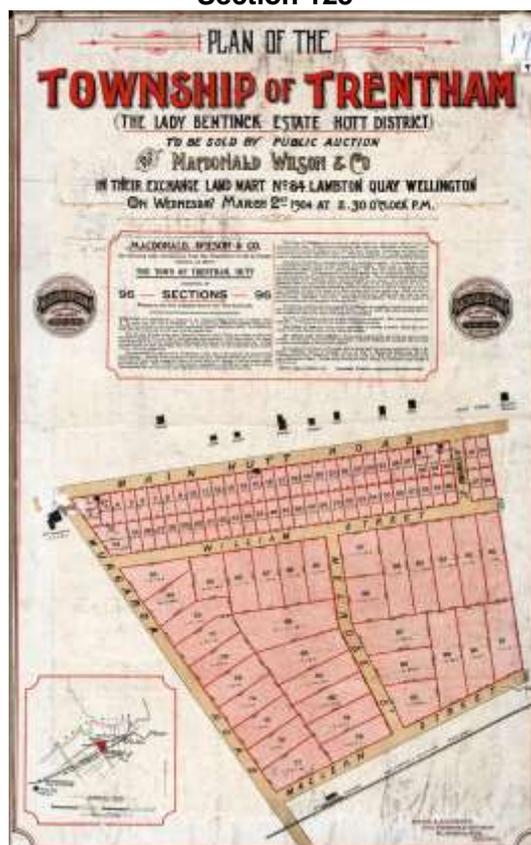


## TOWNSHIP OF TRENTHAM - THE LADY BENTINCK ESTATE – 1904 Section 125



(Source Hutt City Council Archives reference 255\_Arch\_72719)

### Transcription from Township of Trentham Upper Hutt advertising poster

Plan of the Township of Trentham (The Lady Bentinck Estate Hutt District)  
To be sold by Public Auction Macdonald Wilson & Co in their Exchange Land Mart No 84 Lambton Quay Wellington - On Wednesday 02<sup>nd</sup> March 1904 at 2.30 o'clock pm.  
Macdonald Wilson & Co are favoured with instructions from the Proprietors to sell by Public Auction, as above, The Town of Trentham, Hutt consisting of 96 Sections ranging in area from a quarter acre to over two acres each. The Town of Trentham is situated on the Wellington-Upper Hutt line of railway, about 18 miles from the City of Wellington. It is opposite the Wallaceville Railway Station and extends from the Station to the Main Road immediately opposite McGovern's Hotel. [The hotel was also known as Highland Home, Railway, Trentham and Quinn's Post Hotel]. It is absolutely level and each section can be built upon with the greatest ease. For the past 50 years it has been known as Absentee Land, it being the Estate of the Lady Bentinck in England, but until 1908 it had practically been treated as a No-man's Land, the happy hunting ground of any number of jumpers who grazed and farmed it at their own sweet will. A long protracted series of legal proceedings have now vested the Estate in the descendants of the original owners, hence the present sale. The impossibility for half a century of obtaining a clear title to the property has naturally kept back settlement. Situated as the property is some half way between Silverstream and the Upper Hutt and with main road tapping the valleys on either side of the Ranges, it is the natural centre for a thriving town. With no title it was however impossible to lay off and create a town there. That drawback has now been swept away and the new Town of Trentham has been born. The Town of Trentham will not only be rapidly settled but year by year will see it grown in importance and value. Already great brickmaking works have been established not far from it. The Government have acquired a large area of land for their Veterinary Department and have built an extensive and up to date Laboratory upon it. Other large buildings are to follow and within three years it is expected that fully one thousand people will be residing in and about the Town of Trentham. The Town of Trentham is admirably adapted for residential purpose.

A rich loamy soil resting on a gravelly formation, secures perfect draining and sanitation. There exists an abundant supply of magnificent artesian water of perfect character. The view from every part of the Town is remarkably beautiful. The Mungaroa and Upper Hutt Ranges, form an amphitheatre of hills circling the valley through which the River Hutt rolls its way to the sea. The air is always clear and delightful and as a health resort Trentham cannot well be equalled in the colony. The tourist fond of New Zealand's wealth of native bush, ferns and shrubs will find in the neighbourhood of the Town of Trentham many days of delightful wandering while the fisherman in a walk of a quarter of an hour from Trentham can have his choice of a dozen streams full of the finest trout. From the City of Wellington three-quarters of an hour by rail, and hour and a half by driving, half the time by motor car or bicycle. Splendidly level roads. Good hotel accommodation. What more is required to guarantee settlement, and prosperity to the new Town. The Railway authorities are now engaged in thinking out the question of speedier communication and arranging special trains for the benefit of workers. This in itself, when given practical effect to, will enormously enhance the value of all properties in Trentham. The Town of Trentham is the best of good things as an investment. The Auctioneers suggest an inspection. It will pay the trouble and lead to a satisfactory purchase. The Terms of Sale give everyone an opportunity of securing a section. There can only be ninety-six buyers, because there are only ninety-six sections. There are the Terms – Ten per cent deposit at the sale, Ten per cent in three months, Ten per cent every six months afterwards, or anyone building can arrange for all the money to remain in mortgage at Five per cent interest. Every section in the Town of Trentham will be formed with its number marked by a flag on the ground. Intending visitors to Trentham can go by train to Wallaceville Station any day from Wellington at 7.16 am, 10.30 am, 1.15 pm, 4.7 pm, 4.35pm, 9.25 pm at a fare of 3s 6d, or by road to McGovern's Hotel. A Brake leaves William's Hotel, Petone for Trentham every Sunday at 2 o'clock pm. Title – Land Transfer Act - Immediate Transfer in payment of purchase money.

