

trains shall not be compulsory if at any time any part of the said line is unsafe or dangerous for traffic, and the Company is taking all necessary steps to promptly render the same safe and fit for traffic.

Clause to extend to sections of railway fit for traffic.

The provisions of this clause shall extend and apply to any section of the said railway completed and fit for traffic, save in so far as the same are modified by these presents.

AND THIS DEED FURTHER WITNESSETH that, subject to the provisions of the said Act, and in consideration of the premises, the Queen doth hereby covenant with the Company in manner following, that is to say,—

Queen to put company in possession of lands required for railway or accommodation-works.

11. So soon as the said railway or any section thereof is surveyed and marked out on the ground by the Company the Queen will, with all convenient speed after being requested in writing by the Company under the hand of its manager or agent for the time being so to do and at the Company's expense, put the Company in possession of all lands then in the possession and at the disposal of the Queen for the purposes of the construction of the said railway of the width and extent necessary for such construction, and of any land adjacent thereto, which may be available and in such possession or at such disposal as aforesaid, which in the opinion of the Engineer may be required for side-cuttings, ballast-pits, spoil-banks, and road-approaches and road-diversions, or for the protection in any way of the said railway, or for workshops, stations, or other buildings used in connection with the said railway: Provided that nothing herein contained shall be deemed to require the Queen to cause possession of any land to be so given which is then lawfully held or used for mining purposes, or which may be subject to the terms of any special Act of the General Assembly affecting the same.

Proviso.

Queen to work certain portions of railway for five years on terms.

12. The Queen will, at the request of the Company, for a period of not more than five years from the date hereof, at her cost work the portions of the said railway hereinbefore required to be constructed from Springfield and Belgrove respectively as mentioned in clause 7 hereof, and the portions of the said railway to be constructed from Brunnerton eastward for a distance of about nine miles, and from Brunnerton to Ahaura a distance of about twelve miles, or any part or parts of any of such portions which is or are completed and fit for traffic, upon the following terms, that is to say,—

- (a.) The Queen shall be called upon to run only such number of trains as she may consider necessary for the requirements of traffic :
- (b.) The Queen shall maintain only the rails, sleepers, and ballast, and not the formation-works or bridges :
- (c.) The Company shall remove all large slips, and make good any damage which arises from floods or other accidents to the permanent-way or works :
- (d.) The Queen shall pay to the Company 40 per centum of the gross receipts derived from the working of the said portions of railway, and the remaining 60 per centum shall be retained by the Queen, and dealt with as part of the public revenues of the colony :
- (e.) If more rolling-stock than the Queen has at the date hereof on the Nelson and Greymouth Government lines be requisite to work the Company's sections at those places, the Company shall either provide the additional rolling-stock required at its own cost, the Queen keeping the same in repair, or shall pay to the Queen the interest on the cost of providing such additional rolling-stock, as may be required.

Company may construct any section of railway which Queen agrees to work.

13. The Company shall construct any particular section of the said railway which the Queen may desire, if the Queen agrees to work the same when completed upon the terms mentioned in clause