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This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
2nd November, 1903.

Mr. Millar.

DUNEDIN CITY AND SUBURBAN TRAMWAYS AND WATER-POWER.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Prior Acts to be read with this Act. 3. Liability of Corporation for damage done. 4. Power of Corporation to acquire water-rights, &c. 5. Mining privileges. 6. Purposes for which water may be used. 7. No rent or fees payable to Crown. 9. Miner's right vested in Corporation. 8. Control of licenses vested in Corporation. 10. Dams, &c., deemed waterworks, &c. Exceptions. 11. Power to use streams for generating electricity. 12. Power to construct reservoirs, &c. Proviso. 13. Power to Corporation to supply electric power to adjacent boroughs.</p>	<p>14. Authority of Warden to be given to construct dam upon new site. 15. Corporation empowered to construct a race on west side of the Taieri River, in lieu of one described in Schedule as 16, W.R. 16. Two crossings to be made in connection with land adjoining Taieri River. Warden to determine. 17. Application for change of site of dam or weir. 18. Warden and Assessors empowered to hear and determine claim for compensation. 19. Where road encroached on, Corporation and local authority may agree to diversion of such road. 20. Deed of covenant made 28th April, 1903, nor any similar deed, not prejudicially affected by the Act. 21. Opinion of Auditor-General may be obtained on apportionment of any loan. 22. Flagstaff Hill watershed. Schedules.</p>
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A BILL INTITULED

AN ACT to define and extend the Authority and Liabilities of the City of Dunedin with reference to certain Mining Privileges acquired for the Generation of Electricity, and other Matters. Title.

5 WHEREAS the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin has by application acquired and is the holder in its corporate name of the several mining privileges in the *First* Schedule hereto set forth, which said mining privileges are held under licenses granted pursuant to the provisions of "The Mining Act, 10 1898," for the term of forty-two years from the third day of April, one thousand nine hundred and three, subject, as to the water-races mentioned in the said *First* Schedule, to the conditions set forth in the *Second* Schedule hereto, and, as to the dams mentioned in the said *First* Schedule, to the conditions set forth in the *Third* Schedule 15 hereto: And whereas the said Corporation has, in pursuance of the said conditions set forth in the *Second* Schedule hereto, entered into and executed a deed of covenant dated the twenty-eighth day of April, one thousand nine hundred and three, and has, in pursuance of the con- 20 ditions set forth in the *Third* Schedule hereto, entered into and executed a deed of covenant dated the eighth day of July, one thousand nine hundred and three, and both such deeds of covenant are made with the Corporation of the Chairman, Councillors, and Inhabitants of the County of Taieri, hereinafter called "The Taieri County Corporation":

And whereas the said Corporation may from time to time apply for and may acquire, either by application or otherwise, further other rights of a like kind : And whereas it is desirable that such privileges and rights shall be held with the rights and subject to the liability on the part of the said Corporation herein expressed :

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

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| Short Title. | 1. | The Short Title of this Act is "The Dunedin City and Suburban Tramways and Water-power Act, 1903." | 10 |
| Prior Acts to be read with this Act. | 2. | This Act shall be deemed to amend and extend "The Dunedin City and Suburban Tramways Act, 1900" (herein called "the principal Act"), and the principal Act and all Acts incorporated therewith, together with this Act, shall be read as one Act. | |
| Liability of Corporation for damage done. | 3. | In respect of such of the said licenses as confer on the Corporation of the Mayor, Councillors, and Citizens of the City of Dunedin (in this Act called "the said Corporation") the power to construct a dam or weir, the said Corporation shall, as from the date when it commences to construct the dam or weir which it is thereby empowered to construct, be deemed to be liable to all persons and bodies corporate and politic, including His Majesty the King, for any damage which may be caused through the construction, breaking-away, or other failure of such dam or weir, such damages to be recoverable by action at law or other lawful means. | 15
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| Power of Corporation to acquire water-rights, &c. | 4. | The said Corporation shall have full power to take up and acquire by application under the provisions of "The Mining Act, 1898," and the amendments thereof, any mining privilege within a radius of forty miles of the City of Dunedin, or to purchase or acquire in any other manner for generating electricity for power or lighting purposes, all such dams or weirs, water-races, water-rights, and privileges in respect of water as it shall think fit, and whether within the Otago Mining District or elsewhere in the Provincial District of Otago. | 25
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| Mining privileges. | 5. | All the mining privileges in the Schedule hereto set forth (in this Act called "the said mining privileges") shall as against all bodies and persons whatsoever be for all purposes deemed to be, and as from the date of the license thereof to have been, valid notwithstanding any defect therein or in the jurisdiction of the Warden to grant the same ; and all the conditions imposed by the said several licenses shall be binding upon the said City Corporation and its assigns and inure to the benefit of each local authority mentioned in such conditions, and the said deeds of covenant shall likewise be binding upon the City Corporation and its assigns and inure to the benefit of the Taieri County Corporation and its assigns, according to the tenor and effect of the said deeds respectively. | 35
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| Purposes for which water may be used. | 6. | The dams or weirs, and the water-races and other mining privileges, and the water thereby acquired, stored, and utilised, may be used by the said Corporation for the generation of electric power for the use of the said Corporation, or for the sale by it of motive power and electric light ; and the rights conferred by the said mining privileges shall not be liable to loss of priority, cancellation, forfeiture, or surrender under or by virtue of the mining laws of New Zealand, and shall not be liable to forfeiture or be deemed to be abandoned on | 50 |

