

## SECTION 120 Ebdentown - Upper Hutt North

Owners & Settlers = 1840s John/R J Deighton – 1851 Native Reserve/Hemi Parai & Others –

Buildings = 1851 Whare – Buildings

Subdivisions & Streets = Township of Reayville – Township of Hokowhetu – Upper Hutt Township – Main Road North (Ferguson Drive) – King Street – Queen Street – Sinclair Street -

### 1840-1850

Section No 120 Hutt Valley (Upper)

- This Section was selected by Captain SMITH for John DEIGHTON the original owner of Preliminary Land Order No 514
- John DEIGHTON transferred to R J DEIGHTON 27 May 1850 No Regt in New Zealand 375. 150 acres Compensation issued to R J DEIGHTON in New Zealand for this Land Order.

*(Source Archives New Zealand Wellington reference ADXS 19555 LS-W65 3 43 register of Hutt Valley selections and also outwards letters October 1848 to November 1850)*

### 1850-1860

Section 120 = Deeds Index Map C Hutt District No 120 page 127 (Image 65)

*No - Receipt of Instrument – Nature of Instruction – Parties – Date of Instrument – Where recorded – Reference – Signature*

- 3pm 09 April 1851 – Conveyance – NR – 28 February 1851 – 2 D24
- 23.443 – 1pm 06 March 1876 – Crown Grant – Hemi Parai – 01 October 1875 – 10 G140
- 23621 – 10am 8 March 1876 – Conveyance - Hemi Parai to Tahana Ngaio – 04 January 1876 – 36 D754 – 24/585 – 5.
- 23624 – 10am 8 March 1876 – Conveyance - Hemi Parai to Tioti Kerei & Anor. – 15 February 1876 – 36 D761 – 24/587 – 6.
- 27405 – 3pm 26 June 1877 – Conveyance – Hemi Parai to Mabey – 18 December 1875 – 46 D209 – 13/706 – 7.

Closed – Proclamation 678556 taking part Section 120 (1 rood 23 perches) for river protection purpose vested in the Hutt River Board on and after 18.7.1966 – 1.8.1966 at 2.00pm

*(Reference Archives noon NZ Wellington website = Deeds Index AFIH series 22394 W569 1/43 vol 3/1 page 127 scanned image 65)*

Section No 120 Hutt Valley (Upper)

- John DEIGHTON transferred to R J DEIGHTON 27 May 1850 No Regt in New Zealand 375. 150 acres Compensation issued to R J DEIGHTON in New Zealand for this Land Order.
- This Section and the adjoining Section No 121 was leased to certain NATIVES for three years from 02nd April 1851 with the right to purchase for the sum of £150 Grant No 4266 to Hemi PARAI

*(Source Archives New Zealand Wellington reference ADXS 19555 LS-W65 3 43 register of Hutt Valley selections and also outwards letters October 1848 to November 1850)*

### 1860-1870

### 1870-1880

Part Section 120 and 121 Land Grant to Hemi Parai letter dated 12 August 1874

Re 120 & 121 Upper Hutt

Mr Lewis

Mr Jackson states that some of the plans of the subdivisions of the above sections are incorrect and that he cannot advise Crown Grants to be prepared upon them, But he knows of no reason why a grant should not issue for the whole.

Would it not be practicable to prepare a Grant for the whole to Hemi Parai and leave it to him to convey to the others, who with him have paid for the land? He was promised a Grant for it when it was purchased for them by Sir George Grey from the Messrs Deighton Charles Heaphy 12 August 1874

David Lewis Esq.

Com. For NZ Comp Land Claims

NZ

[In red at the top of the page is – 74/458 Committee Native Reserves Suggesting that Hemi Parai should receive Grant for sections 120 & 121 Upper Hutt 18 August 1874]

