

# New Zealand.

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ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. 10.

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ANALYSIS.

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| Title.                                      | 3. Governor may alter Contract.                   |
| Preamble.                                   | 4. Colonial Treasurer to pay £63,000 annually for |
| 1. Short Title.                             | the purposes of the Contract.                     |
| 2. Contract of 17th December 1863 ratified. | 5. And to receive credit for all sums so paid.    |
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**AN ACT for enabling the Governor to carry** Title.  
**into effect a Postal Service with Great**  
**Britain by way of Panama.**

*[13th December 1864.]*

**W**HEREAS by Articles of Agreement dated the 28th day of May Preamble. 1858 and made between Zachariah Charles Pearson and James Coleman of the one part and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (for and on behalf of Her Majesty) of the other part a Contract was entered into between the said Zachariah Charles Pearson and James Coleman and Her Majesty's Government for the carriage of the New Zealand and Australian Mails And whereas by a Deed Poll dated the 11th day of October 1858 the said Commissioners did in pursuance of the power in that behalf in the said Articles contained delegate during their will and pleasure to the Governor of New Zealand for the time being or to the officer acting as such all and every the powers authorities and privileges given or reserved to them by the said Articles And whereas by an Indenture dated the 27th day of October 1858 and made between the said Zachariah Charles Pearson and James Coleman of the one part and the Inter-Colonial Royal Mail Steam Company (limited) of the other part the said Zachariah Charles Pearson and James Coleman did with the consent of the said Commissioners previously signified in writing under the hand of one of their Secretaries assign to the said Company the said Articles and all the right title interest benefit claim and demand whatsoever of them the said Zachariah Charles Pearson and James Coleman or either of them thereunder And whereas by an Act of Parliament passed in the 23rd year of the reign of Her present Majesty all the interests rights powers and authorities of the said Commissioners under any contracts entered into with them for the conveyance of Mails by sea were transferred to and vested in the Postmaster-General of the said United Kingdom for the time being as if he had been contracted with and named in all such contracts And whereas the said Company lately agreed with Crosbie Ward who purported as Postmaster-General of the Colony of New Zealand to enter into such Contract under and by virtue of the powers and provisions of the New Zealand Post Office Act 1858 and instructions to him for that purpose given by the Governor of New

*Panama Mail Service.*

Zealand for the performance of the services in the said Contract expressed and for the extension as therein mentioned of the Contract made by the said Articles of the 28th day of May 1858 And the terms of the said Contract so made by the said Crosbie Ward were expressed in a written instrument of Contract which was duly executed by the parties on or about the 17th day of December 1863.

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

Short Title.

I. The Short Title of this Act shall be "The Panama Mail Service Act 1864."

Contract of 17th December 1863 ratified.

II. The Governor with the advice of the Executive Council of the Colony may and he is hereby empowered by Order in Council to confirm subject to any modifications hereby authorized to be made the Articles of Agreement made or expressed to be made on the 17th day of December 1863 between Crosbie Ward of the one part and the said Company of the other part and the same subject to such modifications being so confirmed shall be valid and effectual to all intents and purposes and shall have the same force and effect and shall bind the Government of the Colony as fully as if it had been made under an Act of the General Assembly.

Governor may alter Contract.

III. The Governor in Council may agree with the said Company to vary all or any of the terms stipulations or conditions of the said Contract in such manner as he may think fit for the good of the public service and as shall be agreed to by the said Company Provided always that the amount of money to be expended by or taken from the revenues of the Colony in any one year for the purpose of the said Contract or any alteration thereof shall not in any case exceed the sum or sums mentioned in the said Contract Provided also that

1. The Governor is hereby empowered and required with the assent of the said Company to modify the said contract with the said Company in the following particulars (that is to say)
2. It shall not be imperative on the Government to enter into a contract with the said Company for any Inter-Colonial or Inter-Provincial Service under the 27th clause of the said Contract.
3. Nothing in the said Contract contained shall oblige the Colonial Government to continue the said Contract of the 28th day of May 1858 after the expiration of the first period of seven (7) years.
4. The Colonial Government shall not be bound by the Inter-Provincial Time Table specified in the said Contract.
5. In the arrangement of the Time Table between Panama and Sydney the same shall be so arranged that the course of Post between England and Sydney both ways shall not exceed four (4) months.

Colonial Treasurer to pay £63,000 annually for purposes of the Contract.

IV. The Colonial Treasurer shall issue and pay a sum or sums not exceeding the sum or sums mentioned in the said Contract in any one year to such persons for the purpose of the said Contract upon such days and in such sums as the Governor by any warrant to be signed by him shall from time to time order and direct and every payment so to be made shall be charged upon and be payable out of the ordinary revenue of the Colony.

And to receive credit for all sums so paid.

V. The Colonial Treasurer shall in his accounts from time to time be allowed credit for any sum of money paid by him in pursuance of any warrant issued by virtue of this Act and the receipt of the person to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his accounts for any such sum as shall be mentioned therein.