

## SECTION 122 Upper Hutt North - Ebdentown

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Owners & Settlers = 1840s Charles M Penny/John Richard - 1851 William Fitzherbert –

Buildings = Upper Hutt Poultry Farm

Subdivisions & Streets = Old Military Road – Main Road North (Ferguson Drive) - Henry Street -

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### 1840-1850

#### Section No 122 Hutt Valley (Upper)

- This Section was originally selected under Land Order 505 issued to Christopher RAWSON who transferred to Charles M PENNY in November 1840 No Regt 2197 who threw it up in exchange for section 16 Wainuiomata. It was afterward taken by K FITZHERBERT in exchange for Section 52 Pahautanui which had been selected under Land Order 249. [The above was written in red over the crossed out section which read = ~~This Section was selected by William FITZHERBERT for John WARD the original Owner of Preliminary Land Order No 249~~]
- John WARD transferred to John RICHARD 25<sup>th</sup> February 1840 No Regt. In England 119. The Section originally selected for the Land Order was 63 Pahautanui thrown up by Mr FITZHERBERT 09 December 1844 and this Section taken in exchange. No transfer from RICHARDS to FITZHERBERT (written in red but a deed of conveyance deposed – See Minutes of Report 31) No Compensation issued. The original selection of this Section was under Land Order No 595 by Mr PENNY who exchanged for 16 Wainuiomata.

*(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)*

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### 1850-1860

#### Section 122 = Deeds Index Map C Hutt District No 122 page 129 (Image 66)

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

- 303 – 10am to 2pm 22 December 1852 – Crown Grant – William Fitzherbert – 23 November 1852 – 1 CG4
- 304 – 2om to 12am 12 January 1853 – Conveyance – Fitzherbert to Petre – 27 November 1852 – 2 D151
- 23907 – 10.30am 01 May 1876 – Memorial of Proclamation – Government of New Zealand – 07 April 1876 – Reg. by Deposit
- 59174 – 11am 08 May 1890 – Exempt of Probate – re H W Petre – 10 January 1890 – 4 W145 – D3554
- 63846 – 2.40pm 23 February 1893 – Conveyance – Colley & Anor. To Davis – 13 February 1893 – 109 D262
- 63847 – 2.40pm 23 February 1893 – Mortgage – Davis to Colley & Anor. – 13 February 1893 – 109 D264
- 66490 – 3pm 22 August 1894 – Settlement – David to Barton & Anor. – 23 July 1894 – 112 D559
- 67175 – 10am 25 January 1895 – Receipt – Colley & Anor. – 25 January 1895 – 114 D122
- 67832 – 3pm 22 May 1895 – Conveyance – Barton & Anor to David – 15 April 1895 – 113 D567
- 70268 – 11am 08 July 1896 – Mortgage – Davis to Government Advances to Settlers O.S. – 01 July 1896 – 116 D888
- 78085 – 11am 02 February 1900 – Lease – G A Settlers &c & Davis to NZ Farmers Dairy Union Ltd – 30 October 1899 – 127 D1 – Pt.
- 91983 – 3pm 06 October 1905 – Conveyance – P D Davis & Anor. To E B Brown – 03 October 1905 – 161 D171 – 3/134

Application No 4305 (part) certificate of title land transfer 190/119 (part)

Application No 4692 (part)

- 114275 – 11am 06 March 1915 – Receipt – State Advances Superintendent – 26 May 1911 – 210 D164
- 114395 – 12.10pm 30 March 1915 – Conveyance – P D Davis to W R Keys – 25 March 1915 – 210 D316 – 3/166
- 114396 – 12.10pm 30 March 1915 – Mortgage – W R Keys to P D Davis – 25 March 1915 – 210/318 – of land in Conveyance 114395

Cancelled as to land in Application No 4692 and Certificate of Title issued Vol 232 Folio 26 the 11<sup>th</sup> day of May 1915 - J J L Burke Examiner of Titles and Asst. Land Regr.

Application No 4731 (part)

Cancelled as to land in Application No 4731 and Certificate of Title issued Vol 240 Folio 199 the 26<sup>th</sup> day of August 1916 - J J L Burke Examiner of Titles and Asst. Land Regr.