## **Residents and Buildings recorded on the Township of Trentham plan**

### Geange House

Perhaps Mrs (Ruth) Richard Geange or John Geange or Charles Henry Geange or Jacob Geange. For additional information on the family please refer to the website section titled "Hutt Valley & Upper Hutt Family Histories and Genealogies" and select the "*Geange and Barber and Satchell Family*" document.

### Cudby House

Perhaps Charles Cudby but the house could belong to Alfred Cudby or Henry H Cudby or John Walter Cudby.

### Golder House (now an historical cottage)

Mrs Jane Golder (widow of John) and their family. For additional information on the family please refer to the website section titled "*Hutt Valley & Upper Hutt Family Histories and Genealogies*" and select the "*Golder and Taylor Family*" document.

### Brown House

Perhaps Mrs George Brown but it could belong to another George Brown or Borthwick T Brown or Andrew Brown or James Brown or William Brown or William Kay Brown or Ellen Brown. For additional information on the family please refer to the website section titled "*Hutt Valley & Upper Hutt Family Histories and Genealogies*" and select the "*Brown and Flynn Family*" document.

### House (unoccupied)

### Kelly House

Not sure if it is D Kelly or E Kelly

### Craig House

John Thomas Craig born 1866 New Zealand died 1933 Upper Hutt New Zealand married 1895 New Zealand Mary Philomina Cudby born about 1871 died 1918 Upper Hutt New Zealand. Their issue were John Archibald Craig born 1896 Upper Hutt, Rita Elizabeth born 1897, August Henry born 1899, Constance Mary born 1900, Reginald Charles born 1901, Edna Frances born 1909 and Clare Philomena born 1911 all in New Zealand. For additional information on the family please refer to the website section titled "*Hutt Valley & Upper Hutt Family Histories and Genealogies*" and select the "*Craig and Hodgson Family*" document.

### Orchard & House (H C Gibbons)

Harry Clifton Gibbons born 1860 England died 1941 Wellington New Zealand married 1890 New Zealand Annie Elizabeth Young born about 1871 died 1937 Wellington New Zealand. Their issue were Edward born 1893 New Zealand, Walter Jefferies born 1894 New Zealand, Winifred Lucy Clifton born 1895 New Zealand, Alice Lumby born 1897 New Zealand and Rhoda Gertrude born 1898 New Zealand. For additional information on the family please refer to the website section titled "*Hutt Valley & Upper Hutt Family Histories and Genealogies*" and select the "*Gibbons and Young Family*" document.

#### McGovern's Hotel

The Hotel was originally called the Highland Home, renamed Railway Hotel, followed by Trentham Hotel and finally Quinn's Post Hotel/Tavern. Francis Joseph McGovern was the owner and proprietor of the Trentham Hotel. After Francis's death in 1906 his son Michael McGovern took over the hotel which was known to locals as the McGovern's Hotel.

#### Church (St David's)

#### Sale Yards

#### Upper Hutt Town

#### Wellington – Napier Government Railway

#### Upper Hutt Railway Station

#### Wallaceville Railway Station

#### Silverstream Railway Station

#### Brick Kiln & Yards (Silverstream)

### **Township of Trentham Street names and their origins**

#### William Street (later absorbed into and renamed Martin Street)

William Street no longer exists. William Street was on south side of Martin Street and in 1930 when the 2 street joined William Street became part of Martin Street. Commissioner Webb asked that the streets known as Martin and William Streets be designated Martin Street throughout reference Dominion newspaper 09 April 1913. The Upper Hutt Borough Council decided that "William Street to be called Martin Street" reference Papers past website Evening Post newspaper 30 April 1930 page 16. I am not sure if this happen in 1913 or 1930.

#### Martin Street

Martin Street was named after Alexander Gordon Martin who married Elizabeth Brown the sister of George Brown the owner and developer of the Melbaville Estate. On the South side of a later developers map was William Street. Commissioner Webb asked that the streets known as Martin and William Streets be designated Martin Street throughout reference Dominion newspaper 09 April 1913. Williams Street no longer exists but was merged into Martin Street around 1930 reference Evening Post newspaper. The Upper Hutt Borough Council decided that "William street to be called Martin street" reference Papers past website Evening Post newspaper 30 April 1930 page 16. I am not sure if this happen in 1913 or 1930. Wises NZ Post Office Directory volume 2 1955 & 1959 & 1961-1962 recorded Martin Street.

#### Melrose Street

I do not know the origin for the naming of Melrose Street. Wises NZ Post Office Directory volume 2 1955 & 1959 & 1961-1962 recorded Melrose Street.

#### Richmond Street

Richmond Street was named after Robert Richardson Richmond (1866-1916) who was a civil engineer residing in Newtown Wellington. The firm Mason & Richmond Civil Engineer & Surveyors prepared the plans for the 1904 Township of Trentham subdivision. Later in 1908 the firm Richmond & Newton Engineers and Surveyors were involved with the Dominion Estate subdivision in Upper Hutt. Wises NZ Post Office Directory volume 2 1955 & 1959 & 1961-1962 recorded Richmond Street.

