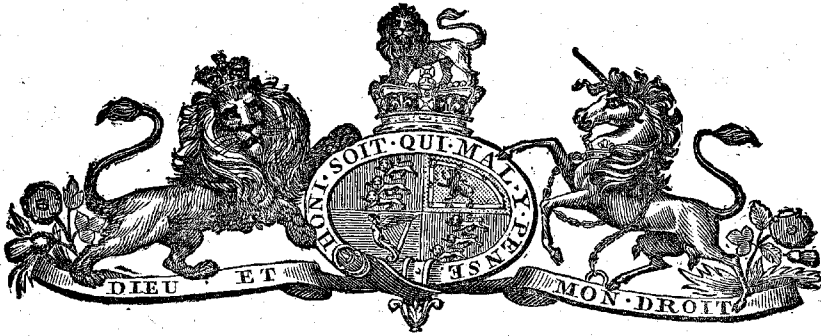


NEW ZEALAND.



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XXXVI.

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AN ACT to authorize the Governor to agree with the Governments of New South Wales and Queensland for jointly subsidizing Lines of Telegraph between New Zealand and New South Wales, and between Queensland and Singapore. Title.

[29th September, 1873.]

WHEREAS certain Articles of Agreement were on the fourteenth day of February, one thousand eight hundred and seventy-three, made and entered into between the Honorable Henry Parkes and the Honorable Saul Samuel on behalf of New South Wales, and the Honorable Julius Vogel and the Honorable William Hunter Reynolds on behalf of New Zealand, and the Honorable Arthur Hunter Palmer and the Honorable J. Malbon Thompson on behalf of Queensland, which articles are as follows, that is to say,— Preamble.

- (1.) The three Colonies shall jointly enter into an arrangement for the construction of an Electric Cable, to be laid between some point in New Zealand and some point in New South Wales, and also a cable to be laid from Normantown, in Queensland, to Singapore; the latter to be a through cable, touching only at such points as may be

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- agreed on, and to be entirely distinct the whole distance from the line between Port Darwin and Singapore.
- (2.) The arrangement to be for a guarantee of five per centum for a term not exceeding thirty-five years, upon a sum not exceeding one million pounds, for the cost of the two lines.
 - (3.) Twelve thousand pounds per annum to be allowed to cover in full all expenses. All receipts above twelve thousand pounds to pass in reduction of the guarantee. The contractors to retain receipts in excess of the guarantee; but if the profits are more than ten per centum, the Governments may require that the rate shall be lowered to amounts calculated to reduce the profits to ten per centum.
 - (4.) The guarantee to be paid only whilst the lines are in working order: Provided that four weeks in each year will be allowed for repairs. If the New Zealand line only be in order, one-third of the guarantee to be paid; if the Singapore line only be in order, two-thirds of the guarantee to be paid. If the lines are not kept in order with due diligence or if communication should permanently fail, the guarantee to cease.
 - (5.) The two lines to be commenced and constructed simultaneously.
 - (6.) The cost per message of twenty words from New Zealand to New South Wales not to exceed fifteen shillings, the charge for each word above twenty being ninepence; and the cost per twenty words from Normantown to Singapore not to exceed forty shillings for the first two years and thirty-five shillings afterwards, the charge for each word above twenty being two shillings.
 - (7.) Queensland to undertake to keep the land line to Normantown open for the use of the other contributing Colonies, at rates not to exceed at any time seven shillings for twenty words.
 - (8.) The three Governments to act in unison, and to jointly arrange the details.
 - (9.) This agreement, after being approved of by the respective Governments, to be subject to ratification by the respective Parliaments; and the details to be arranged in London, by representatives appointed by the three Colonies.
 - (10.) The Governments will require to be satisfied that the contractors have made proper provision for the use of a through line of communication between Singapore and London.

And whereas the said agreement has been approved of by the Governments respectively of New South Wales, New Zealand, and Queensland; and it is expedient that the same should, on the part of New Zealand, be ratified by the General Assembly of New Zealand:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act shall be "The Telegraph Cables Subsidy Agreement Ratification Act, 1873."

Authority to ratify contract.

2. The Governor, with the advice of the Executive Council of New Zealand, may, subject to and with the modifications (if any) hereby authorized to be made, ratify the said Articles of Agreement; and the same, subject to and with such modifications (if any), being so ratified, shall be binding on New Zealand.

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3. The Governor in Council, or any person authorized by the Governor in Council in that behalf, may, subject to the provisions of this Act, agree with the Governments of New South Wales and Queensland respectively, or any person or persons duly authorized to act for such Governments respectively, for any modifications of the said agreement, excepting always as regards the third article of the said agreement.

Authority to vary terms.

