

the liabilities and engagements thereof and the special powers conferred by any Act thereon have become vested in a corporation likewise styled "The Corporation of the Mayor, Councillors, and Citizens of the City of Wellington," being the Corporation of the City of Wellington as constituted by Proclamation of the fourteenth day of December, one thousand nine hundred and twenty (such last-named Corporation being hereinafter called "the local authority"):

AND WHEREAS it was provided by the said Order in Council that the power to be used upon the said tramway should be steam, gas, water, or compressed air power operating fixed engines for the purpose (a) of driving an endless cable to haul the cars, or (b) to propel the cars when a single car or a train of cars is attached to each end of a wire cable as therein described, or to generate electricity to be used for the same purpose, or water might be used so as by its weight alone to propel the cars as therein described, but no provision was made in the said Order in Council for the use as a motive power of electrical energy generated by a prime mover not being part of the undertaking:

AND WHEREAS the said Order in Council contained various provisions to take effect should electricity be used as a motive power, but such provisions were in their nature applicable only to the use of electrical energy applied to motors on the cars:

AND WHEREAS it is desirable that provision should be made authorizing the use upon the said tramway of electrical energy that is (a) generated by a prime mover not being part of the undertaking, and (b) applied by being used to propel and control (i) an endless cable to haul the cars and/or (ii) a wire cable to each end of which a car or train of cars is attached:

AND WHEREAS the said local authority did on the thirteenth day of February, one thousand nine hundred and thirty-three, and the fourteenth day of February, one thousand nine hundred and thirty-three, duly publish in the *Dominion* newspaper, published and circulated in the City of Wellington, a notice of its intention to apply for an Order in accordance with the provisions of the said Act varying the provisions of the said existing Order so far as the same relates to the motive power used in connection with the said tramway:

AND WHEREAS a copy of the proposed Order in Council was deposited by the local authority for public inspection at the office of the said local authority:

AND WHEREAS demand had not been made by a number of persons being no less than five per centum of the ratepayers of the City of Wellington that the question whether or not such Order should be applied for shall be submitted to the decision of the ratepayers:

AND WHEREAS pursuant to such notice the local authority did on the fourth day of April, one thousand nine hundred and thirty-three, make application to His Excellency the Governor-General of the Dominion of New Zealand for an Order in Council varying the said Order, and His Excellency has deemed it expedient that such Order should be made in the manner and subject to the provisions hereinafter contained:

NOW, THEREFORE, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and in exercise of the powers and authorities in that behalf vested in him by the Tramways Act, 1908, and its amendments, and the Wellington High Levels Tramways Act, 1898, and of all 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, DOETH HEREBY AMEND AND VARY the said Order in Council hereinbefore referred to, AND DOETH HEREBY AUTHORIZE AND EMPOWER the said local authority in manner hereinafter appearing, that is to say:—

1. THIS Order may be cited as "The Wellington High Levels Tramway Order Number 2."

2. THE said Order in Council of date the tenth day of July, one thousand eight hundred and ninety-nine, may be cited as "The Wellington High Levels Tramway Order Number 1," and is hereinbefore and hereinafter referred to as "the said Order in Council."

3. THIS Order in Council shall come into force on the date hereof.

4. THE local authority may use as a motive power upon the said tramway (subject as hereinafter appears) electrical energy generated by a prime mover not being part of the undertaking.

5. THE local authority may (subject as hereinafter appears) use electrical energy by applying the same to propel and control (i) an endless cable to haul the cars and/or (ii) a wire cable to each end of which a car or train of cars is attached.

6. THE motors in which the electrical energy is used shall be established at a winding-station, and shall be capable of being normally controlled either from the winding-station or by electrical means from the cars.

7. EXCEPT with the previous consent in writing in that behalf of the Minister of Public Works and subject to any conditions imposed in such consent, the difference of potential between the earth and any conductor used for exercising control from the cars shall not exceed 250 volts.

