

*Borough of Gisborne.—Gisborne Tramways.*

*(The Gisborne Tramway Order No. 3.)*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of December, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

In the matter of the Tramways Act, 1908, and its amendments, and in the matter of an Application made by the Council of the Borough of Gisborne for an Order authorizing the revocation of the Gisborne Tramway Order No. 1 and the Gisborne Tramway Order No. 2.

WHEREAS the Council of the Borough of Gisborne (hereinafter referred as to "the Council"), constituted under the provisions of the Municipal Corporations Act, 1920, did, on the twelfth and fourteenth days of May, one thousand nine hundred and twenty-eight, and the fourteenth and fifteenth days of May, one thousand nine hundred and twenty-eight, duly publish in the *Poverty Bay Herald* and *Gisborne Times* newspapers respectively, being newspapers published and generally circulating in the Borough of Gisborne, a notice of its intention to apply for an authorizing Order in accordance with the provisions of the Tramways Act, 1908, and its amendments, to revoke certain Orders in Council known as "The Gisborne Borough Tramways Order No. 1" and "The Gisborne Borough Tramways Order No. 2" (hereinafter together referred to as "the said Orders"), which said Orders authorized the construction, maintenance, and use within the said borough of certain lines of tramway therein specified, and subject to the regulations, terms, and conditions therein contained :

And whereas a draft of this Order in Council, in accordance with provisions contained in Part I of the Second Schedule to the Tramways Act, 1908, and section fourteen (c) of the Tramways Amendment Act, 1910, in connection with such intended application, was duly deposited by the Council in accordance with the regulations in the said Schedule and section contained :

And whereas not less than five per centum of the ratepayers of the said borough demanded, in accordance with the provisions of the said Second Schedule to the Tramways Act, 1908, that the question whether or not such Orders should be applied for should be submitted to the decision of the ratepayers :

And whereas a poll of ratepayers and also, in terms of section three of the Municipal Corporations Amendment Act, 1921, of electors was taken on the twenty-ninth day of June, one thousand nine hundred and twenty-eight, under the Local Elections and Polls Act, 1925, to decide whether or not such Order should be applied for :

And whereas one thousand two hundred and eighty-three votes were cast in favour of such application and one thousand one hundred and thirty votes against such application, and the poll was carried :

And whereas it is proposed to discontinue wholly and to abandon the maintenance and use of the said lines of tramway, system, plant, and appliances incidental thereto (hereinafter called "the tramway"), for the reason that the said tramway is being run at a loss disproportionate to the service rendered to the general public :

And whereas pursuant to such notice the Council did on the twenty-fourth day of July, one thousand nine hundred and twenty-eight, make application to His Excellency the Governor-General of the Dominion of New Zealand for an Order in Council revoking the said Orders, and His Excellency has deemed it expedient that an Order should be made in the manner, to the extent, and subject to the provisions herein contained :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities in that behalf vested in him by the Tramways Act, 1908, and its amendments, and of any and every other power and authority enabling him in this behalf, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby enact as follows :—

Citation.

1. This Order may be cited as "The Gisborne Borough Tramways Order No. 3."

Revocation.

2. The Gisborne Borough Tramways Order No. 1 and the Gisborne Borough Tramways Order No. 2 are hereby revoked as from the date referred to in clause 5 hereof.

Discontinuance of tramway.

3. The Gisborne Borough Council is accordingly authorized and empowered at all times on and after the date referred to in clause 5 hereof, to discontinue wholly and to abandon the maintenance and use of the tramway authorized by the said Orders.

4. The Gisborne Borough Council may at any time after the date referred to in clause 5 hereof dispose of the lines, rolling-stock, and plant used in connection with the tramway in such manner as the Council thinks fit.

Date of operation

5. This Order shall come into force on a date to be fixed by the Minister of Public Works and notified by him by notice published in the *Gazette*.