

72
I

PROVINCE OF TARANAKI.

IRON SAND LEASE
ORDINANCE, 1869.

IN THE THIRTY-SECOND YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION XVIII., No. 1.

AN ORDINANCE TO REPEAL THE IRON SAND LEASE ORDINANCE 1864, AND TO AUTHORISE THE GRANTING OF A LEASE OF A PORTION OF THE SEA BEACH.

A N A L Y S I S :

Title.	
Preamble.	
1. "Iron Sand Lease Ordinance, 1864," repealed.	3. Lands described in Schedule exempted from operation of "Public Reserves Trust Ordinance, 1861."
2. Superintendent empowered to execute lease to Directors of Pioneer Steel Works Company.	5. Short Title.
	Schedule.

AN ORDINANCE to repeal the "Iron Sand Lease Ordinance 1864" and to authorise the granting of a Lease of a portion of the Sea Beach.

WHEREAS by deed of grant dated the 20th day of August 1858 the unalienated lands within the Town site of New Plymouth are vested in the Superintendent upon the trusts in the grant expressed And whereas by Ordinance of the Superintendent and Provincial Council of Taranaki intituled the "Iron Sand Lease Ordinance 1864" a lease of part of the said lands was granted by the Superintendent to certain parties named in the said Ordinance And whereas the said lease has since been determined by forfeiture And whereas by deed of grant dated the 16th day of April 1869 certain portions of the sea beach between high and low water mark in the said Province of Taranaki were granted to the Superintendent upon the trusts in the grant expressed BE it therefore enacted by the Superintendent of the Province of Taranaki with the advice and consent of the Provincial Council thereof as follows :—

1. The said recited "Iron Sand Lease Ordinance 1864" shall be and the same is hereby repealed.

"Iron Sand Lease Ordinance 1864," repealed.

Superintendent 2. It shall be lawful for the Superintendent to execute a lease for a period of twenty-three years of the lands described in the form of lease in the Schedule hereto unto the Directors of the Pioneer Steel Works Company Limited upon the terms and conditions therein expressed.

Land described in Schedule exempted from operation of "Public Reserves Trust Ordinance, 1861." 3. And whereas by an Ordinance of the Superintendent and Provincial Council of Taranaki intituled "The Public Reserves Trust Ordinance 1861" it is enacted that there shall be a Board of Trustees for the management of the lands then or might thereafter be reserved as an endowment for educational and other purposes. And whereas it is expedient to exclude the lands described in the Schedule hereto (being part of the said Public Reserves) from the operation of the said recited Ordinance be it therefore enacted as follows:—The lands described in the Schedule hereto shall for the purposes of this Ordinance be deemed to be exempted from the provisions of "The Public Reserves Trust Ordinance 1861."

Short Title. 4. The Short Title of this Ordinance shall be the "Iron Sand Lease Ordinance, 1869."

SCHEDULE.

Schedule. THIS DEED made the 25th day of March 1870 between FREDERIC ALONZO CARRINGTON of New Plymouth in the Province of Taranaki in the Colony of New Zealand Esquire Superintendent of the said Province (hereinafter styled the lessor) of the one part and HENRY ROBERT RICHMOND of New Plymouth aforesaid Esquire THOMAS KING of New Plymouth aforesaid Esquire RICHARD CHILMAN of New Plymouth aforesaid Esquire HENRY WESTON of New Plymouth aforesaid Gentleman FREDERICK LEWIS WEBSTER of New Plymouth aforesaid Merchant EDWARD MOELLER of New Plymouth aforesaid Gentleman and DECIMUS ATKINSON of the Fitzroy District in the said Province of Taranaki Gentleman Provisional Directors of the Pioneer Steel Works Company (Limited) (hereinafter styled the lessees) of the other part Whereas the lessees being desirous of forming a Company for the purpose of smelting the iron sand in the said Province of Taranaki have applied for a lease of the sand on a portion of the sea beach and the waste lands adjoining thereto hereinafter described for that purpose Now this Deed witnesseth that in pursuance of an Ordinance of the Superintendent and Provincial Council of Taranaki intituled the "Iron Sand Lease Ordinance 1869" the lessor doth hereby demise unto the lessees their executors administrators and assigns All and every the iron sand in upon or under all lands between the Henui River and the Waireka stream above and below high water mark and seaward of sections and roads which said lands