the ground that such dams, weirs, or water-races have not been prior to the coming into operation of this Act or may not hereafter be constructed or commenced within the time limited in that behalf by law :

5 Provided that after the expiry of three years from the passing of this Act, if the said Corporation shall not have commenced the construction of the water-race and dam described in the mining privileges granted under or validated by this Act, and continue the work thereon to the satisfaction of the Warden, the said privilege shall be deemed to have lapsed and to have been abandoned, unless
10 the Warden shall from time to time extend the case.

7. No rent or fees shall be payable to the Crown or otherwise in respect of the said mining privileges or other rights acquired or held under the provisions of this Act. No rent or fees payable to Crown.

8. It shall not be necessary for the Corporation to hold a miner's right, but it shall nevertheless have the rights, powers, and privileges of a holder of a miner's right. Miner's right vested in Corporation.

9. The Council of the said Corporation shall have authority and control over the entire area and length of the said dams, weirs, and water-races held under the said licenses notwithstanding that
20 the same are without the city. Control of licenses vested in Corporation.

10. The said dams, weirs, and water-races, and all works and property pertaining thereto, shall be deemed to be waterworks belonging to and under the control of the City Council of Dunedin, within the meaning of "The Municipal Corporations Act, 1900," save
25 that any obligation in section two hundred and ninety to supply pure water shall not apply thereto; nor shall the following subsections of section three hundred and four—namely, subsections numbered three, six, eight, ten, eleven, twelve, and thirteen—apply thereto; nor shall
30 section three hundred and five apply thereto; nor shall section three hundred and three apply thereto, save if and when the Act complained of shall have the effect of infringing the rights of the said Corporation as appearing in the respective licenses held by it :

Provided that nothing in this Act contained shall be deemed to take away, abridge, or interfere with any existing mining privileges
35 held before the date of the licenses issued to the Corporation and enumerated in the *First* Schedule to this Act, or prevent any Warden hereafter granting licenses under the provisions of any Mining Act for races and other mining privileges in respect of water, notwithstanding any priority of right conferred upon the Corporation
40 by this Act or otherwise; and, further, that the said Corporation shall have no claim for diminution or for defilement of water by the granting of such licenses for races and mining privileges, or by the granting of licenses for mining claims, or from mining operations and sluicing therefrom, above the points whence the supplies of water
45 by the licenses now held by the said Corporation and enumerated in the *First* Schedule aforesaid are taken.

11. The said Corporation shall have full power to use and apply all streams or waters owned or held by it, whensoever and howsoever acquired, to the purpose of generating electricity to be used for the
50 purpose of producing power and light, and to construct, erect, instal, and use within and beyond the limits of the city all such works and appliances as it shall think necessary for generating, transmitting, and utilising electricity for producing electric power and light : Power to use streams for generating electricity.

Provided that this clause shall not exonerate the said Corporation from the necessity of an authorising order in that behalf under "The Tramways Act, 1894," or from performing and complying with all such other conditions and requirements as are or shall be imposed by "The Electric Lines Act, 1884," or otherwise by law in respect of the construction, erection, installation, or use of works and appliances of that kind.

Power to construct reservoirs, &c.

12. The Corporation shall have power, with respect to the said mining privileges and the waters and streams available thereunder pursuant to the provisions thereof, to construct all such reservoirs, waterworks, and other works as are thereby authorised to be constructed: Provided that whenever it is proposed to construct any dam or weir of greater height than is authorised by the license it shall be necessary to submit the plans thereof to the Governor in Council for his approval before constructing the same.

