

**Version
as at 28 October 2021**

Special Powers and Contracts Act 1886

Local Act 1886 No 16
Date of assent 18 August 1886

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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.

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 second column of Schedule 1, 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 1886.

2 Interpretation

In this Act, if not inconstant with the context,—

the verb

grant; or

issue a Crown grant, in relation to land subject to the Land Transfer Act 1885, includes the issue of a warrant by the Governor under section 12 of the said Act to direct a District Land Registrar to issue a certificate of title under the said Act for such land; and, in relation to any other land, includes the issue of a Crown grant of such land, or the making of any deed of conveyance or other instrument sufficient to assure the title to such land.

3 Governor may perform the several acts specified in the second column of Schedule 1

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 Schedule 1.

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.

4 Legal estate may be antevested

For the purpose of evidencing the title to any land specified in the said second column of Schedule 1, 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.

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

[Repealed]

Section 5 was repealed, as from 31 March 1910, by section 431 Native Land Act 1909 (1909 No 15).

6 Public Trustee authorized to pay accrued moneys from reserves to Auckland Hospital Board

The Public Trustee is hereby authorized from time to time to pay over to the Auckland Hospital and Charitable Aid Board, or to such other Board or Trustees for the time being having the control and management of the Provincial Hospital at Auckland, all surplus moneys heretofore accrued, or which may hereafter accrue, in his hands, as the same are defined in section 5 of the Auckland Hospital Reserves Act 1883; and such moneys shall be applied by the said Board for the purposes of the aforesaid hospital, and not otherwise.

7 Lincoln Agricultural College Rateable Property

[Repealed]

Section 7 was repealed, as from 19 August 1891, by section 3 Repeals Act 1891 (1891 No 8).

8 Christchurch Drainage Board may borrow money on overdrafts

[Repealed]

Section 8 was repealed, as from 25 November 1907, by section 102 Christchurch District Drainage Act 1907 (1907 No 30(L)).

9 Validation of Nelson Borough Council election

Whereas, by Proclamation of 15 June last, the several wards of the Borough of Nelson were abolished on the petition of not less than one-half of the burgesses thereof, and it thereupon became necessary to elect new members of the Council of such borough, and it was found that the Municipal Corporations Act 1876, did not make any provision in that behalf:

And whereas, notwithstanding the absence of any authority in that behalf, an election of members of the Council of the said borough was held on 15 July last past, whereat Edward Everett, Robert Levien, Alfred Coleman, Francis Trask, John Graham, Joseph Auty Harley, William Akersten, Thomas Hoyle Stringer, and Malcolm Mure Webster were declared duly elected:

And whereas a burgess-roll for the purpose of such election was compiled from the burgess-rolls of the several wards of the said borough existing at the time of their abolition:

And whereas also the said election was not held within the time limited in such cases by The Regulation of Local Elections Act 1876:

And whereas the aforesaid election has been held from the necessity of the case, and not in wilful breach of the law, and it is expedient to validate the same:

Be it therefore further enacted as follows:

All things done at the election of the members of the Council of the Borough of Nelson held on 15 July last past, and the burgess-rolls prepared for the holding of such election, are hereby validated, and shall be deemed to have been done according to law.

The several persons above mentioned as having been duly elected at such election are hereby confirmed in their election; and the burgess-roll prepared for such election is hereby validated, and shall be the burgess-roll for the said borough, and shall continue in force until a new roll is formed according to law.

All persons taking any proceedings in or towards conducting the said election are hereby indemnified in respect of all things done therein or thereat which might have been lawfully done by them respectively had such election not been illegal.

10 Validation of Devonport Borough rate

Whereas the former Road District of Devonport has during the now current year been proclaimed a borough, and the Road Board of the aforesaid district, by reason of not having received a valuation-roll, did not make and levy any rate within the said district for the current year previous to the conversion of such district into a borough, but thereafter, that is to say, on 15 June, did make a rate therein, which however there is no authority in law to collect: And whereas the Borough Council of the new borough, by reason of there being no valuation-roll in force therein, and otherwise, is precluded from levying rates therein: And whereas it is expedient that the said Borough Council should be specially authorized to make and levy rates in the said borough for the present year in the place of the rates which should have been made and levied therein by the aforesaid Road Board, and for that purpose and to avoid expense it is expedient to legalize the rate made as aforesaid by the Road Board, and to authorize the Borough Council to collect the same as a borough rate:

Be it therefore enacted as follows:

Notwithstanding that the Borough of Devonport was constituted after 15 January in the now current year, the Borough Council thereof may levy and make rates to all intents and purposes as if such borough had been constituted before the aforesaid 15 January; and, in the place of the borough rates which cannot be made, may make and levy in the said borough for the now current year all such rates as might have been made and levied therein by the Road Board of the Road District of Devonport had such borough not been constituted; and all such rates shall be deemed to be borough rates.

