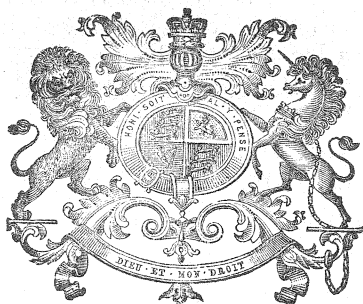


NEW PLYMOUTH.



IRON SAND LEASE ORDINANCE, 1858.

IN THE TWENTY SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VI., No. 8.

ANALYSIS.

Title.	certain Waste Lands according to Schedule
Preamble.	2. Short Title.
1. Superintendent authorised to grant a Lease of	

AN ORDINANCE TO AUTHORISE THE SUPERINTENDENT OF THE PROVINCE OF NEW PLYMOUTH TO EXECUTE A LEASE OF CERTAIN WASTE LANDS IN THE TOWN OF NEW PLYMOUTH FOR A TERM OF 23 YEARS.

WHEREAS by the Regulations for the sale and disposal of the Waste Lands of the Crown within the Province of New Plymouth it is provided that the lands hereinafter mentioned or referred to shall be reserved as an endowment for Public Schools for General Education and vested in the Superintendent under the provisions of "The Public Reserves Act, 1854." Provided that before the issue of a Crown Grant thereof under the said Act it should be lawful for the Governor to make any Reserves deemed necessary for Military purposes out of the same lands. And whereas by deed of Grant dated the 20th day of August, 1858, and executed under the said Act the said lands were (inter alia) granted to the Superintendent of the said Province and his Successors upon the Trust hereinbefore stated. And whereas it is expedient to grant a Lease of the same to Edward Morshead of New Plymouth.

BE IT THEREFORE ENACTED by the Superintendent of the Province of New Plymouth, with the advice and consent of the Provincial Council thereof as follows:—

1. Superintendent authorised to grant a Lease of certain Waste Lands according to Schedule.

1. That it shall be lawful for the Superintendent by deed signed by the said Superintendent and sealed with the Public Seal of the Province to execute a lease of the lands specified and described in the Form of deed in the Schedule hereto, and upon the terms and conditions in the said Form expressed.

Short Title.

2. This Ordinance may be cited for all purposes as the "Iron Sand Lease Ordinance, 1858."

E. L. HUMPHRIES,
Speaker.

Passed the Provincial Council the
twenty-ninth day of September,
one thousand eight hundred and
fifty-eight. } RICHARD CHILMAN,
Clerk to the Provincial Council.

Assented to on behalf of the Governor the sixth day of October,
one thousand eight hundred and fifty eight.

G. CUTFIELD,
Superintendent.

SCHEDULE.

THIS DEED made the _____ day of _____ one thousand eight hundred and fifty _____ BETWEEN GEORGE CUTFIELD of the Province of New Plymouth in the Colony of New Zealand Esquire Superintendent of the said Province of the one part and EDWARD MORSHEAD also of New Plymouth Esquire of the other part WHEREAS under and by virtue of a deed of Grant bearing date on or about the twentieth day of August one thousand eight hundred and fifty eight and executed under "The Public Reserves Act 1854" of the General Assembly of New Zealand the lands hereinafter described were (inter alia) granted to the Superintendent of the Province of New Plymouth and his Successors upon the Trusts in the said Grant specified AND WHEREAS the said Edward Morshead is desirous of smelting and working the Sand or Iron ore of the Province situate and being in and upon the Sea Beach and the Waste lands contiguous thereto and has applied to the said Superintendent for a lease of the lands hereinafter described and the said Superintendent with the authority of the Provincial Council of the said Province has agreed to grant the same upon the terms and conditions hereinafter specified NOW this deed witnesseth that for and in consideration of the rent and royalty hereinafter reserved and of the covenants conditions and agreements hereinafter contained on the part of the said Edward Morshead his executors administrators and assigns to be paid observed and performed the said Superintendent DOTH hereby grant demise lease and to farm let unto the said Edward Morshead his executors administrators and assigns ALL and every the Iron Sand in upon or under the Waste land of the Town of New Plymouth abutting on high water mark situate in the said Town in the FitzRoy district and containing by estimation twenty (20) acres more or less Bounded towards the north by the Sea at high water towards the east by a line produced from Queen street to the Sea beach towards the south by Regina place and Bulkeley terrace and towards the west by the Cutfield road And also ALL and every the Iron Sand in upon or under the Waste land situate in the said Town and containing by estimation two (2) acres two (2) roods more or less Bounded towards the north by the Sea at high water towards the east