Proviso.

Power to Corporation to supply electric power to adjacent boroughs.

13. The Corporation shall have full power to contract with the Councils of other boroughs, and with County Councils, Road Boards, Town Boards, Drainage Boards, and Sewerage Boards, and all other local authorities and public bodies whatsoever, for the supply to such bodies and the inhabitants of the local districts thereof of electric power and electric light; and with the consent of any such local authority or public body to erect and install in the district over which it has authority, and in the streets and public places therein, and with the consent of the local authority having control thereof, such works, plant, and erections as may be necessary and convenient for such purposes, and any contract which the said Corporation is empowered to make with any local authority or public body may in like manner be entered into by such local authority or public body with the said Corporation:

Provided that upon the said Corporation deciding to construct the water-race comprised in license No. 16, W.R., mentioned in the *First* Schedule hereto, it shall give notice in writing to the Councils of the local bodies mentioned in the *Fourth* Schedule hereto, and each of such Councils shall, within three months after the receipt thereof, notify the said Corporation in writing of the quantity of electricity (if any) required by it for municipal or county purposes, and as soon as the electricity generated by water from the said water-race is available the said Corporation shall be bound to sell the surplus electricity for the purposes aforesaid to such of the said Councils as shall have given notice as before mentioned, subject to the following terms and conditions:—

- (a.) In the event of the quantity of electricity applied for exceeding the surplus electricity, then the surplus electricity shall be apportioned between the said Councils on a population basis.
- (b.) The price to be charged for such electricity shall be fixed by agreement between the parties, but shall not in any case exceed the minimum price at which electricity is sold by the said Corporation to any consumer.
- (c.) For the purposes of this section the words "surplus electricity" shall be deemed to mean one-half of the total quantity of electricity generated by the use of water from the water-race No. 16, W.R., before mentioned, or such

less proportion thereof as the Governor in Council may decide under "The Water-power Act, 1903."

14. It shall be lawful for the Corporation in constructing any dam or weir to obtain authority, which the Warden is hereby authorised to grant, to construct the same upon any other site which in its opinion will prove more suitable than that mentioned in the license, but not more than half a mile from the last-mentioned site, without loss of its right or of priority; and the site upon which the same shall be constructed shall be deemed to be granted by the existing license and to be subject to the conditions thereof; and an amended description of the new site of such dam shall be indorsed or minuted upon the license by the Warden without any formal application in that behalf whenever he shall be satisfied, by means of a plan signed by an authorised surveyor, as to the position of such new site.

Authority of Warden to be given to construct dam upon new site.

15. It shall be lawful for the Corporation to obtain authority, which the Warden is hereby authorised to grant, to construct, in lieu of the race described in the Schedule as 16, W.R., a race on the west side of the Taieri River to carry the same number of heads of water; and such authorisation shall be indorsed or minuted on the license for the said race, and shall be deemed to alter the site and course thereof only, and not to affect the right to divert water thereby granted; and thereafter the provision of this Act and those of the deed of covenant of the twenty-eighth day of April hereafter mentioned shall apply to the said race and the water thereby diverted in the same manner and to the same extent to which the same apply to the race so described in the Schedule as 16, W.R.; and the provisions of this section shall apply notwithstanding any alteration in the site of the dam described in the Schedule as No. 5, dam, and consequent alteration in the position or course of the said race.

Corporation empowered to construct a race on west side of the Taieri River, in lieu of one described in Schedule as 16, W.R.

16. With respect to the water-race described as 16, W.R., the Corporation shall, in constructing the same, provide at least two permanent crossings for the passage of persons, stock, and vehicles between the adjoining land and the Taieri River, so that the owners and occupiers of such land, and all persons claiming under them, may have free access to the said river; and the Warden and Assessors, sitting as a Compensation Court constituted under "The Mining Act, 1898," section ninety-nine, subsection five, shall have jurisdiction to determine any compensation claim arising out of the construction of the said water-race, and may, in granting compensation or in lieu of compensation, define the limits of such crossings and the mode in which they are to be constructed and maintained, and may grant further crossings and similarly define them; and it shall be obligatory upon the Corporation at all times to maintain such crossings in good order and repair.

Two crossings to be made in connection with land adjoining Taieri River.

17. All applications to the Warden for a change of site of a dam or weir, or the site and course of the water-race 16, W.R., shall be made in accordance with the law and regulations for the time being in force with respect to applications for mining privileges, if and when such privileges are granted they shall be deemed to be held under and subject to this Act.

