

*Authorizing Bruce Bay Timbers, Limited, to construct a Private Tramway on a Government Road.*

C. L. N. NEWALL, Governor-General.

WHEREAS under section six of the Tramways Amendment Act, 1911, the Governor-General may, on the application of any person in that behalf, grant a license to that person to lay down, construct, and maintain a private tramway on, along, or across any Government road within the meaning of the Public Works Act, 1928:

And whereas application has been made by Bruce Bay Timbers, Limited, a company incorporated or deemed to be incorporated under the Companies Act, 1933, and having its registered office at Hokitika (hereinafter referred to as "the licensee"), for a license in respect of a private tramway to be laid down, constructed, and maintained across a certain Government road—namely, the Mahitahi Road—in the positions described in the Second Schedule hereto:

And whereas all steps necessary to authorize such license to be granted have been duly taken, and no ratepayer has deposited any memorial of objection under section eighteen of the Tramways Act, 1908:

Now, therefore, in pursuance and exercise of the powers conferred upon me by the Tramways Act, 1908, and amendments, I, Cyril Louis Norton Newall, the Governor-General of the Dominion of New Zealand, do hereby grant to the licensee a license to lay down, construct, and maintain a private tramway on and across the said Mahitahi Road in the positions described in the Second Schedule hereto subject to the terms and conditions set forth in the First Schedule hereto.

FIRST SCHEDULE.

1. ALL duties, expenses, costs, and charges of and incidental to the preparation and execution of these presents and compliance with the provisions of the Tramways Act, 1908, in respect of the licensee's application for tramway rights under the said Act shall be paid by the licensee.

2. The licensee shall and will immediately have prepared and completed an engineering survey and plans of the foundations of the said tramway so far as it may affect the said Mahitahi Road, and until such plans are approved in writing by the Minister of Public Works the licensee shall have no right or license to lay down, construct, or maintain the said tramway as herein provided, and a copy of such survey and plans when so approved shall be supplied to the Minister before any work is done in the construction of the said tramway.

3. Where the tramway shall cross and intersect the Mahitahi Road such crossings shall be laid by the licensee with sleepers between the rails, and also sleepers shall be placed lengthwise alongside the outside of each set of rails for the full width of the road, such last-mentioned sleepers to be flush with the said rails and to be kept firmly fixed to the sleepers on which the said rails are laid.

4. In the event of any portion of the said tramway being above or below the level of the present formation of the said Mahitahi Road, the licensee shall grade the said tramway and the said road to the satisfaction of the Minister of Public Works. The said tramway and all such crossings and gradings shall be constructed and maintained by the licensee at its own cost and expense in all things to the satisfaction of the Minister of Public Works, and those portions of the said road over which the said tramway shall run shall be maintained by the licensee at its own cost and expense in all things to the satisfaction of the Minister of Public Works.

5. (1) All tramway traffic shall be so conducted as to interfere as little as possible with the use of the road by other traffic, and no train shall cross the road at a speed greater than five miles per hour.

(2) No engine, truck, or carriage shall be left standing in such a position as to interfere with traffic on the road.

(3) If at any time it appears to the Governor-General that this tramway can no longer be operated without undue danger to traffic using the road the Governor-General may, by writing under his hand, suspend this license until the licensee has made such alterations as will enable the road to be used with safety, and may revoke the license either forthwith or following any such period of suspension.

6. The license hereby granted shall remain in force for a term of twenty-one (21) years from the date hereof and no longer.

7. So soon as the licensee discontinues using the said tramway for the purposes of its business, or upon revocation of the license or expiry of the term hereby granted, the licensee shall remove such tramway from the said Mahitahi Road and shall restore the surface of the said road to the satisfaction of the Minister of Public Works.

