

## Special Powers and Contracts Act 1882

Local Act 1882 No 29  
Date of assent 15 September 1882

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**An Act to grant certain special powers to the Governor to issue Crown grants, and to enable him to carry out certain contracts and promises.**

### Preamble

Whereas it is expedient and necessary to give the Governor power to issue the Crown grants, and to do, execute, and perform the several acts and things set forth in the

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#### Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

second column of the Schedule, in fulfilment of the promises and for the several reasons and purposes set forth in the first column of such Schedule:

**1 Short Title**

The Short Title of this Act is the Special Powers and Contracts Act 1882.

**2 Governor may perform the several Acts specified in the second column of the Schedule**

The Governor may issue such Crown grants, and do, execute, and perform the several Acts, deeds, matters, and things which are specified in the second column of the Schedule.

All Crown grants, acts, deeds, matters, and things so issued, done, executed, or performed, shall be good, valid, and effectual to all intents and purposes whatsoever, subject to the exceptions, restrictions, and qualifications in the said Schedule specified.

All Crown grants issued hereunder shall be subject to the provisions of the Crown Grants Act 1866.

**3 Legal estate may be antevested**

For the purpose of evidencing the title to any land specified in the said second column of the Schedule, the Governor may, in any Crown grant issued under the authority hereof, antevest the legal estate in the grantee to such date as he thinks fit.

**4 Provision in case of land inalienable for a longer period than 21 years except with consent of Governor**

*[Repealed]*

Section 4 was repealed, as from 24 December 1909, by section 431 Native Land Act 1909 (1909 No 15).

**5 Repeal**

Section 5 in the Schedule to the Special Powers and Contracts Act 1880, which authorizes the Governor to vest the following land in the Education Board of the District of Hawke's Bay as a site for a school, namely, all that parcel of land in the Provincial District of Auckland, containing by admeasurement 10 acres 2 roods 17 perches, more or less, being the north-western part of Rural Section number 71 of the Ormond Military Settlement Block, is hereby repealed.

## Schedule

### First column

### Second column

#### *Auckland*

1. *[Repealed]*

2. The land described in the second column was reserved from sale by the Natives many years ago, as it contained the graves of their dead; and it is desirable to grant the same to certain Natives upon trust for a Native burial-place.

3. To fulfil a promise made to Thomas Holmes, who agreed to convey to the Crown land at the Tuakau Station for road-diversion, in exchange and on condition that he would be allowed the free use of the stream adjoining his property for purposes of water-power in connection with his mill. The land taken for road contains 3 roods 23 perches of Lot 12, Parish of Tuakau.

4-6. *[Repealed]*

7. The Thames County Council have agreed with the Hon the Postmaster-General for the occupation of the disused Post and Registry Offices, situate in Mary Street, Shortland, in the Borough of Thames, on condition of keeping the said offices in a good state of repair, and of insuring them from fire, in the name of the Colonial Treasurer, for the sum of \$500, and of surrendering possession at 3 months' notice. It is necessary to authorize the execution of an agreement to this effect.

8. To give effect to a promise of the late Sir Donald McLean.

2. May issue a Crown grant to Hohua Moanaroa, Peti te Hora, Reweti te Hura, and Anaitipa te Mano Tunui, in fee-simple as joint-tenants, for Lot 24, Parish of Putataka, Provincial District of Auckland, containing 13 acres 3 roods. The Governor to reserve in the grant the right of road, not exceeding 100 links wide. The land to be held in trust as a Native burial-place, and to be absolutely inalienable.

3. May issue to Thomas Holmes, upon the said Thomas Holmes or his representatives fulfilling the said promise, a Crown grant for 3 roods 33 perches of Lot 13, Parish of Tuakau. Bounded on the North-east by other part of said Lot 13, 432 links; on the South-east by other part of said Lot 13, 294 links; on the South-west by other part of said Lot 13, 262 links, and a stream; on the North-west by a public road, 223 links, to the point of commencement: be said several measurements a little more or less. The grant to contain a reservation in favour of Her Majesty, her heirs or successors, or any officers or servants of Her Majesty, of the right to take water from the stream running through the land to be granted, within said piece or parcel of land, by a three-inch pipe, at any and all times, and to perform all necessary works connected therewith or for the proper maintenance thereof.