- 128234 – 10am 01 September 1920 – Conveyance – P D Davis to G I Benge – 13 August 1920 – 234 D440 – 3/128
- 135481 – 3pm 01 December 1922 – Conveyance – P D Davis to the Hutt Valley Poultry Co. – 24 November 1922 – 248/400 – 3/147
- 135482 – 3pm 01 December 1922 – Conveyance – P D Davis & Ors. – 24 November 1922 – 248/401 – 3/165
- 147284 – 10.23am 17 June 1926 – Conveyance – P D Davis to the Hutt Valley Poultry Co Ltd. – 10 June 1926 – 273/686 – 3/209

Balance brought under the provisions of the Land Transfer Act Sec Vol 352 folio 41 C6372 405711 Transfer of part land (3 rood 673 perches) part of land taken by Proclamation 23407 above Her Majesty the Queen to Ezva Hort Davis produced 09 July 1957 at 2.31 pm (Cert/Title Vol 749 folio 51 issued for same)

(Reference Archives NZ Wellington website = Deeds Index AFIH series 22394 W569 1/43 vol 3/1 page 129 scanned image 66)

#### Section No 122 Hutt Valley (Upper)

- Claimed by William FITZHERBERT Claim No 56 [sic] Report No 31 Grant No 122 (draft 352) issued to William FITZHERBERT dated 15<sup>th</sup> November 1852 (signed) G Grey delivered to Ade B BRANDON 20 December 1852

(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)

#### Section 122 - Wellington Land Claims

Claim William FITZHERBERT Wellington Merchant Crown Grant 100 acres in Country section 122 in Upper Hutt district date 18 November 1851 No 31 Claim No 56

(Reference Archives New Zealand Wellington reference LS-W W68 1 1-100 Wellington Land Claims Commissioners Reports 1-100 - October 1851 – April 1852)

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### **1860-1870**

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### **1910-1920**

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#### Section 122= Deeds Index Map C Hutt District part section 122 page 166 (Image 85)

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

- 114395 – 12.10pm 30 March 1915 – Conveyance – P D Davis to W R Keys – 25 March 1915 – 210 D316 – 3/129
- 114396 – 12.10pm 30 March 1915 – Mortgage – W R Keys to R D Davis – 25 March 1915 – 210 D318
- 121490 – 11am 14 September 1918 – Receipt – P D Davis – 22 November 1917 – 222 D689
- 123533 – 3pm 29 July 1919 – Conveyance – W R Keys to G I Benge – 22 July 1919 – 226 D667
- 123534 – 3pm 29 July 1919 – Mortgage – G I Benge to W R Keys – 22 July 1919 – 226 D668
- 140883 – 2.15pm 22 August 1924 – Assignment – W R Keys to E Keys – 03 July 1924 – 261/183
- 151216 – 10.15am 05 September 1928 – Conveyance – Benge & Keys to Benge R L – 02 August 1928 – 283/456 – 3/133A part

Brought under the provisions of the land transfer act see volume 352 folio 36 (C6367)  
(Reference Archives New Zealand website = Wellington Deeds Index AFIH series 22394 W569 1/43 volume 3/1 page 166 scanned image 85)

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## 1920-1930

Section 122 = Deeds Index Map C Hutt District No 122 page 147 (Image 76)

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

- 135481 – 3pm 01 December 1922 – Conveyance – P D Davis to Hutt Valley Poultry Company – 24 November 1922 – 248/400 – 3/129

Brought under the provisions of the Land Transfer Act See volume 352 folio 34 C6365

(Reference Archives New Zealand website = Wellington Deeds Index AFIH series 22394 W569 1/43 volume 3/1 page 147 scanned image 76)

Section 122= Deeds Index Map C Hutt District part Section 122 page 165 (Image 85)

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

- 135492 – 3pm 01 December 1922 – Conveyance – R D Davis to Hutt Valley Poultry Company – 24 November 1922 – 248/401 – 3/129

Brought under the provisions of the Land Transfer Act See volume 352 folio 34 C6365

(Reference Archives New Zealand website = Wellington Deeds Index AFIH series 22394 W569 1/43 volume 3/1 page 165 scanned image 85)

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## 1940-1950

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

- 26 May 1947 Minister of Lands to Mrs MGF Bengé Ebdén Town Upper Hutt acknowledge letter (2 copies)
- 03 June 1947 Ebdén Town Upper Hutt Surveyor to Chief Surveyor enclosed latter from Mrs MGF Bengé regarding old subdivision
- PLAN Part Old Military Road closed on SD plans 15766 x 18145 on **sections 120 and 121** – Exchange Street - Hutt Road – Ebdén 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 Bengé **Section 121** lots 19, 17, 15, 13 from Keys 6/3/1924 conveyance 139325 & W Ebdén 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, Ebdén Town Street – E E Jenkins & Agnes McCallan & J R Wyeth & M O Bengé & A W Jones & A Southee & E J Beavis saved 05/09/2017 as IMG\_
- Letter 19 May 1947 written by May Olive Francis Bengé to Mr Skinner (3 pages) saved 05/09/2017 as IMG\_
- 13 June 1947 from Chief Surveyor to Surveyor General about Ebdén Town Upper Hutt Mrs MOF Bengé - 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 Bengé 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 Ebdén 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

