZEALAND.

Register-book, Vol. 467, folio 65

**S**OUTH

CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT.

This Certificate, dated the twenty-ninth day of November one thousand nine hundred and twenty-seven, under the hand and seal of the District Land Registrar of the Land Registration District of AUCKLAND, (Witnessed) that GEORGE ERNEST FORREST of Hamilton builder.

is seized of an estate in fee simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements a little more or less, that is to say: All that parcel of land containing one rood five perches and four tenths of a perch more or less situated in the Borough of Hamilton being lot four (4) on a plan deposited in the Land Registry Office at Auckland as No. 12448 being portion of Allotment 9 of the Town of Hamilton East.

METRIC AREA IS 1148.02

H.869538 Transmission to Pauline Honoree Cotton of Hamilton widow and Peter Forrest Thompson of Auckland engineer as Executors - 5.5.1989 at 10.27 o'clock

H.975976 Transfer to The Hamilton City Council - 3.9.1990 at 2.01 o'clock

B.255223 Gazette Notice declaring the within land to be a historic reserve subject to The Reserves Act 1977 - 8.2.1995 at 10.57 o'clock

The **current title** is the prevailing Certificate of Title, for the piece of land being searched. It may not be a recent Title, as it could have been issued some years back and still be current if no new title has been issued for the land in the interim.

## Historical Title Searching

The current Certificate of Title may be all that one wants; however there could be other titles that the researcher requires for the piece of land. Unfortunately there are few nominal indexes available for those who owned land in the past.

Historic land research relies on the cross-referencing of titles. Once we have a *current title* we can easily search back to a previous or *prior title*. *Prior titles* are usually marked “*CANCELLED*”. New titles are generally issued for the following reasons:

- The prior title may be “filled up” with memorials, and a new Title requested
- A large block of land may have been subdivided, requiring several new titles

Most Certificates of Title carry the *Prior C/T or Reference* on them. These are usually shown in the top left-hand corner of the title document. For example, the prior Title Reference shown in *Diagram 8* is Vol 4 Folio 114.

By using any prior reference, we can search **back** through the chain of titles for any area of land. When a search goes back to the era of the Deeds System, the prior reference will likely be a *Deeds Index Book* reference, and/or perhaps the associated *Application* file reference.

If one needs to search **forward** from a cancelled Title, the new CT references will be found amongst the memorials on the title. The last memorial listed on Title 4/114, (not provided here) refers to Transfer Document 217783 and the sale of Lot 4 DP 12448 to George E. Forrest in 1927. To the right of this memorial is “*Vol 467 Folio 65*”, which is the cross reference to the new Title issued for Lot 4. These details have been carried forward to the top left corner of the new Title (*see Diagram 8*).

**Remember** that old CT references are shown on some Survey Plans (especially older DP plans), and these can provide good starting points for historic research. They may well save on time and cost also, by eliminating unnecessary searches.

### Land Transfer Documents

When a person sells property, they usually have a lawyer prepare a legal document setting out the terms and conditions for the transaction. The document is eventually signed by the relevant people and then lodged with LINZ.

There are millions of these land Land Transfer documents held nationally by LINZ, references to these can be found among the memorials (or interests) on the Certificates of Title. They may include references to mortgages, leases, charges, or restrictions, all of which affect the land in some way. The date and time shown at the end of each memorial relates to the date and time that document was registered with LINZ. Priority is determined by that

registration date and time. Any dates stated within the document will usually differ from the LINZ registration date.



*Diagram 9 - Sample collection of land documents*

The **memorials** on a Certificate of Title are like an index, recording only a brief summary of each document and how it affects the piece of land. To gain the full background to any of these transactions, it is advisable to consult the original documents listed. The additional data can include details of purchases and sales, or even copies of Wills and other vital records.

Looking back again to **Diagram 8**, and the Certificate of Title SA467/65, we can see amongst the memorials listed, the references to Transmission S161128, Transfer S214482, Transmission H869538, etc. Each one of these memorials or interests identifies the type of Land Transfer Document, along with its respective number.

We need to remember that the documents noted on Certificates of Title, are held by Land Information New Zealand Processing Centres, in the districts where the land is situated. It is essential that you record the correct current **Land District, Document Type** and **Document Reference** in order to obtain a correct copy.

### ***Some Types of Documents***

- Transfer:** Documents that record the sale of land from one person to another, naming owners, occupations, and where they lived. Purchase figures can be found in these documents.
- Transmission:** These documents frequently record transfers of land when an owner has died or been made bankrupt. Transmissions often include marriage or death certificates, and copies of wills.
- Mortgage:** Documentation recording a charge over a property, to secure the re-payment of a loan.
- Lease:** Documentation indicating who the land is leased to, for how long, and at what cost.
- Easement:** A right enjoyed over property by someone other than the owner; e.g. a right of way.