The rate made by the Road Board of the Road District of Devonport on 15 June last past is hereby validated, and shall be deemed to be a borough rate as if it had been made by the Council of the Borough of Devonport; and the said Council is hereby authorized to collect the said rate, and shall have all powers

and authorities for enforcing payment thereof as if it had been made by the said Council in the first instance.

The Governor in Council shall be deemed to be empowered under the Rating Act 1876, to fix all times and to authorize all things to be done to enable a first valuation-roll for such borough to be made, or for such rates to be levied, as nearly as may be in accordance with the provisions of the Act hereinabove last mentioned.

Schedule 1

First column

1. To give effect to the report of the Waste Lands Committee of the House of Representatives, session 1886, on claims made by Volunteers enrolled between the years 1873 and 1876, which were barred by section 3 of the Waste Lands Administration Act 1876 [*Repealed*].

2–5. [*Repealed*]

6. To give legal effect to an arrangement made or to be made by the Auckland Harbour Board with the owners of lands abutting on portions of Shoal Bay, Devonport, near Auckland, by which, in consideration of the release and surrender by the said owners of their riparian rights and rights of water-frontage to the Waitemata Harbour, the Auckland Harbour Board, by way of compensation, may convey to the said owners the lands which were, by grant dated 15 December, 1876, granted to the Auckland Harbour Board, and also may dedicate other portions of the said lands as and for streets and public highways; for which purposes authority is now required by the Governor to cancel the grant hereinbefore mentioned, and to issue other Crown grants in completion of such arrangement and dedication, and to vest other portions of the said lands in the said Auckland Harbour Board upon the original trusts.

7–9. [*Repealed*]

10. Certain land was taken from the Auckland Harbour Board by Proclamation, dated 14 August, 1884, for the purposes of additions to Auckland Railway-station, Kaipara-Waikato Railway; and, as it is found that so much of the said land (marked A and B) as is described in the second column hereof is not now required for railway purposes, it is considered desirable to re-vest the said parcels of land (marked A and B) in the said Harbour Board.

Second column

1. May appoint 1 or more persons Commissioners, in terms of the Commissioners Powers Act 1867 [*Repealed*], to inquire into and report upon claims to Volunteer scrip in terms of the first column hereof. Any claim that may be recommended by such Commissioners shall be paid in cash, on approval of the Minister or Governor, at the rate mentioned in the Volunteers Land Act 1865 [*Repealed*], notwithstanding the repeal of the said Act, and out of moneys that may be appropriated by the General Assembly for that purpose.

6. May cancel the Crown grant to the Auckland Harbour Board, dated 15 December, 1876, and thereafter issue to the Auckland Harbour Board 2 grants for the land comprised in the said cancelled grant: one, for the land which the said Board is desirous of transferring to the said owners of riparian or water-rights, upon trust, to convey to the respective persons who may agree with the said Board to abandon their riparian or water-rights upon the terms and conditions which the said Board may approve of, and for such roads and streets as the said Board may deem advisable to make and the other, upon the trusts of the original grant.

10. May, by Order in Council, published in the *New Zealand Gazette*, vest in the Auckland Harbour Board, subject, however, to the rights conferred upon Government by virtue of sections 142 to 146, both inclusive, of the Harbours Act 1878, all that piece or parcel of land, containing by admeasurement 3 roods 16 perches. Bounded North-easterly by a road-line, 200 links; South-easterly by a road-line, 424 links; South-westerly by railway land, 200 links; North-westerly by a line, 424 links: the same being coloured red, and marked A upon the plan referred to below. Also all that piece or parcel of land, containing by admeasurement 1 acre 2 roods. Bounded North-easterly by railway land, 545 links; South-easterly by a road-line, 435 and 63 links respectively; South-westerly by rail-