Over the page

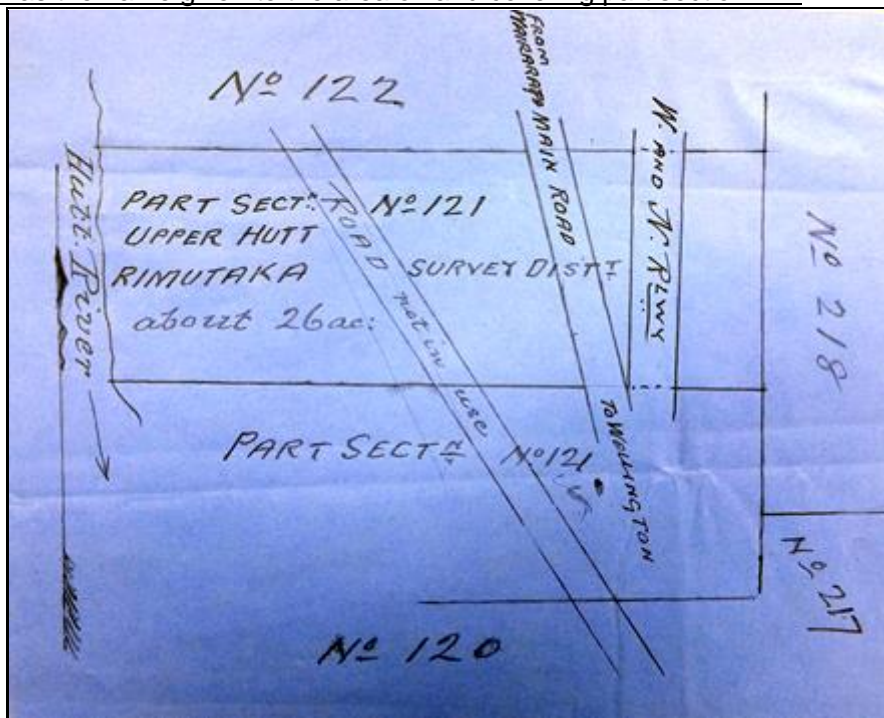
Mr Holdsworth Will you be good enough to reply to Major Heaphy query signed David [sic] Lewis 13.8.74

Referred to Mr Jackson 18/8/74

Crown Grant for Natives Nos 120 & 121 Hutt District Can be prepared forthwith 18 August 1874

(Reference Archives New Zealand Wellington ADXS 19480 LS-W2 26 1874/458 from Charles Heaphy Commissioner Native Reserves Upper Hutt 12 August 1874 Suggesting that Hemi Parai should receive grant for Sections No 120 and 121 Upper Hutt 1874)

Hokowhetu was the name given to the area of land covering part section 121



(Source Archives NZ Wellington reference ADXS 19483 LS-W1 1345 record 16828) [217 & 218 are wrong section Numbers]

**1880-1890**

**1890-1900**

1897-1898 Survey of Hokowhetu Section 121 Upper Hutt

- 11 October 1897 = Plan of section 121 (2 parts), section 122, section 120, section 218 – section 217 from Hutt River to Wellington to Napier Railway. Image above saved as – “UHSection121ANZADXS19483LS-W11345R16828DSCF4604.jpg”.
- 08 October 1897 = application for survey of Hokowhetu (part section 121 Upper Hutt) Rimutaka district – north by section 122, south by part section 121, east by part section 218 and west by the Hutt River – memo to Registrar Native Land Court
- 09 October 1897 = letter from Taita William S Buck to Marchant Esqr., Chief Surveyor Wellington Sir I have the honour to herewith enclose an application form Natives for the Survey of part Section No 121 Upper Hutt
- 25 October 1897 = Schedule [Native Land Act 1886] application Hokowhetu part section 121 Upper Hutt survey 1a 1b 26 acres Rimutaka Survey District - Natives applying Rawinia te Kura, Tera Taira, Hinga Te Hukarere, Tipare Te Hukarere & Pole Brown [sic]

- 25 October 1897 = Letter from Chief Surveyor to W S Buck surveyor Taita regarding the Hokowetu or part section 121 Hutt subdivision 1a & 1b which was transferred to the Native Land Court
  - 01 November 1897 = Form Hokowetu or part of Section 121 Upper Hutt subdivision 1a & 1b Rimutaka District
  - 04 November 1897 = memo Chief Surveyor particulars of survey of Hokowhetu
  - 24 November 1897 = memo from William S Buck to Chief Surveyor report
  - 28 November 1897 = memo plans received from W S Buck
  - 01 December 1897 = Memorandum to W S Buck from Chief Surveyor
  - 06 December 1897 = letter from William S Buck to Chief Surveyor regarding field notes for section 121 Upper Hutt
  - 25 January 1898 = Report of survey Hokowhetu
  - 25 January 1898 = Letter from Chief Surveyor to W s Busk report after examining plans
  - 16 February 1898 = report Chief Surveyor re-examination of W S Bucks plans
  - 17 February 1898 = report from Chief Surveyor to W S Buck amendments to plans
  - 19 March 1898 = Letter Taita Hutt from William S Buck to Chief Surveyor re altered plans
  - 23 March 1898 = report Chief Surveyor
  - 30 March 1898 = Memorandum from Chief Surveyor
  - Cover Sheet reference 16828 survey of section 121 Upper Hutt
  - Notes Hokowhetu part section 121 Hutt measurements of land signed by C Brown
  - 04 April 1898 = Letter Taita Hutt from William S Buck to Chief Surveyor regarding the enclosed application for survey of 1A & 1B of the Hokowhetu Block situated in Upper Hutt
  - November 1897 [sic] = invoice from Native Land Courts for £10 for William S Buck to lay off Subdivision No 1A and 1B of part Hokowhetu part Section No 121 Hutt Rimutaka Survey District
  - 13 April 1898 = Cover note from James Mackenzie on behalf of
  - 27 May 1909 = Memo from Land Transfer Office Wellington 1032/32 W.D. 1485 "A" plus other notes
  - 13 April 1898 = copy of letter from Chief Surveyor to W S Buck regarding Hokowhetu part of section 121 Hutt subdivision 1A & 1B and payment by the Native Land Court
- (Reference Archives New Zealand Wellington ADXS 19483 LS-W1 345 16828 Survey of Section 121 Upper Hutt 1897-1898)*

