

21. DEPOSIT.

The deposit of £500 which the licensee has lodged with the Public Trustee as a guarantee of good faith shall be retained as security for the due fulfilment by the licensee of the terms and conditions contained in this license to be performed by him: Provided, however, that when and so soon as the licensee shall have submitted the drawings and specifications required by clause 1 hereof, and those drawings and specifications have been duly approved, and the licensee shall have constructed permanent works in connection with headworks, dam, pipe-lines, and generating-station mentioned in the said clause to the satisfaction of the Minister, to the value of £1,000 at the least, then the Minister shall require the Public Trustee to return the said deposit to the licensee; but if this license is determined, cancelled, or revoked under the powers herein contained before such works to such value have been constructed, then and in any such case the said sum of £500 shall be forfeited to the Crown as ascertained and liquidated damages.

22. BED OF RIVER NOT LEASED.

Nothing herein shall be held to constitute a lease from the Crown of the bed of the said river, nor shall the provisions of Part IX of the Property Law Act, 1908, apply to this license.

23. CONTRACT BETWEEN LICENSEE AND CROWN.

This license shall be deemed to constitute a contract as between the licensee and His Majesty the King, and may be enforced as a contract by and against His said Majesty or the licensee accordingly.

24. TIME FOR SUBSTANTIAL COMPLETION OF WORKS.

The licensee shall substantially complete the works hereby authorized within a period of three years from the date of this license, or within such further time as the Minister may allow in the event of the work being delayed by strikes, lock-outs, breakdowns, or other unavoidable causes not due to any neglect by the licensee.

25. GRANTING OF OTHER WATER-RIGHTS.

Nothing herein shall prevent the Governor-General 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 river, 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 river.

26. DEFAULT.

If the licensee fails or neglects to observe any of the conditions or obligations imposed by this license, then and in any such case the provisions of clauses 50 and 51 of the regulations shall apply to the breach of any such condition or obligation.

27. VARIATION IN CONDITIONS OF LICENSE.

The terms and conditions of this license may at any time or from time to time, if found necessary and if duly agreed upon between the licensee and the Governor-General in Council, be altered by the Governor-General by Order 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-General, whereupon all the terms and conditions in this license contained (save and except as they may have been so altered or modified by such alterations) shall, *mutatis mutandis*, apply to such alterations as if the latter had formed part of this license as originally issued.

28. SURRENDER OF LICENSE.

The licensee may at any time, with the consent of the Minister, surrender this license, and shall thereupon, if so required by the Minister, remove from the ground all removable equipment, machinery, buildings, poles, transmission-lines, and other plant herein authorized to be installed or provided. If the licensee fails or neglects so to remove the said plant within twelve months after being required so to do, such equipment, machinery, buildings, poles, lines, and other plant shall, without payment of any compensation, vest in and become the property of the Crown.

29. REQUIREMENTS OF THE COOK, UAWA, AND WAIKOHU COUNTY COUNCILS.

Notwithstanding anything hereinbefore contained, the licensee shall not be entitled to erect, maintain, or use any

electric lines within the counties of Cook, Uawa, or Waikohu except subject to such conditions, not inconsistent with the provisions of this license and the regulations relating thereto, or any variation of this license or the regulations, or new regulations which may take the place of these regulations, as may from time to time be agreed upon between the licensee and the local authority of the district affected.

F. D. THOMSON,
Clerk of the Executive Council.

Amending the above Order in Council authorizing the Hydro-electric Engineering Company (Limited) to use Water from the Waikohu River for the Purpose of generating Electricity, and to erect Electric Lines within the Waikohu, Uawa, and Portion of the Cook Counties.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of January, 1923.

Present:

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING
IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Public Works Act, 1908, and its amendments, clause twenty-seven of the above Order in Council, and of every other power in anywise enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby amend such Order in Council as follows:—

1. *Operative Part of Order in Council amended.*—In addition to taking water from the Waikohu River the licensee is hereby granted a license to take from the Motu River a stream of water not exceeding one hundred and sixty cubic feet per second, by means of intake weir, race, dam, and tunnel as indicated on the plans marked P.W.D. 55583, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, such water to be diverted into the Waikohu River, as indicated by the aforesaid plans. The licensee shall always allow a stream of water not less than one cubic foot per second to flow past the said intake weir down the Motu River.

Nothing in this license shall be held to guarantee that the Motu River contains sufficient water to supply one hundred and sixty cubic feet per second hereinbefore mentioned.

2. *Clauses in Schedule to above Order in Council amended.*—Clause 4: It shall not be incumbent on the licensee to construct the works mentioned in paragraphs (a) and (b) of clause 4, but before the licensee constructs any headworks or conduits conveying the water to the power-house for the purpose of giving effect to this license the licensee shall submit all necessary plans and obtain the approval in writing of the Minister of Public Works to licensee's proposals.

Clause 11: Clause 11 is hereby amended by substituting (1) "9d." for "6d."; (2) "£16 per kilovolt-ampere per annum plus 3d. per unit" for "£12 per horse-power per annum"; (3) "£180" for "£75."

Clause 16: Clause 16 is hereby amended by substituting the words "clause 21" for the words "clause 22" in the sixth line from the end of such clause.

Clause 19: Clause 19 is hereby amended by inserting after "available" the following words "from the licensee's own generating plant."

Clause 24: Clause 24 is hereby amended by substituting the words "two years from the date of the amending Order in Council endorsed hereon" for the words "three years from the date of this license."

3. Subject to the provisions of this Order in Council, the provisions of the above Order in Council shall extend and apply as fully and effectively as if the provisions of the amending Order in Council were original provisions in the above Order in Council.

F. D. THOMSON,
Clerk of the Executive Council.

The common seal of the Hydro-electric Engineering Company (Limited) was hereunto affixed in the presence of—

(L.S.) J. B. KELLS, Director.
THOMAS ADAIR, Director.
F. COLIN PERRY, Secretary.