First column

Second column

- 11–13. *[Repealed]*
14. It being desirable to provide a reservoir at a higher level than the present reservoir for the water-supply of the City of Auckland, and no other suitable site being available.
15. To give legal effect to a promise made to the Roman Catholic Bishop of Auckland that certain lands reserved in terms of the Auckland Waste Lands Acts and the New Zealand Settlements Acts should be set apart for Roman Catholic Church purposes.
16. On 3 March, 1875, an agreement was made and executed between the then Superintendent of Auckland as Trustee of the Auckland Hospital Reserves and the Auckland Domain Board, for an exchange of part of the said way land, in lines 340 and 295 links respectively; North-westerly by a line 67 links: the same being colored red and marked B upon plan referred to below. Be all the aforesaid linkages and areas, either more or less; the several parcels of land being situated in Mechanics' Bay, City of Auckland, being portion of the land taken by Proclamation, dated 14 August, 1884, and published in the *New Zealand Gazette* No 96, of 21 August, 1884, and are more particularly delineated upon the plan marked PWD 14099, deposited in the office of the Minister for Public Works, at Wellington, in the Provincial District of Wellington.
14. May vest in the Corporation of the Borough of Auckland an area of about 1.5 acres out of the Mount Eden Recreation-ground, being Allotment No 16 of Section No 6, Suburbs of Auckland, containing 63 acres, more or less, as may be determined after survey, in such position and on such terms as may be agreed upon between the Corporation of the Borough and the Mount Eden Domain Board, constituted under the Domains Act 1881, as a site for a reservoir. The instrument of title shall contain a proviso that, if the site at any time ceases to be used as a reservoir, it shall revert to the Domain Board without any reconveyance or other instrument of title from the borough.
15. May issue Crown grants, under the authority of the Roman Catholic Lands Act 1876 *[Repealed]*, to the Roman Catholic Bishop for the time being of the diocese of Auckland, and his successors, for all of Auckland, and his successors, for all those parcels of land situate in the Provincial District of Auckland, and being Lot No 573, Town of Cambridge East; Lot No 291, Town of Hamilton West; Lot No 158, Town of Kihikihi; Lots Nos 325 and 326, Town of Newcastle; Lot No 114 of Section XI, Town of Papakura; Lots Nos 15 and 16 of Section II, Town of Tauranga; Lot No 136 of Section II, Opaheke; Lots Nos 45 and 46, Gisborne; Section No 9, Block V, Waiomio; Lot No 22, Section I, Pukekohe; Lot No 125, Puhoi: in trust as sites for churches or cemeteries.
16. May, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare that the lands herein first described shall, as from such date as may be inserted in such Order, vest in Her Majesty the Queen as

First column

Hospital Reserves for part of the Auckland Domain, to admit of the Auckland Provincial Hospital being built on land then under the control of the said Board. The said agreement was confirmed by Provincial Council Ordinance, and was duly carried out under such sanction, and the hospital built; authority is required to transfer the lands in accordance with the terms of such arrangement, and to give titles thereto.

Second column

part of the Auckland Domain, subject to the Public Domains Act 1881; and that the lands herein secondly described shall vest, as from the date aforesaid, in the Auckland Hospital and Charitable Aid Board constituted under the Hospitals and Charitable Institutions Act 1885, for the purposes of the Auckland Provincial Hospital, subject to the said Act, and to the terms of the aforesaid agreement. All that piece or parcel of land, containing 1 acre 1 rood 8 perches, more or less, situated in the Provincial District of Auckland, and being the north-eastern portion of Allotment No 41 of Section No 3, in the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden. Bounded towards the North-east by the Auckland Domain, 245 links and 794 links; towards the East by the Auckland Domain aforesaid, 203 links; towards the South and South-west by Allotment No 41 of Section No 3 aforesaid, 130 links and 1010 links respectively; and towards the West by the Hospital stream: as shown in the official plan of the locality deposited in the Land Office, Auckland. All that piece or parcel of land, containing 1 acre 1 rood 8 perches, more or less, situated in the Provincial District of Auckland, and being a portion of the Auckland Domain, in the Parish of Waitemata, in the County of Eden. Bounded towards the North by other portion of the Auckland Domain, 84 links; towards the East by other portion of the Auckland Domain, 174 links and 524 links; towards the South-east by other portion of the said Domain, 200 links; towards the South-west by the road known as Park Road, 375 links; and towards the North-west and West by Allotment No 41 of Section No 3 of the Suburbs of Auckland, 299 links and 321 links respectively: as shown on the said official plan.

Taranaki

17–18. *[Repealed]*

Hawke's Bay

19. To vest the lands described in the second column in Trustees, for the use of Volunteers in the Hawke's Bay Provincial District.
19. May grant, as a site for a drill-shed and for Volunteer purposes only, to not less than 2 nor more than 5 Trustees, for the benefit of Volunteer corps already embodied or who may hereafter be embodied in the Hawke's Bay District, all that parcel of land in the Borough of Napier, Provincial District of Hawke's Bay, being part of Suburban Section No 96, and containing 26 perches, more or less; commencing at the South-west corner of the Telegraph Reserve. Bounded on the South