Warden to determine.

Application for change of site of dam or weir.

18. Any Warden and Assessors empowered to hear and determine compensation claims in respect of the construction of works pur-

Warden and Assessors empowered to hear

and determine claim for compensation.

Where road encroached on, Corporation and local authority may agree to diversion of such road.

Deed of covenant made 28th April, 1903, nor any similar deed, not prejudicially affected by the Act.

Opinion of Auditor-General may be obtained on apportionment of any loan.

Flagstaff Hill watershed.

suant to the licenses in the Schedule hereto mentioned shall have the authority conferred by section eighty-four of "The Public Works Act, 1894," upon Compensation Courts, as if the said section had been incorporated with "The Mining Act, 1898."

19. In case any road or reserve under the control of any County or Borough Council or other local or other authority shall or may be lawfully interfered with or lawfully encroached upon by any work or building constructed or to be constructed by the said Corporation, it shall be competent for the Council and such local or other authority to make an agreement for the diversion of such road, and any such agreement when duly executed shall effectually divert the same: Provided that should any such diversion involve taking or using the land of any person or body, the same may be taken under the provisions of "The Public Works Act, 1894," and due compensation shall be made to such person or body by the said Corporation.

20. Nothing in this Act contained shall prejudicially affect the operation of the above-recited deeds of covenant or any similar deed which may have been or may hereafter be entered into with respect to the construction of dams or water-races.

21. For the purpose of any adjustment of expenditure under the foregoing sections it shall be lawful for the City Council to obtain in anticipation the opinion of the Auditor-General on any question as to the apportionment of any loan or expenditure, and to act on such opinion.

22. Nothing in this Act shall be deemed to empower the Corporation to apply for any water-right from the streams in the Flagstaff Hill watershed for any of the purposes authorised by this Act.

SCHEDULES.

FIRST SCHEDULE.

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
15, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	<p>License for a water-race to divert 40 heads of water by means of a tunnel 6 ft. high by 4 ft. wide and a pipe-line with 30 in. pipes, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of about four miles (more or less) in a south-easterly direction from Lee Stream to Taieri River. The race commences on the Lee Stream, in Section 2, Block X., Mount Hyde District, at a dam-site granted to applicant, 40 chains above its junction with Fortification Creek, and traverses the right bank of the Lee Stream for a distance of 20 chains, to a point in Section 4, Block X., Mount Hyde District, by a pipe-line; thence by a tunnel for a distance of 120 chains underground through Section 4, Block X., and Section 3, Block XI., Mount Hyde District, and Section 2, Block XVI., Maungatua District, to a point on Missing Link Creek; thence by a pipe-line through said Section 2, Block XVI., Maungatua District, and under public road intersecting said Section 2 to a road-line between said Section 2 and Section 31 (bush reserve), Block VII., Maungatua District, and under said road; thence through said Section 31 (bush reserve), terminating at a point on the bank of the Taieri River 37 chains below its junction with the Lee Stream.</p>
16, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	<p>License for a water-race to divert 600 heads of water by means of a race 7 ft. 3 in. deep by 7 ft. 3 in. in breadth, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of 5,000 ft. along eastern bank of the Taieri River. The race commences on the Taieri River at dam-site granted to applicant at northernmost corner of Section 17, Block I., Dunedin and East Taieri District; thence in a southerly direction along the eastern bank of the Taieri River through Sections 17 and 1 of 18, Block I., Dunedin and East Taieri District; thence across public road, terminating at power-site, situated on Section 37 (bush reserve), Block I. aforesaid.</p>

Schedules.

FIRST SCHEDULE—*continued.*

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
17, W.R. ...	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a water-race to divert 10 heads of water by means of a pipe-line with 12 in. pipes, to be used for the purpose of generating electricity for transmission of power and electric lighting; such race having a length of 26 chains, and commences on the right bank of Fortification Creek at a point 6 chains above its junction with the Lee Stream at a dam-site granted to applicant, and traverses the right bank of Fortification Creek to its junction with the Lee Stream; thence across the Lee Stream and along the bank of the Lee Stream up-stream a distance of 20 chains to tunnel-mouth in Section 4, Block X., Mount Hyde District.
No. 5, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Taieri River at northernmost point of Section 17, Block I., Dunedin and East Taieri District, having a dam-wall 80 yards in length, with a maximum height of 11 ft. and a breadth of 25 ft. at the base; the length and width of the water-area being half a mile long and 100 yards wide. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 6, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Lee Stream 40 chains below the junction of the Lee Stream and South Rock Creek, having a dam-wall 100 ft. in length, with a maximum height of 40 ft. and a breadth of 200 ft. at the base; the length and width of the water-area being 70 chains by 10 chains. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 7, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across Fortification Creek at a point 6 chains above its junction with the Lee Stream, having a dam-wall 15 ft. in length, with a maximum height of 8 ft. and a breadth of 8 ft. at the base; the length and width of the water-area being 5 chains by 20 ft. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.

