

empowered to enter into such contracts as may seem proper with any person or persons within or without the colony for the selection of, conveyance to, or settlement in any province of the colony of such classes of immigrants and in such numbers as the Superintendent of such province shall request, and any such contract may or not (as the Governor shall think fit) form part of any contract for the construction of any railway which the Governor is by that Act authorized to construct, or may provide for compensating the person with whom the contract may be made, by guaranteeing to such person an agreed amount of interest not exceeding 6 per cent. per annum on moneys expended by such person on or about such purposes as aforesaid, and guaranteeing repayment of the principal moneys so expended: And whereas by "The Railways Act, 1870," the Governor is empowered (section 3) under the provisions of the said firstly recited Act to contract or enter into arrangements with any person for the construction of all or any of the railways mentioned in the First Schedule to the now reciting Act, by guaranteeing to such person, during a period not exceeding thirty-five years, a minimum rate of interest not exceeding £5 10s. per cent. per annum of the cost of construction, at a rate per mile not exceeding that in the First Schedule set opposite to the name of each railway, and (section 4) subject to certain conditions such as are incorporated in this contract: And whereas by "The Immigration and Public Works Loan Act, 1870," the Governor is empowered to borrow and raise certain money as therein mentioned not exceeding £4,000,000 for all or any of the purposes mentioned in the Schedule hereto, which Schedule specifies the sum of £2,000,000 for such railways as shall from time to time be determined by the General Assembly, including the expenses of raising the part of the loan, and specifies the sum of £1,000,000 for "Immigration, including expenses as aforesaid." And whereas, with a view to the exercise by the Governor of this power, conferred on him by the said Acts, and of such further or other powers as may be conferred upon him by the General Assembly of New Zealand, he has entered into arrangements with the Contractors for their making railways in and introducing immigrants into New Zealand, upon the terms and in the manner hereinafter set forth: Now these presents witness that the Governor (so far as he lawfully can or may under or by virtue of the said recited Acts or otherwise, and so far as he may be hereafter empowered by the said General Assembly, but not further or otherwise), for himself and his successors (all of whom are hereinafter included in the expression "the Governor"), so far as the covenants and agreements hereinafter contained are to be observed and performed on his and their parts respectively, doth hereby covenant and agree with the Contractors, their executors, administrators and assigns (all of whom are hereinafter included in the expression "the Contractor"), and the Contractors, and each of them, for themselves, and himself, and their respective heirs, executors, administrators, and assigns (so far as the covenants and agreements hereinafter contained are to be observed and performed on their parts), do and doth hereby covenant and agree with the Governor, his successors and assigns, in manner following (that is to say),—

1. In the construction of these presents the following words and expressions have the following meaning, unless such meaning shall be inconsistent with the context: the expression "Minister" means the Minister at the head of the Department of Public Works, by whatever title he may be from time to time designated, or the President of the Board of Works, as the case may be; "Engineer" means the Engineer whom the Governor shall appoint to be, or whom the Minister shall from time to time direct the Contractors to treat as, the Engineer acting on behalf of the Government in relation to any railway or any section thereof to which these presents relate, or to any particular class of works upon, or to plant intended for, any such railway, or any section thereof, and it shall, if the Governor so direct, include also "the Minister," and, as to the plant, the Agent-General or other Crown official in England of the Colony of New Zealand. The words "railway" and "railways" include not only the railway and permanent-way, but all stations, buildings, approaches, and other works shown upon or described in the plans and sections, or specifications, as works to be constructed by the Contractors, and at least a single-wire telegraph throughout the whole length, with all proper apparatus for working the same; and the expressions "make the said railway," or "make a section of the said railway," or any similar expression, shall include not only the making the railway and laying down the permanent-way, but the building of stations, the making of approaches, and the doing of all works shown upon, or described in the plans and sections, or specifications, and such telegraph and apparatus as aforesaid, but not the providing of plant. The expression "plant" means engines, rolling and fixed stock, and machinery required for using and working the said railways.

2. The Governor will, within eight years from the date of these presents, entrust to the Contractors the making of railways in New Zealand, and the providing of all plant for such railways, to the extent in total cost of £4,000,000; and the Contractors will, to the extent aforesaid, make all such railways and provide all such plant as the Governor shall require them to make and provide during the said period of eight years. The Governor may also entrust to any other person or persons, body or bodies politic, or corporate, the making of any railways or the providing of plant for the same.

3. The Governor will cause the necessary surveys, and plans and sections of the railways, the making of which shall be so entrusted to the Contractors, to be prepared, deposited, and proclaimed, and the Contractors will make and construct each of such railways in the order and course, and upon such terms and conditions relating to the making and constructing, and the materials for the same (such terms and conditions not being inconsistent with any of the provisions herein contained), and under and according to such specification or specifications of the works and materials for the same, as the Governor shall from time to time direct.

4. When and so soon as the plans, sections, and specification or specifications of any railway, and such working plans and sections as shall be requisite to enable the probable cost of such railway to be ascertained, shall have been prepared, the railway shall be divided (as the Governor shall direct) into lengths of ten miles or as near thereto as conveniently may be (which lengths are hereinafter referred to by the expression "section" or "sections"), and each section shall be distinguished by a separate number.

5. The probable prime cost to the Contractors of making each section of such railway, and the time within which each section shall be made and completed, shall with all convenient despatch be determined by agreement between the Minister and the Contractors, or, in case they shall not agree,