

CORRESPONDENCE

RELATIVE TO

MAINTENANCE AND REPAIR

OF

BUOYS AND BEACONS AT MANUKAU HARBOUR.

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

WELLINGTON.

—
1867.

CORRESPONDENCE RELATIVE TO BUOYS AND BEACONS AT MANUKAU HARBOUR.

No. 1.

Copy of a Letter from His Honor F. WHITAKER to the Hon. E. W. STAFFORD.

(No. 119.)

Superintendent's Office, Auckland,

9th March, 1867.

SIR,—

I have the honor to enclose eight accounts of money due by the General Government to the Provincial Government of Auckland, on account of advances made by the latter on behalf of the former.

Most of these accounts have already been rendered in detail ; some of them more than once.

It is essential that these sums should be refunded to the Provincial Treasury as soon as possible, as they have been paid without appropriation—in fact the money which was devoted to their payment has been appropriated to other purposes.

In reference to expenses on the Manukau Harbour, I have to direct your attention to the fact that in future it will be impossible to make advances of this nature from the Provincial funds, even under the most exigent circumstances, and therefore in order to prevent loss of life and property, perhaps in fact calamities of a fearful character, it is absolutely necessary that some provisions should be made for restoring, without the delay of a reference to Wellington, buoys when washed away, and for removing beacons whenever the channel changes—occurrences which, I regret to say, are by no means unfrequent.

I have, &c.,

FREDK. WHITAKER,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 2.

Copy of a Letter from the Hon. E. W. STAFFORD to His Honor J. WILLIAMSON.

(No. 117.)

Colonial Secretary's Office,

Wellington, 6th April, 1867.

SIR,—

I have to acknowledge the receipt of the late Superintendent's letter, No. 119, of the 9th ultimo, transmitting eight accounts of money alleged to be "due by the General Government to the Provincial Government of Auckland, on account of advances made by the latter on behalf of the former."

These claims consist of several classes, and in order to avoid confusion, I will address your Honor on the subject of these claims respectively in separate letters.

The claim on account of beacons and buoys amounts to £2,919 13s. 8d., of which £2,576 16s. 5d. is for buoys and beacons for the Manukau Harbour, and the remainder on account of Shearer and Flat Rocks. In reference to expenses on the Manukau Harbour, the letter now acknowledged states that, "it will be impossible to make advances of this nature from the Provincial funds, even under the most exigent circumstances, and therefore in order to prevent loss of life and property, perhaps in fact calamities of a fearful character, it is absolutely necessary that some provision should be made for restoring, without the delay of a reference to Wellington, buoys when washed away, and for removing beacons whenever the channel changes—occurrences which I, the writer, regret to say, are by no means unfrequent."

As I think that some of the former circumstances connected with the maintenance of buoys within and at the entrance of harbours, especially Manukau, had escaped Mr. Whitaker's recollection when he wrote the above words, I would state that it has been evidently for many years the intention of the Colonial Legislature to make provision "for restoring without the delay of a reference" buoys, &c., within and at the entrance of harbours, and that with reference to Manukau the Government fully believed that proper provision had been made when "The Marine Act, 1866," was passed by the General Assembly, and when the Superintendent of the Province of Auckland accepted a delegation (dated 10th January, 1867,) under it of the powers vested in the Governor by section seven, as enable him "to erect, superintend, and maintain harbour marks, lights, and beacons, now or hereafter to be placed within the limits of any port in the Province of Auckland, or the approaches thereto."

In a letter dated 23rd January, 1864, to the Superintendent of Auckland, the Colonial Secretary (Mr. Fox) states that he has consulted the Attorney-General, (Mr. Whitaker, who was also Premier), 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, and that the Attorney-General had informed him "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. 1. Those used entirely for the general navigation of the Coast: 2. Those used for the coast and for entering particular harbours: and, 3. 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 Harbour 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." Mr. Fox then specifies the technical difficulty, and concludes by saying, "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 one of necessity, and obtain authority in the next Session of the General Assembly to charge the expense to the proper party."

It is obvious that some arrangement has for a long time been necessary whereby the maintenance of buoys and beacons, either within a port, or such as may be used solely in directing vessels through channels forming the entrance to a port, should be subject to the supervision of local authority. The officers whose especial duty it is to attend to harbour marks (Harbour Masters and Pilots), and who would immediately discover any derangement, are Provincial officers, and moreover, being on the spot, any accidents could in most cases be remedied by the staff (also Provincial) of these departments. If, on the other hand, the maintenance of harbour buoys and beacons devolves on the General Government, who has not at its disposal either machinery to execute or funds to pay for such works, a great risk of danger, or even loss of life, may be incurred before steps could be taken to remedy a defect.

This view of the case has been acquiesced in and acted on in all Provinces except in Auckland, and I cannot conceive that now that a formal delegation of the necessary power to carry it into effect has been made under the Act of 1866, that the Provincial Government of Auckland desire to abdicate the functions which so properly devolve on it, and to decline to supervise and maintain the guiding marks in its own harbours, and thus virtually to claim that all the other Provinces should both maintain buoys, &c., for their own harbours, and also contribute to maintain them for Auckland harbours. I fully anticipate, therefore, that your Honor will accept a delegation similar to that to your predecessor, under "The Marine Act, 1866," and give it practical effect.