4. The Governor in Council, or any person authorized by the Governor in Council in this behalf, may, subject to the provisions of this Act, jointly with the Governments of New South Wales and Queensland respectively, or any person or persons duly authorized to act for such Governments respectively, agree with any company or person for the construction and maintenance of the said Telegraph Cables on the terms and conditions contained in the said Articles of Agreement, subject to and with the modification of the same (if any) agreed upon under the powers contained in the preceding section of this Act.

Authority jointly with New South Wales and Queensland to contract with Company, &c.

5. It shall not be lawful, by any modification of the said recited agreement, or by any agreement with any company or person entered into under the provisions of the preceding section, to stipulate for the expenditure of any money from the revenue of New Zealand for the purposes of any such agreement as aforesaid, exceeding seventeen thousand pounds in any one year, nor shall any such modification or agreement be made stipulating for such expenditure during a period exceeding thirty-five years.

Expenditure not to exceed £17,000 annually for thirty-five years.

6. For the purposes aforesaid, there shall and may from time to time be issued and applied, in each and every year during the period of thirty-five years, commencing from the time of the completion of the said lines of telegraph, out of the Consolidated Fund, any sum or sums not exceeding seventeen thousand pounds.

Appropriation of £17,000 annually for thirty-five years.

7. Any agreement entered into under the authority of this Act for the construction and maintenance of the said Telegraph Cable shall contain a stipulation for the expeditious construction thereof, and a stipulation that, in accordance with the terms contained in a letter dated the third day of March last, addressed by Mr. Audley Coote to Mr. Vogel, the cables to be used shall be such as shall be approved of by an Engineer appointed or approved of by or on behalf of the respective Governments of New South Wales, New Zealand, and Queensland; and also a stipulation that if either of the lines is not kept in order with due diligence, or if communication through either of the two lines should permanently fail, the guarantee shall cease.

Agreement to contain stipulations for expeditious construction and proper maintenance of cable.

8. Any agreement entered into under the authority of this Act shall contain, if the Governments of New South Wales and Queensland agree to such modification, provisions in virtue of which all or any of the Governments may purchase either or both of the lines.

Agreement to contain provisions by which any of the Governments may purchase lines.

9. The Governor in Council, or any person at any time authorized by the Governor in Council in this behalf, may, in the event of no agreement being entered into under the fourth section of this Act, agree, by way of guarantee of interest on outlay, with any company or person for the construction maintenance and working of a submarine electric telegraph cable between New Zealand and any of the Australian Colonies, on such terms and conditions as the Governor in Council or such person so authorized as aforesaid, as the case may be, may think fit, subject to the following conditions:—

If no agreement entered into under section 4, agreement may be entered into for telegraph cable between New Zealand and Australia.

(1.) That such agreement shall not involve an expenditure out of the revenue of the Colony exceeding the annual sum of twenty thousand pounds, nor for such expenditure

Agreement not to involve expenditure exceeding £20,000 for thirty-five years.

Telegraph Cables Subsidy Agreement Ratification.

during a period exceeding thirty-five years, commencing from the date of such agreement.

(2.) That the agreement shall contain stipulations to the following effect:—

(a.) A sum per annum shall be fixed in the agreement as allowance to cover in full all expenses. In the event of the agreement being made by an agent or agents appointed by the Governor in Council, the sum fixed in the agreement shall not be in excess of a sum to be fixed by the Governor in Council in instructions to be given to the agent or agents, but it shall not be incumbent upon the contractors to call for a perusal of such instructions.

All receipts above the sum fixed to pass in reduction of the guarantee. The contractor to retain receipts in excess of the guarantee; but if the profits are more than ten per centum, the Government to be empowered to require that the rates shall be lowered to amounts calculated to reduce the profits to ten per centum.

(b.) For the expeditious construction of the line; and that if the line is not kept in order with due diligence, or if communication by the line should fail, the guarantee to cease.

(c.) That the guarantee shall be payable only whilst the line is in working order; and that four weeks in each year will be allowable for repairs; and that the cables to be used shall be subject to approval by an Engineer to be appointed or approved of by the Governor or such person as shall be authorized to enter into the agreement.

(d.) That the cost per message of twenty words from New Zealand to Australia do not exceed fifteen shillings, and the charge for each word above twenty not to exceed ninepence.

(e.) That the line may be purchased by the Government of New Zealand on terms to be specified in the agreement.

Appropriation for the purpose.

In the event of an agreement being entered into under the authority of this section of this Act, there may, for the purpose of such agreement, be issued and applied in each and every year during the period mentioned in the first subsection of this section, out of the Consolidated Fund, any sum or sums not exceeding twenty thousand pounds.

WELLINGTON, NEW ZEALAND:

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