

1910.
NEW ZEALAND.

GRANT OF THE HORAHORA WATER-POWER CONCESSION
TO THE WAIHI GOLD-MINING COMPANY

(TERMS AND CONDITIONS OF THE).

Return to an Order of the House of Representatives dated the 6th July, 1910.

Ordered, "That there be laid before this House the full terms and conditions under which the Horahora water-power concession was granted to the Waihi Gold-mining Company."—(Mr. POLAND.)

WATER-POWER LICENSE.

LICENSE GRANTED TO THE WAIHI GOLD-MINING COMPANY (LIMITED) TO USE WATER FROM THE WAIKATO RIVER, IN THE AUCKLAND PROVINCIAL DISTRICT, FOR THE PURPOSE OF GENERATING ELECTRICITY.

PLUNKET, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this 2nd day of December, 1909.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by Part XII of the Public Works Act, 1908 (hereinafter referred to as "the principal Act"), it is provided that power may be granted to use the water of any lake, fall, river, or stream for the purpose of generating electricity, or for driving machinery, or for other purposes, and upon the conditions contained in such Act: And whereas by section five of the Public Works Amendment Act, 1908 (hereinafter referred to as "the amending Act"), it is, *inter alia*, provided that, notwithstanding anything contained in Part XII of the principal Act or in the Post and Telegraph Act, 1908, 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 lake, fall, river, or 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 such section on that behalf: And whereas it is by subsection five of section five of the amending Act 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 Waihi Gold-mining Company (Limited), of Waihi, in the Provincial District of Auckland (who, with its successors and assigns, is and are hereinafter referred to as "the Licensee"), has made an application under the amending Act for the issue of a license empowering them to take from the Waikato River, in the Provincial District of Auckland (hereinafter referred to as "the said river"), as many sluice-heads of water as are theoretically capable of developing ten thousand horse-power at the generating-station, hereinafter described, for the purpose of generating electricity at such generating-station, and transmitting such electricity to the district described in the First Schedule hereto, and for authority to exercise the powers, rights, and privileges mentioned or set forth in section number five of the amending Act, or other purposes within the area of land described in the First Schedule hereto: And whereas it has been agreed between the Licensee and His Majesty the King that this license shall be issued subject to the terms, conditions, and obligations hereinafter specified and contained:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and in exercise of the power and authority in that behalf vested in him by the principal Act and the amending Act, and of every other power and authority enabling him in this behalf, and by and with the advice and consent of the Executive Council of the said Dominion, doth hereby grant

to the Licensee, subject to the conditions hereinafter set forth, and to the payment of the rent hereby reserved, a license to take, divert, and use such quantity of water from the headworks in the Waikato River described in the Second Schedule hereto (and hereinafter referred to as "the said water") as shall be theoretically capable of developing ten thousand horse-power at the turbine shaft in the generating-station, described in the Third Schedule hereto; but nothing herein shall be held to imply any guarantee by His Majesty the King that the said river contains or shall at any time contain the quantity of water referred to.

This license is granted on condition that the Licensee will at the Licensee's own expense construct the works hereinafter generally described, including all necessary appliances connected therewith, and will also observe and perform the conditions hereinafter mentioned:—

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

"Mining purposes" means and includes "mining operations" and "mining purposes" as defined in the Mining Act, 1908, and includes also lighting by electric light any mining operation.

"A sluice-head of water" means a sluice-head as defined by the Mining Act, 1908, and regulations thereunder.

"A horse-power" ("H.P.") is the quantity of work equivalent to the raising of thirty-three thousand pounds weight through one foot of space per minute.

"Minister" means the Minister of Public Works.

"Public works" means any public work as defined in the Public Works Act, 1903, and includes any work authorized, constructed, or maintained under Division II of the Post and Telegraph Act, 1908.

"Inspecting Engineer" means the Engineer-in-Chief of the Public Works Department of New Zealand, or other officer appointed by the Minister for the purpose of inspecting works to be constructed or maintained by the Licensee hereunder.

2. The said water shall be used solely for the purpose of generating electricity or electrical energy for mining, lighting, and manufacturing purposes in connection with that portion of the Auckland Provincial District described in the First Schedule hereto.

3. The said water shall be taken by the Licensee from the point in the Waikato River described in clause (a) in the Second Schedule hereto, and therein referred to as the "headworks," and such water shall be conducted, by a race over or along the route described in clause (b) in the Second Schedule hereto, to the generating-station to be erected at a site on the bank of the said Waikato River at or near Horahora described in the Third Schedule hereto, and all water diverted from the said river shall be returned by the Licensee to such river at the generating-station.