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## 1900-1910

### Township of Reayville Upper Hutt - 1904

The "Township of Reayville" in Upper Hutt was developed in 1905 on part section 120 Block 1 Rimutaka District. Messrs Mabey and Bengé were the developers.

NOTE - There are 2 plans (images) of section 120 on the same website ([www.lynly.gen.nz](http://www.lynly.gen.nz)) click on "Upper Hutt Historical Projects", go to "Upper Hutt Land Information" section, then click on "Township of Reayville Upper Hutt 1904" to view the image and document.

### Archives New Zealand records for Section 120 Upper Hutt

- May 1904 = Survey map/plan by William S Buck for the Township of Reayville subdivision for developers Messrs Mabey and Bengé covering part section 120 of Rimutaka S.D. Block No 1 Part Section 120 on the survey plan records section 119 to the south west of Main Hutt Road, [would show north east on plan of part section 119]  
Part Section 120 on the survey plan records section 127 of the Melbaville Estate south east of Main Hutt Road [would show north west on plan of part section 127 for Melbaville Estate]
  - Lot 8 to 13 Main Hutt Road
  - Lot 14 Main Hutt Road and Unnamed Street (now known as King Street) corner
  - Lot 15 to 18 Unnamed Street (now known as King Street)
  - Lot 19 Unnamed Street (now known as King Street) & Queen Street corner
  - Lot 20 to 26 Queens Street east side of street
  - Lot 30 to 45 Queen Street west side of street

- 06 September 1905 = Plan regarding Inspection of W S Buck's Land transfer survey of part section 120 Upper Hutt Block 1 Rimutaka (see F Book No 2453 p35) – records main Hutt Road & Queen Street showing lot number 11 to 25 & 30 to 45.
  - fronting Queen Street are lots 20 to 25 & 30 to 45
  - corner Queens Street & unmarked Street [King Street] lot 19
  - fronting unmarked Street [King Street] lot 15 to 18
  - corner unmarked Street [King Street] & Main Hutt Road lot 14
  - fronting Main Hutt Road lots 11 to 13Please note marked on the plan is a swamp running from corner Queen Street to Main Hutt Road. In 2016 this swamp would be under the Upper Hutt Mall which is situated at the North end of the now Main Street Upper Hutt
- 06 September 1905 = spread sheet covering measurements of the surveyed section 120 Upper Hutt Block 1 Rimutaka
- 06 September 1905 = draft letter from Inspector Surveyor to Chief Surveyor regarding survey of part section 120 Upper Hutt Block 1 Rimutaka
- 13 September 1905 = letter from Chief Surveyor to W S Buck surveyor Hutt regarding subdivision part section 120 Upper Hutt
- 12 February 1906 = letter from Surveyor General to Chief Surveyor regarding forwarding plan of the Township of Reayville approved by Governor under the Lands Act 1892  
*(Reference Archives New Zealand Wellington ADXS 19483 LS-W1 471 24121 Section 120 Upper Hutt 1905-1948)*

The name of Township of Hokowhitu was submitted for the development but as this township already existed in the Wellington district it was renamed the Township of Reayville.