First column

Second column

20. To give effect to the recommendation of a Select Committee of the Hawke's Bay Provincial Council, dated 19 June, 1873, in the matter of the settlement of the boundaries of the Tikokino Maori Reserve.
21. The Napier Harbour Board failed to submit plans of the proposed harbour works for the approval of the Governor in Council, and commenced the construction of such works without such sanction, whereby illegal expenditure has been contracted. The assent of the Governor to the plan of the works *ab origine* is required to authorize such expenditure.
20. by Coote Road, 114 links; thence to the West by other portion of Suburban Section No 96, 145.5 links; thence on the North, 114 links; thence on the East by the Telegraph Reserve, 145.5 links, to commencing-point. The Governor, by notice in the *Gazette*, shall have power to remove any Trustee from his office; and if any Trustee shall die, become bankrupt or insolvent, resign, or retire from the Volunteer force, or become incapable to act, or be absent from the Provincial District of Hawke's Bay for the space of 12 consecutive months, he shall cease to be a member of the said Trust, and the Governor may appoint another Trustee in his place.
20. May exchange with Mr John Holden all that portion of Crown land in Block XVI, Wakarara Survey District, containing 8 acres 2 roods 12 perches, more or less. Bounded towards the East by Section No 77, 2761 links; towards the South by a public road, 322 links; and towards the West and North-west by a public road, 2943 links—for all that piece or parcel of land in the Hawke's Bay Provincial District, being a portion of Hampden Suburban Section No 63, Block XVI, Wakarara Survey District, containing 7 acres 3 roods 23 perches, more or less; bounded towards the North by Section No 63, 134 links; towards the East and South-east by the Tikokino Maori Reserve, 6447 links; towards the West by the Tikokino Maori Reserve, 134 links; and towards the North-west and West by Section No 63, 6253 links.
21. May, on submission for approval of the Governor in Council of the plans of the harbour works now progressing at the harbour of Napier, approve such plans and works, and antedate such approval so as to relate back to the period at which the said plans should originally have been so submitted; and on such approval as aforesaid the Napier Harbour Board shall be indemnified in respect of any moneys spent on such harbour works from the date of such approval.

First column**Second column***Wellington*

22. It being desirable to amend the boundaries of the endowment set aside for the Borough of Wanganui by Order in Council issued on 10 July, 1879, as some of the land is required for a State forest.
22. On surrender of the Crown grant which was issued on 1 October, 1884, for the land described in the Order in Council referred to in the first column hereto, may cancel the same, and in lieu thereof may direct the District Land Registrar at Wellington to issue a certificate of title for the following land, viz: All that piece or parcel of land containing by admeasurement 2,000 acres, exclusive of roads, and being Sections Nos 1, 2, and 3, Block VI, Mangawhero Survey District. Bounded towards the North by the Ngapuke-whakapu Block, 14157 links; towards the East by Section No 4, 15945 links; towards the South by the Taungatutu Block and by Sections Nos 11, 12, and 13, Block VI, 17475 links; and towards the West by the Mangawhero River, the Ngaonui Maori Reserve, and a public road: be all the aforesaid linkages more or less. As an endowment in aid of the borough funds. Also may, by notice in the *Gazette*, declare the following land to be a forest reserve, in terms of the New Zealand State Forests Act 1885, viz: All that piece or parcel of land containing by admeasurement 867 acres, and being Section No 4, Block VI, Mangawhero Survey District. Bounded towards the North by the Ngapuke-whakapu Block, 10351.6 links; towards the East and South-east by Section No 1 of Block III, Sections Nos 1, 2, and 3 of Block VII, and Section No 13 of Block VI, all in the Mangawhero Survey District, 25538 links; and towards the West by Sections Nos 1 and 2, Block VI, 15945 links: be all the aforesaid linkages more or less.
23. The land described in the second column hereto having been reclaimed from the sea by natural causes, it is proposed to make it a recreation-ground and a site for a public hall.
23. May, by notice in the *Gazette*, declare that the following land shall be a recreation-ground, to be dealt with under the provisions of the Public Domains Act 1881, and the Public Reserves Act 1881, or any Acts amending the same, viz: All that area in the County of Hutt, being part of the foreshore of Porirua Harbour. Bounded towards the North, East, and South by high-water mark, from Ration Point to its intersection by the eastern boundary of Section No 91 produced; and towards the West by a right line from said intersection to Ration Point: save and except an area not exceeding 1 acre, to be determined after survey, which shall also, by notice in the *Gazette*, be set apart as a site for a public hall, to be managed by Trustees to be appointed by the Governor.

24. *[Repealed]*

First column

25. In consequence of an error in a Proclamation issued on 19 October, 1885, taking land for a street in the Borough of Wellington, it is desirable to arrange for an exchange of land between the Trustees of the Wellington Public Cemetery and the Hon Walter Baldock Durant Mantell, of Wellington.