#### Maclean Street

MacLean Street was perhaps named after Dr Gilbert MacLean (1892-1985) a Tuberculosis Specialist who visited the District Nurses Rooms in Upper Hutt. Wises NZ Post Office Directory volume 2 1955 & 1959 & 1961-1962 recorded MacLean Street

#### Mungaroa Road (renamed Ward Street)

Mungaroa Road no longer exists. It was originally named Wallaceville Road followed by Mungaroa Road and is now known as Ward Street. On some maps and drawing it was shown as Old road. Mungaroa Road was named as it was the road that led from the Main road Upper

Hutt up the hill to the Mungaroa valley. The Upper Hutt Borough Council decided that “Mungaroa road to be called Ward Street” reference Papers past website Evening Post newspaper 30 April 1930 page 16

Ward Street

Ward Street was named after Sir Joseph George Ward (1856-1930) the 17<sup>th</sup> Prime Minister of New Zealand and Member of Parliament from 1887 to 1930. The early section of Wallaceville Road was marked on an old early were Ward Street is now situated. Later it was renamed Mungaroa Road then finally Ward Street. The Upper Hutt Borough Council decided that “Mungaroa road to be called Ward Street”. There are various streets in Upper Hutt named after former Prime Ministers of New Zealand such as Coates, Massey, Seddon & Ward street and Savage & Fraser crescent. Wises NZ Post Office Directory volume 2 1955 & 1959 & 1961-1962 recorded Ward Street.

Main Hutt Road

Main Hutt Road no longer exists. The road was originally built and named the New Zealand Company Road & Company Road, also known as Great North Eastern Road, part of the road was known as Old Military road, followed by Main Hutt Road, Main Road North & South and part of the (business area) road was named and still remains known as Main Street but the remainder was finally renamed Fergusson Drive. The first road from Wellington was completed to Taita in 1843 and Upper Hutt in 1844.

Fergusson Drive

Fergusson Drive was named after His Excellency the Governor General of New Zealand Sir Bernard Fergusson. He declared Upper Hutt a City in 1966. Fergusson drive runs between the districts of Heretaunga, Trentham, Elderslea, Upper Hutt, Ebdentown, Clouston Park and ending at Brown Owl. The first road from Wellington was completed to Taita in 1843 and Upper Hutt in 1844.

Bentinck Street (not on Township of Trentham plan but street was formed in a later subdivision) Bentinck Street was named after Lady Oliva Caroline Amelia Bentinck formerly Taylour. She became the owner of part section 125 Hutt District where the Township of Trentham Bentinck Estate was situated. The land was originally purchased in 1843 by William Thompson an alderman of London but he never came to New Zealand so was one of the many absentee landowners of that period. The Crown Grant was not issued until 1877. Lady Bentinck was the only child and daughter of Thomas Taylour Earl of Bective who inherited the land from William Thompson. He then signed it over to his daughter Lady Bentinck who was married to Lord Henry Cavendish Bentinck.

**Township of Trentham Upper Hutt Section 125**

Lots 1-30 & 33-60 = Main Hutt Road, Richmond & William Street and Mungaroa Road Block

Lots 31-32 & 61-62 Main Hutt Road, Richmond Street and William Street Block

Lots 63 to 80 & 94 to 96 = William, Melrose & Maclean Street and Mungaroa Road Block

Lots 81 to 93 = William, Melrose and Maclean Street Block

Lot	DP	Section	Address	Name
1		125	Main Hutt Road & Mungaroa Road corner	
2		125	Mungaroa Road	
3		125	Main Hutt Road (O'Riley residence)	
4		125	Main Hutt Road	
5		125	Main Hutt Road	
6		125	Main Hutt Road	
7		125	Main Hutt Road	
8		125	Main Hutt Road	
9		125	Main Hutt Road	
10		125	Main Hutt Road	
11		125	Main Hutt Road	
12		125	Main Hutt Road	
13		125	Main Hutt Road	
14		125	Main Hutt Road	
15		125	Main Hutt Road (Boyer residence)	

16		125	Main Hutt Road	
17		125	Main Hutt Road	
18		125	Main Hutt Road	
19		125	Main Hutt Road	
20		125	Main Hutt Road	
21		125	Main Hutt Road	
22		125	Main Hutt Road	
23		125	Main Hutt Road	
24		125	Main Hutt Road	
25		125	Main Hutt Road	
26		125	Main Hutt Road	
27		125	Main Hutt Road	
28		125	Main Hutt Road (E Greenwood residence)	
29		125	Main Hutt Road	
30		125	Main Hutt Road & Richmond Street corner (Mrs Greenwood residence)	
31		125	Main Hutt Road & Richmond Street corner	
32		125	Main Hutt Road	
33		125	Mungaroa Road	
34		125	Mungaroa Road & William Street corner	
35		125	William Street	
36		125	William Street	
37		125	William Street	
38		125	William Street	
39		125	William Street	
40		125	William Street	
41		125	William Street	
42		125	William Street	
43		125	William Street	
44		125	William Street	
45		125	William Street	
46		125	William Street	
47		125	William Street	
48		125	William Street	
49		125	William Street	
50		125	William Street	
51		125	William Street	
52		125	William Street	
53		125	William Street	
54		125	William Street	
55		125	William Street	
56		125	William Street	
57		125	William Street	
58		125	William Street	
59		125	William Street	
60		125	William Street & Richmond Street corner	
61		125	William Street & Richmond Street corner	
62		125	William Street	
63		125	Mungaroa Road & William Street corner	
64		125	Mungaroa Road	
65		125	William Street	
66		125	William Street	
67		125	William Street	
68		125	William Street	
69		125	William Street & Melrose Street corner	

70		125	Mungaroa Road	
71		125	Mungaroa Road	
72		125	Mungaroa Road	
73		125	Mungaroa Road	
74		125	Mungaroa Road	
75		125	Mungaroa Road	
76		125	Mungaroa Road	
77		125	Mungaroa Road & Maclean Street corner	
78		125	Maclean Street & Melrose Street corner	
79		125	Melrose Street	
80		125	Melrose Street	
81		125	William Street & Melrose Street corner	
82		125	Williams Street	
83		125	Williams Street	
84		125	Williams Street	
85		125	Williams Street	
86		125	Melrose Street	
87		125	Melrose Street	
88		125	Melrose Street	
89		125	Maclean Street	
90		125	Maclean Street	
91		125	Maclean Street	
92		125	William Street	
93		125	Melrose Street & Maclean Street corner	
94		125	Melrose Street	
95		125	Melrose Street	
96		125	Melrose Street	