### **Landonline**

In 2001 Land Information New Zealand changed from the manual paper record systems to an electronic system. The department now keeps track of modern day survey boundaries and title information on a national database known as *Landonline*. This database is capable of searching and displaying Title and Survey Plan images, as well as graphically displaying current property boundaries.

To search and obtain current or historic Titles, or perhaps Survey Plan references, one needs to access the *Landonline* database at a LINZ Processing Centre. Alternatively, we can contact **registered users** or Search Agents of *Landonline*, including such people as Real Estate Agents, Land Information Suppliers, Land Surveyors, Resource Management Specialists, Document Services, and Lawyers, as listed in the Yellow Pages. One could find someone in their community with access to *Landonline* and be able to search/obtain land records from throughout New Zealand. Do make enquiries as to the cost of this service provided by these users.



***Diagram 10 – showing Landonline Access screen***

Contact details for Processing Centres are listed on the LINZ website at [www.linz.govt.nz](http://www.linz.govt.nz), and in the blue pages of telephone directories. The website has an [information page](#) on *Land Titles & Plans*, and provides an [ordering service](#) for purchasing copies of land records.

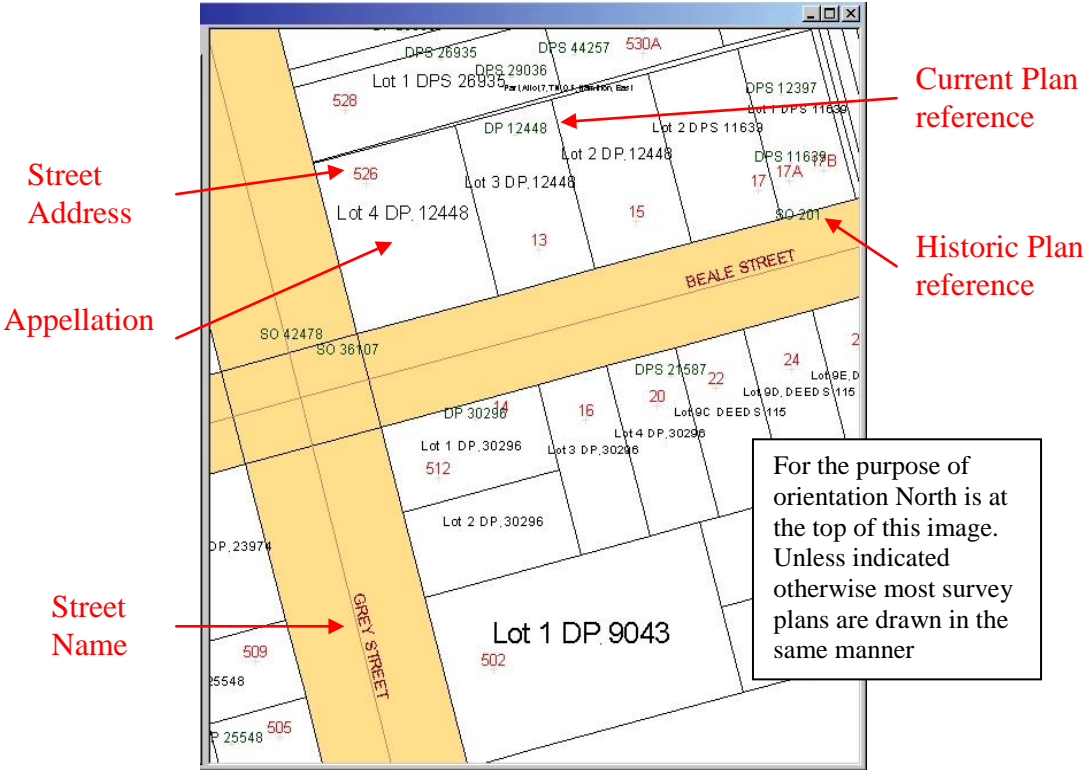
If the reference to a LINZ survey plan, title, or legal document is known along with the Land District it relates to, then a purchase via the [ordering service](#) can be made. Copies of such records may also be requested by fax, email or letter, addressed to the appropriate Processing Centre. Payment of fees (or credit card details) should accompany any request. The [cost](#) of obtaining records is indicated on the LINZ website.

A [request](#) to view any original paper record can be made to the appropriate Processing Centre, covering the Land District to which the record belongs. LINZ staff will advise when the record is available for viewing, normally within 2 working days of them receiving the order. The public counters at LINZ are usually open Monday to Friday, between 9am and 4pm.

**Landonline Spatial Display**

Once a physical address for relatives is established, a search of Landonline can be made to locate the property and obtain a legal description. If you need to see property boundaries, and are using a registered user, ask them if they have access to the spatial display in Landonline, as not all have such a licence.