by Mount Bryon towards the south by Woolcombe terræ and towards the west by a Military Reserve And also ALL and every the Iron Sand in upon or under the Waste land situate in the said Town and containing by estimation Five (5) acres two (2) roods more or less Bounded towards the north by the Sea at high water towards the south by the Henui river Buller street and a Roadway and towards the west by Hobson street and which said lands respectively are more fully delineated and described in the plan drawn in the margin hereof and therein coloured pink Together with full and free liberty and power for the said Edward Morshead his executors administrators and assigns to smelt and work the Sand or Iron ore And to erect build and set up engines houses furnaces forges mills workshops and other erections and buildings and generally to make do perform and execute all and every or any other acts matters and things whatsoever necessary for the well and effectually digging working and making marketable the said Sand or Iron ore hereinbefore demised or expressed and intended so to be or any part thereof and generally to have and enjoy during the continuance of the term hereinafter mentioned all other liberties and privileges whatsoever within over and upon the said lands and premises which shall be necessary and convenient for the purposes aforesaid Save and except and always reserved out of the present demise the pasturage of such lands and full and free liberty of ingress egress and regress to and for the Public over the same respectively and also the use of the Sand for all purposes except for exportation or for smelting or otherwise converting the same into metal Provided that the restriction against the exportation or smelting of the said Sand or Iron ore shall not take effect until after the first day of July one thousand eight hundred and sixty TO have hold use exercise and enjoy the said Sand or Iron ore and all and singular other the premises hereinbefore demised or expressed and intended so to be unto the said Edward Morshead his executors administrators and assigns from the day of for the term of twenty three years thence next ensuing Yielding and paying therefore during the first two years of the said term hereby granted the yearly rent of one peppercorn And Yielding and paying therefore during the remainder of the said term the rent or royalty of one twentieth of the gross proceeds of all sales of Iron run or gotten from the said Sand or Iron ore which shall in each year be effected of the same The said rent or royalty of one twentieth part of such gross proceeds to be paid free and clear of all taxes rates charges and impositions whatsoever to the Provincial Treasurer of the said Province monthly on the last day of each month And the said Edward Morshead doth hereby for himself his heirs executors administrators and assigns covenant with the Superintendent and his Successors in manner following that is to say that he the said Edward Morshead his executors administrators or assigns shall and will during the continuance of the said term hereby granted well and truly pay or cause to be paid unto the Provincial Treasurer of the said Province the rent or royalty hereby reserved and made payable at the times and in manner hereinbefore in that behalf mentioned and appointed for payment thereof without any deduction or abatement whatsoever AND also shall and will bear pay and discharge all and all manner of taxes rates duties assessments and impositions whatsoever already or at any time hereafter to be charged or imposed upon or in respect of the lands and premises hereby demised or any part thereof AND also shall and will smelt and work in the said Province the said Sand or Iron ore in a proper and workmanlike manner and shall and will incur an expenditure or liability of not less than Five hundred Pounds during every Six months of the said term in smelting and working the Sand or Iron ore of the said Sea beach and of the Waste lands contiguous thereto or in other ways necessary and subsidiary thereto to the intent that the said Sand or Iron ore may be smelted and worked in the Province and the produce thereof become merchantable and fit for exportation according to the true intent and meaning of these presents Provided that the stipulation for the smelting and working of the said Sand or Iron ore and the expenditure or liability in respect thereof shall not take effect until after the expiration of the first two years of the said term AND also shall not nor will commit any unnecessary damage spoil or waste in or upon the aforesaid lands and premises or any part thereof in the carrying on of the said Works or in the exercise of the powers hereinbefore contained AND shall and will if required so to do fill up and level in a proper and substantial manner to the satisfaction of an officer to be appointed by the Superintendent for that purpose all pits and other works which may be wrought out or can no longer be worked to advantage AND shall and will fence round in a substantial and proper manner and keep the same so fenced to the satisfaction of the said

officer all and singular the pits and other works which shall be worked or made under or by virtue of these presents AND shall and will keep fair and legible books of account with true regular and exact entries therein of the weight of all Iron run or gotten under or by virtue of these presents and of the prices at which the same shall be sold or disposed of AND shall and will at all times when required produce and shew books of account and all books papers and vouchers connected with or concerning the smelting and working of the said Sand or Iron ore to the said officer and shall and will give any explanation which may be required in relation thereto Provided that it shall be competent to the said Edward Morshead his executors administrators or assigns at any time to object to the appointment of such officer and at his or their option to memorialise the Provincial Council of the said Province whose decision in the matter shall be final AND also that he or they shall and will in all other respects give every or any other opportunity facility and means to such officer to ascertain and be acquainted with the quantity and value or price of the said Iron to the end and intent that the true state and condition of the smelting and working of the said Sand or Iron ore and the amount of rent or royalty due and payable in respect of the same may be known and shall and will join and concur in any arrangements which shall or may be reasonably devised and proposed for effecting the objects last herein before mentioned PROVIDED always and it is hereby agreed and declared between and by the parties to these presents that if the said Edward Morshead his executors administrators or assigns shall not smelt or work the said Sand or Iron ore in a proper and workmanlike manner and according to the true intent and meaning of these presents or prove to the satisfaction of an officer to be appointed by the Superintendent for that purpose that the expenditure or liability of Five hundred pounds is from time to time incurred in manner hereinbefore stipulated then and in either case it shall be lawful for the said Superintendent with the approval of the Provincial Council of the said Province to be expressed by a Resolution of the same to enter upon the lands and premises hereby demised and absolutely determine these presents anything herein contained to the contrary notwithstanding AND it is lastly agreed that it shall be lawful for the said Edward Morshead his executors administrators and assigns at the end or other sooner determination of the said term to remove and take away for his and their own use all engines machinery or plant and all materials erections and buildings used in or about the smelting and working of the said Sand or Iron ore or at any time during the said term obtained for that purpose IN Witness, &c.