26. To give effect to a proposal for the erection of a Home for the Aged Poor in Wellington, \$2,000 having been promised for the erection of a Home for the Aged Poor, on condition that a site be provided for the same.

27. *[Repealed]*

28. Sections Nos 220 to 227, both inclusive, of the Pakaoa Block, Mount Adams Survey District, have been vested in the School Commissioners of the Wellington Education District as a reserve, the exterior boundaries whereof are so irregular as not to permit a boundary fence to be easily made; it is desired, by means of exchanges of land with neighbouring owners, to acquire a practicable line of fence for the reserve.

Second column

25. On the execution of a conveyance by the Hon Walter Baldock Durant Mantell, in favour of the Trustees of the Wellington Public Cemetery, of the following land—viz, all that piece or parcel of land being portion of Section No 502, City of Wellington, containing by admeasurement 1.5 perches; bounded towards the North-west, 57 links, by Sydney Street; towards the East, 53 links, by other portion of Section No 502; and towards the South, 78.5 links, by the Public Cemetery—may authorize the Trustees aforesaid to convey to the Hon Walter Baldock Durant Mantell the following pieces of land in exchange thereof, viz: All that piece or parcel of land being portion of the Public Cemetery, City of Wellington, containing by admeasurement 5.2 perches. Bounded on the North, 155.5 links, by Section No 502; towards the East, 39.9 links, by other portion of Section No 502; and towards the South, 192.4 links, by other portion of the Public Cemetery. Also all that piece or parcel of land being a portion of the Public Cemetery aforesaid, and containing by admeasurement 2.1 perches, more or less. Bounded towards the North-east by Section No 502, 74 links; towards the South by Section No 474, 46 links; and towards the West by other portion of the said Public Cemetery, 59 links.

26. The lands described in Schedule 2 are hereby vested in Her Majesty the Queen for the purposes of a Home for the Aged Poor; but the Governor may at any time, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare such land to be vested for the purposes aforesaid in any body of contributors who may become incorporated under the Hospitals and Charitable Institutions Act 1885, who shall hold the said lands for the purposes aforesaid, subject to the Act last mentioned.

28. May make arrangements with the owners of lands adjoining the reserve mentioned in the opposite column for an exchange of lands for the purposes aforesaid, of lands for the purposes aforesaid, and, on receiving from the said owners respectively a surrender to Her Majesty of the lands to be received as equality of exchange, may grant to the said owners respectively so much of the said reserve as is required to carry out the said arrangements; and thereafter, by Order in Council, which is

First column

29. Certain sections of land having been vested in the Wellington Harbour Board as endowments, and afterwards resumed as being needed for the purposes of a printing office, it is desired to vest other lands in the said Board in compensation for the lands so resumed.

Second column

secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), shall declare the lands so received in exchange to be vested in the aforesaid Commissioners as part of the said reserve, and to be held by them for the purposes for which the reserve was vested in them.

29. May, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare that the lands herein described shall vest in the Wellington Harbour Board as endowments, subject to the Harbours Act 1878, and on the condition that so much of such lands as are below high-water mark shall be reclaimed by the said Board and at its expense, under the provisions of the said Act or any Act amending the same, subject to such reservations and rights as the Governor in Council may at any time prescribe in relation thereto. All that piece or parcel of land containing by admeasurement 1 rood and 12 perches, being the whole of Sections Nos 2, 3, and 4, and part of Section No 1, Block II, on the plan of the Thorndon Reclaimed Land, Wellington. Bounded as follows: North-westerly by Featherston Street, 237 links; North-easterly by Whitmore Street, 196 links; South-easterly by other portions of Section No 1 aforesaid, 135 links; South-westerly by Ballance Street, 168 links: be all the above linkages and area either more or less, as the same are more particularly delineated same are more particularly delineated upon the plan marked P W D 14118, deposited in the office of the Minister for Public Works, at Wellington, and thereon coloured red; and also All that parcel of land being portion of the bed of the Harbour of Port Nicholson, lying to the eastward of Waterloo Quay and contiguous thereto, commencing at a point, the said point being the northern termination of the roadway of Waterloo Quay, as vested in the Wellington Harbour Board, under the Wellington Harbour Board and Corporation Land Act 1880; thence bounded northerly by a line being the prolongation of the northern boundary of Moss Street, for about 360 feet; thence by a line parallel to face-line of Waterloo Quay in one right line, distant 300 feet from the average face-line of the breastwork to a point where face-line of the breastwork to a point where a line produced in a North-easterly direction, and at right angles to the Railway Wharf, would intersect it if drawn from a point where the eastern side of the

