

Havelock Commonage Act 1905

Local Act 1905 No 7
Date of assent 7 September 1905

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An Act to consolidate certain Enactments of the General Assembly relating to the Havelock Commonage.

BE IT 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 Havelock Commonage Act 1905.

2 Interpretation

In this Act **the Trustees** means the existing Town of Havelock Commonage Trustees and their successors in office.

3 Trustees incorporated

The Trustees are hereby declared to be a body corporate by the name of “The Town of Havelock Commonage Trustees”, by which name they shall have perpetual succession and a common seal, and may sue and be sued, and may do and suffer all such acts and things as bodies corporate may do and suffer; and all property now vested in them shall continue to be so vested.

4 Appointment of new Trustees

- (1) If any of the Trustees resigns, or is absent from the Provincial District of Otago for twelve consecutive months, or becomes bankrupt, or is convicted of an offence punishable by imprisonment for two years or upwards, or becomes insane, or refuses to act in the execution of the Trust hereby created, he shall cease to be a member of the Trust, and the Governor may from time to time appoint another person in his place.
- (2) The appointment of such new Trustee shall be conclusive evidence that the person in whose stead he has been appointed has ceased to be a member of the Trust.

5 Trustees may manage land as a commonage

- (1) The Trustees shall manage the lands described in the Schedule hereto as a commonage for the inhabitants of the Town of Havelock in such manner as they think most expedient, and may issue licenses authorising any of the said inhabitants to depasture cattle thereon, on payment of such fee as the Trustees from time to time fix and determine.
- (2) The Trustees may also cause to be planted such portions of the said lands as they deem expedient, and may fence off such portions from the remainder:
Provided that the powers hereby conferred shall be exercised subject to the provisions hereinafter contained for the use or occupation of the said lands for gold-mining purposes.

6 Application of money received by trustees under the Havelock Commonage Act 1905

- (1) Any money received by the trustees in respect of rents, the issue of licences, licence fees, or profits from the said land may be applied for all or any of the following objects and for no other object:
- (a) For the improvement or beautifying of the said land or any other land held in trust for the inhabitants of the Town of Havelock:
 - (b) For the construction, maintenance, repair, and improvement of stream protection works in or about the town:
 - (c) For the erection, maintenance, and repair of street lighting in or about the town:
 - (d) For the improvement, maintenance, repair, and development of—
 - (i) The Waitahuna Domain:
 - (ii) Any cemetery, school, sports ground, or social or sports clubroom, established for the benefit of the inhabitants of the town or a substantial number of them:
 - (e) For the construction, development, improvement, maintenance, and repair of any other communal facility or amenity which is for the benefit of the inhabitants of the town generally.
- (2) The trustees may from time to time make grants to any statutory or other body or person in order to facilitate the attainment of any object specified in subsection (1) of this section.

This section was substituted, as from 17 December 1968, by section 6 Reserves and Other Lands Disposal Act 1968 (1968 No 130).

7 Trustees to keep account

The Trustees shall keep a half-yearly account of all money received in respect of the said lands, and of the manner in which the same has been expended, and shall deposit one copy thereof in the Athenaeum in the said town, and another copy in the Schoolhouse in the said town, to be there open for public inspection.

8 Management of land to become vested in town when incorporated

If at any time the Town of Havelock becomes a borough, the management of the said lands shall become vested in the Council of the borough upon the same trusts as are herein expressed, and thereafter all the powers conferred on the Trustees by this Act shall become vested in such Council, and the corporate body hereby created shall become dissolved.

9 Land subject to provisions of goldfields laws

Notwithstanding anything in this or any other Act, the said lands shall be and remain subject to the provisions of the laws for the time being in force relating to or affecting goldfields, in the same manner as if they had continued to be Crown land forming part of a goldfield; and all moneys to be derived from the issue of any miners' rights or business licenses, or otherwise for or in respect of the use or occupation of the same for gold-mining purposes, shall be paid to the same persons or authorities, and by them applied in the same manner as moneys derived from a goldfield are for the time being applied.

10 Repeal

[Repealed]

This section was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

Schedule

ALL that parcel of land, containing three thousand (3,000) acres, more or less, being Sections 44 and 45, Block X, Waitahuna East District, and Section 4, Block XI, Table Hill District, in the Provincial District of Otago.