7. May, in the name and on behalf of Her Majesty the Queen, execute an agreement letting the said offices on the terms stated in the opposite column.

8. May grant to Hemi Kakitu, Te Hoeroa, Te Para, Hamu, Hemi Kuri, Papu, Reka Tangikura, Rapa Tamaikoha, Taihuka Hamu, Te Aputahi Mita, Hohepa Ngaota, and Tiopira, in fee-simple, as tenants in common, part of Lot 389, Parish of Waiotahi, Bay of Plenty, Provincial District of Auckland, containing 50 acres. The land to be inalienable, except

**First column**

9. It being desirable to change the purpose of a recreation-reserve at Ormond to a site for a school, another more suitable recreation-ground having been provided in the district, special legislation is required, owing to the provisions of the Public Reserves Act 1881.

10–14. [*Repealed*]

15. On 26 October, 1875, the Rev William Worker paid to certain Natives the sum of \$260 on account of 2 pieces of land, containing together by estimation 600 acres, afterwards ascertained to be within the boundaries of the portion of the Pakiri Block acquired by the Crown. The Native Affairs Committee of the House of Representatives have reported on the case as follows:

“That Mr Worker paid his money away under a mistaken impression. The land passed through the Court in 1869, and the certificate of title was issued in 1870. In 1872 Government began to purchase, and completed the transaction for two-thirds of the block in 1880. The case is a hard one, as Mr Worker was evidently a *bona fide* settler. The Committee recommends Government to consider whether, under the Special Powers and Contracts Bill, or by means of putting up the land for sale, with a reserve for cost and improvements, redress could be found for an evident hardship.”

16. To carry out the recommendation of the Royal Commission appointed to inquire into Naval and Military and Local Forces Land Claims.

17. It being equitable to extend to members of all Small Farm Associations in Hawke’s Bay, settled on bush lands, the relief afforded in the similar case of the Heretaunga Small Farm Association, upon a recommendation of

**Second column**

with the consent of the Governor, by sale, gift, mortgage, or by lease for a longer period than 21 years. The Governor may reserve in the grant a right of road in any part of the said land not exceeding 100 links wide.

9. May, by Order in Council, gazetted, declare the following land to be diverted from the purposes of a recreation-ground, to be vested in the Education Board of the District of Hawke’s Bay, as a site for a school, namely,—All that parcel of land in the Provincial District of Auckland, containing by admeasurement 4 acres, more or less, being Town Section 68 of the Township of Ormond; and upon the gazetting of the said Order in Council they shall become so vested in law for a fee-simple estate.

15. May issue a Crown grant to the Rev William Worker for the 2 pieces of land in question, on payment of the sum of \$340 (being the balance of \$1 per acre for the estimated area, 600 acres), subject, nevertheless, to a proportionate increase or reduction after the actual area has been ascertained by survey.

16. May issue Crown grants to Michael Boland (1022), late of the Hawke’s Bay Military Settlers, for one town lot at Fraser Town, and one 50-acre lot at Wairoa. Also to James Joseph Henderson (203), late of the 1st Wai-kato Regiment, for Town Acre 243, Section 2, Opotiki, and a 50-acre rural section.

*Hawke’s Bay*

17. May issue Crown grants, in fee, to members of the Victoria Special Settlement and the Bush Mills Small Farm Association, in the Provincial District of Hawke’s Bay, of the lands purchased by them in cases where the required improvements have been effected,

**First column**

the Waste Lands Committee of the House of Representatives, dated 22 July, 1880 (I-4, p4).

**Second column**

and in which all the purchase-money has been duly paid, but where the rule as to the actual residence of the member of such special settlement or association (or his family) has not been carried out.