### Township of Trentham Newspaper Articles

Manawatu Standard newspaper 02 December 1901

Entail - Mr Justice Edwards gave his decision in the Supreme Court, Wellington, on Saturday morning in the recently-heard case of Hill v Lady Olivia Bentinck, which involved a question of disentailment. Judgment went for defendant, and each side agreed to pay its own costs. The case was one of importance to conveyancers in New Zealand. The question at issue arose out of the will of the Marquis of Headford and was whether a disentailing deed executed by the Marquis's heir (the Earl of Bentive, Lady Olivia's father) and enrolled in England, was sufficient to bar estates tail in land in New Zealand. The land at stake in the colony was not of so much importance as the settlement of the legal point in dispute. Mr Justice Edwards decided that the enrolment in England was insufficient, and that disentailing deeds of property in New Zealand must be enrolled in the Supreme Court of this colony. The property therefore goes to Lady Olivia and not to the person to whom the Earl intended it should go. Mr M Chapman appeared for Lady Olivia Bentinck and Mr Stafford for the plaintiff.

*(Reference Papers past website Manawatu Standard newspaper 02 December 1901 page 2)*

Evening Post newspaper 09 May 1902

The Chief Justice gave judgment today in the summons to remove two caveats lodged against an application by Lady Olivia Bentinck to bring part of section No 125, Hutt district, under the Land Transfer Act. The caveats were lodged (1) by John Craig, David Brown, Joseph Bowyer, Edmond Greenwood, William Rouse, and Juliet Brown, and (2) by Elizabeth Kelly, Susannah Rouse, and Mary Greenwood, all of the Upper Hutt. Mr Stafford appeared for Lady Olivia Bentinck, and Mr Jellicoe for the caveators. Considering the case from every point of view, it was, in his Honour's opinion, clear that on the uncontroverted facts the caveators could not make title, and it would be only inducing useless litigation and causing unwarranted expense and delay to order an action to be brought. He therefore ordered that the caveats be removed and the caveators on each caveat pay £5 5s costs and

disbursements. His Honour agreed to the extension of the caveats for fourteen days from the date of expiry under the statute, to give time for the consideration of the question of appeal.

*(Reference Papers past website Evening Post newspaper 09 May 1902 page 6)*

#### Evening Post newspaper 12 May 1902

A Question of Ownership - An Important Judgment - In ordering that the caveats lodged against the bringing of section 125 Hutt district under the provisions of the Land Transfer Act should be removed the Chief Justice gave a long judgment in which several points of general importance were decided. This section was purchased in 1843 by Wm Thompson, an Alderman of London, who did not appear to have ever been in New Zealand, and who died in 1854. A Crown grant of the section was not issued till 1877. By his will it eventually came to the Earl of Bective whose daughter, Lady Olivia Bentinck, born in 1873, was now applying to have the caveats removed. In 1886 the Earl of Bective was successful in an action against three of the present caveators and others in obtaining a judgment giving him possession of the land. Possession, however, was never actually taken by the Earl, who died in 1893. Those of the present caveators who were not defendants in the Earl's action were relations of the defendants. The main legal questions that now arise were (1) Are the caveators estopped by the judgment of 1886 (2) As no possession has been obtained by plaintiff under that judgment can defendants in possession, or their privies, claim a possession before the date of the judgment (3) If the Earl never was in the colony, did the Statute run against him (4) Was the Earl a life tenant or a tenant in tail (5) Assuming the caveators have held possession for 20 years prior to the lodging of the application, have they acquired title to the land under Statute 3 and 4, William IV. Various grounds were urged to show the judgment should not be deemed an estoppel. It was contended that the defence was a nullity. His Honour, however, could see no defect in it. It ordered that plaintiff have possession and was pronounced after the special case had been filed and after argument. Further, it had not been questioned and stood as a record of the Court. In his Honour's opinion the judgment in an action for possession of land might be pleaded as an estoppel, and if so the judgment pronounced in 1886 was conclusive on defendants that on that date the Earl of Bective was entitled to the land claimed. By such judgment they were estopped from saying he was not then entitled to possession. (2) It was urged that as no possession had even been taken under the judgment the caveators could show that they were in possession before the date of the judgment, and that the possession, before the judgment could count under the Statute of Limitations. That would be to set the judgment aside. If the caveators could have shown 20 years possession since the date of the judgment that would be a different matter, but it was only 16 years since the judgment. The action was still pending, for the mesne profits had not yet been ascertained, and a writ of possession against Mrs Greenwood was out. Under such circumstances his Honour was aware of no authority, and none had been cited, that showed the possession of defendants was to be treated as uninterrupted. (3) The evidence seemed to his Honour pretty clear that the Earl was never in the colony, and if he was not, did the Statute run against him or was he under disability of absence beyond the seas. His Honour held that there was disability to the time of his death. (4) The Earl had life estate and Lady Olivia Bentinck, the only child, had a contingent remainder. (5) It was clear the caveators could not claim possession prior to the issue of the Crown grant in 1877. The Earl's not entering into possession would not bar those entitled to remainder. Lady Olivia would have at least 10 years from her father's death in which to claim possession, and that period had not yet expired. So far as concerned the caveators who were defendants in 1886, the judgment against them stood, and unless it was set aside they could not claim a possession anterior to the judgment; and if they could not, 20 years had not elapsed. His Honour had assumed that the other caveators had been in possession for 20 years, but in his opinion the evidence showed they had not been. They lived on the place with one or other of their parents, but that was not in possession. Only one of them had attained an age beyond 41 years, via William Rouse, and he had no possession independently of his mother till a few years ago. As indicated on Friday, his Honour, in conclusion, held that on the uncontroverted facts the caveators could not make title, and it would be only inducing use less litigation and causing unwarranted expense and delay to order an action to be brought, so the caveats were ordered to be removed.

