

Special Powers and Contracts Act 1879

Local Act 1879 No 39
Date of assent 19 December 1879

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

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

The Short Title of this Act is The Special Powers and Contracts Act 1879.

2 Crown grants to issue

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 hereto.

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.

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 The Governor may issue Crown grants of land alienated by Superintendents

When under the authority of law any land acquired held by or conveyed to the Superintendent of a province has heretofore been sold, or contracted to be alienated in fee, the Governor may issue, under the public Seal of the Colony, such Crown grants as the circumstances of each case may require to give effect to such sale or contract.

The provisions of The Crown Grants Act 1866, and all Acts amending the same relating to the antevesting of the legal estate in grantees, and all and every other provision of the said Act and amending Acts, shall apply to Crown grants so issued.

5 Provision in case of land inalienable for a longer period than twenty-one 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[Repealed]

Section 5 was repealed, as from 31 March 1910, by section 431 Native Land Act 1909 (1909 No 15).

Schedule

Schedule

First Column.

Second Column.

Auckland—

3. To give effect to an arrangement made between the Superintendent of Auckland, the Whakapaku Highway Board, and Messrs William Garton and John Freer in 1874.

3. William Garton and John Freer.— To grant them in fee-simple 10 acres each of land, which they have respectively selected from Lots 33 and 72, Parish of Mongonui East, upon their executing conveyances of the road line which has been taken through their private properties by the Whakapaku Highway Board. The grants to be subject to The Crown Grants Act 1866, and Acts amending the same.

First Column.	Second Column.
4. It was intended to change the purpose of a portion of the Landing-place Reserve to a school site; but, owing to the passing of The Public Reserves Act Amendment Act 1878, this could not be carried into effect.	4. To vest 5 acres of the Landing Reserve, Lot 4B, in the Parish of Pukete, Komakorau Survey District, Provincial District of Auckland, in the Education Board of the District of Auckland, as a school site.
8. It being desirable to change a portion of the Hospital Reserve at Mangapiko, Waikato, to a site for a school, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	8. To authorize the Governor to change a portion of Hospital Reserve, No 266, Parish of Mangapiko, Waikato, containing 5 acres, more or less, to a site for a school. Bounded towards the North by other part of Allotment No 266, 925 links; towards the East by other part of Allotment No 266 aforesaid, 925 links; towards the South by a road, 470 links; and towards the West by a road, 470 links: be all the aforesaid linkages more or less; as the same is delineated on the plan deposited in the Survey Office, Auckland.

First Column.	Second Column.
Taranaki—	
Hawke's Bay—	
14. To validate a sale by the late Superintendent of Hawke's Bay.	14. To validate a sale of reclaimed land at Gough Island, held by the Commissioner of Crown Lands at Napier, on Monday, the 8th day of May, 1876, the land having been proclaimed and sold under the Hawke's Bay Land Regulations, instead of under the provisions of The Napier Harbour Board Act 1874; and to authorize the Governor to issue Crown grants to the purchasers of the several sections. Grants to be subject to the provisions of The Crown Grants Act 1866, and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide.

First Column.	Second Column.
15. For services rendered as a member of the Colonial Defence Force, Hawke's Bay, for which a grant of land was assured, but not applied for owing to loss of certificate of discharge.	15. To authorize the Governor to issue a Crown grant to William George Trim, in fee-simple, for 50 acres of land, to be selected from any rural land open for sale in the Land District of Hawke's Bay. Grant to be subject to The Crown Grants Act 1866, and Acts amending the same.
Wellington—	
18. To fulfil a promise made by the Government to the Education Board of Wellington.	18. To authorize the Governor to issue a Crown grant in fee-simple to the Education Board of the District of Wellington, for Block XX, and Lot 1 of Block XXII, on the plan of the Thorndon Reclamation. The Board to hold the said land in trust for school sites, and, with the consent of the Minister of Education, may exercise over such land the powers of sale and exchange given by section eighteen of The Education Reserves Act 1877.

First Column.

19. In 1874 the Bishop of Wellington was informed that an acre of land at Waverley would be granted as a site an Episcopalian church; but, by regulations under The New Zealand Settlements Act 1865, [*Repealed*] religious bodies could only purchase half an acre at the upset price. The Church authorities have purchased one-half of Acre No 135, and now desire to purchase the remainder.