4. The Licensee shall pay to the Receiver of Land Revenue at Auckland, or at such other place as the Minister may from time to time require, for the privileges herein bestowed, a rent of threepence sterling (3d.) per calendar month per horse-power, calculated upon ten thousand horse-power less twenty per centum. Such rent shall be paid in two equal half-yearly instalments in advance—viz., on the first day of April and the first day of October in each year, commencing on the first day of October, one thousand nine hundred and twelve, and thereafter in the same manner half-yearly during the currency of this license: provided that an allowance of one-third of the first half-yearly payment due on the first day of October, one thousand nine hundred and twelve, shall be made by His Majesty the King to the Licensee in respect of the final two months of the concession of three years free from rent from the first day of December, one thousand nine hundred and nine, allowed by the Minister: but if it be proved to the satisfaction of the Minister at any time that the water in the said river at the headworks is incapable of developing ten thousand horse-power, then in any such case the Minister may allow a corresponding reduction in rent: Provided, however, and it is hereby expressly stipulated, that if the Licensee shall at any time use, or shall at any time sell or grant, any electrical energy to any other person, body corporate, or company for any purpose other than for mining purposes, the Licensee in any such case shall, in addition to the rent hereby reserved, pay to the said Receiver an additional rent of threepence (3d.) per horse-power per calendar month for so many horse-power (less twenty per centum) as in the opinion of the Minister would be required to generate the electrical energy so used, sold, or granted: and for the purpose of enabling the Minister to form such opinion the Licensee shall allow any Government officer appointed by the Minister for that purpose to examine the books or records of the Licensee, so far as they relate to such subject, and shall provide or cause to be provided such meters for gauging the quantity of electrical energy so used, sold, or granted as the Minister may reasonably require.

5. The Licensee shall have the right to apply for and to obtain at the same rental per horse-power, and upon the same conditions in all respects as are in this license prescribed, any further water available beyond the quantity granted by this license, and such water shall be taken and used at the site of the headworks described in the Second Schedule hereto: Provided always that no other person, body corporate, or company has in the meantime applied for or has been granted the right to use the said water: And provided also that if in utilizing such water the Licensee shall require to dam the river or to alter the said headworks as provided by this license, the Licensee shall first submit plans and specifications of such work for the approval of the Minister, and such work shall not be commenced until such approval is given.

6. The term for which this license and any extension thereof is granted is a period of forty-two years without right of renewal, commencing as from the first day of December, one thousand nine hundred and nine, unless such term is sooner revoked, determined, or surrendered in accordance with or in pursuance of the provisions hereinafter contained.

7. Nothing in this license shall prevent the Licensee, if he shall find the same unprofitable, from at any time surrendering this license to the Crown upon his giving to the Minister six months' notice in writing of his intention so to do; and upon his paying all rent or other charges due to the Crown, and upon his fulfilling all the terms and conditions of this license to the date of the expiry of the notice of such surrender, the Minister may accept such surrender.

8. Upon the expiry of the term of license hereby granted, or upon the sooner revocation, determination, or surrender of the same as provided in the two preceding clauses, and in clause eleven of this license,—

(a.) All rights granted to the Licensee by this license shall thereupon absolutely cease and determine, and all works, structures, buildings, tunnels, and plant which the Licensee may have constructed or erected within or upon the bed of the said Waikato River in pursuance of the powers granted by this license shall thereupon become the property of and shall vest in His Majesty the King.

(b.) The Licensee shall also forthwith remove from any Crown land or public reserve on which they may have been erected (save and except upon Crown land or public reserve duly held by the Licensee under a registered mining privilege) all removable hydro-electrical equipment, machinery, buildings, poles, lines, and other plant herein authorized by the license to be installed or provided; but if the Licensee neglects or fails so to do within twelve months of the revocation or determination of this license, or acceptance of the surrender of the same, such hydro-electrical equipment, machinery, buildings, poles, lines, and other plant shall, without payment of compensation, vest in and become the property of the Crown.

(c.) Such revocation, determination, and surrender shall not relieve the Licensee of any burden, condition, or liability contracted under this license.

(d.) For the purposes of this clause the term "bed of the said Waikato River" means so much of the bed of the river as is normally covered with water.

9. 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, and nothing herein contained shall be deemed to give the Licensee any exclusive right whatever to generate or supply electricity for mining or any other purposes within the district described in the First Schedule hereto: but nothing herein shall be deemed to interfere with any right (other than that granted by this license) which the Licensee may have in the bed of the said river.

10. 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 be proved to the satisfaction of the Governor that the transferee is financially able and suitable to carry out the works specified in this license.

