

1856.

HOUSE OF REPRESENTATIVES.

REPORTS OF THE SELECT COMMITTEE
TO WHICH WERE REFERRED THE
PETITIONS OF CUSTOM-HOUSE OFFICERS
AT WELLINGTON.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF
REPRESENTATIVES.

VOTES, No. 8, THURSDAY, MAY 1, 1856.

5. Petitions of Custom-house Officers at Wellington:—Mr. Fitzherbert, pursuant to (amended) notice, moved, That the Petition of the Tidewaiters at the Port of Wellington, and also that of Edward Catchpool, be referred to a Select Committee, to consist of Mr. Daldy, Mr. Macandrew, Mr. Cuff, Mr. Henderson, Mr. Domett, Mr. Ludlam, Mr. Hall, and the mover; Report to be brought up on the 10th instant.

Question put and passed.

VOTES, No. 18, THURSDAY, MAY 15, 1856.

5. Postponements: (6) Report of the Committee on the Petitions of Custom-house Officers at Wellington postponed, on motion of Mr. Fitzherbert, to this day week.
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VOTES, No. 19, FRIDAY, MAY 16, 1856.

6. Custom-house Officers at Wellington:—Mr. Fitzherbert, pursuant to notice, moved, That copies of all correspondence and documents relative to the dismissal of the tidewaiters at Wellington, on or about the 17th of September last, be laid on the table of this House.

Question put and passed.

VOTES, No. 23, THURSDAY, MAY 22, 1856.

9. Custom-house Officers at Wellington:—Mr. Fitzherbert, Chairman of the Committee to which the Petitions of Tidewaiters at Wellington, and also the Petition of Edward Catchpool, had been referred, brought up the Reports of the Committee, which were read, and ordered to be printed

**MEMORIAL OF THE UNDERSIGNED,
AN OFFICER IN HER MAJESTY'S CUSTOMS AT THE PORT OF WELLINGTON.**

(Read and Received April 29th, 1856.)

TO THE HONORABLE THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF NEW
ZEALAND IN PARLIAMENT ASSEMBLED.

Humbly sheweth,

That your Memorialist entered the Customs at Wellington in April, 1848, as Chief Clerk and Warehousekeeper, at £130 per annum, and was promoted in August, 1851, to the office of First Landing Waiter, at £200 per annum.

That Mr. William Seed was appointed in July, 1853, to the office of chief clerk and warehousekeeper, at £160 per annum, and that, after he had held that office for six months only, the Collector at Wellington recommended to the Officer Administering the Government that he should have his salary raised to the same amount as your Memorialist, viz., £200, without recommending at the same time any advance in the salary of your Memorialist, who continued to receive only the same rate of salary until October, 1854.

That your Memorialist considers that the withholding from him any advance of salary for this period of nine months implied a censure upon your Memorialist, who is not aware that he has been charged with any dereliction of duty.

That your Memorialist believes that the Collector of Customs at Wellington has, in more than one instance, acted arbitrarily and illegally, in depriving your Memorialist of the benefit of certain seizures made by him, which your Memorialist believes he is in a position to establish.

That the Collector of Customs, on the occasion of his leaving Wellington in January last, for a short period, for the Chatham Islands, on public business, recommended to his Excellency the Governor that Captain Sharp should be permanently appointed to the offices of Deputy Collector and Landing Surveyor, although that gentleman had previously held an inferior office to your Memorialist; and that the Collector obliged your Memorialist to sign the "Appearance Book" second, instead of first, as heretofore, by which your Memorialist has been degraded in the service.

That such a course tends seriously to dispirit officers, when they find that their just claims to promotion are overlooked.

That the Collector has lately arbitrarily deprived the officers concerned of payment for extra attendance, when their services are required by merchants, with the Collector's consent, to superintend the landing of goods beyond the legal hours, although such a practice is sanctioned by the Honorable Board of Customs in England, and has prevailed at Wellington, and other ports in New Zealand.

Your Memorialist, therefore, hopes that your Honorable House will cause enquiries to be made into the truth of his statements, believing that your Honorable House will redress his grievances.

And your Memorialist, as in duty bound, will ever pray.

(Signed) **EDWARD CATCHPOOL,**

First Landing Waiter of Her Majesty's Customs,
Wellington.

Wellington, March 15, 1856.

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed May 1, 1856, to whom was referred the Petition of Edward Catchpool, report as follows:—

Your Committee, after a careful examination into the several particulars set forth in the petition of Edward Catchpool, first landing waiter at the Port of Wellington, as well as into its general bearing (during which their enquiries have extended over six sittings), are of opinion that the matters referred to therein are of great importance, and affect, not merely the individual interests of the Petitioner, but likewise the future efficiency of the department to which he belongs.

Notwithstanding, your Committee sitting at a great distance from the locality in which the circumstances submitted to their investigation occurred, and consequently unable to summon witnesses before them, and being likewise especially anxious in no way to prejudge the final issue; have found themselves precluded from conducting their examination to a conclusive decision.

Enough however has been elicited by documentary evidence, during the progress of their enquiry, to satisfy their minds that a *prima facie* case has been made out in favor of the Petitioner, and they consequently recommend that the whole matter should be referred by the Government to the investigation and report of a Commission, directed to conduct its enquiries at the Port of Wellington.

WILLIAM FITZHERBERT, *Chairman.*

May 22, 1856.