*(Reference Papers past website Evening Post newspaper 12 May 1902 page 7)*

Evening Post newspaper 07 June 1902

Notice of appeal has been given in the Upper Hutt land case, in which a number of caveators opposed the application of Lady Olivia Bentinck to bring certain land under the Land Transfer Act. This morning the Chief Justice, on Mr Jellicoe's application, fixed the security to be lodged on appeal at £45 in each of the two cases and directed that the order made in his judgment, removing the caveats should remain in the Court till fourteen days after the Appeal Court meets, the caveats to continue till the same date. The costs if the action was ordered to be costs in the appeal. Mr Treadwell appeared for Lady Olivia Bentinck.

*(Reference Papers past website Evening Post newspaper 07 June 1902 page 4)*

Evening Post newspaper 14 October 1902

A Question of Ownership - Crown Grant and Possessory Title - In April last the Chief Justice ordered the removal of two caveats lodged against the bringing of certain land at the Upper Hutt under the Land Transfer Act. The applicant was Lady Olivia Bentinck for whom Mr Stafford appeared and the caveators John Craig, David Brown, Joseph Bowyer, Edmond Greenwood and Wm. Rouse farmers and Janet Brown, Elizabeth Kelly, Susannah Rouse, and Mary Greenwood. Mr Jellicoe appeared for the objectors who alleged a title to the land by possession, the Browns and Rouses claiming to have been in continuous possession for forty five years, Kelly, Craig and the Bowyers for thirty two years and the Greenwoods for thirty years. The decision of the Chief Justice was appealed against and the matter came before Mr Justice Williams and Judges Denniston and Cooper in the Court of Appeal this morning. Mr Jellicoe appeared with Mr Tanner for the appellants caveators and Mr Stafford with Mr Luckie for Lady Olivia Bentinck. The land was originally purchased by Wm. Thompson, alderman, of London in the 40's, but a Crown grant was not issued till 1877. Through other heirs, the land came to be Earl of Bective who in 1884 commenced an action against certain of the present caveators and others since dead, with the result that in 1886 the Court decided that the possession by defendants did not operate as a bar against the plaintiff, and also ordered that the Earl do recover possession. He however, never actually took possession and last year Lady Olivia Bentinck, his only surviving daughter, was made the plaintiff in substitution of her father. In the meantime, certain of the caveators names were appearing on the local rate books. Among the points, requiring settlement were some dealing with the effect of certain wills and a disentailing deed made in England. The other points were (1) Are the caveators estopped by the judgment in the Bective case? (2) As no possession has been obtained by the Earl under, that judgment, can the defendants in possession, or their privies, claim a possession before the date of the judgment? (3) If the Earl was never in the colony could the statute run against him? (4) Assuming the caveators have held possession for twenty years prior to the lodging of the application, have they acquired title to the land under 3 and 4, William IV.? The Chief Justice decided that the judgment of 1886 was conclusive that the Earl of Bective was entitled to the land. If the caveators could have shown a twenty years possession since the date of the judgment it would have been a different matter, but only sixteen years have passed since the judgment. His Honour held that the Earl was never in New Zealand and the statute therefore, did not run against him, as he was under a disability and further that the Earl had a life estate and Lady Olivia a contingent remainder. The Chief Justice regarded it as clear that the caveators could not claim possession prior to the issue of the Crown grant, while, as far as those in the previous action were concerned, the judgment against them stood and unless set aside they could not claim a possession anterior to the judgment. In his Honour's opinion the other caveators had not been in possession for twenty years. They had lived on the place with one or other of their parents, but that was not possession. For these reason it was held that the caveators could not make title and to prevent what he regarded as useless litigation and unwarranted expenses, the Chief Justice ordered the removal of the caveats. The case is not likely to be concluded to-day. This morning was occupied in hearing part of Mr Jellicoe's case for the appellants. He contended that quite apart from other points raised the Court should not by agreeing with the order for the removal of the caveats, prevent his clients having the question of title settled by a case in the Supreme Court. (Left sitting)

*(Reference Papers Past website Evening Post newspaper 14 October 1902 page 5)*

#### Evening Post newspaper 24 November 1902

Court of Appeal Judgments - Upper Hutt Land Case - In the appeal of Kelly and others v, Bentinck, Elizabeth Kelly, Susannah Rouse, Mary Greenwood, John Craig, David Brown, Joseph Bowyer, Edmond Greenwood, and William Rouse, of Upper Hutt sought to have reversed a decision of the Chief Justice who had ordered the removal of two caveats brought by the appellants against an application by Lady Olivia Bentinck to bring certain Upper Hutt land under the Land Transfer Act. Mr Justice Williams held that the caveators must fail on the ground relative to the Statute of Limitations and on the ground alleging ownership by possessory title. He was satisfied that the caveats should be removed, and that there was nothing to prevent Lady Olivia obtaining a certificate from the Land Registrar. Mr Justice Denniston was of the same opinion, and was satisfied he also believed the other members of the Court were similarly satisfied that the caveators had no claim on the merits. Mr Justice Cooper concurred in the reasons given at length in the preceding judgments. The appeal was therefore dismissed with costs on the middle scale. Mr Jellicoe, for the appellants, moved for leave to appeal to the Privy Council. Mr Stafford, for Lady Olivia Bentinck, opposed the application, argument on which was adjourned for a fortnight.