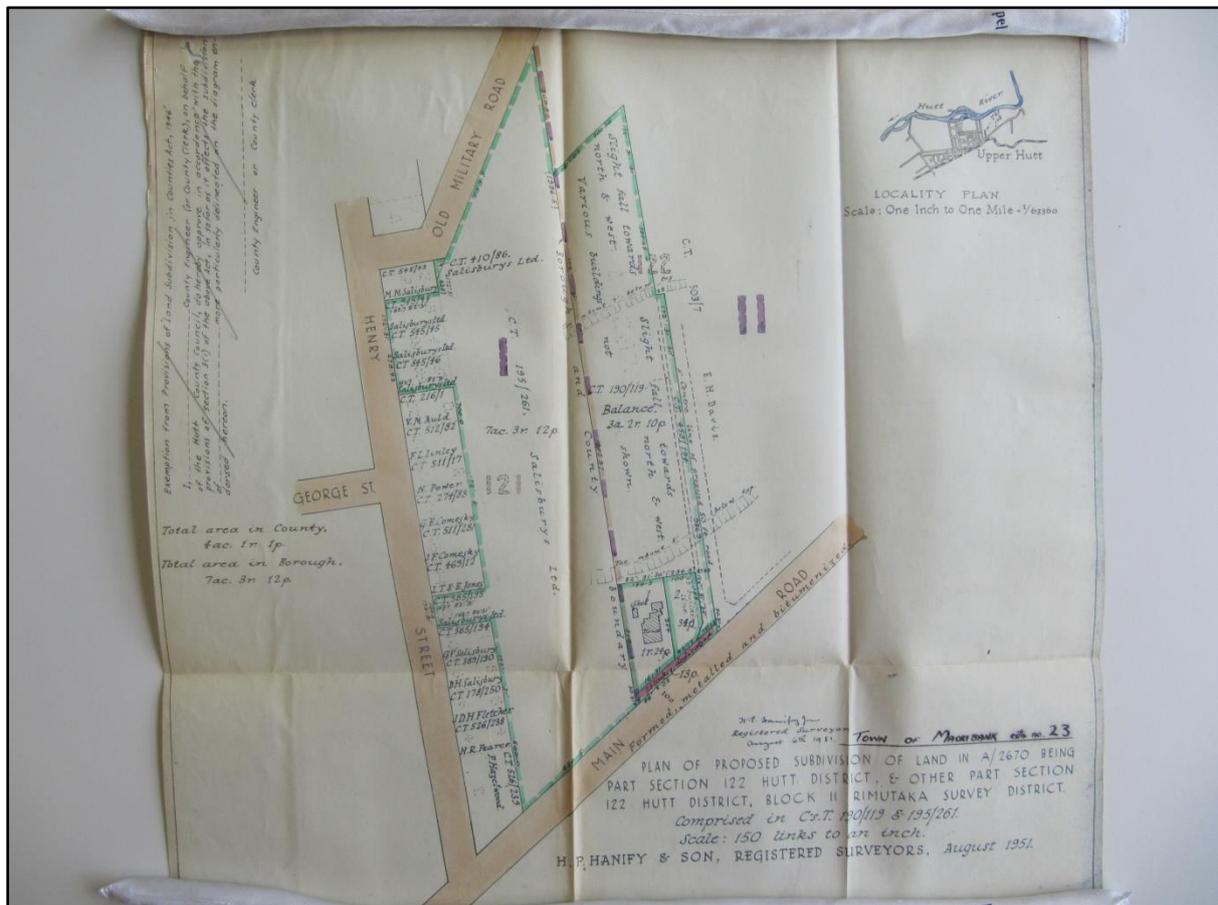
Conveyance 25866 dated 1876 W Ebdon sold lots 13-15-17-19 and 21 to J Munro containing 1ac 1rd 20 per. The diagram on this conveyance shows "Old Military Road" and wording states "Subject to the public road coloured yellow". Some subsequent conveyances have not by diagram or wording referred to Old Military Road. Finally on 06/03/1924 Mrs Bengé 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 Bengé 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 Bengé 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 Bengé'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 Bengé 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 Ebdon 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 [sic] a Land Transfer Plan compiled from the survey date on SO 21393 should be lodged showing the 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 Ebdon 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 wide but the old Military Road is also plainly shown diagonally crossing most of the sections. W Ebden 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 been 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)

### 1950-1960



(Reference Lynly Image saved as IMG\_2222 & Archives NZ Wellington AAMA W3110 619 box 126 f 14/88/23 Town of Maoribank extension 23 Salisbury Limited years 1951-1954)

