

month. Since then they have been under the consideration of my colleagues, and I have been in communication with them upon this subject. I have been endeavouring to meet the Council, if I could find myself justified, but the three engineers named are strongly with Mr. Blackett in the matter. I have not had time to read their reports carefully, but I may say that they recommend a line more inland than Mr. Blackett was prepared to recommend, and are of opinion that the navigation of the harbour will be seriously damaged by the proposed work. I can only say that I will give the matter my immediate attention, and will let you know in two or three days what is the position I conceive myself bound to take up. It is not a pleasant position, and, if the department were not bound with a duty, I should be glad to get out of it. Being charged with this duty, as I am told by the Law Officers I am, I must do what seems to be the right thing; and I am sorry to say that I am quite unable to assent as you request me, although I should be glad to do so if I could.

Councillor STAFFORD.—It has been suggested that this is mainly a question of law. Assuming, in the first instance, that the reasons for the Marine Department interfering are sound, the question is, can you interfere under the law?

Major ATKINSON.—I think it should be put quite the other way.

Councillor STAFFORD.—You are advised that the proposed work would be an injury to the harbour. Can you stop that injury?

Major ATKINSON.—When I was informed that the Marine Department had no power, the Governor's assent not being necessary. I then applied to the Law Officers. They told me that I have a position and duty; that the work is under the Harbours Act; and that I am responsible to Parliament for performing my duty under this Act. If you were doing anything wrong to the harbour I should not interfere, unless the law compelled me to do so.

Councillor STAFFORD.—You are interfering first upon the merits, and secondly because of the law.

Major ATKINSON.—I will put it the other way.

Councillor STAFFORD.—If the advice given to the Government is opposed to the advice given to the Corporation, it is a question of law simply. Such a difficulty might be overcome by antagonistic proceedings, but it has been suggested that the question of law can be settled by the stating of a special case for the Supreme Court. I hope it will be understood that I am now speaking simply as a member of the Council. It seems to me that the Corporation is bound to act upon the advice of its Solicitor and go on with the reclamation. The Government are bound by the advice of the Law Officers to take some steps. That will place us in direct conflict without any real necessity. Cannot this be settled in some better way? We understand that the Government have not any disinclination to the work going on so long as they are satisfied that they are right in law, and that you will not interfere except that you feel yourself bound to because the law requires you to do so.

Major ATKINSON.—I should have no standing except for the law.

Councillor STAFFORD.—The Supreme Court is the proper tribunal.

Major ATKINSON.—I think so.

Councillor STAFFORD.—Will the Government give us facilities for settling this difficulty by a simple statement of the facts, and leave the law to the Supreme Court.

Major ATKINSON.—I will be glad to meet the Council in any possible way to settle this matter amicably, and, if you have to go to law, to do it in the way least expensive and irritating to both parties.

Councillor STAFFORD.—We should like to learn the feeling of the Government as to testing the question. If we attempt to act on the advice we have received you will feel it your bounden duty to stop us. This being so, it will be far better to test the question beforehand. It is a simple question of law, and nothing else.

Major ATKINSON.—The Government have nothing personal in the matter. I could have no personal desire to interfere in the matter at all. My only desire is to do my duty.

The MAYOR.—We wish to avoid anything in the nature of conflict, and we have your assurance that that is the desire of the Government.

Major ATKINSON.—I will meet you as far as possible, but I shall be under the Law Officers' advice as to what I shall do. I will do all I can to get the decision of the Supreme Court, if we can do this, as it seems probable, in the least expensive and quickest manner.

The MAYOR.—I am sure the members of the Council will be glad to have your assurance on this point.

Councillor STAFFORD.—An important question is, at what stage of the proceedings will the Government interfere? If the Government interfere at this stage while we are merely asking for tenders for the work no harm will be done. If the Government put us in the position that we have to arrange our contract so that it may have to be rescinded, that will put us in an awkward position.

Major ATKINSON.—Of course that would be a great waste of public money. Will it not be the best way to have a consultation with our Law Officers, and see if we cannot arrange it? You are quite clear that you will go on, and, when I have determined that it is my duty to oppose you, there might be a conference on the matter.

The MAYOR.—The course will be this: We will advertise for tenders for the work, and there may be an arrangement agreed upon as to the point at which you will step in.

Councillor STAFFORD.—I will suggest that, if the Government are inclined to state a special case on the facts as they are, we need not go into the tendering at all.

Councillor BROWN.—That will be the simplest way.

Major ATKINSON.—I think this will be the proper way. I am speaking now without prejudice, but I will speak to the Law Officers at once.

Councillor STAFFORD.—As this is a question of law it may be well to limit the cost, or agree that it shall not be considered antagonistic, and that each side shall pay its own costs. The Corporation will pay their costs, and the Government will pay theirs.

Major ATKINSON.—I do not think I can say more without a conference with the Law Officers, but I may state that I desire to have everything settled amicably, and with the least possible cost to either party. It seems to me that I have a duty imposed upon me, and that I must fulfil it, as you conceive you must fulfil the duty imposed upon you.

Councillor STAFFORD.—It is merely proposed to use the Supreme Court as a tribunal for an opinion upon a point of law.

Major ATKINSON.—I will consult the Law Officers, and communicate with you in the course of a day or two. We cannot do anything before the holidays.

The MAYOR.—We have a meeting of the Council to-morrow week.

Major ATKINSON.—Many of the members of the Council will probably be away. Can you appoint any one we can consult with if any difficulty arises?

The MAYOR.—You can communicate with the Town Clerk and City Solicitor if any difficulty occurs.

Major ATKINSON.—In consulting with the Law Officers certain questions might arise which would require explanation. There should be no difficulty in arranging the thing.

The MAYOR.—You will first let us know whether the Governor in Council approves or disapproves of the plans.

Major ATKINSON.—I think it will be desirable not to take any further steps unless, after consultation, we find we can do so.

The deputation then thanked Major Atkinson, and withdrew.

No. 24.

The SECRETARY, Marine Department, to the TOWN CLERK.

SIR,—

Marine Department, Wellington, 11th April, 1882.

Referring to previous correspondence on the subject of the Te Aro reclamation, and to the interview that a deputation of the members of the Wellington City Council had with the Minister having charge of this department, I am directed to inform you that the Government will agree to any