

marked (a) and (b) upon the map marked A hereunto annexed, and will thereafter from time to time, as and when the same may be required by the Company, and on demand by the Company, deliver over to the Company all such parts of the said plant and materials as shall not have previously been used upon the said works or granted and delivered over to the Company under these presents :

Provided that all such plant and materials shall be used only upon and for the purposes of the said railway and the several works connected therewith, and that no part of such plant or materials shall be sold, disposed of, or parted with by the Company otherwise than for the purposes aforesaid without the consent in writing of the Engineer.

And whereas, there being no 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 :

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

10. That as soon as conveniently may be after the execution of this contract, the lands shown by a red border and colour on the map hereunto annexed and marked C shall be withdrawn from sale and set apart to be granted to the Company under the powers and to be dealt with in manner respectively provided by Parts I. and V. of the said Act,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 or sections of the same, be conducted and carried out as follows, that is to say,—

- (a.) For the purposes of such selection, the estimated cost of constructing the said line of railway shall be the sum of five thousand pounds per mile throughout its whole length, estimated at eighty-four and a quarter miles.
- (b.) For the purposes of such selection, the several parts of the land set apart as aforesaid shall respectively be deemed to be of the value per acre shown in the Second Schedule hereto, and which said value has been ascertained in the manner prescribed by section one hundred and two of the said Act.
- (c.) For the purposes of such selection as aforesaid, the said line of railway shall be deemed to be divided into the several sections numbered from one to twelve, shown in figures coloured red and in circles upon the map marked A, hereunto annexed ; and when and so soon as the Minister for Public Works for the time being shall be satisfied that the said line of railway, or any section thereof which can be usefully worked for public traffic, has been completed and is fit for such traffic in accordance with the said Act, the Company shall be at liberty to select and shall receive a grant for so much of the said lands as, looking to the scheduled prices thereof, they may be entitled to 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.

Every grant made under the last preceding clause shall be subject to the provisions of “The Railways Construction and Land Act, 1881,” respecting the terms and conditions upon which grants of Crown lands may be made to a company thereunder.

In dealing by way of sale or otherwise with any land which shall become vested in the Company pursuant to any such selection as aforesaid, the Company shall conform to the rules and regulations set forth in the Third Schedule hereto :

Provided, however, that this and the two last preceding clauses shall not have any force or operation so as to give the Company any right, title, interest, or claim in or to the land proposed to be withdrawn from sale as aforesaid, unless