

CORRESPONDENCE

RELATIVE TO THE

MAINTENANCE OF BUOYS IN MANUKAU HARBOUR.

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY BY COMMAND OF HIS
EXCELLENCY.

AUCKLAND:
1864.

CORRESPONDENCE RESPECTING THE MAINTENANCE OF BUOYS.

No. 1.

The SUPERINTENDENT, Auckland, to the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 11th January, 1864.

I have the honour to forward herewith copy of a letter from the Harbour-master of Manukau, reporting the displacement of certain buoys at the entrance to the Manukau Harbour, which were placed there by the request and at the expense of the General Government.

I have, &c.,

ROBERT GRAHAM, Superintendent.

The Hon. the Colonial Secretary, Auckland.

Enclosure to No. 1.

THOMAS WING, Pilot of Manukau, to the SUPERINTENDENT, Auckland.

SIR,—

Manukau Pilot-Station, 31st December, 1863.

I have the honour to inform you, that during the late Southerly gales more than ordinary sea has been experienced at the entrance of the harbour, causing the anchor of the outer fairway buoy to drag too near the Main Shoal in an exposed position; also, the inner fairway buoy has parted its mooring at the connecting link, about three fathoms from the bridle. The buoy drifted into the harbour, which I anchored near Puponga, when, in the afternoon of the 27th inst., Captain Bell of the "Kangaroo," got up steam, and kindly towed the buoy to an anchorage abreast of the Huia, and as soon as the weather moderated, I took the buoy alongside the barque "Tomatin," and had the mooring hove up for inspection, and found the defect as before stated. I have now to request that your Honor will grant the service of a small vessel like the "Emma Eliza," for the purpose of laying down the buoys afresh; also I shall require fifteen (15) fathoms of $1\frac{1}{4}$ chain, to replace the mooring parted, with labour and materials to prepare mooring stones. I do not think we shall be able to pick up the chain parted from the second fairway buoy; the probability is that it is covered with sand, which is always on the move when there is any strength in the tide. The remainder of the buoys and moorings have stood the test without starting or injury, giving good proof that blocks of stone or iron are more efficient to moor buoys than ships' anchors, on a sandy bottom.

I have, &c.,

THOMAS WING, Pilot and Harbour-master.

His Honor the Superintendent, Auckland.

No. 2.

The COLONIAL SECRETARY to the SUPERINTENDENT, Auckland.

SIR,—

Colonial Secretary's Office, Auckland, 12th January, 1864.

I have the honour to acknowledge the receipt of your letter of the 11th inst., No. 23, A. 10, and in reply to refer your Honor to the 29th and 30th sections of "The Marine Boards Act, 1863," a copy of which is enclosed, which provides that the Superintendents of Provinces shall superintend and maintain harbour marks, buoys, lights, and beacons, now or hereafter to be erected or placed, and that all buoys, beacons, and sea-marks, within any port, shall be vested in the Superintendent of the Province within which the same shall be situate.

I would suggest to your Honor the desirability of having the buoys in the south channel of the Manukau replaced with as little delay as possible.

I have, &c.,

His Honor the Superintendent, Auckland.

WILLIAM FOX.

No. 3.

The SUPERINTENDENT, Auckland, to the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 15th January, 1864.

I have the honor to acknowledge receipt of your letter No. 6, of date 12th instant, and to inform you I quite understand that Superintendents of Provinces are required by the Marine Boards Act to maintain buoys within the harbours of their respective Provinces, but the buoys which I had the honor to draw your attention to in my letter No. 23, of date 11th instant, are coast buoys outside of the harbour, and placed there by the General Government.

I have, &c.,

The Hon. the Colonial Secretary, Auckland.

ROBERT GRAHAM, Superintendent.

No. 4.

The COLONIAL SECRETARY to the SUPERINTENDENT, Auckland.

SIR,—

Colonial Secretary's Office, Auckland, 16th January, 1864.

I have the honor to acknowledge the receipt of your Honor's letter No. 59, of the 15th inst., stating that the buoys, to the replacement of which you called my attention in your letter of the 11th inst., are coast buoys outside of the harbour of Manukau, and therefore not in your opinion to be maintained by the Superintendent of a Province.

If the buoys are not, as I inferred from your Honor's letter of the 11th instant, harbour buoys,

their maintenance devolves, under the 19th Section of the "Marine Boards Act, 1863," on the Marine Board, as it is evidently the intention of that Act to provide for the immediate supervision and repair of sea marks and beacons, without the delay of reference in each case to the General Government, who have not at their disposal either machinery for carrying out or funds for paying the cost of such works.