*Taranaki*

18–20. [*Repealed*]

*Wellington*

21. By a deed of mortgage dated 1 July, 1873 (registered at Wellington, No 16701), Patrick Monaghan mortgaged certain lands to Edward Swartz Maunsell and John Howard Wallace, to secure certain moneys and interest. This mortgage was, by deed dated 24 April, 1879, assigned to Manihera te Rangitakaiwaho, who again, by deed dated 26 November, 1879, assigned it to Her Majesty the Queen. It is necessary to give the Governor power to release or assign this mortgage.
  22. By The Wanganui Freemasons' Land Sale Act 1872 (Wellington), power was given to the Superintendent of Wellington to convey to Trustees for Masonic uses a rood of land, being part of Cook's Gardens; and by An Act to grant a Piece of Land to the Wanganui Fire Brigade 1869, power was also given to the Superintendent to convey to Trustees a site for the use of the Wanganui Volunteer Fire Brigade in Cook's Gardens aforesaid; and accordingly, on 14 March, 1871, the Superintendent executed a conveyance to the Fire Brigade. By some mistake, which cannot now be explained, the conveyance to the Trustees of links: the Fire Brigade was executed by the Superintendent for the piece had been set apart for the Freemasons; and as the whole of Cook's Gardens has since been granted to the Borough of Wanganui, and appropriated to other uses, there is not a site available therein for the execute.
  23. It being desirable to increase the width of a street in the Square in the Borough of Palmerston North.
21. May, in the name and on behalf of Her Majesty the Queen, upon payment of all principal and interest due on the same, execute a release or assignment of the said mortgage, and reconvey or convey by assignment the lands described in the said deed, and either discharge the said lands from all principal moneys and interest secured by the said deed, or assign such principal moneys and interest, and the benefit of all powers, covenants, and provisoes in the said deed expressed or implied.
  22. May convey to such persons as he shall think fit the following piece of land in the Borough of Wanganui: All that parcel of land in the Provincial District of Wellington, in the Colony of New Zealand, containing by admeasurement 1 rood 2 perches, more or less, being part of the reserve marked E on the plan of the Town of Wanganui. Bounded towards the North-west by other part of Reserve marked E, 203 links; towards the North-east by Harrison Place, 123 links; towards the South-east by other part of Reserve marked E, 165 links; and towards the South-west by Reserve marked K, 170 be all the aforesaid linkages more or less; as the same is delineated on the of land which plan in the office of the Chief Surveyor, Wellington: to hold the same upon such trusts for the society called the Order of Freemasons as the Governor may approve in any conveyance that he may Freemasons. The Borough of Wanganui, the Trustees of the Fire Brigade, and the Trustees of the Masonic body all agree to the proposal to convey the site described in the second column hereto to the Masonic Trustees.
  23. May, by notice in the *Gazette*, declare the following piece of Crown land in the Borough of Palmerston to be a street within the meaning of the Municipal Corporations Act 1876: All that piece or parcel of land containing 20 perches, more or less, being part of Section 257 on the plan of the Township of Palmerston. Bounded towards the North-east by the Square, 50 links; towards the South-east by Section 256, 250 links; towards the South-

**First column**

24. It being desirable that the present athenæum, which is situate within the boundaries of the railway-station site Foxton, should be handed over to the Public Works and Railway Department, and another site provided for the athenæum.
25. To enable the Governor to accept a lease of a piece of land in the Waitotara District for the occupation of certain Natives as a fishing station, in fulfilment of a promise made to them by the Native Minister in 1879.