11. (a) If the Licensee fails or neglects to forward to the Minister the drawings and specifications of the works within the time hereinafter mentioned, or if the Licensee fails or neglects to substantially commence the construction of the works hereinafter described within the time hereinafter limited in that behalf, and with businesslike speed to carry on the work of such construction; or (b) if the Licensee fails or neglects to complete the said works within the time hereinafter limited in that behalf; or (c) if the Licensee fails or neglects to use and maintain the said works after completion thereof, so as to secure to the lands described in the First Schedule hereto the full benefit of the undertaking; or (d) if the Licensee fails to observe, perform, fulfil, or keep any of the requirements, conditions, and provisions of the principal Act or of the amending Act to the full intent of the same, or of any part thereof; or (e) if the Licensee shall fail to observe any of the conditions or obligations herein imposed upon the Licensee—then in any such case it shall be lawful for the Governor, by Order in Council, either to revoke this license or to impose upon the Licensee a fine not exceeding one hundred pounds for every week or part of a week of such default; such fine to be recovered in any Court of competent jurisdiction by any person appointed by the Governor to recover same.

12. The powers of revocation or infliction of fines by this license vested in the Governor shall not be exercised unless and until the Governor has first caused to be given to the Licensee, or left at the registered office of the Licensee, or placed upon some principal or conspicuous part of the works, a notice in writing of the intention to exercise the same, and of the specific breach or breaches in respect of which the aforesaid powers are intended to be exercised, and default has been made by the Licensee (after the giving or leaving of such notice) in repairing or remedying the breach complained of for the following spaces of time:—

(a.) For any breach of the conditions of this license which in the opinion of the Governor can be met by a fine, thirty days after the giving or leaving of such notice.

(b.) For any breach of the conditions of this license which in the opinion of the Governor is of such a nature as to require the revocation of this license, ninety days after the giving or leaving of such notice.

13. The Governor shall be the sole judge of the fact whether the requirements of this license have been complied with; and he may from time to time cause inquiry to be made into any matter connected therewith or arising hereunder in such manner as he thinks fit, and his decision shall be final: Provided always that this clause shall not affect the rights of any person, corporate body, or local authority in cases of damage or injury for which an action for such person, corporate body, or local authority may lie against the Licensee.

14. Nothing herein contained shall be deemed in any way to interfere with, affect, or abridge any rights or powers vested in His Majesty the King, or in the Governor on his behalf, or otherwise under any Act of the General Assembly authorizing the construction, management, or working of any public works; nor shall His Majesty or the Governor, or any person on his behalf, be liable to pay to the Licensee any compensation for injury done to the works herein authorized by the construction, management, or working of any such public work as aforesaid, or for the loss occasioned thereby, or for the exercise of any such right or power as aforesaid.

15. The Licensee shall, if such has not already been done, within six months from the date of this license provide an office within the Dominion of New Zealand, and shall register such office and keep it registered during the continuance of this license in the manner prescribed by sections one hundred and twenty-four and one hundred and twenty-five of the Companies Act, 1908, as if such Licensee were a mining company within the meaning of that Act, and all notices, claims, or demands made upon the Licensee by the Minister or the Governor shall be deemed to have been duly served on the Licensee if the same shall be left at or sent by registered letter addressed to him at such registered office.

16. Subject to detail drawings and specifications being approved by the Minister, as is hereinafter mentioned, the general description of the works which the Licensee shall install, construct, maintain, and work during the term of this license is as follows, namely:—

- (a.) Headworks consisting of the necessary intake, in the position described in paragraph (a) in the Second Schedule hereto.
- (b.) A race leading from the headworks to the generating-station, in the position described in paragraph (b) in the Second Schedule hereto.
- (c.) A generating-station (with all necessary equipment, including water motors, generators, transformers, lightning-arresters, switchboards, oil switches, exciters, and other appliances for generating electricity or electrical energy), in the position described in the Third Schedule hereto. Such equipment to be suitable for and to be capable of generating or developing electrical energy equal to ten thousand horse-power at one time at the site described in the said Third Schedule.
- (d.) Transmission-lines over the route described in the Fourth Schedule hereto, from the said power-generating station to the substations at Waikino and Waihi, and to such other substations as the Licensee shall with the consent of the Minister construct and work. Such transmission-lines shall be capable of efficiently delivering the electrical energy developed.
- (e.) Substations at Waikino and Waihi, with all necessary transformers, motors, exciters, lightning-arresters, and other machinery and appliances.
- (f.) Generators, generating three-phase current at not in excess of fifty thousand volts, with suitable step-up and step-down transformers.

