

Surface level of rails.

3. The rails shall be laid and maintained so that the uppermost surface thereof shall be approximately on a level with the surface of any road on which it shall be constructed, and so that at all times ordinary vehicles can cross the same where it intersects such road with ease and safety: Provided that, if and whenever the local authority having control thereof alters the level of any road along or across which any portion of the line is laid, the promoter shall, if so required by the Minister for Public Works, alter and relay the rails so that the uppermost surface thereof shall be approximately on a level with the surface of the road as altered.

Maintenance of roadway.

4. The promoter shall at all times repair and maintain in good condition the roadway between the rails of the tramway as well where double as where single lines are laid, and in every case so much of the road as extends eighteen (18) inches beyond the rails of and on each side of the tramway.

Traffic.

5. For the purpose of enabling His Majesty the King and his licensees to exercise the rights reserved to them by a deed of covenant dated the first day of July, one thousand nine hundred and one, and made between the Taupo Totara Timber Company (Limited) and His Majesty the King, a draft whereof is filed in the office of the Native Minister in Wellington, the promoter shall, when reasonably possible, and if required by the Minister for Public Works so to do, run one train three times in each week from Putaruru to its other terminus, and a similar service from that terminus to Putaruru, and shall carry in such train timber and farm-produce from any lands which now are or were at the date of the said deed of covenant Crown lands, at the rates specified in the Second Schedule hereto.

Part VIII, Public Works Act, 1905.

6. The promoter may use the tramway for the purpose of carrying goods, and may also, after the provisions of Part VIII of the Public Works Act, 1905, have been complied with, use the same for the purpose of carrying passengers; and the tolls and charges as fixed by the promoter, but not exceeding those mentioned in the Second Schedule hereto, shall be chargeable for the use of the tramway subject to the regulations in that behalf in the Second and Third Schedules contained.

Rolling-stock.

7. In the event of the tramway being used for passenger traffic, suitable vehicles for the conveyance of passengers shall be provided by the promoter, but they shall not be used until they have been inspected and passed as safe and fit for traffic by an engineer to be appointed by the Minister for Public Works.

Failure to comply with order.

8. If the promoter fails or neglects to fulfil any of the requirements of this Order relating to the maintenance of traffic, it shall be lawful for the Governor by Order in Council to impose upon the promoter a fine of five pounds for every day or part of a day of such default, such fine to be recovered in any Court of competent jurisdiction by any person appointed by the Governor to recover the same.

Failure to comply with Act.

9. If the promoter fails or neglects to observe, perform, fulfil, or keep any of the requirements, conditions, and provisions of the Tramways Act, or any other Act for the time being in force relating to tramways, to the full intent of the same, or to observe any by-laws, rules, or regulations which may from time to time be made and passed under the provisions of the Tramways Act or any other Acts for the time being relating to tramways it shall be lawful for the Governor by Order in Council to revoke this Order: Provided always that the powers and remedies by this clause vested in the Governor shall not be exercised unless and until the Governor has first caused to be given to the promoter, or left for it at 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 or remedies are intended to be exercised, and default has been made by the promoter (after the giving or leaving of such notice) in repairing or remedying the breach complained of for the following spaces of time:—

- (a.) For the breach of any by-law, rule, or regulation referred to in this clause, thirty days after the giving or leaving of such notice;
- (b.) For any other breach except as aforesaid, sixty days after the giving or leaving of such notice.

Compliance with order.

10. The Governor shall be the sole judge of the fact whether the requirements of this Order have been complied with, and he may from time to time make inquiry into any matter connected therewith or arising hereunder in such manner as he may think fit, and his decision shall be final.

Conditions.

11. This Order shall be subject to the provisions and conditions contained in the First, Second, and Third Schedules hereto.

Saving rights of the Crown.

12. Nothing herein contained shall be deemed in any way to interfere with or affect or abridge any rights or powers that may be vested in His Majesty, or in the Governor on his behalf, or otherwise under any Act of the General Assembly authorizing the construction of railways, or the erection, construction, working, or management of any other public work which his said Majesty or the Governor