

be sufficient if given by the Minister and delivered at or posted to the last known address of the company in New Zealand.

6. In case the company shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
 - (2.) Cease to use or occupy the said site for a period of thirty days;
 - (3.) Fail to pay the sums specified in clause 3 of these conditions; or
 - (4.) Be in any manner wound up or dissolved,—
- then and in any of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor in Council, without any notice to the company or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, and to all persons concerned or interested, that this Order in Council, and the rights and privileges thereby conferred, have been revoked and determined.

7. The occupation of the said site shall be deemed to be an acceptance by the company of the conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council.

License authorizing the Eltham Co-operative Dairy Factory Company (Limited) to use Water from the Waingongoro River for the Purpose of generating Electricity for Power Purposes.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this twenty-third day of June, 1914.

Present :
HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by section five of the Public Works Amendment Act, 1908, it is enacted that the Governor may from time to time by Order in Council grant to any person or body corporate a license to use water from any fall, river, stream, or other source for the purpose of generating electricity for electric light, mechanical power, or other uses, and to exercise in respect of that license any of the powers and authorities specified in that behalf in the said section :

And whereas it is by subsection five of the said section also provided that the license shall be deemed to constitute a contract between the licensee and His Majesty the King, and shall be enforceable by and against either party accordingly :

And whereas the Eltham Co-operative Dairy Factory Company (Limited), having its registered office in the Borough of Eltham, in the Provincial District of Taranaki, and incorporated and registered under the Companies Act, 1908 (which company with its successors and assigns is hereinafter referred to, as "the licensee"), has applied for a license under the said section to take and use water from the Waingongoro River, in the Provincial District of Taranaki (hereinafter referred to as "the said stream"), for the purpose of generating electricity for mechanical power and for lighting its premises and the premises of the Eltham Bacon Factory (Limited), upon the terms and subject to the conditions hereinafter appearing, and it is expedient to issue such license accordingly :

Now, therefore, in pursuance and exercise of the powers conferred upon him as aforesaid, and of all other powers enabling him in that behalf, His Excellency Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby grant to the licensee, subject to the terms and conditions hereinafter set forth, a license to take, divert, and use from the Waingongoro River aforesaid, for the purposes hereinafter set forth, a stream of water (hereinafter referred to as "the said water") not exceeding twenty sluice heads at any one time, for lighting and power purposes on the premises of the licensee and on the premises of the Eltham Bacon Factory (Limited), (hereinafter called "the said premises").

TERMS AND CONDITIONS.

1. In this license the following words and phrases shall have the meanings hereby attached to them respectively :—

- "Minister" means the Minister of Public Works.
"Public Works" means any public work as defined in the Public Works Act, 1908, and its amendments, and includes any work authorized, constructed, or maintained under Division 2 of the Post and Telegraph Act, 1908.

"Inspecting Engineer" means and includes any Inspecting Engineer appointed by the Minister to inspect works to be constructed or maintained by virtue of electric-line licenses, or any water-power licenses, or any combined water-power and electric-line licenses, issued under the Public Works Act, 1908, and any or all of its amendments, or under any one or more of such amendments only, or any Act or Acts passed in amendment thereof or substitution therefor.

2. The said water shall be used for the purpose of generating electricity or electrical energy for power purposes.

3. The said water shall be taken by the licensee from the point in the said stream marked "intake," and shown on the plan marked P.W.D. 34423, deposited in the office of the Minister of Public Works at Wellington and hereinafter referred to as the said plan, and such water shall be conducted by a race or pipe over or along the route shown on the said plan for a distance of 40 chains to the power-house erected on the bank of the said stream at the site marked "Power-house Site" on the said plan, and all water diverted from the said stream shall be returned by the licensee to the said stream at or near the power-house.

4. The licensee shall pay to the Under-Secretary of Public Works, Wellington, or at such other place as the Minister may from time to time require, for the privileges herein bestowed a rent of £5 sterling per annum, payable in advance, as from the 1st day of October, 1913.

5. The term for which this license is granted is a period of fourteen years, commencing as from the 1st day of October, 1913, unless such term is sooner revoked, determined, or surrendered in accordance with or in pursuance of the provisions hereinafter contained; and upon the expiry of the term of the license hereby granted or upon the sooner revocation, determination, or surrender of the same, all rights granted to the licensee shall thereupon absolutely cease and determine; but such revocation, determination, or surrender shall not relieve the licensee of any burden, condition, or liability contracted under this license.

6. The Inspecting Engineer shall have free access to and liberty at any time to inspect the works so as to insure that the provisions of this license are being given due effect to.

7. The power-works shall be maintained continuously in proper working-order during the continuance of such license, so as to effectually serve the purposes of this license.

8. Nothing in this license shall be held to cast upon or imply any liability upon His Majesty the King or upon the Government of New Zealand to pay compensation to any person, corporate body, or local authority by reason of the exercise by the licensee of the authority hereby granted; but the licensee shall be liable for any loss or damage which any person, corporate body, or local authority may sustain as the result of the exercise by the licensee of any of the powers granted by this license.

9. The conditions stated in this license to be observed and performed by the licensee may be altered or modified from time to time if found necessary, and if duly agreed upon between the licensee and the Governor in Council, in which case particulars of such alteration or modification shall be endorsed upon this license and signed by the licensee and the Governor in Council, whereupon all the terms and conditions in this license contained (save and except as they may have been so altered or modified by any such alterations) shall, *mutatis mutandis*, apply to such alterations as if the latter had formed part of this license as originally issued.

10. Nothing herein shall prevent the Governor in Council from granting to any person or body corporate other than the licensee a license to take water from any portion of the said stream except at the place where the licensee is by this license empowered to take it; provided that no such license shall so operate as to reduce the volume of the water which the licensee is by this license authorized to take from the said stream.

11. The Minister may at any time order an inspection to be made of the works and lines of the licensee used for power purposes. If any defect is found to exist it must be remedied forthwith, and if such defect is, in the opinion of the Inspecting Engineer, serious the Minister may, on receipt of the report, direct the licensee to at once cease transmitting energy either over the whole of the licensee's lines and wires or over any specified part thereof until such defect is repaired or remedied. The cost of such inspection shall be borne by the licensee.

12. This license, and the benefits and obligations hereunder, shall not be assigned by the licensee without the express consent in writing of the Governor in Council first had and obtained; but such consent shall not be withheld if it is proved to the satisfaction of the Governor that the transferee is financially able and suitable to carry out the works specified in this license.

13. If the licensee fails—

- (a.) To observe, perform, fulfil, or keep any of the requirements, conditions, and provisions of the Public Works Act, 1908, or its amendments, to the full intent of the same, or of any part thereof; or