**Second column**

- west by Section 330, 50 links; and towards the North-west by Coleman Place, 250 links: be the same several measurements or any of them more or less: and thereupon it shall become such a street.
24. May, by notice in the *Gazette*, declare that the piece of land hereinafter described at shall be changed from an athenæum site to a site for station purposes in connection with the Foxton and Manawatu Railway: All that piece of land situate in the Town of Foxton, being part of a Government reserve, commencing at a point on the southern boundary of said reserve distant 109 links from the south-eastern corner of said reserve. Bounded towards the East by portion of said reserve, 86 links; towards the North by a portion of said reserve, 46 links; towards the West by a portion of said reserve, 15 links; again towards the North by a portion of said reserve, 46 links; again towards the West by a portion of said reserve, 72 links; and towards the South by a public road, 91 links, to the starting point. And that the piece of land hereinafter described, being a portion of the site upon which the courthouse is erected, be set apart as a site for an athenæum: All that piece of land situate in the Town of Foxton, being a part of the courthouse reserve, together with the building thereon, which was erected for an immigration depôt, commencing at the north-eastern corner of said reserve. Bounded towards the North by a public road, 100 links; towards the West by other portion of said reserve, 230 links; towards the South by other portion of said reserve, 100 links; and towards the East by the eastern boundary of said reserve, 200 links, to the starting point. And upon the gazetting of such notices the said changes shall be deemed to be effected as aforesaid.
25. May accept a lease to Her Majesty, from the person for the time being entitled in law to grant it, for any period not exceeding 10 years from the date of execution, of all that parcel of land, containing by admeasurement 42 acres, more or less, being the western moiety of the Section numbered 50 on the plan of the Waitotara District. Bounded towards the North by Section 59, 1 050 links; towards the East by other part of the said Section 50, 4 000 links; towards the South by the top of a cliff on the shore of Cook Strait; and towards the West by Section 60, 4 000 links: at the annual rent of \$42, and subject to

**First column**

26. The late Dr Hewson, being Native Medical Officer of Otaki, desired, many years ago, to purchase land from the Natives as a site for a residence. Owing to the provisions of the laws relating to Native lands at the time, private persons were unable to purchase from the Natives, and it was arranged that the Superintendent of the Province of Wellington should purchase the land from the Natives on behalf of Her Majesty, and afterwards procure a Crown grant to Dr Hewson. Accordingly, on 23 September, 1867, the land mentioned in the opposite column was conveyed to Dr Featherston, then Superintendent of Wellington, on behalf of Her Majesty; \$264, the purchase-money therefor, having been paid by the said Dr Hewson out of his own moneys. In order to carry out the above-mentioned agreement, power is required to issue a Crown grant to the representatives of Dr Hewson of such land.

**Second column**

such covenants and conditions as may be agreed.

26. May issue a Crown grant in favour of Charles George Hewson, antevested from some date prior to his death, of 8 acres 1 rood 33 perches, being all that area in the Provincial District of Wellington, commencing at a point on the right bank of the Otaki River; and bounded towards the North-west by the Tutangatakinu No 4 Block, bearing N 18°15' E, 152.5 links; towards the North by the Tutangatakinu No 3 Block, bearing N 87°8' E 790 links, N 78°54' E 121 links, N 75°46' E 624 links, N 68°2' E 68 links; towards the East by the Waerenga Block, bearing N 168°13' E, 187 links; again towards the North by the said block, bearing N 73°33' E, 543 links; towards the North-east by said block, bearing N 151°10' E, 127.5 links; towards the South-east by the Tutangatakinu No 2 Block, bearing S 44°26' W, 934 links; towards the South-west by the right bank of the Otaki River, about 1 770 links: all the above linkages being more or less; as the same is delineated on the plan deposited in the District Survey Office, Wellington.

*Canterbury*

27. It being deemed desirable to set apart as a school site part of Reserve 1420 (in red), made for gravel-pit, which cannot now be done owing to the provisions of the Public Reserves Act 1881.
28. It being desirable to change Reserve 110 from a gravel-pit to a recreation-ground, which cannot now be carried into effect owing to the provisions of the Public Reserves Act 1881.
29. It being deemed desirable to set apart as a site and grounds for a school of part of Reserve 736 (in red), made for a stone-quarry, which cannot now be done owing to the provisions of the Public Reserves Act 1881.

