

8. The ballast of all vessels loading at the said wharf shall be taken away by the Council and deposited above high-water mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor, without payment of any compensation whatever, on giving to the Council three calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the Council in New Zealand.

11. The Council shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on the Council's part.

12. In case the Council 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 wharf for a period of thirty days,—

then and in either 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 Council or other proceedings whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, and to all persons concerned or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. The erection of the said wharf shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

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

License authorizing Charles Frank Murray, of Wharanui, Settler, to use Water from the Woodside Creek, Wharanui, Marlborough Provincial District, for the Purpose of generating Electricity.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this twenty-second day of February, 1915.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING
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 purpose any of the powers and authorities specified in that behalf in the said section: And whereas it is further provided by the said section that any such license may confer upon the licensee a right at any time or times during the continuance of the license (but subject to such conditions and restrictions as are expressed in the license) to enter upon any road, railway, or other land, whether vested in or occupied by the Crown, or any other person or body corporate, and there to construct, erect, lay down, maintain, renew, or repair all such cables, wires, and other things as are required for the transmission of electricity between the fall, river, stream, or other source aforesaid and any place to which the licensee is authorized to transmit electricity in pursuance of the license:

And whereas Charles Frank Murray, of Wharanui, Settler (who, with his 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 Woodside Creek, Wharanui, in the Provincial District of Marlborough (hereinafter referred to as "the said stream"), for the purpose of generating electricity as aforesaid, 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 in anywise enabling him in that behalf, His Excellency the 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 set forth in the Schedule hereto) a license to take and use from the said stream, for the purposes hereinafter set forth, a stream of water (hereinafter referred to as "the said water") not exceeding 4 cubic feet per second at any one time.

SCHEDULE.

1. UTILIZATION OF THE WATER.

The said water shall be used solely for the purpose of generating electricity, and shall be returned to Flags Creek at or near the power-house. Nothing in this license shall affect the liability of the licensee in respect to the riparian rights of the owner of any property affected by the diversion of the said water from the said stream to Flags Creek.

2. LOCATION OF HEADWORKS.

The said water shall be taken from the said stream at a point indicated on the plan marked P.W.D. 36840, deposited in the office of the Minister of Public Works (hereinafter referred to as "the Minister") at Wellington, in the Provincial District of Wellington.

3. GENERAL DESCRIPTION OF WORKS.

The licensee is hereby authorized to construct, maintain, and use the following works for the purposes of this license; and the position of the said works being indicated on the plan marked P.W.D. 36840 hereinbefore referred to.

- (a.) Headworks consisting of a dam and necessary intake.
- (b.) Race 375 yards long leading from such dam to the power-house hereinafter referred to.
- (c.) A power-house with all necessary equipment, including water-turbines, generators, lightning-arresters, switchboards, switches, and other appliances for generating electricity.

4. MAINTENANCE OF WORKS.

After the said works have been completed, the licensee shall maintain the same in proper working-order during the continuance of this license.

5. POWER TO TAKE LAND.

The licensee is hereby empowered to take, under the Public Works Act, 1908, as for a public work such land as may, in the opinion of the Governor, be necessary to enable the licensee to construct and maintain the various works authorized by this license.

6. DURATION OF LICENSE.

This license shall, unless sooner determined in accordance with the provisions hereinafter expressed, continue in force for a period of forty-two years, commencing on the 1st January, 1915. Upon the expiry of the said term, or upon the sooner determination of this license by revocation or otherwise, all rights hereby granted to the licensee shall thereupon cease and determine; but such expiration or determination shall not relieve the licensee of any liability theretofore incurred under this license.

7. RENTAL.

The licensee shall, in respect of this license, pay to the Public Works Engineer at present stationed at Blenheim, or otherwise as the Minister may from time to time require, a yearly rental of one-twentieth of a penny per unit for each unit generated, and as recorded by a wattmeter to be installed by the licensee.

8. GRANTING OF OTHER WATER-RIGHTS.

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 natural fall between the headworks and tail-water, or the volume of the water which the licensee is by this license authorized to take from the said stream.

9. FINES.

If the licensee fails or neglects—

- (a.) To use or maintain the said works, after completion, so as to secure the full benefit of the undertaking; or
- (b.) To observe any of the conditions or obligations herein imposed,—

then and in any such case the licensee shall be liable to a fine of £50 for every week or part of a week during which such default or neglect continues; or the Governor may by Order in Council revoke this license.