#### 1905 Township of Hokowhitu renamed Township of Reayville

- 28 December 1905 Department of Lands and Survey Wellington to Surveyor General Wellington – Township of Hokowhitu – I have the honor to forward herewith a plan of above Township for his Excellency the Governor's approval in term of section 18 of " The Land Act 1892". It is situated at Upper Hutt its position being shown on locality plan in margin. King and Queen Streets are 66 feet wide, which I think sufficient in this locality and I beg to recommend plan for approval. Signed chief surveyor Mr Smith
- 05 January 1906 to Chief Surveyor – Township of Hokowhitu – Referring to your memorandum of the 28<sup>th</sup> ultimo forwarding plan of the Township of Hokowhitu for the approval of His Excellency the Governor under section 18 of " The Land Act 1892". I have to inform you that the plan will be recommended for approval. Before doing so however I should like to know if this is the Hokowhitu Township which has I understand been in existence for some years in the Wellington District because if not another name will have to be substituted. Kindly advise me as soon as possible on the subject. Surveyor General J W A Marchant
- **PLAN** Township of ~~Hokowhitu~~ **Reayville** Upper Hutt surveyor S Buck – Part Section 120 Queen Street – King Street – Hutt Main Road saved 05/09/2017 as IMG\_
- 10 January 1905 Department of Lands and survey to Surveyor General Wellington – Township of Hokowhitu – I have the honor to acknowledge receipt of your memo No 502336 of the 5<sup>th</sup> instant in reference to the above subdivision. This is not part of the subdivision known as Hokowhitu near Palmerston North which is possibly the one you refer to. I have written to the surveyor asking him to suggest another name to avoid any confusion with the existing one signed Chief Surveyor Mr Smith [24355]
- 25 January 1906 from Department of Lands and Survey to Surveyor General Wellington – Proposed Township of Hokowhitu – The surveyor has submitted the name " Reayville" in lieu of Hokowhitu. If accepted will you please have the name amended on the plan with you signed Chief Surveyor Mr Smith
- 03 February 1906 Wellington His Excellency the Governor is respectfully advised to sign as approved the accompanying plan of the Township of Reayville Wellington Land District in terms of Section 18 of " The Land Act 1892". Signed Minister of Lands
- 12 February 1906 to Chief Surveyor Wellington Referring to your memorandum of the 28<sup>th</sup> December last I return separate parcel the plan of the Township of Reayville approved by the Governor in terms of section 18 of " The Land Act 1892" signed Survey General J W A Marchant

(Reference Archives NZ Wellington ACGT 18190 LS1 1790 25/222 Township Reayville year no date also photo of plan saved Lynly Image IMG\_2216 & IMG\_2217 & IMG\_? Later )

#### 1905-1906 - Survey file for part Section 120 Block 1 Rimutaka (Reayville Estate subdivision)

- Map of Section 120 Upper Hutt Queen Street & Main Hutt Road (saved as IMG\_
- Inspection of W S Bucks Land Transfer survey of part 120 Upper Hutt Block 1 Rimutaka with measurements
- Memo section 120 Upper Hutt land measurements and specifications
- Memo 06 September 1905 Wellington inspection of W S Buck land transfer survey
- Letter 13 September 1905 from Chief Surveyor to W S Buck Hutt subdivision part of section 120 Upper Hutt - East boundary Lot 18, East Boundary Lot 19, West Boundary lot 31 plan returned
- Letter 12 February 1906 from Department of Lands to Chief Surveyor referring to memorandum 28 December 1905 plan f Township of Reayville approved

(Reference Archives NZ Wellington ADXS 19483 LS-W1 471 24121 Section 120 Upper Hutt 1905-1906)

#### Township of Cromer Upper Hutt – 1907 – section 120 & 121

The Upper Hutt “Township of Cromer” proposal for part sections 120 & 121 Block 1 Rimutaka district I believe was not approved and as a result the subdivision did not go ahead. The details below, is the only information I have been able to locate regarding the “Township of Cromer”.

#### Archives New Zealand records section 120 & 121

- 01 October 1907 = letter from Seaton & Sladden Civil Engineers Wellington to Chief Surveyor requesting approval for proposed township of Cromer Upper Hutt being part of section 120 and 121 Block 1 Rimutaka S D

(Reference Archives New Zealand Wellington ADXS 19483 LS-W1 497/25165 Upper Hutt extension No 2 part of sections 120-121 Hutt closed road Block 1 Rimutaka Survey District 1907-1911)

