

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Mokau River Trust constituted.</li> <li>3. Upper Mokau River District constituted.</li> <li>4. Trust to be a River Board, with certain powers.</li> <li>5. Trust to improve navigation of upper river, and may construct jetties and landing-places and establish ferries.</li> <li>6. Occupiers to be liable for rates.</li> <li>7. Trust empowered to do Acts to improve river.</li> </ol> | <ol style="list-style-type: none"> <li>8. Lands within district may be placed under control of Trust.</li> <li>9. Lands of natural scenery may be declared public domain subject to Trust.</li> <li>10. Lands outside of district may be brought under jurisdiction of Trust.</li> <li>11. Act not to apply to Native or private lands.</li> <li>12. Governor may make regulations for administration of Act.</li> </ol> <p style="text-align: center;">Schedule.</p> |
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### 1903, No. 36.—*Local.*

AN ACT for the Conservation of the Natural Scenery of the Upper Waters of the Mokau River, and for the Protection of the Navigation of the said Waters. Title.  
[20th November, 1903.]

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

1. The Short Title of this Act is “The Mokau River Trust Act, 1903.” It shall come into operation on the first day of January, one thousand nine hundred and four. Short Title.

2. A Trust, to be called the “Mokau River Trust,” is hereby constituted, consisting of the persons following:— Mokau River Trust constituted.

The Chairman of the Mokau Harbour Board;

The Chairman of the Clifton County;

The member of the House of Representatives representing the electoral district; and

Two persons to be from time to time appointed by the Governor, who shall hold office for two years from the date of their appointment and may be reappointed, but shall be subject to removal at any time by the Governor, who may appoint others in their place, or on their resignation, death, or incapacity to act.

Every official member of the Trust shall continue as member thereof, notwithstanding his vacating his office, until his successor thereto comes into office.

3. A river district (whose boundaries are described in the Schedule hereto) is hereby constituted under section six of “The River Boards Act, 1884,” by the name of the Upper Mokau River Upper Mokau River District constituted.

District, and such district shall form the district over which the Mokau River Trust (hereinafter referred to as "the Trust") shall have jurisdiction.

Trust to be a River Board, with certain powers.

4. The Trust shall be deemed to be a River Board under "The River Boards Act, 1884," and may exercise all or any of the powers conferred upon River Boards by that Act, excepting the powers conferred by sections eighty-eight to one hundred and twenty (relating to the levying of rates and the borrowing of moneys respectively), which shall not be exercisable by the Trust.

Trust to improve navigation of upper river, and may construct jetties and landing-places and establish ferries.

5. In addition to the aforesaid authorities, the Trust shall have full power and authority—

- (a.) To do all things necessary for opening up or improving the navigation of that part of the Mokau River which is within their jurisdiction, and for the removal of all obstructions impeding or preventing such navigation; and
- (b.) With the sanction of the Governor in Council, to erect jetties and make landing-places in the banks thereof, and to maintain ferries; and
- (c.) From time to time, by special order, to make regulations under "The River Boards Act, 1884," regulating the use of such jetties, landing-places, or ferries respectively, and for imposing fees or tolls in respect of such use for shipping or landing any passengers, goods, merchandise, or animals;
- (d.) In like manner to impose fees or tolls in respect of all goods, merchandise, and animals carried or conveyed by steamer, or by barge, boat, or any other vessel towed by a steamer, in any part of the Mokau River within the boundaries of the river district constituted by this Act, and that notwithstanding the same may not be shipped or landed, or be intended to be landed, at any jetty or landing-place erected or made by the Trust or otherwise, and notwithstanding that no jetties or landing-places may be available for shipping or landing any such goods, merchandise, or animals:

Provided that nothing herein shall affect or interfere with the full and free navigation of the said river by the Natives in their canoes or boats, whether towed by steamer or otherwise: Provided also that no canoe or boat carrying passengers or goods for hire, towed by a steamer, shall be free from toll under this subsection.

Occupiers to be liable for rates.

6. (1.) Nothing in the last preceding section shall charge with any fees or tolls—

- (a.) Any person in the service of His Majesty or the Government of New Zealand travelling on public service, or his luggage;
- (b.) Goods of or for the service of His Majesty in New Zealand, including goods consigned to and the property of the Government;
- (c.) Any of His Majesty's military forces, or of the Militia or Volunteer Forces, or any constable, while travelling on duty, or their luggage.

(2.) Every person who claims and takes, or endeavours to take, the benefit of any exemption under this section without being entitled thereto is liable for every such offence to a fine not exceeding ten pounds.