27. May, by notice in the *Gazette*, change the purpose from gravel-pit to a site for a school of part of Reserve 1420 (in red), in the Wakanui Survey District, Provincial District of Canterbury, containing 3 acres 3 roods 20 perches, more or less. Bounded—Northward, Southward, and Westward by the northern, southern, and western boundaries of the said reserve; and Eastward by a line parallel to the western boundary, and 775 links distant therefrom: and thereupon such change shall be deemed to be so effected.
28. May, by notice in the *Gazette*, change from gravel-pit to recreation-ground all that area in the Christchurch Survey District, Provincial District of Canterbury, containing 20 acres, more or less. Bounded—North-westward by the Lower Lincoln Road; North-eastward by Section 379; and Southward by Section 1072, and by Reserve 128 (in red): and numbered 110 (in red) on the official map in the Survey Office, Christchurch; and thereupon such change shall be deemed to be so effected.
29. May change the purpose from stone-quarry to a site and grounds for a school of part of Reserve 736 (in red), in the Patiti Survey District, Provincial District of Canterbury, containing 12 acres 2 roods, more or less.

**First column**

30. A parcel of land in the Provincial District of Canterbury having been conveyed, under deed dated 6 March, 1882, by James Edward FitzGerald to Her Majesty in trust for the purposes of a plantation, and for the improvement and protection of a stream running there through, authority is required to enable the Governor to provide for the administration of such land in accordance with such trusts.
31. *[Repealed]*
32. The Recreation Reserve 1639, in the Kowai Road District, is several miles from any centre of population, and it is desirable to sell it, and devote the received from the sale to the purchase of other land, for the like purpose, in a more suitable position.
33. Reserve 1781 was made for Provincial Government purposes, and it is expedient to set apart 5 acres of it as a school-site, which cannot now be done owing to the provisions of the Public Reserves Act 1881.

**Second column**

- Bounded—Westward and South-westward by the road west of the said reserve; Eastward by the road east thereof; and Northward by a line at right angles to the last-mentioned road drawn from a point thereon 575 links northward of its junction with a road leading to Pig-hunting Creek; and thereupon such change shall be deemed to be so effected.
30. May, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare the lands hereinafter next specified to be set apart as Crown lands, subject to the provisions of the Public Domains Act 1881, to be managed, administered, and dealt with under the said Act as a place of public recreation, subject to the same being planted and preserved for the improvement and protection of the stream running through the said lands: All that parcel of land situated in the Provincial District of Canterbury, being part of the Rural Sections numbered 884, 1712, 1880, and 2223 on the map of the Chief Surveyor, setting out and describing the rural lands in the Lincoln District thereof, and being that portion of the said sections bounded Northwardly by the Town Belt, Southwardly by the Town Belt, Eastwardly by Leinster Terrace, and Westwardly by Kildare Terrace; as shown on the sale-plan of the said sections, setting out the Township of Lincoln, and deposited in the Deeds Registry Office at Christchurch as No 21; and thereupon they shall be deemed to be so set apart as aforesaid.
32. May, by notification in the *Gazette*, authorize the sale, by public auction, in such manner and on such terms and conditions amount in all respects as the Governor shall think fit, of Recreation Reserve 1639, in the Kowai Road District, containing 344 acres, more or less; and thereupon it may be so sold, and cause the amount received from such sale to be applied to the purchase of recreation-grounds at Amberley and Sefton.
33. May, by notice in the *Gazette*, change the purpose from Provincial Government purposes to school-site of part of Reserve 1781 (in red), in the Hind's Survey District, containing 5 acres, more or less. Bounded—South-eastward and Southward by the Southern Railway Reserve and by a road-line; Eastward by a road-line, 565 links; Northward by a line at right angles thereto, 800



**First column**

34. The lands described in the Schedule to the Timaru Harbour Board Act 1876 Amendment Act 1881, and which were by that Act vested in the Timaru Harbour Board, having been so described as not to vest in the said Board all the land intended to be vested, power is required to issue the grant in the opposite column mentioned.