#### 1907 to 1910 Township of Keyville & Upper Hutt Township Section 121, 120, 119, 88, 91 & 92

- 03 July 1907 from Chief Surveyor to Surveyor General Township of Upper Hutt – old road on **Section 121** bit does not exist on ground – Henry Street is a new one - (brief transcription)
- 08 July 1907 from Surveyor General to Chief Surveyor return tracing of proposed Township of Keyville submitted for approval. I shall recommend the width of Henry Street be restricted to 66 feet. Better be styled “Upper Hutt Extension” - (brief transcription)
- 16 July 1907 from Chief Surveyor to Surveyor General Upper Hutt Extension No 1 new tracings (brief transcription)
- 19 July 1907 from Under-Secretary to Hon Minister of Lands Township of Upper Hutt Extension No 1 recommend Governor approve plan and laying off of Henry Street and Main Streets (2 copies)
- 19 July 1907 Authorizing the laying off of Henry Street in Township of Upper Hutt Extension No 1 – Robert McNab Minister of Lands signed
- 19 July 1907 memo His Excellency the Governor is respectfully advised to sign as approved (brief transcription)
- 25 July 1907 from Surveyor General to Chief Surveyor Upper Hutt Extension No 1 Township plan approved by Governor
- 19 July 1907 Documentation from Minister of Lands authorizing laying off of Henry Street etc.
- 04 October 1907 from Chief Surveyor to Surveyor General Township of Upper Hutt Extension No 2 forward plan for approval
- PLAN of proposed Upper Hutt Extension No 2 part **sections 120 & 121** Block 1 Rimutaka SD copy of plan approved by Governor 16/10/1907 – Exchange Street – Cairo Street – King Street – Queen Street – Sinclair Street – Hay Street Hutt Main Road - Park Street – McParland Street – Closed Road (Old Company/Old Military Road) saved 30/08/2017 as IMG\_
- 16 October 1907 Authorising the laying off of certain street in Township of Upper Hutt Extension No 2 authorised by Robert McNab Minister of Lands – Park Street – Exchange Street – Cairo Street – Sinclair Street – Hay Street – King Street – Logan Street

- 14 October 1907 from Surveyor General to Minister of Lands Upper Hutt Extension No 2 recommendation to Governor (2 copies)
- 17 October 1907 from Minister of Lands Authorising the laying off of certain streets as above
- 14 October 1907 His Excellency the Governor is respectfully advised to sign Upper Hutt Township Extension No 2 (form)
- 19 October 1907 from Surveyor General to Chief Surveyor memo plan approved by the Governor
- PLAN Upper Hutt Extension No 3 – Hutt River – Pine Avenue – Willow Grove – Poplar Grove – Hazel Street – Elm Street – Oak Street – Park Street – McParland Street – Hutt Road saved 30/08/2017 as IMG\_
- PLAN of all sections in the Upper Hutt district from Silverstream to Te Marua saved 30/08/2017 as IMG\_
- PLAN Locality Plan of Upper Hutt Extensions – image of streets extension No 2 in **Section 120** part Park Street, Logan Street, Sinclair Street, Queen Street, King Street, Cairo Street, Exchange Street, Main Hutt Road – image of streets extension No 3 in part **Section 119** part Park street, McParland Street, Pine Avenue, Oak Street, Elm Street, Hazel Street, Poplar Grove, Willow Grove, Hutt Main Road – image of street marked extension No 4 in park **Section 119** Riverbank Street Victoria Street, Alexandra Street, Royal Street, King Street (Gibbons Street), Hutt Main Road saved 30/08/2017 as IMG\_
- 23 September 1908 from Chief Surveyor to Surveyor General Plan of Town of Upper Hutt Extension No 3 forward plan for above town state that Willow Grove, Poplar Grove, Hazel, Elm, Oak, Park and McParland Street are new streets. Pine avenue is an old public road recommend approval from Governor
- 28 September 1908 from Surveyor General to Minister of Lands Proposed Township of Upper Hutt Extension No 3 request for approval laying off of Willow,Grove, Poplar Grove, Hazel Street, Elm Street, Oak Street, Park Street And McParland Street in above Township (2 copies)
- 28 September 1908 (official form) his Excellency the Governor is respectfully advised to approve plan
- 05 October 1908 from Surveyor General to Chief Surveyor Upper Hutt Extension No 3 Township plan approved by Governor
- 28 September 1908 from Minister of Lands Robert McNab authorise paying off of Willow Grove, Poplar Grove, Hazel Street, Elm Street, Oak Street, Park Street and McParland Street for Township of Upper Hutt Extension No 3
- 17 June 1909 from Chief Surveyor to Surveyor General Upper Hutt Extension No 4 (Mr R R Richmond Surveyor) plan for approval – King Street is a public Road – Pine Avenue is also a Public Road – Alexandria, Victoria and River Bank Streets are new streets – allowed for widening of Pine Avenue
- 28 June 1909 Surveyor General to Minister of Lands Town of Upper Hutt Extension No 4 request authorise the laying off of RIVERBANK, VICTORIA AND ALEXANDRA streets in above town (3 copies)
- 30 June 1909 from Chief Surveyor to Surveyor General Upper Hutt Extension No 5 forward plans for approval – King Street is a public road – Pine Avenue is a public road and has been widened – Royal Street is a new street and runs between Main Hutt Road and Alexandra Street which is included in a former Town Upper Hutt extension No 4
- Note on scrap paper re Upper Hutt Township Extension No 5
- 03 July 1909 from Survey General to Chief Surveyor Town of Upper Hutt Extension No 5 laying off of Royal Street
- 30 June 1909 (official form) Minister of Lands sign for approval extension No 4
- 03 July 1909 from Surveyor General to Chief Surveyor Town of Upper Hutt Extension No 5 recommendation to Governor to approve plan laying off of Royal Street (2 copies)
- 03 July 1909 from Surveyor General to Chief Surveyor Upper Hutt Extension No 4 return plan approved Riverbank, Victoria and Alexandra Streets
- 30 June 1909 Authorising the laying off of Riverbank, Victoria and Alexandra Streets in Town of Upper Hutt Extension No 4 noted Gazette No 57 page 1800 08 July 1909
- 07 July 1909 Minister of Land (official form) advised to approve

