

No. XII.

HAVELOCK
COMMONAGE.

AN ACT to vest certain Lands reserved as a Commonage, in the Town of Havelock, in Trustees.

[14th November, 1877.]

Preamble.

WHEREAS in the month of September, in the year one thousand eight hundred and seventy-five, the then Superintendent, under and by virtue of the powers contained in that behalf in "The Otago Waste Lands Act, 1872," and on the recommendation of the Provincial Council of Otago, made and dedicated, by proclamation contained in the Otago *Provincial Government Gazette*, Vol. xix., No. 986, the land described in the Schedule hereto as a commonage for the use of the inhabitants of the Township of Havelock, in the Provincial District of Otago: And whereas it is expedient to vest the management of the said lands in Trustees as hereinafter enacted:

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

Short Title.

1. The Short Title of this Act shall be "The Havelock Commonage Act, 1877."

Lands vested in Trustees.

2. The management of the lands described in the Schedule hereto is hereby vested in Francis Oudaille, William Auld, Christie Ward, and Robert Sutherland, all of Havelock aforesaid (hereinafter called "the Trustees").

Trustees incorporated.

3. The Trustees shall be a body corporate, by the name of "The Town of Havelock Commonage Trustees," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued in all Courts whatsoever, and shall in law be capable for the purposes of this Act to do and suffer all such acts and things as bodies corporate may do and suffer.

Appointment of new Trustees.

4. If any of the Trustees herein named or hereinafter to be appointed shall resign, or be absent from the Provincial District of Otago for twelve consecutive months, or shall be adjudicated a

Havelock Commonage.

LOCAL.

bankrupt or insolvent, or take the benefit of any Act for the relief of debtors, or shall be convicted of felony, or become insane, or refuse 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 the place of the person so ceasing to be a member, and 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. If and whenever the Town of Havelock shall become a Municipality, incorporated within the meaning of any law for the time being in force in the Provincial District of Otago relating to the incorporation of Municipalities, the management of the said land shall become vested in such Municipality 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 Municipality, and the corporate body hereby created shall become dissolved.

Management of land to become vested in town when incorporated.

6. It shall be lawful for the Trustees to manage the said lands as a commonage for the inhabitants of the Town of Havelock in such manner as they shall think most expedient for carrying out the purpose for which the same shall be held by them, and to issue licenses authorizing the inhabitants of the said Town of Havelock to depasture cattle thereon, and the fee for such licenses to fix and determine; and it shall also be lawful for the Trustees to cause to be planted such portions of the said lands as they shall deem expedient, and such portions to fence off from the remainder. But 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.

Trustees may manage lands as a commonage.

7. All money received by the Trustees for the rents, issues, license fees, or profits of the said lands, shall be used and employed for improving and beautifying the said land or any other lands held in trust for the inhabitants of the said Town of Havelock.

License fees how applied.

8. 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 Athenæum in the said town, and another copy in the Schoolhouse in the said town, to be there open for public inspection.

Trustees to keep account.

9. Notwithstanding anything contained in this or any other Act, the parcel of land described in the said Schedule shall be and remain subject to the provisions of the laws for the time being in force in the Provincial District of Otago relating to or affecting gold fields, in the same manner as if the said parcel of land had continued to be Crown land forming part of a gold field; 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 gold field are for the time being applied.

Land subject to provisions of gold fields laws in force in Otago.

SCHEDULE.

Schedule.

ALL that parcel of land in the Provincial District of Otago, in the Colony of New Zealand, situate in Waitahuna East and Table Hill Districts, containing by admeasurement 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.