8. THE current used for exercising control from the cars may be carried either (a) by the system known as the overhead trolley system with uninsulated return, such being either (i) through the track rails, or (ii) through a second overhead trolley wire, or (b) by the system known as the overhead trolley system with positive and negative insulated conductors, or (c) by any modification of either of those systems that may be approved by the Minister in writing.

9. IF and whenever the system so adopted involves uninsulated return through the track rails such rails shall be effectively bonded in such manner as the Minister may from time to time require and approve.

10. A general outline plan showing the design and arrangement of the proposed winding-station and any other buildings, and of the machinery and appliances intended to be used therein, together with such details as may be necessary to enable a sufficient and proper examination of the designs to be made shall, before the installation of any such machinery or appliances is begun, be submitted to and approved by the Minister.

11. IN the construction, maintenance, and working of the tramway under the powers conferred by this Order in Council the local authority shall at all times comply with the rules and regulations issued from time to time by the Board of Control or its delegate, or in so far as such rules and regulations do not extend with such provisions and conditions as the Board of Control or its delegate may see fit to impose.

12. THE design of all poles, post standards, brackets, and other attachments used in connection with the method hereby authorized of working the tramway shall be subject to the approval of the Minister, and they shall be constructed in accordance with such approved design and erected in such manner as is approved in writing by the Inspecting Engineer.

13. NOTWITHSTANDING anything in clause 9 of the Regulations under the Tramways Act, 1908, dated the twenty-fourth day of March, one thousand nine hundred and fifteen, single insulation may be used in any tunnel, provided that every insulator shall be capable of withstanding twice the normal operating voltage and before use shall be approved in writing by the Minister of Public Works.

14. AS between the Governor-General and the local authority (but without affecting the rights of other persons) the local authority shall be deemed to have taken all reasonable precautions against injuriously affecting any gas or water pipes, sewers, drains, or conduits or other pipes, structures, or substances by fusion or electrolytic action, and against injurious interference with the working of any telegraph, telephone, electric lighting, or electric fire-alarm lines or apparatus or any radio station as defined in the Radio Regulations, 1932, if and for so long as it adopts such means of preventing injurious affection or injurious interference as may be prescribed by the rules and regulations issued and to be issued by the Board of Control, or in so far as such rules and regulations do not extend then by such provisions and conditions as the Board of Control or its delegate may see fit to impose.

15. NO part of the works authorized by this Order in Council shall be commenced until such plans and specifications as he may require have been approved by the Inspecting Engineer and have been deposited at the office for the time being of the local authority and at the office of the Minister at Wellington, and such works shall be constructed and completed in accordance with such plans and specifications, and shall during the construction of the same be subject at all times to the inspection and approval of the Minister or of any officer whom he may appoint.

16. THE works hereby authorized shall be carried out in accordance with the deposited plans.

17. AFTER the completion of the construction of the works authorized by this Order in Council motive power other than electrical energy may be used by the local authority in any case where by reason of any accident or other contingency electrical energy is not available.

18. THE cars of the tramway shall not for purposes of public traffic be propelled by electrical energy under the authority of this Order in Council until the Inspecting Engineer has certified to the Minister that the works hereby authorized have been faithfully constructed in accordance with the Tramways Act, 1908, and its amendments, and as provided herein, and that the undertaking is safe and fit for traffic. For the purposes of such certificate the local authority shall permit the Inspecting Engineer at all reasonable times to inspect the tramway and all the rolling-stock used or intended to be used thereon and all the works connected therewith or incidental thereto.

19. EXCEPT so far as hereby expressly or by necessary implication varied or modified, or so far as they are incompatible herewith, the provisions of the said Order in Council shall remain in force and shall apply to all works authorized by this Order in Council and to the tramway as maintained and conducted under the authority of this Order in Council and to the local authority in respect thereof.

F. D. THOMSON,  
Clerk of the Executive Council.