are more particularly delineated on the plan drawn in the margin hereof together with power for the lessees their executors, administrators and assigns to smelt and work the said iron sand on the lands hereby demised and to erect engines furnaces workshops mills stores and other buildings required in connection with the manufacture and export of iron and steel on any part of the said lands which shall be approved of for such purpose by the Superintendent of the said Province for the time being with the consent of the Provincial Council expressed by a resolution thereof and also with power for the lessees their executors administrators and assigns to dig quarry mine and remove any stone clay or other mineral product lying on or under the lands hereby demised for purposes connected with the manufacture of iron and steel with the exception of that part of the beach known as the Long Reef and generally to have and enjoy during the continuance of the term hereinafter mentioned all other liberties and privileges which shall be necessary and convenient for the purposes aforesaid except that part of the beach known as the landing place between a line prolonged from Queen-street to the sea and the Huatoki River also except the beach between a line drawn six chains west of the the Hongibongi stream to the sea and a straight line crossing the beach drawn from the south-west corner of the Native Reserve No. 6 to the Pararaki Island and also except the free use by the public of the sea beach and the lands hereby demised and also except the right of the Provincial Government of Taranaki to remove or allow any person or persons to remove stone sand clay or other mineral product therefrom or to bore or mine for petroleum or other mineral product and the right to erect any buildings in connection therewith provided that no person except the lessees their executors administrators or assigns shall remove iron sand from the said lands for the purpose of smelting the same or shall remove it for export provided that it shall be lawful for the lessees their executors administrators or assigns with the consent of the Superintendent and Provincial Council for the time being to define such part or parts of the lands hereby demised from which sand or clay may not be taken to hold the said iron sand and all and singular other the premises hereinbefore demised (subject as aforesaid) unto the lessees their executors administrators and assigns as tenants in common from the 1st day of January 1870 for the term of twenty-three years thence next ensuing Provided always and it is hereby expressly agreed and declared by and between the said parties hereto that it shall be lawful for the lessor or his successors in office by and with the consent of the Provincial Council for the time being of the said Province of Taranaki at any time during the said term upon giving to the lessees their executors administrators or assigns six months notice in writing absolutely

46
IRON SAND LEASE ORDINANCE.

to determine all the rights hereby granted over any or all of the lands hereinbefore described comprised within the boundary of the Town of New Plymouth and over the lands known as the Sugar Loaf Reserve and the beach frontage thereto or any part thereof if any of the said lands shall be required for public purposes incompatible with the exercise of the rights of the lessees provided that in every such case the lessor or his successors in office shall pay to the lessees their executors administrators or assigns compensation for all injuries and losses which may be sustained by the lessees their executors administrators or assigns by reason of such determination the amount of such compensation to be ascertained and determined in case of a disagreement between the parties hereto as to the same by two arbitrators one to be named by each of the said parties and in case the said arbitrators disagree then by an umpire to be appointed by the said arbitrators before entering upon their arbitration Yielding therefore unto the lessor and his successors in office a royalty of 4s. for every ton of metal produced from the said iron sand the same to be calculated on the rough product of each operation the said royalty to be paid at the office of the Provincial Treasurer in New Plymouth aforesaid by quarterly payments on the 1st day of January on the 1st day of April on the 1st day of July and on the 1st day of October in every year of the said term clear of all deductions whatsoever And the lessees do for themselves their heirs executors administrators and assigns covenant with the lessor and his successors in office that they the lessees their executors administrators or assigns will smelt and work the iron sand hereby demised within the said Province and will after the expiration of the first year of the term hereby granted produce from the said iron sand not less than the following quantities of metal that is to say during the second year of the said term 500 tons during the third year of the said term 1,500 tons during the fourth year of the said term 3,000 tons during the fifth year of the said term 5,000 tons and 5,000 tons of metal during every succeeding year of the said term and in case of a less quantity being produced in any year as aforesaid will pay to the lessor or his successors in office at the office of the Provincial Treasurer aforesaid a fine at the rate of 10s. per ton on the difference between the quantity actually produced and the quantity specified for any year of the term aforesaid and if such fine is not paid within one month after being duly demanded the lessor or his successors in office may determine this demise provided always that no fine shall be incurred if the works shall be unavoidably stopped in consequence of war or other public calamity or in consequence of the removal of any works by order of the lessor or his successors in office under the provision hereinbefore contained and will keep a daily record of the metal produced from