*(Reference Papers Past website Evening Post newspaper 24 November 1902 page 4)*

#### Evening Post newspaper 08 December 1902

A sitting of the Court of Appeal was held this morning, the Chief Justice and Mr Justice Edwards being on the Bench. On the motion to appeal to the Privy Council in the case of Kelly and others v Bentinck, Mr Stafford, for the successful party (Lady Olivia Bentinck), raised the objection that the rules of appeal had not been complied with. The Court, however, held that the course followed was the same that had been adopted for thirty years past, and the objection was overruled. The heading of argument on the motion was adjourned for a week.

*(Reference Papers Past website Evening Post newspaper 08 December 1902 page 4)*

#### Evening Post newspaper 25 March 1903

The summons on behalf of Lady Olivia Bentinck calling on the District Land Registrar to show cause why he should not remove the caveats lodged by certain persons against her bringing the land in question under the Land Transfer Act came before the Chief Justice this morning. Mr Statford, for Lady Olivia, stated that the caveators had not lodged the security on appeal in time, and the caveats should therefore be removed. Mr Chapman, for the Registrar, said he had certain technical and other objections. His Honour thought that Mr Jellicoe, counsel for the caveators, should be served with notice of the summons, and in order that he might be heard, the case was adjourned till Saturday.

*(Reference Papers Past website Evening Post newspaper 25 March 1903 page 4)*

#### Evening Post newspaper 28 March 1903

The summons on behalf of Lady Olivia Bentinck, calling on the District Land Registrar to show cause why he should not issue a certificate of title under the Land Transfer Act in respect of certain land at Upper Hutt which has been the subject of litigation for some seventeen years, was again before the Chief Justice this morning. Mr Stafford appeared in support of the summons, and Mr Chapman for the Registrar. Mr Jellicoe, counsel for the caveators, who had not proceeded with their appeal against the Court of Appeal's decision against them, intimated that he did not propose to appear in the present matter, and remarked that the litigation was not concluded by this summons. After hearing Counsel Mr Chapman stating that the Registrar merely wished to be protected his Honour said the Court had made an order for the removal of the caveats, and its decision was perfectly clear. The Registrar was bound to issue the title, and an order would be made accordingly costs of the present summons to be paid out of the Assurance Fund.

*(Reference Papers Past website Evening Post newspaper 28 March 1903 page 4)*

#### Manawatu Standard newspaper 19 February 1904

Trentham Township - Those in search of a really genuine, profitable investment will be interested in the advertisement which appears in our auction columns in reference to the sale of the Township of Trentham. This block of land, the estate of Lady Bentinck in England,

which for the past 50 years has been regarded as unclaimed property, and over which a long series of legal proceedings has recently engaged the attention of the Law Courts to test the true ownership, has now been vested in the descendants of the original owner, and is in the market to be sold. It has been subdivided into ninety-six sections, which range from a quarter-acre to over two acres each, and extend from immediately opposite the Wallaceville railway station to the Main Hutt Road, to which it has a long frontage, and, also situated opposite Mr McGovern's hotel. The terms for purchase are stated elsewhere. Lithographic plans can be had on application to Melrose Bros., the well-known land agents of this town, who will, also be pleased to supply intending, purchasers with fuller particulars. The Town of Trentham will not only be rapidly settled, but year by year, will see it grow in importance and value. Already great brickmaking, works have been established not far from it. The Government have acquired; a large area of land for their Veterinary Department, and have built an extensive and up to date laboratory upon it. Other large buildings are to follow, and within three years it is expected that fully one thousand people will be residing in and about the Town of Trentham. The Town of Trentham is admirably adapted for residential purposes. The property has been secured at a very low figure, consequently the owners are enabled to accept prices and terms which will mean that those purchasing will not require to wait long for a handsome return for their outlay. A rich loamy soil resting on a gravelly formation secures perfect drainage and sanitation. There exists an abundant supply of magnificent artesian water of the purest character. The view from every part of the town is remarkably beautiful. The Mungaroa and Upper Hutt ranges form an amphitheatre of hills circling the valley through which the river Hutt rolls its way to the sea. The air is always clear and delightful, and as a health resort Trentham cannot well be equalled in the colony. The tourist fond of New Zealand's wealth of native bush, ferns and shrubs will find in the neighbourhood of the Town of Trentham many days of delightful wandering while the fisherman, in a walk of a quarter of an hour from Trentham can have his choice of a dozen streams full of the finest trout. From the City of Wellington three quarters of an hour by rail, an hour and a half by driving, and half the time by motor car or bicycle. Splendid level roads. Good hotel accommodation. What more is required to, guarantee settlement and prosperity of the new town Trentham is the, best of good things as an investment. The auctioneers suggest an. Inspection. It will pay the trouble and lead to a satisfactory purchase. The terms of sale give everyone an opportunity of securing a section. There can only be ninety six buyers, because there are only ninety six sections. These are the terms, ten per cent, deposit at the sale ten per cent, in three months, ten per cent every six months afterwards or any one building can arrange for all the money to remain on mortgage at five per cent, interest.

*(Reference Papers Past website Manawatu Standard newspaper 19 February 1904 page 8)*

Evening Post newspaper 13, 16, 18, 20, 23, 25, 27, 29 February & 01 March 1904

The Town of Trentham – (Formerly the Lady Bentinck Estate) Hutt – For Sale by Public Auction - In the Exchange Land Mart - No 84 Lambton Quay Wellington – On Wednesday 2<sup>nd</sup> March 1904 at 2.30 o'clock – Macdonald Wilson and Co are favoured with instructions from the Proprietors to sell by public auction as above – The Township of Trentham Hutt Consisting of 96 Sections Ranging in area from a Quarter Acre to over Two Acres each.

