

may be warranted by such increased storage-capacity, but subject to such terms and conditions as the Warden may see fit to impose, but so that one of such terms and conditions shall be the liability either to pay to the grantee, his executors, administrators, and assigns, a proportionate part of the construction of such dam or such annual sum as shall amount to a fair and reasonable interest on the cost of such construction. Such interest not to exceed £5 per centum per annum by the year.

CONDITIONS.

1. That Her Majesty the Queen, her successors and assigns, may at any time resume the ownership of the said dam upon payment merely of the actual cost of any works of artificial construction actually performed by the grantee, his executors, administrators, and assigns, either on or in connection with the said dam, and without any further payment of any kind whatever. Such actual cost to be fixed in case of dispute by arbitration pursuant to the provisions of "The Public Works Act, 1894," or any statute amending or repealing such Act for the time being in force.

2. In the event of any such resumption, the grantee, his executors, administrators, and assigns shall be entitled to no compensation whatever in respect of any purely natural advantages of which he or they may get the benefit by reason of the within grant.

3. That if the grantee, his executors, administrators, and assigns shall at any time or times hereafter sell, let, or lease, or otherwise dispose of, all or any of the water stored in the site of the said dam to any other person or persons, or body or bodies politic or corporate, for use by such person or persons, or body or bodies politic or corporate, for all or any of the purposes mentioned in section 104 of "The Mining Act, 1891," the price per Government head per week at which such water shall be sold or otherwise disposed of, and the rental per annum at and the terms on which such dam and water, and any races to be hereafter constructed to carry such water, shall be let or leased, shall be fixed by the Warden or Wardens for the time being exercising jurisdiction in the mining district in which such dam and water-races may be situate; and such Warden or Wardens shall have further power from time to time to review, alter, and vary the said price and rental, as well as the said terms and conditions, either by highering or lowering such price or rental, or by varying such terms and conditions, or by making any order of review, alteration, or variation, either of general or particular application, and this notwithstanding anything contained or implied in any lease, agreement of letting or selling, or any other contract relating to the said dams, water, and water-races which may at any time or times be entered into between the grantee, his executors, administrators, and assigns and any other person or persons whomsoever, or body or bodies politic or corporate whatsoever, but so, nevertheless, that such Warden shall not exercise the power of reviewing, altering, or varying in this paragraph contained and reserved, either generally or in reference to any particular price or rental, oftener than once in every three years.

4. In fixing any price or rental or any terms or conditions either originally or by way of review, alteration, or variance the Warden shall be guided by what would be a fair value per week or per annum based on a comparison between the capital invested by the licensee on or in connection with the said water-race and the dams used in connection therewith, and the value of the return or the probable value of any returns from any ground proposed to be worked, having regard also to the hazardous and uncertain nature of the return from capital invested in mining operations.

5. That the grantee, his executors, administrators, and assigns do, within a period of twelve months from the date of the grant of the dam, or such extended period as the Warden aforesaid may from time to time grant, erect on the said dam a well- and efficiently-constructed dam-bank of ft. in length to the satisfaction of any engineer to be appointed by the Warden for the time being as aforesaid, so as to make such dam capable of storing million gallons of water at the least.

6. The grantee, his executors, administrators, and assigns shall pay all reasonable fees incurred by the Warden as aforesaid in appointing any such engineer to inspect the site of the said dam.

7. The grantee, his executors, administrators, and assigns shall, within a period of twelve months, calculated from the date of the grant of the dam referred to in the within grant, or within such extended period as the Warden aforesaid may from time to time grant, well and effectually connect such dam, by a siphon consisting of iron pipes, with the dam described in the certificate of registration therefor No. , and dated .

8. None of the water stored or capable of being stored in the said dam shall be allowed to run to waste, and if such water is allowed to run to waste it may be the subject-matter of a grant by such Warden as aforesaid to any person or persons, or body or bodies politic or corporate, being the holders of such miner's rights as aforesaid.

It is hereby declared that the foregoing reservations and conditions have been made in the public interest, and are both necessary and desirable for the public good within the meaning of section 129 of "The Mining Act, 1891."

Special conditions to be inserted in licenses for water-races of large dimensions, granted subject to the following reservations in favour of Her Majesty the Queen, her successors and assigns, and to the conditions following, that is to say:—

RESERVATIONS.

Reserving—

- (a.) The full and free right for all and sundry, Her Majesty's liege subjects, who may now or at any time or times hereafter do so, lawfully to fish over and along the line of