IRON SAND LEASE ORDINANCE.

44
5

the said iron sand and will at all times allow the said record to be inspected by an officer to be appointed for that purpose by the lessor or his successors in office and will on the first day of every quarter furnish to the lessor or his successors in office a statement of the total amount of metal produced in the preceding quarter certified by the statutory declaration of the chief manager of their works or other officer of the Company approved by the lessor or his successors in office for that purpose And the lessees do for themselves their heirs executors administrators and assigns covenant with the lessor and his successors in office that they the lessees their executors administrators or assigns will not during the said term export any iron sand in its crude state unless the sanction of the lessor or his successors in office and the Provincial Council for the time being of the said Province be first obtained thereto but permission shall be given to the lessees their executors administrators or assigns to export sand if hereafter granted to lessees of other portions of the iron sand of the said Province and will not commit any unnecessary damage spoil or waste in or upon the lands hereby demised in carrying on the said works and in exercise of the powers hereinbefore contained and will if required to do so fill up and level in a proper and substantial manner to the satisfaction of an officer to be appointed by the lessor or his successors in office all pits and other works which may be wrought out or can no longer be worked to advantage and will fence round in a proper and substantial manner and keep the same so fenced to the satisfaction of the said officer all pits or other works which shall be made done or executed under or by virtue of these presents and the right of the public to traverse the lands so fenced in by order or consent of the Provincial Government shall cease but the said Provincial Government by its officer or officers shall at all proper or convenient times have right of ingress and egress to from and over all such lands And it is hereby agreed by and between the parties hereto that if the lessees their executors administrators or assigns shall be desirous of taking a further lease of the premises hereby demised on or before the expiration of the term hereby granted (the present demise not being otherwise determined) their claim thereto shall have priority of consideration and it is further agreed by and between the said parties that no lease of the iron sand of any portion of the sea beach of the said Province or waste lands contiguous thereto shall be granted to other parties on conditions more favourable than those herein contained during the said term of twenty-three years hereby granted without a corresponding alteration in the conditions hereof Provided always and it is hereby expressly agreed that if the royalty hereby reserved or any part thereof shall be unpaid for twenty-one days after any of the days on which the same

ought to have been paid or in case of the default of the lessees their executors administrators or assigns to smelt and work the iron sand according to the true intent and meaning of these presents then and in either of such cases it shall be lawful for the lessor or his successors in office at any time thereafter into and upon the demised premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as in his or their former estate anything herein contained to the contrary notwithstanding. Provided lastly and it is hereby agreed that it shall be lawful for the lessees their executors administrators and assigns at the end or other sooner determination of the said term (otherwise than by forfeiture hereof) to remove and take away from the premises hereby demised for their own use and benefit all furnaces workshops mills stores and other buildings erected upon the said lands hereby demised for the purposes of smelting and working the iron sand or in connection therewith In witness &c.

W. M. CROMPTON,
Speaker.

Passed the Provincial Council this fifth day of November, one thousand eight hundred and sixty-nine.

JAMES B. LAWSON,
Clerk to the Provincial Council.

This Ordinance was presented to me on the fifth day of November, one thousand eight hundred and sixty-nine, and I hereby declare that I reserve the same for the signification of the Governor's pleasure thereon.

FRED. A. CARRINGTON,
Superintendent.

I hereby assent to this Ordinance this fifteenth day of January, one thousand eight hundred and seventy.

G. F. BOWEN,
Governor.