The town of Trentham is situated on the Wellington Upper Hutt line of railway about eighteen miles from the City of Wellington. It is opposite the Wallaceville Railway Station and extends from the station to the main road, immediately opposite McGovern's Hotel. It is absolutely level and each section can be built upon with the greatest ease. For the past fifty years it has been known as absentee land it being the Estate of the Lady Bentinck in England but until 1903 it had practically been treated as in No-man's Land," the happy hunting ground of any number of jumpers who grazed and farmed it at their own sweet will. A long protracted series of legal proceeding has now vested the Estate in the descendants of the original owners, hence the present sale.

The impossibility for half a century of obtaining a clear title to the property has naturally kept back settlement. Situated as the property is some halfway between Silverstream and the Upper Hutt, and with main roads tapping the valleys on either side of the ranges it was the natural centre for a thriving town. With no title it was however impossible to lay off and create a town there. That draw back has now been swept away and the new Town of Trentham has been born.

The Town of Trentham will not only be rapidly settled but year by year will see it grow in importance and value. Already great brickmaking works have been established not far from it. The Government have acquired a large area of land for their Veterinary Department and have built an extensive and up to date laboratory upon it. Other large buildings are to follow and within three years it is expected that fully one thousand people will be residing in and about the Town of Trentham.

The Town of Trentham is admirably adapted for residential purposes. A rich loamy soil resting on a gravelly formation secures perfect drainage and sanitation. There exists an abundant supply of magnificent artesian water of the purest character. The view from every part of the town is remarkably beautiful. The Mungaroa and Upper Hutt Ranges form an amphitheatre of hills circling the valley through which the River Hutt rolls its way to the sea. The air is always clear and delightful and as a health resort Trentham cannot well be equalled in the colony. The tourist fond of New Zealand's wealth of native bush, ferns and shrubs will find in the neighbourhood of the Town of Trentham many days of delightful wandering while the fisherman in a walk of a quarter of an hour from Trentham can have his choice of a dozen streams full of the finest trout. From the City of Wellington three quarters of an hour by rail, an hour and a half by driving, half the time by motor car or bicycle. Splendidly level roads. Good hotel accommodation. What more is required to guarantee settlement and prosperity to the new town.

The railway authorities are now engaged in thinking out the question of speedier communication and arranging special trains for the benefit of workers. This in itself, when given practical effect to, will enormously enhance the value of all properties in Trentham.

The Town of Trentham is the best of good things as an investment. The Auctioneers suggest an inspection. It will pay the trouble and lend to a satisfactory purchase.

The Terms of Sale give every-one an opportunity of securing a section. There can only be ninety six buyers, because there are only ninety six sections. These are the Terms: Ten per cent deposit at the sale, ten per cent in three months, ten per cent every six months afterwards; or any one building can arrange for all the money to remain on mortgage at five per cent interest.

Every section in the Town of Trentham will be found with its number marked by a flag on the ground. Intending visitors to Trentham can go by train to Wallaceville Station any day from Wellington at 7.16 am, 10.30 am, 1.15 pm, 4.7 pm, 4.35 pm, 9.25 pm, at a fare of 3s 6d, or by road to McGovern's Hotel. A brake leaves Williams's Hotel Petone for Trentham every Sunday at 2 o'clock pm. Title – Land Transfer Act - Immediate Transfer on payment of purchase money. Lithographic plans can be had on application to the Auctioneers or at the Store Trentham

*(Reference Papers past website Evening Post newspaper 18 & 20 February 1904 page 8)*

Evening Post newspaper 01 March 1904

Sale Of Trentham Township - Residents of the Hutt district and the city are reminded that the sale of the ninety six subdivisions in this township will take place to-morrow afternoon, Messrs MacDonald, Wilson and Co. submitting the sections in their Exchange Land Mart at half-past 2 o'clock. The history of this block of land, known as "the Lady Bentinck Estate," and its advantages are not forth in an advertisement appearing elsewhere. The sections range in area from a quarter-acre to over two acres, having frontage on to the main Hutt road and new streets at present in course of formation. The block extends from immediately opposite the Wallaceville railway station to the main Hutt road opposite Mr McGovern's Trentham Hotel. A large attendance is expected at the sale. Plans can be had on application.

*(Reference Papers past website Evening Post newspaper 01 March 1904 page 6)*

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## Archives New Zealand Wellington Office records

Archives New Zealand Wellington reference ACGT 18190 LS1 1786/ 25/78 LS1 Township Bentinck No date

Note = I have taken 3 photographs of the Bentinck Township plans and extensions and in time will transcribe the contents of this large file

- 21 May 1903 Edward Stafford, Charles Herbert Treadwell & William Hughes Field Barristers and Solicitors to Minister for Lands Wellington  
Sir - Lady Bentinck whose attorneys we are is the owner of part section 125 Hutt District and purposes dividing it into allotments for sale. It is proposed to call the devised area the Town of Bentinck" and to lay off the roads shown on the enclosed tracing of the proposed subdivision of a width of 66 feet in place of 99 feet prescribed by section 17 of "The Land Act 1892". Before going to the expense of surveying the land we desire to be informed whether there is any objection to the proposed name of the Town and whether you will under section 2 of "The Town's Main Street Act 1902" section the proposed streets being sixty six feet wide in place of 99 feet. The plan of the subdivisions when made will be sent for the Governor's approval. An early reply is respectfully desired. We have the honour to be sir Your obedient servants.