First column

Second column

30. The private road making the approach to the Wellington Hospital passes through a section of Crown land situate on the highway at its nearest point to the hospital. The land has been reserved from sale. It is desired to vest the said land in the contributors of the said hospital for the general purposes thereof, as its possession would be of material advantage to the said hospital.
30. May, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare that the lands herein described shall vest in the contributors of the Wellington Hospital incorporated under the Hospitals and Charitable Institutions Act 1885, for the purposes of a general hospital at Wellington, subject to the said Act. All that parcel of land in the City of Wellington, containing by admeasurement 2 roods 35 perches, more or less, being the whole of Public Reserve No 12, less a road to the hospital, 60 links wide, passing over the said area along its northern boundary.
- Canterbury*
31. It having been found that Section No 11 of Reserve 1263, Pig-hunting Creek, Canterbury, is unsuitable for a school site, for which purpose it has been reserved, it is proposed to exchange it for Section No 8 in the same reserve.
31. May, by notice in the *Gazette*, authorize the exchange of the School Site Reserve—viz, all that parcel of land in the Provincial District of Canterbury, containing by admeasurement 5 acres, more or less, being Section No 11 of Reserve 1263 (in red), situate in the Otaio Survey District, as the same is delineated on the plan deposited in the District Survey Office, Christchurch—for 5 acres, more or less, being Section No 8 of Reserve 1263 (in red), situate in the Otaio Survey District, as the same is delineated on the plan deposited in the District Survey Office, Christchurch. Upon the issue of such notice the reservation of Section No 11 shall be discharged, and the land may be dealt with under the provisions of the Land Act 1885; and Section No 8 shall become vested in the South Canterbury Board of Education as a site for a school.
32. *[Repealed]*
33. To correct an error in a certain Proclamation, taking land for a portion of Proclamation, taking land for a portion of the Hurunui–Wai-taki Railway, Weka Pass Section, published in the *New Zealand Gazette* No 27, of 1881,
33. May, by warrant under his hand, direct the District Land Registrar at Christchurch to alter the number of Section 4594 to 4591 in the Proclamation referred to in the first column hereto, and to release the said Section

First column

wherein an area of 10 acres 1 rood 16 perches of land, situate in the Waikari and Waipara Survey Districts, is stated by mistake to comprise, *inter alia*, a portion of Section No 4594, whereas the section which was intended to be referred to was No 4591.

34. It being deemed desirable to change the purpose of a portion of the Woodbury Domain to a site for a cemetery, which cannot now be done owing to the provisions of the Public Reserves Act 1881.

35. The land described in the second column of the Schedule hereto, having been conveyed to Her Majesty, by the Superintendent of Canterbury, for the purposes of the Great Northern Railway, by deed dated 28 April, 1871, Register No 45328, and being no longer required for railway purposes, it is proposed to set it apart as a site for a drillshed and parade-ground.

36–37. *[Repealed]*

38. Section No 11, Reserve No 1263, situate in the Otaio Survey District, having been permanently reserved as a school site (*Gazette* of 1885, page 196), and not being found suitable by the South Canterbury Board of Edu-

Second column

No 4594 from the operation of the said Proclamation.

34. May, by notice in the *Gazette*, change the purpose from a recreation-ground to a site for a cemetery of all that portion of the Woodbury Domain, viz, 10 acres, more or less, being portion of Reserve No 1544 (in red); commencing at a point on the North-western boundary-line of Section No 15892, the said point being 87.5 links North-east of the westernmost corner thereof; thence South-west-erly along the said boundary-line of said Section No 15892, and a line in continuation thereof bearing 226°50', a distance of 774.1 links; thence North-westerly, in a line bearing 308°1', a distance of 1228.2 links; thence North-easterly, in a line bearing 34°31', a distance of 766.4 links; and from thence returning South-easterly, in a line bearing 128°1', a distance of 1393.4 links to the commencing-point.

35. May, by notice in the *Gazette*, declare that the purpose of the land hereinafter described shall be changed from that of railway to a site for a drill-shed and parade-ground, viz: All that portion of Section No 297, in the Borough of Kaiapoi, Provincial District of Canterbury, containing 2 roods. Bounded towards the North-east, 250 links, by Hilton Street, opposite to the junction of Cam and Hilton Streets; and towards the North-west, 200 links, South-west, 250 links, and South-east, 200 links, by Section No 297. The land to be vested in 3 Trustees, to be appointed by notice in the *Gazette*. The Governor shall have power to remove any Trustee from his office, and to appoint another person to be a Trustee in his place. If any Trustee shall die, become bankrupt or insolvent, resign, or become incapable of acting, or be absent from the Provincial District of Canterbury for a space of 12 consecutive months, he shall cease to be a member of the said Trust, and the Governor may in such case appoint another Trustee in his place.