17. The route for the transmission of electrical energy from the power-generating station to the substations at Waihi and Waikino shall be the route described in the Fourth Schedule hereto, and the route for transmission of electrical energy from the generating-station to any other sub-station within the area described in the First Schedule hereto shall be as hereafter agreed upon between the Minister and the Licensee, and the Licensee shall cause the wires conveying such electrical energy (hereinafter called "the transmission-lines") to be placed on approved wooden poles or other approved supports in such manner that such transmission-lines shall be at least twenty-four feet from the level of the ground, except where a less height is specially approved in writing by the Minister, and the transmission-lines shall be constructed, insulated, and maintained, and the poles erected and maintained, at all times during the continuance of this license by the Licensee to the satisfaction of the Minister, and if in his opinion at any time any of the routes herein provided for the transmission-lines from the generating-station to any of the said substations are dangerous to public safety by reason of the high tension or voltage at which the electrical energy is transmitted, the Licensee shall at once, on receiving instructions in writing from the Minister so to do, alter such route or routes for the transmission-lines in such manner as he may approve so as to remove or lessen the danger.

18. The Licensee shall have the right at any time or times during the continuance of this license, with the consent of the Minister, but subject to the payment of compensation for loss, damage, or injury occasioned thereby, 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 lines, poles, and other things as are required for the transmission of electricity between the generating-station and any of the substations to which this license applies.

19. The Licensee shall, within eighteen months from the date of this license, and before any works provided for thereunder are commenced, forward for the approval of the Minister,—

- (a.) Full detailed drawings, showing the headworks and race, and indicating the manner in which the water is to be diverted from the Waikato River.
- (b.) Full detailed specifications, describing the manner of construction of the proposed headworks and race, and the materials (and qualities of the same) proposed to be used therein.
- (c.) Drawings, longitudinal and cross-sections, and specifications of the proposed race to convey the water to the generating-station.
- (d.) General outline drawings of the proposed generating-station buildings.
- (e.) Drawings showing how and in what manner the water diverted is to be returned to the Waikato River.
- (f.) Full description of the proposed electrical transmission-line, together with necessary drawings and specifications of the same.

20. The Minister may require any or all of the aforesaid drawings and specifications to be modified or varied in such manner as he shall think fit, if in his opinion they are not suitable for the purposes for which this license is issued, or if in his opinion the works would be dangerous for public safety, and the Licensee shall carry out such works in accordance with such modification or variation as the Minister approves.

21. The licensee shall, within six months from the date of the signification of the Minister's approval of the drawings and specifications mentioned in the last preceding paragraph hereof, make a substantial commencement of such works, and shall proceed continuously and energetically with the construction of all such works until they are completed, and such works and all other works to be constructed by the Licensee under this license shall be completed by the Licensee within twenty-four months from the date when such drawings and specifications are approved: Provided, however, that in the event of unavoidable accident or delay the Minister may grant such further time within which the works shall be commenced or completed as in his opinion is just and reasonable in the circumstances.

22. The Inspecting Engineer, both during and after the construction of the works authorized by this license, 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: Provided that nothing in the license shall be deemed to interfere with or restrict the powers of any Inspector of Mines appointed under the Mining Act, 1908.

23. Within three months of the date of the first development of the electric current at the generating-station authorized to be constructed under this license, the Licensee shall deposit in the office of the Minister,—

(a.) Full detailed drawings and specifications of the generating-station, and of the water motors and other machinery installed therein.

(b.) Full description and detailed drawings and specifications of the several substations, and of the distributing installations in or in connection therewith.

24. After the works required by this license to be constructed by the Licensee shall have been completed, the Licensee shall maintain or shall cause such works to be maintained continuously in proper working-order during the continuance of this license for the purpose of mining operations or for the development or assistance of mining, lighting, and manufacturing operations on the land described in the First Schedule hereto, or for the supply of electrical energy for such operations thereon, and not otherwise.

25. Nothing in this license shall be held to give the Licensee any right, title, or authority to mine or to conduct mining operations on the land described in the First Schedule hereto, but nothing herein shall prevent the Licensee from obtaining a license or authority from the Warden of the district to conduct mining operations upon or within the said area in the manner prescribed by the Mining Act, 1908, and in accordance therewith.

26. 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.

27. The right is hereby reserved to His Majesty the King to purchase at his option, at such price and on such conditions as may be mutually agreed upon (or, failing such mutual agreement, then by arbitration in the manner prescribed by the Arbitration Act, 1908), this license, together with the whole of the business and undertaking of the Licensee, so far as the same relates to or is connected with the exercise of this license, and together with all real and personal property and all rights acquired by the Licensee under this license and used or enjoyed in connection therewith. The said right may be exercised by His Majesty the King at any time during the currency of this license, but the said valuation shall not include any sum in respect of the value of the goodwill of the Licensee's business or undertaking, or in respect of the value of the license for the unexpired period thereof. On the completion of the purchase His Majesty the King shall be deemed to be the assignee of this license, and all the rights vested in the Licensee by the license shall thereupon vest in His Majesty the King: Provided that in the event of His Majesty the King exercising the right to purchase the license as aforesaid, His Majesty shall thereupon, if the Licensee shall so require, supply the Licensee with such quantity of electrical power for the use of the said Licensee's own mines and works as is equal in quantity to that which the Licensee has been using on the average for twelve months immediately prior to the said purchase, and the charge for such power shall not exceed the rate which the production of such power has cost the said Licensee during such year, plus an amount equal to five per centum interest on the amount of the purchase-money paid by His Majesty to the Licensee; but if any power is sold to any person, corporate body, or company other than the Licensee, then and in any such case the Licensee shall be charged with interest on such proportion only of the said purchase-money as the quantity of electrical energy sold to the Licensee bears to the total sales.