- PLAN **Section 119** – Main Hutt Road - King Street - Alexandra Street – Royal Street – Convent land – Roman Catholic Church saved 30/08/2017 as IMG\_
- 12 July 1909 from Surveyor General to Chief Surveyor Town of Upper Hutt Extension No 5 Royal Street to be approved
- 07 July 1909 from Minister of Lands Authorising laying off of Royal Street in Town of Upper Hutt Extension No 5 as authorised by David Buddo acting Minister of Lands
- 04 October 1909 from Chief Surveyor to Surveyor General Plan of Town of Upper Hutt Extension No 6 forward plan for approval
- 27 October 1909 from Survey General to Chief Surveyor Town of Upper Hutt Extension No 6 refer memo for approval
- 19 November 1909 from Chief Surveyor to Surveyor General Town of Upper Hutt Extension No 6 subdivision for weekend Country Cottages overlooking gold links (no streets mentioned)
- Memo hand written re Town of Upper Hutt Extension No 6
- 15 December 1909 from Surveyor General to Chief Surveyor Town of Upper Hutt Extension No 6 subdivision (plan returned)
- PLAN of proposed new Town of Upper Hutt Extension No 6 part of **section 88** Hutt Block 1 Rimutaka SD – formed Road cutting – Mawaihakona Stream – Back of old Orchard – lots 2, 3, 4, & 5 saved 30/08/2017 as IMG\_
- 21 March 1910 from Surveyor General to Chief Surveyor Town of Upper Hutt Extension No 6 tracing prepared by Mr Inspector Climie who visited the ground – Mawaihakona Stream
- 24 March 1910 from Commissioner of Crown Lands to Surveyor General Town of Upper Hutt Extension No 6 cannot see way to alter proposal at this point the business now stands
- 02 August 1910 from Chief Surveyor to Surveyor General Upper Hutt Extension No 7 – Main Hutt Road is public – Nimrod Street, Sievwright Avenue and Shackleton Crescent are new roads – (Also Mr Barton has abandoned his Upper Hutt Extension No 6)
- 29 August 1910 from Survey General to Minister of Lands Town of Upper Hutt Extension No 7 laying off of NIMROD street, SHACKLETON Crescent and SIEVWRIGHT Avenue
- 16 September 1910 His Excellency the Governor is respectfully advised to sign as approved (official for)
- 16 September 1910 from Minister of Lands (official form) Authorizing laying off of NIMROD STREET, SHACKLETON CRESCENT & SIEVWRIGHT AVENUE I Joseph George Ward do hereby authorise the laying off Upper Hutt Extension No 7
- 21 September 1910 from Surveyor General to Chief Surveyor Town of Upper Hutt Extension No 7 plan approved by Governor

*(Reference Archives NZ Wellington ACGT 18190 LS1 1798 25/349 Township Upper Hutt years not dated)*

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## 1910-1920

### Township of Cromer Upper Hutt – 1907 – section 120 & 121

The Upper Hutt “Township of Cromer” proposal for part sections 120 & 121 Block 1 Rimutaka district I believe was not approved and as a result the subdivision did not go ahead. The details below, is the only information I have been able to locate regarding the “Township of Cromer”.