**Second column**

- links; and Westward by a line at right angles to the southern boundary: and thereupon it shall be deemed to be so changed.
34. May grant, in fee, to the Timaru Harbour Board the land lying between 2 points—at 105 miles 20 chains, and 105 miles 45 chains respectively—which points are referred to in the Schedule to the aforesaid Act, on the seaward side of a line not less than 20 feet distant from the centre line of the line of railway, as indicated on the plan referred to in the said Act.

**First column****Second column***Otago*35. *[Repealed]*

36. When the old post office at Port Chalmers was given up it was handed over to the Fire Brigade, which has occupied it since 22 April, 1878; and it is therefore desired to make it always available for fire-brigade purposes; but, as the Fire Brigade is not a corporate body, it is thought best to vest the land in the Municipal Corporation upon trust.

37. It being desirable to provide a more suitable site for a morgue in Port Chalmers than the one at present in use, which is situate in Mount Street.

38. *[Repealed]*

39. To provide paddock accommodation in the vicinity of works proposed to be established at Waitaki, with a view to the exportation of frozen meat from the colony.

40. *[Repealed]**Soutland*

36. May issue a Crown grant, in fee, to the Corporation of the Borough of Port Chalmers of the following piece of land, namely: All that parcel in the Provincial District of Otago, containing by admeasurement 31 perches, more or less, situate in the Borough of Port Chalmers, being Section 407 on the map of the said borough. Bounded towards the North-west by Section 2, 50 links; towards the North-east by Crown lands, 213 links; towards the South-east by George Street, 21 links; towards the South-south-east by Mount Street, 150 links; and towards the West-south-west by the said Section 2, 157 links: together with the buildings thereon. To be held in trust as a site for a fire-brigade station.

37. May, by notice in the *Gazette*, declare that the following piece of land, being part of the old cemetery site, may be vested in the Mayor, Councillors, and Burgesses of the Borough of Port Chalmers, as a site for a morgue, namely: All that area in the Provincial District of Otago, situated in the Borough of Port Chalmers, and containing by admeasurement 21 perches, more or less; commencing at a point 125.7 links distant from the Ajax Road on the south-west boundary-line of the cemetery reserve, bearing N 49°33'30" W; and bounded towards the South-west by a line in same direction, 129.3 links; towards the North-west by a right line bearing N 40°26'30" E 71.8 links, and by a right line bearing S 76°44'11" E 137.5 links; and towards the South-east by a right line bearing S 39°31' W, 127 links, to the point of commencement: as the same is delineated on the plans deposited in the District Survey Office, Dunedin.

39. May grant a lease of Reserves 644 and 1642, containing 1 140 acres, more or less, for any period not exceeding 21 years, upon such terms as the Governor shall see fit, notwithstanding the provisions as to sale of the reserves contained in the Public Reserves Sale Act 1878. The lease to contain a power of re-entry and determining the lease if the land is not at any time for a period of 12 consecutive months used for the purposes for which the company has been formed.

**First column**

**Second column**

41–42. *[Repealed]*

*Westland*

43. *[Repealed]*

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**Legislation Act 2019 requirements for secondary legislation made under item 30**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Schedule: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Clause 35 was repealed, as from 7 September 1905, by section 8 Oamaru Athenaeum and Mechanics' Institute Act 1905 (1905 No 6(L)).

Clauses 1, 5, 10, 12 to 14, 18 to 20, 31, 38 and 40 to 43 were repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Clauses 4, 6 and 11 were repealed, as from 24 December 1909, by section 431 Native Land Act 1909 (1909 No 15).

**Consolidation notes****1    *General***

This is a consolidation of the Special Powers and Contracts Act 1882 that incorporates all the amendments to that Act as at the date of the last amendment to it.

**2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

**3    *Amendments incorporated in this consolidation***

Secondary Legislation Act 2021 (2021 No 7): section 3