The Landonline spatial display shows all **present day** road patterns, legal property boundaries, appellations, plan numbers, and wherever possible, areas for each parcel of land. The database is updated each time there is a new subdivision, road stoppage, or gazette action. In Landonline, one can search by a known street address, a road name, place name or plan number. Where these details are unknown, the land being sought may be located by graphically zooming in on an area of special interest. If assistance is needed with Landonline, LINZ staff (or a registered user) will be able to help



**Diagram 11** - (above) shows a Landonline Spatial display of the property at 526 Grey St, Hamilton, where Dr Beale lived. It reveals the current appellation of the property **Lot 4 DP 12448**, as it was in the August 1918 subdivision. Since the plan reference forms part of the appellation, it follows that the last plan showing the subdivision was **DP 12448**.

Having located an area of interest and identified the appellation, a print of this screen can be purchased to keep track of your research. Take note of other plan references scattered about the screen, and consider viewing them as well. Since plan numbering first started at 1, it follows that a plan like SO 201 is much older than say, SO 42478 (shown on Grey St in *Diagram 11* ). With this in mind, look out for other small plan numbers if your property interest is back in the late 1800's. *Landonline* displays the current day subdivisions, so one may have to search back through historic records to locate the property your ancestor held.

### **Survey Record Changes with Landonline**

Since the implementation of *Landonline*, all new survey plans lodged with LINZ are given a unique plan number, starting from 300,000. They retain the usual SO, ML or DP prefix. More recently, LINZ has also incorporated e-surveys in its records. Digital Survey Plans are produced along similar lines to metric plans by the land surveyor, and electronically lodged with the department. The only significant difference between these plans and their earlier metric versions is that many of the panel notes are now found in attached supporting documents, and not on the plan face.

Black and white images of every survey plan, and also a significant number of colour images, are in *Landonline*. Plan prints can be purchased. The original imperial plans can be viewed at the appropriate Processing Centre, after lodging the necessary [form of request](#).

Images of older **Field Books** are **not** generally held in *Landonline*. If Field notes are provided for modern surveys, they are now held as a supporting document against the relevant plan.

### **Land Title Record Changes with Landonline**

The former *Certificate of Title* has been transformed with the implementation of *Landonline* and Computer Registers. Today most titles are known as **Computer Freehold Register Titles**. All former "memorials" are now known as "**interests**", being listed under this heading on the new Title.

Every *new* Title issued today has a unique number ranging from 1000 onwards. In *Landonline* there are two views available for each of the Titles. One is the **Current View**, which lists only the current owners and interests affecting the land. The other is the **Historic View** which lists all transactions back to when the computerised title was first issued.

Most of the old Certificates of Title are in *Landonline*, and are deemed to be **Historic Titles**. For the purposes of genealogical research, these are the most useful resources. If a Historic Title is desired, this needs to be stated when an order is placed with LINZ.

Since *Landonline* is a national database, it is essential that Titles retain a unique reference, especially as a reference like *CT 4/114* exists in both the Nelson and the South Auckland Districts. To overcome this, all **Titles issued prior to 2002** now use a Land District prefix, in addition to the standard CT reference mentioned earlier. For example, the correct reference for the South Auckland Title above, would be **SA4/114**

*Table 12 - (below) shows the current Land District codes to be used with Title References*

NA North Auckland	TN Taranaki	MB Marlborough	CB Canterbury
SA South Auckland	HB Hawke's Bay	NL Nelson	OT Otago
GS Gisborne	WN Wellington	WS Westland	SL Southland

See *Diagram 2* for map showing boundaries of the above Land Districts

Regardless of where one is situated in New Zealand, *Landonline* can be searched throughout the nation for land Titles. A search of the database can be based on any one of the following options:

- A known Certificate of Title Reference (including the prefix from *Table 12* )
- The current landowner's name, or a recent past landowner's name
- An appellation from an approved survey record
- A current property address

Many current **Land Transfer Documents** are scanned and can be printed directly from *Landonline*. Copies of documents that are not scanned can be ordered *through* *Landonline*. Since 2002 *all* documents are either scanned or electronically lodged directly into *Landonline*, while the originals are retained by the law firms.

Images of information extracted from **Deed Records**, or associated **Application Files**, are **not** generally held in *Landonline*.

### **Imperial/Metric Conversions**

**Distances** on imperial (coloured) plans are usually in links. There are 100 links to a chain. A chain is 22 yards (or 20.12 metres). To convert **link** dimensions to **metres**, multiply by 0.201168; e.g. 467 links × 0.201168 = 93.95 metres.

**Areas** on imperial (coloured) plans are usually in acres, roods and perches. There are 40 perches to 1 rood and 4 roods to 1 acre. One acre is equal to 0.405 **hectares**, and 1 hectare is around 2.5 **acres**.

### **Conclusion**

The use of the word “insight” in the title of these notes was deliberate, as this vast and technical subject can only be briefly explained in a few pages. It is acknowledged, that with changes in legislation since 1840, systems and records relating to land have changed also. It is quite likely that amongst these records, some will discover variations in recording methods, between the former Land Districts. It is hoped that these notes will provide sufficient information to entice genealogists and others into the realm of land information and research. I am sure it will add another dimension to your recorded family history, and enhance the opportunities for further knowledge.