### Archives New Zealand records section 120 & 121

- 01 October 1907 = letter from Seaton & Sladden Civil Engineers Wellington to Chief Surveyor requesting approval for proposed township of Cromer Upper Hutt being part of section 120 and 121 Block 1 Rimutaka S D
- 11<sup>th</sup>, 13<sup>th</sup> & 19<sup>th</sup> October 1911 = Examiners report on Upper Hutt Extension No 2 part section 120-121 and closed road block 1 Rimutaka SD includes 3 page document 55 items covered
- 10 October 1911 = Report form Department of Lands and Surveys by Chief Surveyor regarding Upper Hutt Extension No 2 parts sections 120-121 Hutt and closed Road Block 1 Rimutaka S D by surveyor Seaton and Sladden Wellington 9 items reported [1] surveyor’s reply This survey made in 1908 was made from a rough working plan and no field book was kept [9] surveyor’s reply we regret that the Town Board should have used this space in spite of our request that it should not be so used

*(Reference Archives New Zealand Wellington ADXS 19483 LS-W1 497/25165 Upper Hutt extension No 2 part of sections 120-121 Hutt closed road Block 1 Rimutaka Survey District 1907-1911)*

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## 1920-1930

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### 1940-1950

#### 1947- Upper Hutt Township & Section 121, 119, 120, 122, 217 & 218

- 26 May 1947 Minister of Lands to Mrs MGF Benge Ebdon Town Upper Hutt acknowledge letter (2 copies)
- 03 June 1947 Ebdon Town Upper Hutt Surveyor to Chief Surveyor enclosed latter from Mrs MGF Benge regarding old subdivision
- PLAN Part Old Military Road closed on SD plans 15766 x 18145 on **sections 120 and 121** – Exchange Street - Hutt Road – Ebdon Town Road saved 05/09/2017 as IMG\_
- PLAN Old Military Road Hemi Parai Grantee 1875 **Section 119, 120, 121, 122 217 & 218** saved 05/09/2017 as IMG\_
- PLAN Part Old Military Road May Olive Francis Benge **Section 121** lots 19, 17, 15, 13 from Keys 6/3/1924 conveyance 139325 & W Ebdon to J Munro Purchaser 7/12/1876 conveyance 25866 Lots 13, 15, 17, 19, 21 on plan 23830 saved 05/09/2017 as IMG\_
- PLAN of Street to be closed through **Section 121** Hutt Registration District Block I Rimutaka SD Borough of Upper Hutt – Cairo Street, Exchange Street, Ebdon Town Street – E E Jenkins & Agnes McCallan & J R Wyeth & M O Benge & A W Jones & A Southee & E J Beavis saved 05/09/2017 as IMG\_
- Letter 19 May 1947 written by May Olive Francis Benge to Mr Skinner (3 pages) saved 05/09/2017 as IMG\_
- 13 June 1947 from Chief Surveyor to Surveyor General about Ebdon Town Upper Hutt Mrs MOF Benge - Referring to your memo of the 3<sup>rd</sup> instant I enclose therewith a photocopy of SO plan 21393 which shows the areas referred to by Mrs Benge which are parts of **Section 121** Hutt District. I also enclose two paper tracings of searches made in connection with the questions raised. The position is as follows:

By Crown Grant dated 1875 a public road (bearing) 100 links wide was excepted from Section 121. This road is shown on a number of plans and was known as “*Old Military Road*”. Since the issue of Crown Grant several portions have been closed to the north and south of areas on SO 21393. In December 1875 part of Section 121 was acquired (by Deeds Conveyance) by W Ebdon who subdivide the area shown on tracing attached to Conveyance 23830 dated 1876 – see paper tracing. The access for the numerous lots is shown on tracing as a “Private Road 33 feet wide” whilst the conveyance refer to “Right of Way”. “Old Military Road” is also thereon and area (0-1-04) of each lot would include portions of this Crown Grant Road. By Conveyance 25866 dated 1876 W Ebdon sold lots 13-15-17-19 and 21 to J Munro containing 1ac 1rd 20 per. The diagram on this conveyance shows “Old Military Road” and wording states “Subject to the public road coloured yellow”. Some subsequent conveyances have not by diagram or wording referred to Old Military Road. Finally on 06/03/1924 Mrs Benge acquired Lots 13, 15, 17 & 19 by Conveyance No 139325 and no reference was made to Old Military Road. (Pt 13 was subsequently sold) – See paper tracing. On 02/03/1929 CT 352/27 Limited issue in the name of MOF Benge excluding Old Military Road as shown by diagram on tracing. As there is no evidence of closing Old Military Road it would appear from the search that the conveyance from Keys to Benge dated 06/03/1924 erroneously included a public road. This was not the fault of any Government Department. It was a mistake on the part of private conveyance who drew the deeds up. At that time title to the land was not guaranteed not being under the L.T. Act. It would also appear that the original Ebdon Town Road 50 Links wide has not been legalized. Note in several places it has been widened by dedication and proclamation and at the present time SO plan 21412 lodged on 14/05/1946 which shows further proposed widenings is under check. The question of Old Military Road and the adjoining titles was raised by Mr H P Hanify in November 1945 and SO 21393 was lodged on the 05/03/1946 in this office for the purpose of closing this part of the street. Messrs Mazengarb Hay & Macalister who are apparently Mrs Benge’s Solicitors made verbal enquiries as to the procedure for closing the street coloured green on SO 21393. This office advised closing in pursuance of Section 175 (H) 5<sup>th</sup> Schedule Clause 12 Municipal Corporation’s Act 1933 for until the street was closed by formal operation of law neither Mrs Benge nor any other person could acquire any title to it. This plan was checked and approved