20. A similar promise as that to the Bishop of Wellington was made to the Wesleyan body; but, by regulations under The New Zealand Settlements Act 1865, Episcopalian church; but, by regulations under The New Zealand Settlements Act 1865, [*Repealed*] religious bodies could only purchase half an acre at the upset price. The Wesleyan Church authorities have purchased one-half of Acre No 136, and now desire to purchase the remainder.

Nelson—

Canterbury—

Second Column.

19. To enable the Bishop of Wellington to purchase, at the upset price fixed by law, the remaining half of Acre No 135, Township of Waverley, Provincial District of Wellington, as a site for a Church of England.

20. To enable the Wesleyan Church authorities to purchase, at the upset price fixed by law, the remaining half of Acre No 136, Township of Waverley, Provincial District of Wellington, as a site for a Wesleyan Church.

First Column.

22. This exchange is necessary, as Government buildings are erected on the reserve, which was Crown-granted to the Superintendent as a "Site for a Parsonage," and by the Superintendent conveyed, under the authority of The Canterbury Public Reserves Act 1867, [*Repealed*] to the Church Property Trustees. The Trustees were authorized by the Government to select 101 acres of rural land in exchange for the reserve of 2 roods and 14 poles, valued at 202.

Second Column.

22. To authorize the Church Property Trustees incorporated by an Ordinance of the Superintendent and Provincial Council of the Provincial District of Canterbury, intituled The Church Property Trust Ordinance, Session II, No 3, to convey to the Crown all that parcel of land in the Town of Akaroa, containing 2 roods 14 perches, more or less. Bounded on the West by Jollie Street; on the North-east by Reserve No 55 (in red); on the South-east by Section 216; and on the South-west by Bruce Terrace; and numbered 97 (in red) on the official map of the Town of Akaroa, in the Provincial District Survey Office, Christchurch.

First Column.

23. On the 21st December, 1869, the Superintendent of Canterbury purchased a piece of land at Addington upon trust for the public purposes of the province. It is now proposed to vest the land in the Borough of Sydenham, it being within the boundaries of that borough, as a recreation-ground.

Second Column.

To authorize the Governor to issue to the said Church Property Trustees a Crown grant for 101 acres, in the Little River Road District, Provincial District of Canterbury. Bounded on the South-east by Section No 31289; on the North-east by the road north-east of that section; on the South-west by Section 25254; and on the North-west by a line in continuation of the north-west boundary line of the latter section. Grant to be subject to the provisions of The Crown Grants Act 1866, and Acts amending the same. The Governor may reserve in the grant a right of road not exceeding 100 links wide.

23. To authorize the Governor to change the purpose of the reserve, containing 5 acres, purchased by the Superintendent of Canterbury from Henry Sewell, and described in the Registry of Deeds at Christchurch No 27204, to that of a recreation-ground, and

First Column.	Second Column.
24. It being deemed desirable to change a portion of the Planting Reserve at Malvern to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	to vest the same in the Mayor, Councillors, and Burgesses of the Borough of Sydenham.
25. It being deemed desirable to change a portion of Reserve No 1769 to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	24. To authorize the Governor to change Reserve No 2409 (in red), containing 28 acres 1 rood, in the Hororata Survey District, Provincial District of Canterbury, from a Planting Reserve to a recreation-ground, to be called "Coalgate Recreation-ground".
26. It being deemed desirable to change a portion of Reserve No 178 to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	25. To authorize the Governor to change part of Reserve No 1769, containing 30 acres, in the Ashburton Survey District, Provincial District of Canterbury, to a recreation-ground, to be called "The Chertsey Recreation-ground."
26. It being deemed desirable to change a portion of Reserve No 178 to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	26. To authorize the Governor to change a portion of Reserve No 178, containing 20 acres, in the Courtenay District, Provincial District of Canterbury, to a recreation-ground, to be called "The Courtenay Recreation-ground."

First Column.

27. Several years ago the Roman Catholics of Akaroa, when fencing their cemetery, included a portion of the road, and many persons have been buried on the road-line. It is proposed to deviate the road so as to avoid disturbing the graves; but this implies an encroachment on the Presbyterian Cemetery, and it is proposed to grant to the Presbyterian body the area of about 1 acre, situate in a steep gully, as compensation for loss of the land to be given to the Roman Catholic Cemetery.

Second Column.