FIRST SCHEDULE—*continued.*

No. of License.	Date of Registration.	Where granted.	Warden.	Particulars of Privilege.
No. 8, dam	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a dam situated across the Lee Stream at a point 40 chains above its junction with Fortification Creek, having a dam-wall 70 ft. in length, with a maximum height of 15 ft. and a breadth of 15 ft. at the base; the length and width of the water-area being 40 chains by 45 ft. Such dam to be used to store water for the purpose of generating electricity for transmission of power and electric lighting.
No. 4, special site	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a special site situated on Section 31 (bush reserve), Block VII., Maungatua District, 37 chains below the junction of the Taieri River with the Lee Stream, extending 2 chains along the Taieri River by 1 chain wide. To be used in connection with Water-race No. 15 as a site for an electric-power station.
No. 5, special site	27th April, 1903	Warden's Court, Dunedin	Edgar Hall Carew	License for a special site situated on and being part of Section 37 (bush reserve), Block I., Dunedin and East Taieri District, at the terminal point of Water-race No. 16, extending 120 ft. along the Taieri River by 50 ft. wide, containing about 22 perches. To be used in connection with Water-race No. 16 as a site for an electric-power station.

SECOND SCHEDULE.

LICENSE FOR A WATER-RACE.

1. THE Corporation is not at any time during the subsistence of this license or any renewal thereof, or by virtue of any such license or renewal, to make any tunnel under, or excavation in, or to alter or otherwise interfere with, any road, bridge, culvert, ditch, drain, river-bank, ford, or other public works for the time being belonging to or under the control of the Taieri County Council or other local authority without having first obtained the consent in writing of the Council or other local authority affected, nor except in accordance with the terms and conditions subject to which such consent is given.

2. In the absence of any agreement to the contrary, then wherever the line of the race goes under or crosses any public road the water is to be conducted through a masonry or concrete culvert built in below the surface of the road and covered in, and the surface of the road, so far as interfered with, is to be restored to its former level and metalled, all at the cost of the Corporation and to the satisfaction of the County Engineer; and thereafter during the subsistence of this license or any renewal thereof the Corporation is, at its own cost, to maintain in good order the surface of the road over the culvert and for half a chain on each side of the culvert.

3. The Corporation is, at its own cost, during the continuation of the license or renewal, to keep all such culverts in good order and repair.

4. The Corporation is to be at all times answerable to the Council or other local authority affected for all damage from time to time done to any such road or other public work as before mentioned—

(a.) By the collapse or breaking-away of any tunnel, pipe-line, or any other part of the race ;

(b.) By the overflow, soakage, or other discharge of water from the race ;

(c.) By slips or falls from any bank or hillside caused by the construction or existence of the race ; or

(d.) In any other manner by the construction or existence of the race : and it is to be at all times answerable to the Council or other local authority affected for the removal from roads, culverts, ditches, drains, or other public works for the time being belonging to or under the control of the Council or other local authority of all *débris* cast, brought, or conveyed thereon or therein by reason of any overflow or discharge of water from the race, or by any such slip or fall as before mentioned.

5. All damage for which the Corporation is answerable is to be made good to the satisfaction of the Engineer of the county or other local authority affected. It may be made good either by the Corporation's own contractors or workmen ; or, if the Corporation fail to proceed with expedition in making good the same within three days after notice so to do from the Clerk or Engineer of the county or the local authority affected, the Council or local authority affected may proceed to make the same good at the expense of the Corporation, and the Corporation shall on demand refund the expense thereof to the Council or other local authority affected. If in any case of emergency the Council or other local authority affected, or its Engineer, thinks fit to proceed with the making-good of the damage without notice first given to the Corporation, the same may be proceeded with accordingly, notice thereof being given to the Corporation as soon as practicable, and the Corporation shall in each case refund the Council or other local authority affected the expense of such making-good, in the same manner as if notice had been given beforehand.

