

*License authorizing Gerald Fitzgerald and Others to use Water from the Falls, Rivers, or Streams discharging into Smith Sound and from Lake Manapouri, for the Purpose of generating Electricity, and to erect Electric Lines within Portion of the Fiord County.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 12th day of January, 1926.

Present :

THE HONOURABLE J. G. COATES PRESIDING IN COUNCIL.

WHEREAS by section five of the Public Works Amendment Act, 1908, it is enacted that the Governor-General 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 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 Gerald Fitzgerald, of Wellington, Company Director ; Charles Edward Daniell, of Masterton, Merchant ; Arthur Leigh Hunt, of Wellington, Company Director ; William Duffus Hunt, of Wellington, Company Director ; Phineas Levi, of Wellington, Solicitor ; John Gerrie Neil, of Dunedin, manufacturing Chemist ; Joseph Orchiston, of Wellington, Retired Telegraph Engineer ; Lemuel Thomas Watkins, of Wellington, Master Printer ; Sir James Glenny Wilson, of Bull's, Farmer ; and Harben Robert Young of Westport, Civil Engineer (hereinafter, with their respective executors, administrators, and assigns, referred to as "the licensees"), have applied for a license under the said section to take and use certain waters from sources in the Land District of Southland 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 the powers conferred by section two of the Public Works Amendment Act, 1911, and of all other powers 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 grant to the licensees (with the rights and powers and upon and subject to the terms and conditions set forth in the Schedule hereto)—Firstly, a license for the period mentioned in the said Schedule to take and use water from the falls, rivers, or streams called the Helena Falls, Lyvia River, Stella Burn, and Huntleigh Falls, all discharging into Deep Cove at the head of Smith Sound on the West Coast of the South Island of New Zealand, and situate in the Land District of Southland, the situation of which falls, rivers, or streams being approximately shown on the plan marked P.W.D. 65121, deposited in the office of the Minister at Wellington aforesaid, and also from any other water-source emptying into the said Deep Cove or into Hall's Arm or Crooked Arm or other parts of the said Smith Sound : Secondly, a license for the period mentioned in the said Schedule to take and use water from the waters of Lake Manapouri situate in the said land district by conducting the same by tunnel or otherwise to or towards the said Deep Cove or the said Smith Sound and also in connection with the construction of the said tunnel to take and use water from any fall, river, stream, or lake emptying into the said Lake Manapouri within the area of supply for the purposes in the case of each of the said licenses of generating electricity for electric light, mechanical power, electro-chemical, electro-metallurgical and/or other uses. The waters to be so taken to be sufficient in respect of the first license above-mentioned (hereinafter referred to as the first license) for developing continuously electrical energy not exceeding fifty thousand horse-power and in respect of the second license above mentioned (hereinafter referred to as the second license) not exceeding two hundred and fifty thousand horse-power ; and also to erect and maintain electric lines and other works and plant for power, lighting, heating, electro-chemical, electro-metallurgical, or other uses within the area of supply hereinafter described ; and subject also to the regulations dated the ninth day of

October, one thousand nine hundred and twenty-two, and published in the *New Zealand Gazette* of the twelfth day of the same month, or any regulations made in amendment thereof or in substitution thereof (hereinafter collectively referred to as "the regulations"), and which regulations shall, so far as they are applicable, be deemed to be incorporated herein, but nothing herein shall be held to guarantee that the above-mentioned sources of supply or any of them contain sufficient water to enable the hereinbefore-mentioned amounts of electrical energy respectively to be developed.

SCHEDULE.

1. PLANS.

THE licensees shall, before any works hereby authorized are commenced, forward for the approval of the Minister of Public Works (hereinafter referred to as "the Minister")—

(a.) Full detailed drawings and specifications of such works :

(b.) Such other plans as the Minister may require.

2. UTILIZATION OF THE WATER.

The said waters respectively shall, except with the consent of the Minister, be used solely for the purpose of generating electricity, and shall be returned to the respective sources of supply or to the waters of the said Deep Cove, Hall's Arm, Crooked Arm, Smith Sound, or Lake Manapouri at or near the powerhouse where the same is used respectively.

3. LOCATION OF HEADWORKS.

The said waters respectively shall be taken from the respective sources of supply at the headworks situated in each case at a place to be fixed in accordance with the provisions of this license.

4. GENERAL DESCRIPTION OF WORKS.

Subject to the approval of such plans as the Minister may consider necessary, the licensees are hereby authorized to construct, maintain, and use the following works for the purposes of the first license and the second license respectively, the position of the said works in each case to be indicated on such plans :—

(a.) Headworks consisting of a dam and necessary intake.

(b.) Tunnel, pipe-line, or other conduits leading from such dam to the power-house hereinafter referred to.

(c.) A power-house with all necessary equipment, including water-turbines, generators, transformers, lightning-arresters, switchboards, switches, excitors, and other appliances for generating electricity.

(d.) Buildings, plant, and equipment for and in connection with the employment of electricity which may be generated for the purposes of electric lighting, mechanical power, and/or any electro-chemical or electro-metallurgical process, and/or for the purposes of the manufacture, storage, or carriage of any materials used in connection with or the products of any such process.

(e.) Such transmission and other lines within the area of supply as may from time to time be required within such area of supply, and after compliance with the provisions of clause 13 of the regulations.

5. INSPECTION OF WORKS.

The Inspecting Engineer, both during and after the construction of the works, shall have free access to and liberty at any time to inspect the same so as to ensure that the provisions of this license are given due effect to.

6. MAINTENANCE OF WORKS.

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

7. RIGHT TO ENTER LANDS, ETC.

The licensees shall have the right at any time or times during the continuance of this license, with the consent of the Minister, to enter upon any road 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 transmission-lines, poles, or other things as are required for the transmission of electricity between the generating-stations and any of the substations to which this license applies.

8. POWER TO TAKE LAND.

The licensees are 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-General, be necessary or advisable to enable the licensees to construct and maintain the various works authorized by this license, and for the purposes of any business or undertaking established or proposed to be