28. The Licensee is hereby empowered to take such land under the principal Act (as for a public work) as may in the opinion of the Governor be necessary to enable the Licensee to construct, maintain, develop, or carry on the various works to be approved in terms of this license. Such land shall be taken in the manner provided by Part II of the principal Act, and for that purpose the Licensee shall be deemed to be a local authority within the meaning of that Act: Provided, however, that the Governor shall not issue a Proclamation taking any part of the bed of the Waikato River or other river, nor shall he issue a Proclamation taking any land, until he is satisfied that the Licensee is financially able to pay the compensation likely to be due and payable to the owners of such land; and nothing in this clause shall be deemed to prevent the Governor refusing to issue such Proclamation if in his opinion the proposal to take the land is contrary to the public interest or to the terms of this license.

29. In respect of all land injuriously affected, and in respect of all damage done by the exercise of any of the powers conferred upon the Licensee by this license, the Licensee shall from time to time, as and when any such injury or damage accrues or happens, pay compensation in accordance with the provisions of the principal Act in the same manner (subject to all the necessary modifications) as if such Licensee were a local authority and the claim was one for injury or damage arising out of the construction of a public work.

30. 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, body corporate, 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.

31. Nothing herein shall prevent the Governor in Council from granting to any other person, company, or corporate body a license or licenses to take water from any portion of the Waikato River or any other river other than at the place where the Licensee is by this license empowered to take it, or from any river within the area of land described in the First Schedule hereto: Provided that no such grant shall reduce the volume of the water which the Licensee is by this license authorized to take from the said river.

32. The Licensee shall supply and sell to any person, corporate body, or company on the area of land described in the First Schedule hereto requiring the same for any purpose within the area of such land any surplus electricity to the extent to which it may be available. Such surplus electricity shall be sold by the Licensee to any such person, corporate body, or company applying for the same at a price or rate not exceeding nine pounds (£9) per horse-power or threepence (3d.) per unit.

33. The deposit of five hundred pounds 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 paragraphs numbered nineteen (No. 19) and twenty-two (No. 22) hereof, and drawings and specifications have been duly approved, and the Licensee shall have constructed permanent works in connection with the headworks, tunnel, pipe-lines, and generating-station mentioned in the said paragraph numbered nineteen (No. 19) hereof to the satisfaction of the Minister to the value of one thousand pounds (£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 under the powers herein contained before such works to such value have been constructed, then and in any such case the said sum of five hundred pounds shall be forfeited to the Crown as ascertained and liquidated damages.

34. 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 indorsed 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.

35. The Licensee shall, immediately upon the issue of this license, register a copy of the same and of any alterations therein respectively in the Warden's Court at Waihi; but nothing herein shall be held to imply that this license shall otherwise be subject to any conditions of Part IV of the Mining Act, 1908.

FIRST SCHEDULE.

Portion of the Auckland Provincial District to which this License applies.

ALL that area in the Auckland Provincial district shown in red colour on the plan marked C hereto attached, comprising the Survey Districts of Thames, Tairua, Waihou, Ohinemuri, Waihi North, Waitoa, Aroha, Katikati, Komakorau, Maungakawa, Wairere, Aongatete, Hamilton, Cambridge, Tapapa, Puniu, Maungatautari, and Patetere North.

SECOND SCHEDULE.

Position of Headworks and Position of Race.