#### Town of Maoribank extension [23] Salisbury Limited

- August 1951 – Map showing sections on Main Street, Henry Street and includes Old Military Road – Plan of proposed subdivision of land in A/2670 being part section 122 Hutt District & other part section 122 Hutt District Block II Rimutaka Survey District comprised in C's. T., 190/119 & 195/261 total in County 4 acres 1 rood 1 perches & Total area in Borough 7 acres 3 roods 12 perches (Lynly image saved as IMG\_2222.jpg)

- August 1951 – Map (black image) showing sections on Main Street, Henry Street and includes Old Military Road (Lynly images saved as IMG\_2223.jpg)
- 10 August 1951 – from H P Hanify & Son civil engineers to Chief Surveyor Wellington proposed subdivision part section 122 Hutt district Upper Hutt for Salisbury Limited being part of the Salisbury Poultry farm situated on common boundary Hutt County and Upper Hutt Town Borough – largely covered with temporary buildings namely fowl houses
- 13 August 1951 – from W G Nelson Chief Surveyor to Hutt County Council – Town of Maoribank extension No 23 registered owner Salisbury Limited requesting unimproved value of land lost 1 & 2
- 15 August 1951 from W S Coppin secretary Wellington Regional Council to Chief Surveyor – Town of Maoribank extension no 23 Salisbury Limited acknowledge letter being referred to Regional Planning Officer for report
- 20 August 1951 from W G Nelson Chief Surveyor to Ministry of Works Town of Maoribank extension no 23 Salisbury Limited – above subdivision has been submitted to my office for approval under the Land Subdivision in Counties Act 1946. I would be pleased to receive your comments re the road on widening the State Highway
- 05 September 1951 from W S Coppin Wellington Regional Planning Council to Chief Surveyor I have to inform you that the Regional Planning Officer reports that there are no regional comments to make on the proposed subdivision at Maoribank
- 07 September 1951 from C Langbein District Commissioner of Works to Land and Survey – Masterton wellington State Highway – Town of Maoribank extension no 23 Salisbury Limited – I wish to advise that as this Subdivision is located immediately beyond the north boundary of the Upper Hutt Borough additional road width will be required for present and future parking etc. I am therefore of the opinion that a 25 link strip as shown on the scheme plan should be dedicated for road purpose.
- 25 September 1951 from Hutt County Council Engineer to Department Land and Survey – Town of Maori Bank extension No 23 owners Salisbury Limited I have to advise that 7 acres 3 roods 12 perches of this land is situated in the Upper Hutt Borough while the balance of the area 3 acres 2 roods 10 perches is situated in the Hutt County. The latter area is a long narrow strip approximately 3 chains wide and 16 chains long. On the proposed subdivision a future road is shown partly on Salisbury property and partly on the property of E H Davis but the latter owner may not choose to subdivide on the lines suggested on the plan. Mr Council would therefore recommend that before this scheme has been approved Salisbury should ask to submit a plan showing the proposed future subdivision of the whole area including the portion in the Upper Hutt Borough or how subsequent subdivision would be provided
- 09 October 1951 from G W Nelson Chief Surveyor to H P Hanify & Son registered surveyors – Town of Maoribank extension 23 Salisbury Limited – report on information received from Hutt County Council Engineer (above letter)
- 18 July 1952 from Chief Surveyor to H P Hanify & Son registered surveyors – Town of Maoribank extension no 23 Salisbury Ltd - would you please advise ,e as to the action you intend taking
- 30 July 1952 from H P Hanify to Chief Surveyor – We have to state that we have the above matter in hand and will submit a new scheme at an early date
- 02 June 1954 from J P Arthurs Chief Surveyor to H P Hanify & Son registered surveyors – Town of Maoribank extension no 23 Salisbury Ltd – a number of scheme plans have been left at an indefinite stage – proposed to reduce the number of old schemes – attention of the owner – indicate how long owner intends to take – “The Count’s comments were forwarded to you on 9<sup>th</sup> October 1951 and following a request as to the action you intend taking you advised on 30 July 1952 that the matter was in hand and that a new scheme would be submitted at an early date” – please advise as soon as owners decides
- 18 Jun 1954 from H P Hanify surveyors and civil engineers to Chief Surveyor – Town of Maoribank extension No 23 Salisbury Ltd – In reply to your letter of 02<sup>nd</sup> instant, we have to state that we called on Mr Salisbury who said that a new scheme would ne be submitted but he is unable at present to say when. He wants to clear up certain points with the Upper Hutt Borough Council about part of his land in the Borough and is unable in the meantime to do anything about the adjoining balance in the County

*(Reference Archives NZ Wellington AAMA W3110 619 box 126 f 14/88/23 Town of Maoribank extension 23 Salisbury Limited years 1951-1954)*

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