38. May, by notice in the *Gazette*, authorize the exchange of Section No 11, containing 5 acres, in Reserve No 1263, for Section No 8, containing 5 acres, in Reserve No 1263, situate in the Otaio Survey District, and may vest the said Section No 8 in the South Canter-

First column

cation for this purpose, it is desired to exchange this section for Section No 8, but this section, having been sold as a deferred-payment section and forfeited, has, under section 122 of the Land Act 1885, to be sold by auction; it is now proposed, as Section No 8 has no improvements on it, to permit of its exchange for Section No 11; the said Section No 8 to be vested in the South Canterbury Board of Education.

39. The Superintendent of the former Province of Canterbury, under due authority of law, and by deed dated 25 March, 1872, conveyed part of Reserve No 168 (in red), within the aforesaid province, to certain Trustees in the said deed mentioned, to hold the same in trust as a site for a drill-shed, Volunteer hall, and other buildings for the use of the Temuka Rifle Volunteer corps or any other Volunteer corps whose services should be accepted by the Governor. Some of the aforesaid Trustees are dead, others are non-resident: it is desired to appoint local Trustees in the place of the former Trustees, and to make the object of the Trust more general.
40. Certain moneys being payable under the Land Act for the time being in force in respect to lands held on deferred payments within the Temuka Road District, and a portion of such moneys being payable in respect of lands within that portion of the said road district which has now become the Arowhenua Town District, authority is required to pay to the Town Board of such town district its just proportion of the aforesaid moneys.

41. *[Repealed]*

42. *[Repealed]*

43. It being desirable to take a road through land held by the New Zealand and Australian Land Company as Pre-emptive Right D, on Run 23.
44. The land described in the second column, with buildings thereon, having been purchased as a site for a drill-shed, it is desirable to vest the same in Trustees, with power to mortgage for any time not exceeding 21 years.

Second column

bury Board of Education for a school site; as the same is delineated on the plan deposited in the District Survey Office, Christchurch. Section No 11 to be dealt with under the provisions of the Land Act 1885, on the exchange being effected.

39. May, by Order in Council, which is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), declare that the part of Reserve No 168 (in red), within the Provincial District of Canterbury, the boundaries whereof are set forth in the deed of conveyance mentioned in the first column hereto, shall vest in such officers of Volunteers and other persons resident within the district of Temuka, as shall be named in such Order, to be held by them in trust for the purposes of a Volunteer drill-shed or other Volunteer purposes; and may, by the same Order in Council, declare all former Trustees to be divested of their trust in such reserve.
40. May, by warrant, direct the Colonial Treasurer to pay to the Town Board of the Town District of Arowhenua all moneys which may have been payable under any Land Act in respect to the lands within the limits of such town district held on deferred payments, up to the time when such town district ceased to form part of the Temuka Road District.

Otago

43. The Governor may accept a surrender of the Crown grant for the said Pre-emptive Right D, and issue in exchange a Crown grant for an equal area on the northern side of the said road, including a portion of the land held under the Crown grant to be surrendered.
44. May grant, as a site for a drill-shed and for Volunteer purposes generally, to not less than 3 nor more than 5 Trustees, for the benefit of all Volunteer corps already embodied or who may hereafter be embodied in the Anderson's Bay District, Land District of Otago, all that piece or parcel of land containing 22.9 perches, being Allotment No 35 on the plan of the Township of Cranston, deposited in the Lands Registry Office at Dunedin, No 205,