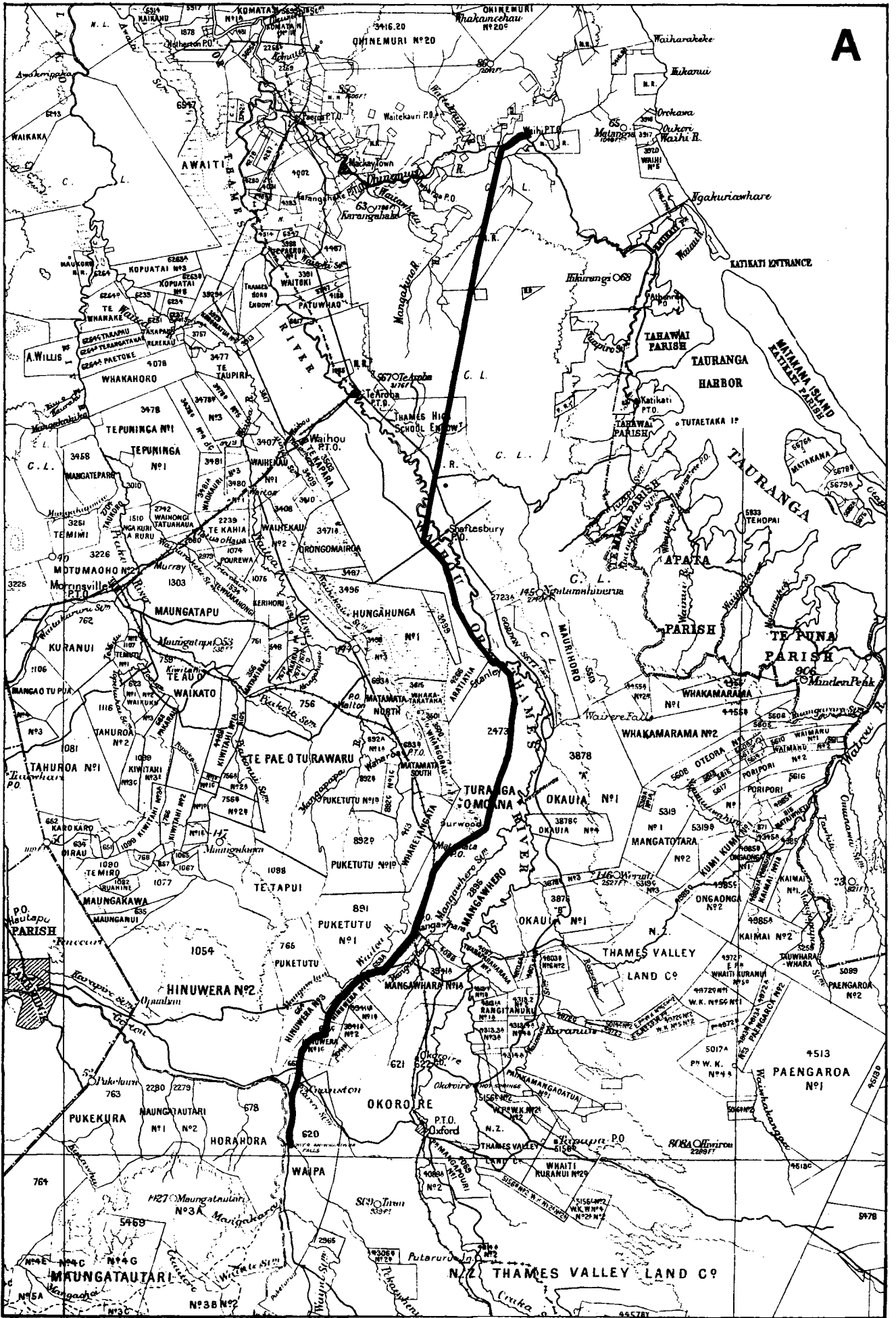
(a.) THE position of the headworks referred to in the foregoing license is to be within the bed or on the bank of the Waikato River at or near the rapids at Horahora, in Block IV, Maungatautari Survey District, Provincial District of Auckland, in the position shown approximately in blue colour on the plan marked B hereunto attached.

(b.) The position of the race referred to in the aforesaid license is shown approximately by a firm blue line on plan attached hereto and marked B.

THIRD SCHEDULE.

Site of Generating-station.

THAT site called the "generating-station site," situated on the eastern bank of the Waikato River; as the said site is approximately shown on the plan attached hereto marked B, and thereon coloured red.



