

7. The Queen will, with all convenient speed after the date of these presents, and free of all expense to the Company, put the Company in possession of such parts of any Crown land then in possession of the Governor (if any) through which the said railway and branch railway respectively will pass, and of any Crown lands adjacent thereto, which may respectively be required for the construction of the said railway, or for side-cuttings, ballasting, spoil-banks, road approaches, and road diversions: *Provided* that all lands of which possession shall be so given to the Company shall be subject to the terms and conditions of any contract, agreement, deed, or instrument that has been or may hereafter be made between the Queen or the Minister for Public Works, or any person on her or his behalf, and any other person or persons. For the purpose of giving or securing to such last-mentioned person or persons any right or easement of any kind whatsoever in, upon, through, over, or in respect of any such land or lands, the Queen will, upon the completion of the said railway and the works connected therewith, at the request of the Company, grant to the Company the land actually used under the authority aforesaid and any land adjacent thereto which may be requisite for the purposes of the said railways.

And whereas, there not being sufficient land adjoining the proposed line of railway available under the provisions of the said Act, the land set apart for selection as hereinafter mentioned is so set apart under the provisions of section one hundred and one of the said Act, and is to be appropriated to the said railway in the proportions, so far as the areas coloured pink on plan and brown on plan for the respective sections A to C and C to E will permit, of one thousand three hundred and fifty pounds' worth of such land, according to the value thereof, to be ascertained in the manner prescribed by section one hundred and two of the said Act, for every mile of railway completed and open for traffic, with the requisite rolling-stock and appliances:

Now it is further agreed between the Queen and the Company—

8. That, so soon as conveniently may be after the execution of this contract, all Crown land shown by the colours brown and pink on the said plan, marked A, hereunto annexed, shall be withdrawn from sale, and the same shall be set apart to be selected by and granted to the Company under the powers and to be dealt with in manner respectively provided by Parts I. and V. of the said Act, and that the selection of such land for the purposes of the said Act and of this contract shall, after the construction of the said railway or of any completed section of the same, be conducted and carried out as follows,—

- (a.) For the purposes of such selection, the estimated cost of constructing the said line of railway (and of all rolling-stock and appliances necessary for working the same) shall be the sum of four thousand five hundred pounds per mile throughout its whole length, estimated at eighteen miles.
- (b.) For the purposes of such selection the value of the lands shown in the said plan marked A by the colours brown and pink shall be ascertained in the manner prescribed by section one hundred and two of the said Act.
- (c.) When and so soon as the Minister for Public Works for the time being shall be satisfied that each section of the said line of railway has been completed in accordance with the terms of this contract, and can be worked for public traffic, and is in all respects fit for such traffic, and is supplied with all necessary rolling-stock and appliances for that purpose in accordance with the said Act and this contract, the Company shall be at liberty to select and shall receive a grant or grants for so much of the said lands the value whereof shall have been computed in the manner and after the rate aforesaid as they may be entitled to select in respect of the number of miles of the said railway comprised in such completed section; and, if there shall be any difference or dispute as to the area the Company is entitled to select, the decision of the Governor shall be binding and conclusive on the Company, and every such selection shall be subject to the approval of the Governor.