As some time must necessarily elapse before I can hear from your Honor on this subject, I am compelled, in order to avoid a contingency of loss of life and property in the meantime, to authorize the Government Agent at Auckland to take such steps as may for the present be required for the maintenance and repair of buoys, &c., at the entrance of the Manukau, and to defray the necessary expenses incurred in that service, the adjustment of such expenses being left for the decision of the General Assembly; and in order to enable him to fulfil this duty with promptitude, I have to request that your Honor will direct the Harbour and Pilot Departments in the Manukau to communicate with and receive instructions (so far as they relate to the maintenance and repair of buoys, &c.) from himself directly.

With respect to the present claim of £2,919 13s. 8d., I have to state that its final adjustment must be decided by the General Assembly, but that in the meantime repayment will be made on production to the Sub-Treasurer of the proper vouchers, after deducting the sum of £2,583 17s. debited to the Province of Auckland in the separate account on the 28th February last, a copy of which account is enclosed.

His Honor the Superintendent, Auckland.

I have, &c.,
E. W. STAFFORD.

No. 3.

Copy of a Letter from Mr. W. GISBORNE to the GENERAL GOVERNMENT AGENT, Auckland.

(No. 339.)

Colonial Secretary's Office,

SIR,—

Wellington, 6th April, 1867.

I have the honor, by the direction of Mr. Stafford, to request you to be good enough to take such steps for the present as may be necessary for the maintenance and repair of the buoys and beacons at the entrance of the Manukau Harbour, and to defray the necessary expenses connected therewith. The Sub-Treasurer at Auckland will be instructed accordingly.

In order to enable you to discharge this duty with promptitude, His Honor the Superintendent of the Province of Auckland has been requested to direct the Harbour and Pilot Departments in the Manukau to communicate with and receive instructions (so far as they relate to the maintenance and repair of buoys, &c.) from yourself directly.

I have, &c.,

The General Government Agent, Auckland.

W. GISBORNE,
Under Secretary.

No. 4.

Copy of a Letter from His Honor J. WILLIAMSON to the Hon. E. W. STAFFORD.

(No. 14.)

Superintendent's Office,

SIR,—

Auckland, 1st May, 1867.

I have the honor to acknowledge the receipt of your letter No. 117, of date the 6th April ultimo, together with its enclosures, relative to the claim of the Province of Auckland against the General Government amounting to £2,919 13s. 8d., for the maintenance of buoys and beacons within or at the entrance of harbours in this Province, and forwarding a counter claim against the Provincial Government of the amount noted in the margin.

With reference to that portion of the letter alluded to above in which you request me to accept the delegated powers under the Marine Board Act, I have to inform you that I shall have no objection thereto.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

J. WILLIAMSON,
Superintendent.

AND BEACONS AT MANUKAU HARBOUR.

5 E.—No. 11.

No. 5.

Copy of a Letter from Dr. POLLEN to the Hon. E. W. STAFFORD.

(No. 934.)

Office of the Agent for the General Government,
Auckland, 2nd May, 1867.

SIR,—

I have the honor to acknowledge the receipt of your letter of the number and date quoted in No. 339, April 6, the margin, requesting me to take such steps for the present as may be necessary for the maintenance 1867. and repair of buoys and beacons at the entrance of the Manukau Harbour; and informing me that His Honor the Superintendent of Auckland has been requested to instruct the Harbour and Pilot Departments in the Manukau to communicate direct with me on these subjects.

I have, &c.,

DANIEL POLLEN.

The Hon. the Colonial Secretary, Wellington.

No. 6.

Copy of a Letter from the Hon. E. W. STAFFORD to His Honor J. WILLIAMSON.

(No. 157.)

Colonial Secretary's Office,
Wellington, 22nd May, 1867.

SIR,—

I have to acknowledge the receipt of your Honor's letter No. 14, of the 1st instant, in which you state your willingness to accept the delegated powers under "The Marine Act, 1866."

In order to avoid the possible recurrence of misapprehension in this matter, I have to request your Honor to be good enough to state whether, in accepting this delegation, you undertake the necessary provision for the repair and maintenance of buoys and beacons within the harbours in the Province of Auckland, and necessary as guiding marks at their entrance, as is done in other Provinces.

I have, &c.,

E. W. STAFFORD.

His Honor the Superintendent, Auckland.

No. 7.

Copy of a Letter from His Honor J. WILLIAMSON to the Hon. E. W. STAFFORD.

(No. 312.)

Superintendent's Office,
Auckland, 29th May, 1867.

SIR,—

I have the honor to acknowledge the receipt of your letter dated the 22nd instant (referring to mine of the 1st instant) in which you inquire whether, in accepting the delegated powers under "The Marine Act, 1866," I am willing to "undertake the necessary provision for the repair and maintenance of buoys and beacons within the harbours in the Province of Auckland, and necessary as guiding marks at their entrance, as is done in the other Provinces."

In reply I beg leave to state, that in signifying my willingness to accept these powers I did not overlook the duty (thereby entailed) of making all necessary provision for securing to vessels safe entrance to and navigation within the several harbours of this Province.

I have, &c.,

J. WILLIAMSON,

Superintendent.

The Hon. the Colonial Secretary, Wellington.