6. If the said race or any constructed part thereof, or any works towards the construction or maintenance thereof, be abandoned, then such race or the constructed part thereof abandoned, or such works, shall be demolished or otherwise rendered incapable of being productive of harm to any such road or other public work as aforesaid ; and if any culvert constructed by the Corporation in connection with any such road be abandoned, every such abandoned culvert shall, if so required by the County Engineer, be removed or filled up, and all consequent openings or disturbances in a road and a road-surface where such openings and disturbances occur filled up, restored, and made good. All which things are to be done by the Corporation at its own expense and to the satisfaction of the County Engineer.

7. Any dispute as to the propriety of any decision of the County Engineer is to be referred to an Engineer appointed by the Minister for Public Works or by the Warden, and the decision of such referee shall be final and binding on the parties.

8. These conditions shall be binding on any assigns of the Corporation as well as on the Corporation itself.

9. The Corporation shall, in the case of the County Council, before the Corporation commences the work of constructing the said race, and, in the case of each other local authority affected, when requested so to do by such local authority, enter into and execute a deed of covenant with the Council and with each other local authority requiring the same embodying and effectually binding the Corporation to the observance and performance of the foregoing conditions during the subsistence of the said license or any renewal thereof with reference to the roads and other public works for the time being belonging to or under the control of the county or other local authority with whom such deed is entered into. Each such deed is to be prepared at the expense of the Corporation by the county or other local authority requiring the same.

THIRD SCHEDULE.

LICENSE FOR A DAM.

1. THE Corporation is to be at all times answerable to the Taieri County Council or other local authority affected for all damage from time to time done to any road, bridge, culvert, ditch, drain, river-bank, ford, or other public work for the time being belonging to or under the control of the Taieri County Council or any local authority caused by—

(a.) The breaking-away of the dam, or any part of the dam, and the consequent discharge of water therefrom ;

- (b.) By the discharge of water therefrom consequent on any defect therein or any want of care ; or
- (c.) By the breaking-away or failure of any temporary works for retaining water or otherwise connected with the construction or maintenance of the dam :

and shall also be answerable to the Taieri County Council or other local authority affected for the removal from roads, ditches, drains, and public works from time to time belonging to or under the control of the county or such local authority of all *débris* cast, brought, or conveyed thereon or therein by reason of any discharge of water from the dam or such temporary works as aforesaid.

2. All damage for which the Corporation is answerable is to be made good to the satisfaction of the Engineer of the county or other local authority affected. It may be made good either by the Corporation's own contractors or workmen ; or, if the Corporation fail to proceed with expedition in making the same good within three days after notice so to do from the Clerk or Engineer of the county or local authority affected, the Council or local authority affected may proceed to make the same good at the expense of the Corporation, and the Corporation shall on demand refund the expense thereof to the Council or other local authority affected. If in any case of emergency the Council or other local authority affected, or its Engineer, thinks fit to proceed with the making-good of the damage without notice first given to the Corporation, the same may be proceeded with accordingly, notice thereof being given to the Corporation as soon as practicable. And the Corporation shall in each such case refund the Council or other local authority affected the expense of such making-good, in the same manner as if notice had been given beforehand.

3. If the dam or the constructed part thereof, or any works towards the construction or maintenance thereof, be abandoned, then such dam or the constructed part thereof, or such works (as the case may be), shall, at the expense of the Corporation and to the satisfaction of the County Engineer, be demolished or otherwise rendered incapable of being productive of harm to any such road or other public work.

4. Any dispute as to the propriety of any decision of the County Engineer is to be referred to an Engineer appointed by the Minister for Public Works or by the Warden, and the decision of such referee shall be final and binding on the parties.

3. These conditions shall be binding on any assigns of the Corporation as well as on the Corporation itself.

6. The Corporation shall, in the case of the County Council, before the Corporation commences the work of constructing the said dam, and, in the case of each other local authority affected, when requested so to do by such local authority, enter into and execute a deed of covenant with the Council and with each other local authority requiring the same embodying and effectually binding the Corporation to the observance and performance of the foregoing conditions during the subsistence of the said license or any renewal thereof with reference to the roads and other public works for the time being belonging to or under the control of the county or other local authority with whom such deed is entered into. Each such deed is to be prepared at the expense of the Corporation by the county or other local authority requiring the same.

FOURTH SCHEDULE.

Boroughs of Caversham, South Dunedin, St. Kilda, Mornington, Roslyn, Maori Hill, North-east Valley, Green Island, and Mosgiel ; County of Taieri ; and Town District of Outram.