on 07/10/1946 some delay being due to requisitions on plan and shortage of staff and pressure of work. This was explained to I believe Mr Dunstan who made enquiries as to what progress was being made at that time. The closing of the street was affected on 07/10/1946 when SO plan 21393 was noted as required by the above mentions Section and the evidence numbered K26349 has been registered on CT 352/27. At the time of survey the Surveyor placed several pegs shown on SO 21393 indicating street widening and a subdivision of CT 352/27 and the adjoining parts of Old Military Road for which it would be necessary for Mrs Bengé to acquire title. This matter at the time was referred to the District Land Registrar when the Solicitors made enquiries as to requirements for the issue of a Certificate of Title for the purchaser of part of Mrs Bengé's land. He advised that firstly evidence under seal (accompanied by a sketch) by the Upper Hutt Borough Council certifying that Ebdén Town Road 50 links wide was a street within the meaning of Section 174 Municipal Corporations Act 1933 should be lodged. Secondly the strip approximately 5 links wide along the western side of Street should be dedicated and at the same time an Order In Council exempting from widening in pursuance of the Public Works Act 1928 was necessary. (Note original width is only 33 feet). This O.I.C. Numbered 2056 was lodged on 13/05/1947 but awaits the transfer for Street widening. The O.I.C. and transfer by way of dedication will be registered simultaneously. Thirdly the Upper Hutt Borough Council should apply for a Certificate of Title for the part of Old Military Road closed by K26349 to be followed by transfers from the Council of the separate portions to adjoining owners one of whom is Mrs Bengé. Forthly a Land Transfer Plan compiled from the survey date on SO 21393 should be lodged showing he final subdivision as is intended this plan to be the basis of any new C.T.'s to issue. Subdivision of course requiring the Borough Council's consent. To sum up – Mrs Bengé was apparently occupying a legal public street and although only a paper road it was nevertheless a legal highway and she has apparently paid the rates accordingly. The four matters referred to above require completion. This Department was only concerned with street closing which was affected on 07/10/1946. The other matters are questions of complying with the law and the requirements of the District Land Registrar in connection with issue of new titles and are therefore the concern of the Borough Council the owners and their solicitors who I understand are preparing the necessary documents for registration.

- 04 July 1947 from Minister of Lands to Mrs Bengé Further to my interim reply to your letter dated the 19<sup>th</sup> ultimo I have now fully investigated the question raised therein. The land he by you is part of **Section 121** Hutt District for which the original Crown Grant was issued in 1875 to a public road 100 links wide. This road is shown on several old plans and was known as "Old Military Road". In December 1875 W Ebdén purchased part of Section 121 and subdivided the area as show in a tracing attached to Conveyance 23830 providing access by a private road 33 feet wife but the old Military Road is also plainly shown diagonally crossing most of the sections. W Ebdén in 1876 sold five of these sections numbers 13, 15, 17, 19, and 21 to J Munro subject to the public road shown on the conveyance the old Military Road. In 1924 you acquired by conveyance the first four of the above sections but no reference was made in such document to the Old Military Road which was erroneously included in your title. This was not the fault of any Government Department but a mistake on the part of the Solicitor who drew up the document. As the land was not under the Land Transfer Act dealings were not subject to rigid check in the Lands and Deeds Department. When in 1929 Certificate of Title 352/27 (Limited) was issued in your name in place of your Deeds Title the Old Military Road which though unformed had never been legally closed was correctly shown crossing your sections. This road has now been closed both through your land and adjoining sections but its disposal to the various owners is a matter for the Upper Hutt Borough Council as it lies within that Borough. I understand that Solicitors acting on your behalf have made enquiries at the Lands Office in Wellington and have neem advised of the steps necessary to finally clear the matter up. I regret that I am unable to give you any further assistance on this question which has undoubtedly caused you much inconvenience.

*(Reference Archives NZ Wellington ACGT 18190 LS1 1798 25/349 Township Upper Hutt years not dated)*