First column**Second column**

- together with a right-of-way, in common with others, over all the private streets shown in said plan, which said piece of land is part of Suburban Section No 3, Block II, on the map of the Anderson's Bay District aforesaid. The first Trustees to be Lieutenant-Colonel William Stavely, New Zealand Militia, Commanding Otago Volunteer District; Major Henry Gordon, New Zealand Militia, Adjutant, Otago Volunteer District; John White, Captain, Commanding the Peninsula Naval Artillery Volunteers; John Mainwaring Brown, Lieutenant, Peninsula Naval Artillery Volunteers; and Frank Oakden, Lieutenant, Peninsula Naval Artillery Volunteers, who shall have power to mortgage the land and buildings thereon for any period not exceeding 21 years The Governor, by notice in the *Gazette*, shall have power to remove any Trustee from his office; and if any Trustee shall die, become bankrupt or insolvent, resign, or become incapable to act, or be absent from the Provincial District of Otago for the space of 12 consecutive months, he shall cease to be a member of the said Trust, and the Governor may appoint another Trustee in his place: Provided always that no corps other than the Peninsula Naval Artillery Corps shall be entitled to the use or benefit of the said land or buildings until it shall have paid to the said Peninsula Naval Artillery Volunteers a sum of money, to be agreed upon, not exceeding \$300, or entered into a lease with the said Peninsula Naval Artillery Corps agreeing to pay a rental not exceeding the sum of \$40 per annum.
45. It being deemed desirable to discharge the reserve on Sections Nos 15, 16, and 17, Block XIII, Town of Wallacetown, 6, and 17, Block XIII, Town of Wallacetown, as made by notice in *Gazette* of 22 September, 1875, and to offer the sections for sale.
45. May discharge Sections Nos 15, 16, and 17, Block XIII, Town of Wallacetown, from being a gravel reserve, and sell the same by auction as ordinary town land.
46. It being deemed desirable that reserved Section No 9, Block V, New River Hundred, 3 acres 2 roods 32 perches, being a gravel reserve gazetted in the *Southland Gazette* of 22 June, 1869, page 75, should be sold as land of special value.
46. May authorize the Southland Land Board to sell 3 acres 2 roods 32 perches, more or less, being Section No 9, Block V, New River Hundred, as land of special value under the Land Act for the time being in force.
47. The land described in the second column being a reserve vested in the Crown for railway purposes, and being no longer required for public use, it is desirable to convey it in exchange for a piece of land being part of Section No 136, Hokonui Survey District, in the Provincial District of Otago, which was
47. May, by warrant under his hand, given in terms of section 12 of the Land Transfer Act 1885, direct the District Land Registrar of Invercargill to issue to the New Zealand Agricultural Company (Limited) a certificate of title for all that strip or parcel of land containing by admeasurement 36 acres 1 rood 1 perch, more or less, being portions of Sec-

First column

taken for railway purposes from the New Zealand Agricultural Company (Limited), by Proclamation published in the *New Zealand Gazette* No 68, of 1882, and for which no compensation has been paid; the area of the land so taken by Proclamation being 18 acres 1 rood 38 perches.

Second column

tions Nos 1, 2, 20, 19, 18, 17, 16, 15, and 14, Block I, Nos 1, 2, 3, 4, 5, 6, and 7, Block IV, and Nos 1, 2, 3, and 4, Block V, all being subsections of original Section No 136, Hokonui Survey District, in the Provincial District of Otago, as the same is more particularly delineated upon the plan marked P W D 14046, deposited in the office of the Minister for Public Works, and thereon coloured red.

48. *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under items 16, 26, 28, 29 and 30

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

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation made under item 39

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives, unless it relates exclusively to an individual (in which case a transitional exemption applies under Schedule 1 of the Legislation Act 2019)	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Clauses 2, 3, 4, 7 to 9, 11 to 13, 17, 18, 27, 32, 36, 37, and 42 were repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Clause 5 was repealed, as from 20 October 1966, by section 10(8) Reserves and Other Lands Disposal Act 1966 (1966 No 102).

Section 3 Native Contracts and Promises Act 1888 (1888 No 26) stated, as from 28 August 1888, that clause 24 should be read as if the figures “346”, had been therein inserted in place of the figures “345” and as if the figures “1131” had been therein inserted in place of the figures “1139”.

Clause 24 was repealed, as from 31 March 1910, by section 431 Native Land Act 1909 (1909 No 15).

Clause 41 was repealed, as from 8 November 1901, by section 39 Native Land Claims Adjustment and Laws Amendment Act 1901 (1901 No 65).

The first subparagraph in the second column of clause 42, was repealed, as from 8 November 1901, by section 36(1) Native Land Claims Adjustment and Laws Amendment Act 1901 (1901 No 65).

Clause 48 was repealed, as from 1 November 1892, by section 253 Land Act 1892 (1892 No 37).

The references to “two thousand dollars”, and “forty dollars” were substituted, as from 10 July 1967, for references to “one thousand pounds Sterling”, and “twenty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The word “Maori” was substituted, as from 27 November 1947, for the word “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

The reference to “Maori” was substituted, as from 27 November 1947, for a reference to “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

Schedule 2

Wellington aged home land

All that piece or parcel of land in the City of Wellington, containing 4 acres, more or less, being part of the land mentioned in Schedule 1 of the Wellington City Reserves Act 1872. Bounded towards the North-east by the Wellington Lunatic Asylum land, 410, 130, and 105 links; towards the South-east by part of Owen Street, 65 links; again towards the North-east by Owen Street, 260 links; again towards the South-east by Section No 770, 465 links; towards the South-west by a line bearing N 12°40' W, 871 links; and towards the North-west by a line bearing north 77°20' east, 358 links: be all the aforesaid linkages more or less; as the same is delineated upon the plans in the District Survey Office, Wellington.

Consolidation notes**1 *General***

This is a consolidation of the Special Powers and Contracts Act 1886 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