It is, however, obvious that upon whomsoever legally the responsibility is imposed, the buoys in question should be replaced at once, and I have to request your Honor to be good enough to cause this to be effected with the least possible delay, on the understanding that the adjustment of the expense and the responsibility for the future are settled afterwards. I have, &c.,

His Honor the Superintendent, Auckland.

WILLIAM FOX.

No. 5.

The SUPERINTENDENT, Auckland, to the COLONIAL SECRETARY.

SIR,—

Superintendent's Office, Auckland, 16th January, 1864.

I have the honor to acknowledge receipt of your letter No. 11, of date 16th instant, and in reply to inform you that the Harbour Master of Manukau has been authorised to have the buoys referred to placed in their proper positions with the least possible delay.

I have, &c.,

The Hon. the Colonial Secretary, Auckland.

ROBERT GRAHAM, Superintendent.

No. 6.

The COLONIAL SECRETARY to the SUPERINTENDENT, Auckland.

SIR,—

Colonial Secretary's Office, Auckland, 23rd January, 1864.

Referring to the subject of the replacement of the buoys at the entrance of Manukau Harbour, I requested your Honor, in my letter No. 11, of the 16th instant, to be good enough to cause these buoys to be replaced, on the understanding that the adjustment of the expense and the responsibility for the future should be settled afterwards.

I have accordingly consulted the Honorable the Attorney-General as to the definition of coast and harbour buoys in the "Marine Boards Act, 1863," and requested his opinion upon whom their maintenance respectively devolves.

The Attorney-General has informed me that there is considerable difficulty in the interpretation of the Act on this point. It seems clear what the law should be, namely—that there are three classes of beacons, 1st. Those used entirely for the general navigation of the coast, 2nd. Those used for the coast and for entering particular harbours, 3rd. Those used only as guides for entering a harbour; the cost of the first being properly chargeable to the Marine Board, the second partly to the Marine Board and partly to the Province in which the harbour benefited is situated, and the third entirely to such Province. Under this rule, the buoys put down as guides for entering the Manukau would be Provincial altogether; but the provisions of the "Marine Boards Act, 1863," do not, in the opinion of the Attorney-General, make them so. Section 29 enables the Superintendent to define any port, and requires him to maintain harbour-marks, buoys, &c.; and section 30 vests the buoys, &c., *within any port*, in the Superintendent. As the Manukau buoys are outside the port, or what would reasonably be defined as the port, they are not vested in the Superintendent, nor is he bound to maintain them. The question then remains, whether the Marine Board is bound to do so? Section 19 requires the Marine Board to maintain sea-marks and beacons erected on the coast; it does not mention buoys, and unless they are included in the term "sea-marks," the Marine Board is not legally bound to maintain them. It may have been an omission not specifically to have fixed the duty upon somebody; but at all events the question is one between the Marine Board and the Province concerned. Eventually the question must be determined by further legislation, and that may be made retrospective. If, therefore, neither of those whose duty it ought to be will accept the responsibility, the General Government will pay for the work as for one of necessity, and obtain authority in the next Session of the General Assembly to charge the expense to the proper party.

I have, &c.,

His Honor the Superintendent, Auckland.

WILLIAM FOX.

No. 7.

The COLONIAL SECRETARY to the SUPERINTENDENT, Wellington.

SIR,—

Colonial Secretary's Office, Auckland, 23rd January, 1864.

I have to enclose for your Honor's information copies of the correspondence (Superintendent, Auckland, to Colonial Secretary, of the 11th January, 1864, enclosing letter from Pilot and Harbour-Master, Manukau; Colonial Secretary to Superintendent, Auckland, 12th January, 1864; Superintendent, Auckland, to Colonial Secretary, 15th January, 1864; Colonial Secretary to Superintendent, Auckland, 16th January, 1864; Superintendent, Auckland, to Colonial Secretary, 16th January, 1864; Colonial Secretary to Superintendent, Auckland, 23rd January, 1864) on the subject of the maintenance of certain buoys at the entrance of the Manukau Harbour.

As similar questions may arise respecting buoys placed on the coast, or at the entrance of harbours in the Province of Wellington, I have to request your Honor to be good enough, whenever they do so, to cause the buoys in question to be maintained at the present cost of the General Government.

I have, &c.,

His Honor the Superintendent, Wellington.

WILLIAM FOX.