7. (1.) The Trust may at any time, and without giving any notice, or doing or seeing to the doing of any other preliminary act—

Trust empowered to do acts to improve river.

(a.) Remove any earth, stone, boulders, or sand, off, from, or out of the channels or any land upon the banks of the river; and

(b.) Deposit the same in any other part of the district, or make use of any such earth, stone, boulders, or sand for any of the purposes of the Trust, notwithstanding any such earth, stone, boulders, or sand was removed from or used upon land owned by Natives under their customs or usages, whether the ownership of the same has or has not been defined by the Native Land Court.

(2.) Any Native interested, or claiming to be interested, in any land from or upon which any earth, stone, boulders, or sand shall be so removed, deposited, or used as aforesaid may make application to the Native Land Court to ascertain what amount of compensation ought to be paid to the owners of or other persons interested in such land by reason of such earth, stone, boulders, or sand having been so removed, deposited, or used, and as to who are the persons entitled to be paid such compensation and in what proportion; and after hearing such evidence as may be produced before it or may be thought necessary the Court may make such order or orders as it thinks fit.

(3.) The provisions of "The Public Works Act, 1894," as to compensation for taking Native land shall apply, *mutatis mutandis*, to the taking of such earth, stone, boulders, or sand under this Act.

8. The Governor may from time to time, by Order in Council, declare any Crown lands within the district under the jurisdiction of the Trust to be vested in such Trust for an estate in fee-simple, subject that they shall not be absolutely alienated at any time by the Trust, who shall have power to let any of such lands from time to time for any period not exceeding twenty-one years, or may lay out any of such lands into townships for occupation on perpetual lease, and may make reserves for any purpose of public utility in the said townships, which shall be subject to the general law relating to public reserves.

Lands within district may be placed under control of Trust.

9. The Governor may also from time to time, by Proclamation, declare any lands within the district under the jurisdiction of the Trust to be a public domain; and in such case the Trust shall, in respect of such lands, be deemed to be a Public Domain Board under "The Public Domains Act, 1881," with all the powers conferred by that Act; and, further, may do all things necessary for the conservation of natural scenery and the prevention of the removal or injury to any trees or shrubs growing thereon or of anything forming part of the landscape.

Lands of natural scenery may be declared public domain subject to Trust.

10. The Governor may from time to time, by Proclamation, declare any lands lying outside of the district under the jurisdiction of the Trust to come, from a date to be specified in such Proclama-

Lands outside of district may be brought under jurisdiction of Trust.

tion, to be a public domain within the jurisdiction of the Trust; and from and after such date the Trust may exercise in respect of the lands so proclaimed all the powers and authorities conferred by this Act in the same manner as if such lands had been originally included in the Trust district constituted under this Act.

Act not to apply to Native or private lands.

11. Nothing in this Act shall affect any rights conferred upon the Natives by the Treaty of Waitangi, or shall be deemed to confer upon the Trust any jurisdiction over private lands, or, subject to section seven hereof, over any Native lands the title to which has not been investigated by the Native Land Court; but as soon as the title to any Native lands has been ascertained as aforesaid, and the same are required by or on behalf of His Majesty, the Governor may from time to time declare any such lands to be subject to the jurisdiction of the Trust either for an estate in fee-simple subject to section nine or as a public domain under section ten hereof, and any land so acquired by the Trust shall be subject to the provisions of this Act.

Governor may make regulations for administration of Act.

12. The Governor may from time to time, by Order in Council, make regulations necessary for the better administration of this Act, and for the management, control, and use of any lands of beautiful natural scenery, or containing mineral springs, in addition to any powers he may possess under "The Public Domains Act, 1881."

Schedule.

#### SCHEDULE.

ALL that area in the Auckland and Taranaki Land Districts bounded towards the north-west by the south-eastern boundary-line of the Mokau-Mohakatino No. 2 Block from the left bank of the Mokau River for a distance of 40 chains; thence towards the south generally by a line parallel to and 40 chains distant from the left bank of the Mokau River to the boundary-line between Subdivisions Nos. 1F and 1G of the Mokau-Mohakatino No. 1 Block; thence towards the east by the said boundary-line to the left bank of the Mokau River; thence towards the east by the said boundary-line to the left bank of the Mokau River; thence by a right line bearing north 30° east to a point distant 40 chains from the right bank of the said Mokau River; thence towards the north generally by a line parallel to and 40 chains distant from the right bank of the Mokau River to a point due north of the confluence of the Matakarehau Stream with the Mokau River; thence towards the west by a right line running due south to the left bank of the said Mokau River; and thence towards the north-east by the left bank of that river to the place of commencement.