

## New Zealand.



### ANALYSIS.

Title.  
Preamble.  
1. Short Title.

2. Corporation may use race for certain purposes.  
3. Renewals.  
Schedule.

### 1900, No. 9.—*Local.*

AN ACT to enable the Mayor and Councillors of the Borough of Alexandra to use a Water-race and the Water thereof for Domestic, Irrigation, Agricultural, and Mining Purposes. Title.

[20th October, 1900.

WHEREAS William Theyers, of Alexandra, merchant, is authorised, by virtue of license numbered 5625, dated the first day of December, in the year one thousand eight hundred and ninety, in pursuance of "The Mining Act, 1886," to construct and use a water-race and divert water as follows—namely, commencing at a point in Chatto Creek one mile and a half above the crossing of the Dunedin Road, and terminating at Alexandra Coal-pit Point in the Clutha River, with a right to divert twenty Government heads of water as in the said license set forth, the same license having been granted by John Nugent Wood, who was then Warden of the Otago Mining District: And whereas the said water-race is held by the said William Theyers in trust for the Mayor, Councillors, and burgesses of the Borough of Alexandra: And whereas the license for the said water-race, which has been used by the burgesses uninterruptedly for the last twenty-eight years, was issued to be used for gold-mining purposes only, but the water of the said race has been used for domestic and irrigation as well as mining purposes by the burgesses of the said Borough of Alexandra, the same having been purchased at a cost of nine hundred pounds for domestic and irrigation purposes for the use of the burgesses: And whereas a certain fixed quantity of the said water for four months in each year is by agreement leased to a mining company, which company previously held a lease over the said race: And whereas such user—*i.e.*, for domestic and irrigation purposes—being contrary to the terms of the license (the said water-race being the only available water, and being absolutely necessary to the burgesses for Preamble.

the purposes aforesaid), it is expedient that it be made permissible and lawful for the said water-race and water to be used for all or any of the purposes mentioned in section number two hereof, without the same being in any way liable to loss of priority, diminution in amount, cancellation, forfeiture, or surrender under the mining laws of New Zealand:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Alexandra Borough Race Enabling Act, 1900."

Corporation may use race for certain purposes.

2. The water-race hereinbefore mentioned, and more particularly described in the license therefor set out in the Schedule hereto, may be used for all or any of the following purposes—namely, domestic, irrigation, agricultural, or mining—without in any way being liable to loss of priority, diminution in amount, cancellation, forfeiture, or surrender under or by virtue of the mining laws of New Zealand, and shall not be liable to forfeiture on the ground that the said water-race has not, prior to the coming into operation of this Act, been used for the purpose for which it was granted: Provided always that in all other respects the said race shall be held subject to the provisions of the mining laws of New Zealand under which the same is now held.

Renewals.

3. The provisions of section two hereof shall apply to all renewals of the said license.

Schedule.

### SCHEDULE.

#### NEW ZEALAND.—LICENSE FOR A WATER-RACE.

No. 5625.

District of Otago.

Date of issue: Otago, Alexandra, 1st December, 1890. Issued to William Theyers in lieu of similar title held under "The Mines Act, 1877," and preceding Acts, dated and numbered respectively (original licenses) 2103, 5.4.64; 9182, 21.10.65; and 2126, 1.2.67 surrendered by the said William Theyers. To be in force until the 30th November, 1905.

IN pursuance of the provisions of "The Mining Act, 1886," the person above-named is authorised to construct and use the water-race, and divert water as hereinafter described—that is to say, commencing at a point in Chatto Creek one and a half miles above the crossing, Dunedin Road, and terminating at Alexandra Coal-pit Point in the Clutha River.

The length of such race is twenty-five miles or thereabouts, and its intended course is about east and west, with right to divert twenty (20) Government heads of water, priority to such water to date as follows—that is to say, five (5) heads from and including 5th April, 1864, five (5) heads from and including 21st October, 1865, and ten (10) heads from and including 1st February, 1867, for gold-mining purposes.

The mean depth of such race is

The mean breadth is

This license was issued by me at Alexandra in the Mining District of Otago.

(L.S.) J. NUGENT WOOD,  
Warden.