8. In the event of any other person applying for a similar license to lay down, construct, and maintain another private tramway or a public tramway along, over, or across any portion or portions of the said Mahitahi Road, the Governor-General hereby reserves to himself the right to authorize such person to use such portion or portions of the said tramway by the licensee to be laid down, constructed, and maintained as aforesaid, but only upon and subject to such terms and conditions as to compensation to the licensee or otherwise as the person so applying and the licensee may

agree upon, or, in case they cannot agree, then upon and subject to such terms and conditions as to compensation to the licensee or otherwise as the Governor-General shall consider advisable and just.

9. On each side of each road-crossing warning notice-boards of the type or types from time to time in general use in the Railways Department for similar crossings shall be erected, and at all times maintained in good order and condition by the licensee.

10. In the event of any of the foregoing terms or conditions not being complied with by the licensee the Governor-General may at any time revoke the license hereby granted, and in case any damage shall have been occasioned by reason of such nonfulfilment of the said terms or conditions or any of them the licensee shall be liable therefor in damages or compensation, such damages or compensation to be assessed by the Minister of Public Works whose decision shall be final.

SECOND SCHEDULE.

The said tramway shall cross the Mahitahi Road at a point approximately 5 chains south of the north-western corner of Section 2458, Block XIV, Bruce Bay Survey District, such crossing being situate within Block XIV, Bruce Bay Survey District, in the Land District of Westland, and being more particularly shown on the plan marked P.W.D. 90635, deposited in the office of the Minister of Public Works at Wellington.

As witness the hand of His Excellency the Governor-General, this 16th day of January, 1942.

H. T. ARMSTRONG, Minister of Public Works.

(P.W. 26/2117.)

*Notifying the proposed Exchange of Crown Land in the Auckland Land District for other Land.*

C. L. N. NEWALL, Governor-General.

WHEREAS by section one hundred and sixty of the Land Act, 1924, it is enacted that it shall be lawful for the Governor-General, whenever he deems it expedient in the public interest, to grant in fee-simple any area of Crown land which is subject to the provisions of the Land Act, 1924, in exchange for the fee-simple of any other land, and on any such exchange to pay or receive any sum by way of equality of exchange:

And whereas, in the opinion of the Governor-General, it is expedient to exchange the Crown land described in the First Schedule hereto for the land of equal value described in the Second Schedule hereto, and the owner of the land described in the Second Schedule has agreed to such exchange:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in exercise of the aforesaid powers and authorities, doth hereby declare it is his intention to grant in fee-simple the area of Crown land described in the First Schedule hereto in exchange for the fee-simple of the land described in the Second Schedule.

FIRST SCHEDULE.

DESCRIPTION OF LAND AUTHORIZED TO BE EXCHANGED.

*Auckland Land District.*

ALLOTMENTS 245 and 250, Matata Parish: Area, 7 acres 1 rood 20 perches, more or less.

Allotments 247 and 251, Matata Parish: Area, 4 acres 0 roods 35 perches, more or less.

Allotments 248 and 252, Matata Parish: Area, 2 roods 24 perches, more or less.

(Auckland S.O. plan 30244.)

SECOND SCHEDULE.

DESCRIPTION OF LAND TO BE OBTAINED IN EXCHANGE THEREFOR.

*Auckland Land District.*

ALL that area containing by admeasurement 5 acres 3 roods 8 perches, more or less, being part of Lot 1, D.P. 10815, being part of Allotment 109, Matata Parish, and being the balance of the land comprised in Certificate of Title, Volume 250, folio 95, Auckland Registry.

Also all that area containing by admeasurement 1 rood 20 perches, more or less, being part of Allotment 158, Matata Parish, and being part of the land comprised in Certificate of Title, Volume 372, folio 203, Auckland Registry.

Also all that area containing by admeasurement 15 perches, more or less, being part of Allotment 158, Matata Parish, and being part of the land comprised in Certificate of Title, Volume 372, folio 203, Auckland Registry.

As the same are more particularly delineated on the plan marked L. and S. 22/2106b, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured yellow. (Auckland S.O. plan 30244.)

As witness the hand of His Excellency the Governor-General, this 22nd day of December, 1941.

J. G. BARCLAY,  
For the Minister of Lands.

(L. and S. 22/2106.)