Archives New Zealand Wellington reference ADXS 19483 LS-Wi 441/ 23012 LS-W1 Bentinck Township Extension Subdivision of part section 125 Hutt District date 1903-1905

- 30 May 1903 Surveyor General to Chief Surveyor Wellington – Township of Bentinck  
I forward herewith tracing of proposed Town of Bentinck at the Upper Hutt which has been submitted by Messrs Stafford Treadwell & Field for the approval of the Hon Minister of Lands. This should have gone to you in the first instance. The subdivision would appear to comprise town lots at the northern end and suburban lots at the southern. Will you please report whether the scheme meets with your approval if any of the roads need be more than 66 feet in width and whether the road along the railway line is an existing road or not and of sufficient width. (Kindly return tracing with the report)  
Signed Surveyor General
- 15 June 1903 Chief Surveyor to Surveyor General Wellington – Township of Bentinck  
In reply to your memo L & S 50336 of the 30<sup>th</sup> ultimo I have the honor to state that upon consideration of the scheme I think it might be approved as it stands. The main road to Wairarapa will doubtless be considered as the Main road and this Township but I think the Minister might be recommended to permit its retention at a width of 66 feet. None of the roads I think need be more than 66 feet wide and the road along the railway line is not an existing road. I return tracing as requested
- 25 June 1903 No 49 page 1442 New Zealand Gazette extracts  
Authorising the Laying off of the Main Streets in the Town of Bentinck Wellington Land District of a Width of 66 feet  
Department of Lands and Survey Wellington 19 June 1908  
In pursuance of the power and authority conferred upon me by section 2 of "The Town's Main Street Act 1902", I Thomas Young Duncan Minister of Lands do hereby authorise the laying off of the main streets in the Town of Bentinck Wellington Land District of a width of 66 feet instead of 99 feet as prescribed by section 17 of "The Land Act 1892".  
T Y Duncan Minister of Lands
- 30 June 1903 Surveyor General to Chief Surveyor – Township of Bentinck  
Referring to your memorandum of the 13<sup>th</sup> instant relative to the scheme plan and widths of the Main streets in the proposed Township of Bentinck I have to inform you that the scheme is approved and a notification was published in the New Zealand Gazette No 49 of 25 June 1903 page 1442 authorising the laying off of the Main Streets in the Township of a width of 66 feet under "The Town Main Streets Act 1902" instead of 99 feet as prescribed by section 17 of "The Land Act 1892".
- 07 July 1903 Smith for Chief Surveyor to Messrs Stafford Treadwell and Field Solicitors Wellington – Township of Bentinck (the same information as above)
- 13 July 1903 Chief Surveyor to Surveyor General – Township of Bentinck (same info as above)
- 28 March 1904 Chief Surveyor to Surveyor General Wellington – **Trentham Township**  
I have the honor to forward herewith plan of the above Township for Governor's approval. The roads are 66 feet wide and I would suggest that the Minister be recommended to exercise the power conferred under "The Town Main Streets Act 1903" and approve of the main street of a less width than 99 feet. The streets and lots are generally rectangular to one another and I beg to recommend the plan for approval

- 05 April 1904 Surveyor General to Chief Surveyor Wellington - Trentham (Bentinck) Subdivision of part of section 125 Hutt District  
Referring to your memorandum of the 28<sup>th</sup> ultimo forwarding plan of the Township of "Trentham" for approval of His Excellency Governor and requesting that the Hon Minister of Lands be recommended to authorise the laying off of the Main street therein of a width of 66 feet under "The Town Main Streets Act 1902" I have to inform you that "Trentham" is not the name by which this subdivision is officially known. A tracing which is attached to the file of correspondence in this office relating to the subdivision of section 125 Hutt District and which you had in your possession at an early stage of the correspondence and returned to this office with memorandum dated 13 June 1903 shows that the area which you call "Trentham" was then known as Bentinck. Further that name was approved and a notification appeared in the New Zealand Gazette No 49 of 25 June 1903 authorising the laying off of the Main Street in the Township of "Bentinck" of a width of 66 feet. You were advised by memorandum of this notification and acknowledged it by memorandum on 13<sup>th</sup> July 1903 making use of the name Bentinck therein. There is therefore no further action necessary in the direction indicated by you under "The Town Main Streets Act 1902". What is necessary is the deletion of the name "Trentham" on the plan and the substitution therefore of the name "Bentinck". (Plan returned under separate cover for alteration of title)
  - 04 April Trentham Township part of section 125 Hutt (notes on a scrap carbon paper by surveyor too hard to read)
  - 12 April 1904 Chief Surveyor to Surveyor General Wellington – Bentinck Township – Subdivision of Part of Section 125 Hutt District (general information as above)
  - 28 April 1904 Surveyor General to Chief Surveyor Wellington referring to memorandum 12 April and other general items as covered above
  - 03 February 1905 Chief Surveyor to Surveyor General Wellington – Bentinck Township Extension  
I have the honor to forward herewith plan of above for the Governors approval in term of section 18 The Land Act 1892. It is situated at the Upper Hutt and adjoins Bentinck Township approved by the Governor on May last. Mungaroa Road [renamed Ward Street] is an old one 66 feet wide – the other streets are new ones of the same width and if it is necessary to determine which is the Main street in the Township. I would suggest Seddon Street and that the Minister be asked to approve of it a less width than 99 feet in terms of section 2 of "The Town's Main Streets Act 1902" I beg to recommend plan for approval
  - 15 March 1905 Surveyor General to Chief Surveyor – Bentinck Township Extension  
Referring to your memorandum of the 3<sup>rd</sup> ultimo (no number) I return in separate parcel the plan of the above Township approved by the Governor in terms of section 18 of "The Lands Act 1892"
  - 29 August 1905 to Chief Surveyor – Dear Sir I enclose three plans of the Bentinck Estate for Governors approval Yours faithfully signature hard to read  
Please note there are no plans of Bentinck Township in this set of records
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