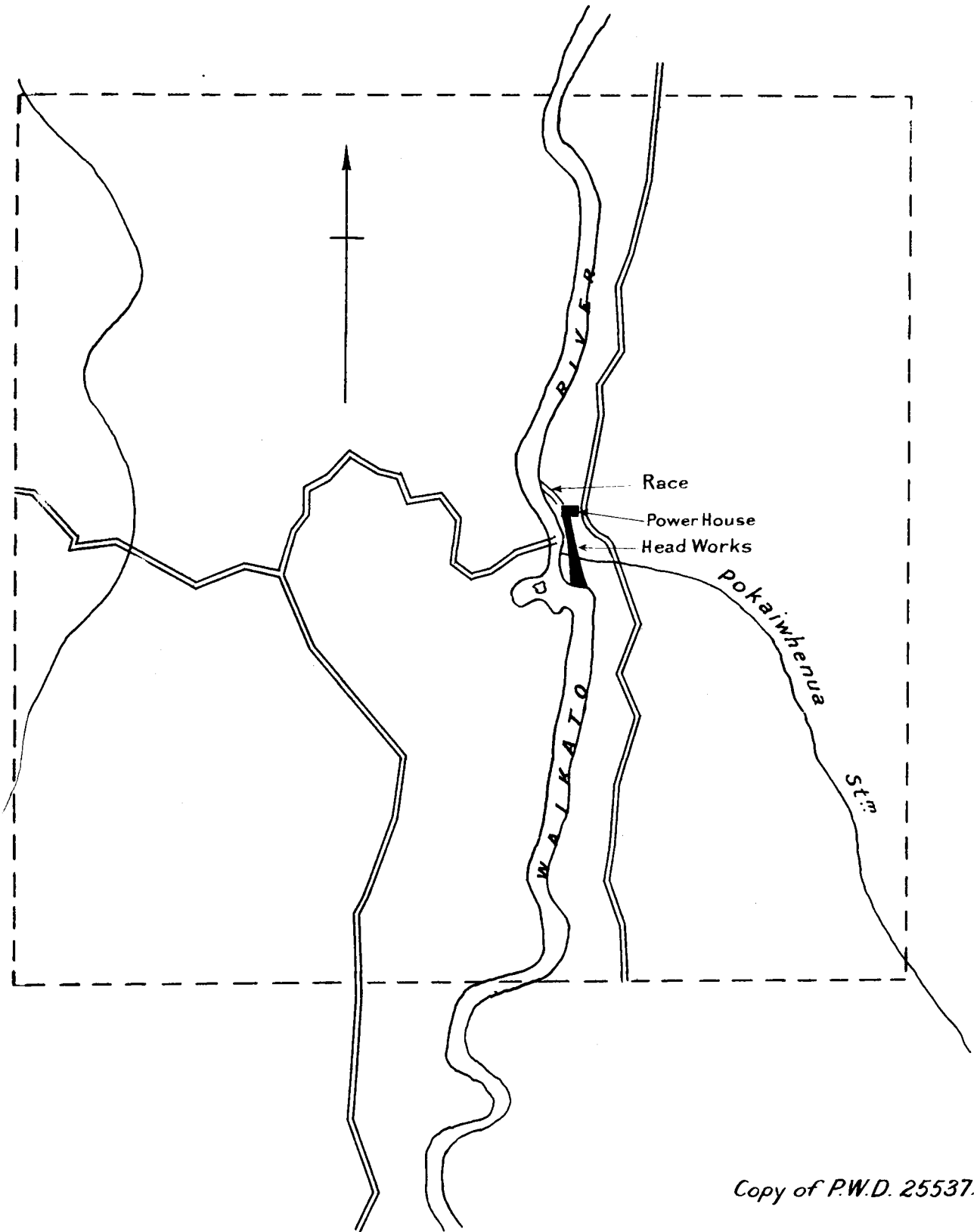
The Route for the Transmission Line.

Scale of miles.