27. To authorize the diversion of the line of road between the Roman Catholic and the Free Church of Scotland Cemeteries at Akaroa. To authorize the issue by the Governor of an amended Crown grant to the Trustees of the Roman Catholic Cemetery, as follows, viz: 1 acre 3 roods 35 perches, more or less, being Section numbered 116 (in red). Bounded—North-westward by the Church of England and Dissenters' Cemeteries, 603 links; North-eastward by a road line, 346 links; Southward by the road line as diverted, 380 links; South-eastward by the same road line, 338 links; and South-westward by a line bearing $153^{\circ} 48''$ true, 470 links. To authorize the issue by the Governor of an amended Crown grant to the Trustees of the Free Church of Scotland Cemetery, as follows, viz: 2 acres and 22 perches, more or less, being Section numbered 139 (in red). Bounded—North-

First Column.

Second Column.

westward, Northward, North-eastward, and Eastward by the road line as diverted, 310 links, 482 links, 186 links, 98 links, and 186 links; and Southward by Section 5612, and a continuation of the northern boundary line thereof. And to authorize the issue by the Governor of a grant in fee-simple to the Trustees of the Free Church of Scotland Cemetery, as follows, viz: 1 acre and 8 perches, more or less, being Section numbered 2421 (in red). Bounded—North-westward by the Church of England Cemetery; North-eastward by the Roman Catholic Cemetery, as described in the amended grant; and South-eastward by road lines. The grants to be subject to The Crown Grants Act 1866, and Acts amending the same.

First Column.

28. It was arranged in 1876 between the Minister for Public Works and William Kenneth Macdonald, with the concurrence of the Superintendent of Canterbury, that the said William Kenneth Macdonald should convey to the Crown 7 acres 2 roods and 32 perches, being part of Section numbered 3604, Timaru District, in exchange for the portion of the Railway Reserve made by the Province of Canterbury set forth in the opposite column; the land above-mentioned as conveyed to the Crown by William Kenneth Macdonald having been required for the purposes of the Southern Trunk Railway.

29. It being deemed desirable to change a portion of Reserve No 1752, in the Courtenay Road District, to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.

Second Column.

28. To authorize the Governor to issue to William Kenneth Macdonald a Crown grant for 100 acres in the Geraldine Survey District, Provincial District of Canterbury. Bounded towards the South-west by the River Orari; North-west by a road line, 3071 links; North-east by Lot 40, 2604 links; and South-east by Section No 33899 and Lot 40, 4371 links, in the said Provincial District of Canterbury. Grant to be subject to the provisions of The Crown Grants Act 1866, and Acts amending the same.

29. To authorize the Governor to change part of Reserve No 1752, containing 10 acres, in the Courtenay Road District, to a recreation-ground, to be called "The Kirwee Recreation-ground."

First Column.	Second Column.
30. It being desirable to change gravel-pit Reserve No 1388, in the Malvern District, to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	30. To authorize the Governor to change Reserve No 1388, containing 23 acres, more or less, in the Malvern District, from a gravel-pit reserve to a recreation-ground for the South Malvern District.
31. It being desirable to change a portion of gravel-pit Reserve No 743, in the Mairaki Survey District, to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.	31. To authorize the Governor to change from gravel-pit reserve to recreation-ground all that area in the Mairaki Survey District, Provincial District of Canterbury, containing 12 acres 2 roods 25 perches, more or less. Bounded Northward by a road line 810 links, and by Reserve No 743 (in red), 530 links; Eastward by the same reserve 1000 links, and by Crown lands 340 links; Southward by Section No 15484, 1340 links; and Westward by Section No 15483, 1340 links; and numbered 2422 (in red) on the official map in the Survey Office, Christchurch.

First Column.

33. It being desirable to change Reserve No 202 to a recreation-ground, which cannot now be carried into effect owing to the provisions of The Public Reserves Act 1878.

Otago—

Second Column.

33. To authorize the Governor to change from gravel pit to a recreation reserve a portion of Reserve No 202, in the Christchurch church Survey District, Provincial District of Canterbury, containing 3 acres 2 roods 15 perches, more or less. Bounded—North-eastward by Section 3643, 733 links; South-eastward by Springs Road, 400 links; and Reserve No 202 (in red), 200 links; North-westward by Section 3835, 600 links; and South-westward by Reserve No 202 (in red), 333 links and 400 links: and numbered 2419 (in red) on the official map in the Survey Office, Christchurch.

Clause 32 of the Schedule was repealed, as from 24 September 1881, by section 5 Special Powers and Contracts Act 1881 (1881 No 27(L)).

Clauses 1, 2, 5, 6, 9 to 13, 16, 17, 21, and 34 to 37 of the Schedule were repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Clause 7 of the Schedule was repealed, as from 31 March 1910, by section 431 Native Land Act 1909 (1909 No 15).

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