Copy of P.W.D. 25538

B



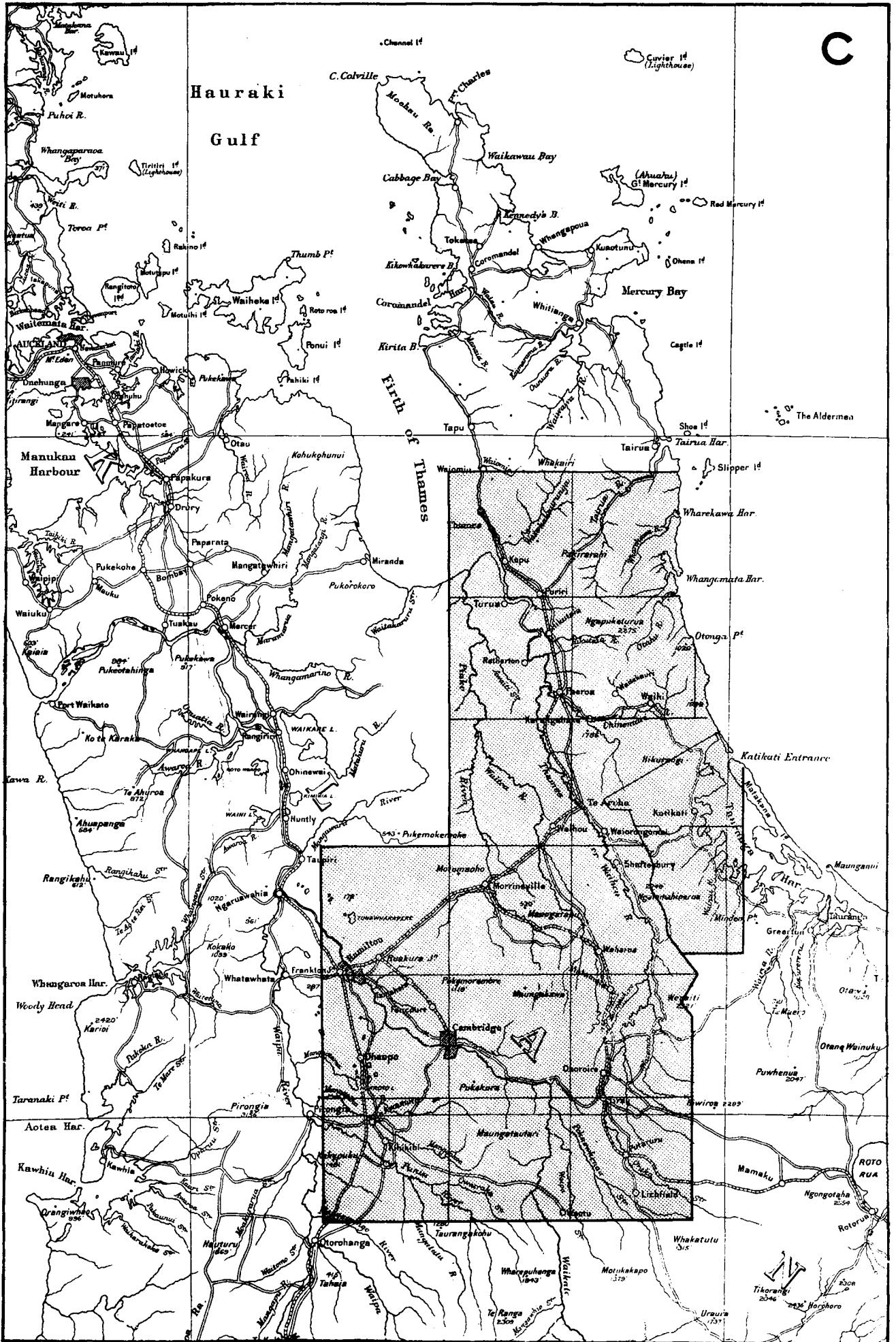
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**Plan showing Block IV, Maungatautari Survey District.
(Position of Head Works.)**

Scale of chains.



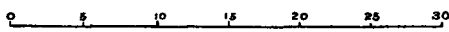
C



Portion of the Auckland Provincial District
to which the License applies.

Copy of P.W.D. 25536.

Scale of miles.



FOURTH SCHEDULE.

Route for the Transmission-line.

THE route for the transmission-line shall be as follows: Commencing at the generating-station (described in the Third Schedule hereto), and proceeding thence in a north-north-easterly direction to the reduction-works of the Licensee at Waikino, and to the Licensee's mine and reduction-works at Waihi; as the said line is shown approximately in red on the plan marked A hereunto attached.

In witness whereof the parties hereto have executed these presents.

The official seal for New Zealand of the Waihi Gold-mining Company (Limited) was hereto affixed by Charles Rhodes, its attorney (duly empowered in that behalf under and by virtue of a certain power of attorney under the seal of the said company, and bearing date the eighth day of December, one thousand nine hundred and four, a copy whereof is deposited in the Land Transfer Office at Auckland under No. 2271), and the said Charles Rhodes, as such attorney, subscribed his name hereto, in the presence of—

[The seal of the Waihi Gold-mining Company (Limited).]

CHARLES RHODES.

T. F. WALLACE, Accountant,
Shortland Street, Auckland.

I, Charles Rhodes, of Auckland, in the Provincial District of Auckland, the attorney in New Zealand of the Waihi Gold-mining Company (Limited), do hereby certify that the official seal of the said company was affixed to the foregoing document by me at Auckland, in the Dominion of New Zealand, on the twenty-sixth day of November, one thousand nine hundred and nine.

CHARLES RHODES.

Signed and approved in Executive Council the day and date first above written.

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

I, Charles Rhodes, of Auckland, in the Provincial District of Auckland, in the Dominion of New Zealand, gentleman, do hereby solemnly and sincerely declare and say,—

That I have not received any notice or information of the winding-up of the Waihi Gold-mining Company (Limited) or of the revocation by any other means of the power of attorney mentioned in the first attestation clause to the foregoing agreement executed by me, this declarant, as the attorney of the Waihi Gold-mining Company (Limited).

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled the Justices of the Peace Act, 1908.

Declared at Auckland by the said Charles Rhodes, this }
twenty-sixth day of November, one thousand nine }
hundred and nine, before me—

CHARLES RHODES.

C. J. TUNKS,

A Solicitor of the Supreme Court of New Zealand.

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