MEMORIAL OF THE UNDERSIGNED,
LATE OFFICERS IN HER MAJESTY'S CUSTOMS IN THE PORT OF WELLINGTON.
(Read and received April 29, 1856.)

TO THE HONORABLE THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF NEW ZEALAND
IN PARLIAMENT ASSEMBLED.

Humbly sheweth,

That your Memorialists were lately employed as Tidewaiters at the Port of Wellington, at a permanent salary of £80 per annum, with the addition of 2s. 6d. per diem while afloat.

That some of your Memorialists had been several years in the service of the Customs, and one of them had been a Tidewaiter for upwards of seven years.

That your Memorialists, on the 19th day of September last, addressed a letter (dated 17th September) to the Collector of Customs (copies of correspondence relative thereto herewith attached), calling his attention to the nature of some of the duties which they had to perform, and requesting him to solicit His Excellency to award them an advance of salary in consequence thereof.

That your Memorialists received a reply from the Collector the same day, informing them that he had taken their Memorial into consideration, and that he had decided on dismissing them the service; and they were accordingly paid off and dismissed immediately.

That your Memorialists had not been charged by the Collector of Customs with any neglect of duty, or other improper conduct.

That your Memorialists thereupon petitioned his Excellency the Governor, respecting the conduct of the Collector in dismissing them so summarily; but his Excellency, while he expressed his sympathy, and regretted their sudden removal, declined to interfere in the matter.

That your Memorialists, therefore, pray your Honorable House to award them compensation for being thus suddenly deprived of their means of subsistence.

(Signed)

{ HENRY FREDERICK BROOK,
R. W. PATTEN,
WILLIAM SCOTT,
FREDERICK J. ENGLISH,
J. C. JAMES,
(Per H. F. BROOK).

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed May 1, 1856, to whom was referred the Petition of the Tidewaiters of Wellington, report as follows :—

The Committee to whom the Petition of the late Tidewaiters at Wellington was referred, after having taken it, together with the correspondence relating thereto, into their consideration, have agreed to the following Report and recommendation, viz. :—

That although the removal of these officers from the Customs service at Wellington appears to have been made with a view to an alteration in the arrangements for conducting the business of the department at that Port; yet, that such removal appears to have been effected in an unnecessarily harsh and sudden manner. And further, that a reasonable notice of their intended removal should have been given to the Petitioners.

Wherefore, the Committee are of opinion that one month's pay ought to be granted to each of the Petitioners by way of compensation.

WILLIAM FITZHERBERT, *Chairman.*

*Committee Room, House of Representatives,
May 22, 1856.*

APPENDIX

TO THE REPORT OF THE COMMITTEE ON THE PETITION OF THE TIDEWAITERS OF WELLINGTON.

(COPY.)

CUSTOM HOUSE, WELLINGTON,
17th September, 1855.

SIR,

We, the undersigned, Tidewaiters in the employ of her Majesty's Customs at this Port, beg to call your attention to our present position in that capacity.

Under the existing arrangements, we receive an annual salary of £80, with an additional 2s. 6d. per day when boarded on vessels. It is almost unnecessary to inform you that we are required to act as boatmen to the Tide Surveyor, no other boat's crew being allowed to that officer. We are given to understand that at other ports (at Auckland, there is no doubt,) the Tide Surveyor has a boat's crew exclusively at his service, and that the tidewaiters are not required to act as boatmen.

Instances have occurred here where masters of English vessels have expressed surprise at having boatmen boarded on them as tidewaiters.

Again, on the tidewaiters devolve the landing and shipping of the post-office mails, and in many instances these mails are not ready for shipment till after the close of the Customs Department. This circumstance entails on us an extra duty; and in reference to this matter we are in doubt ourselves (we submit it with deference) whether the conveyance of the post-office mails comes under the head of the duties required to be performed by us.

Taking into consideration that for the last twelve months provisions of every description have been continually increasing in price, with no prospect of becoming cheaper; that house rent and labour of every description have increased in proportion; in fact, that every necessary of life is at the present time in Wellington most exorbitantly dear, we venture to hope that, under such circumstances, you will be of opinion that sufficient grounds exist for an increase in our yearly salary; and

we beg, therefore, respectfully to request that you will be pleased to recommend our case to the consideration of the Officer administering the Government in New Zealand.

We are, Sir,

Your most obedient humble servants,

(Signed)

{ R. W. PATTEN,
WILLIAM SCOTT,
F. J. ENGLISH,
J. C. JAMES,
HENRY F. BROOK.

Stephen Carkeek, Esq.,
Collector H. M. Customs, Wellington.

COPY OF THE COLLECTOR'S REPLY.

CUSTOM HOUSE, WELLINGTON,
19th September, 1855.

GENTLEMEN,

Having taken your letter of the 17th inst. into consideration, I have determined at once to relieve you from the grievances under which you state you have for some time been labouring, although until the perusal of your communication I was not aware that they existed.

I have, therefore, caused the usual pay abstract to be made out for your salaries up to this date, which will terminate your services in this Department.

I am, Gentlemen,

Your obedient servant,

(Signed)

S. CARKEEK,
Collector.

TO HIS EXCELLENCY COLONEL THOMAS GORE BROWNE, C.B., GOVERNOR-IN-CHIEF OF THE ISLANDS OF NEW ZEALAND.

The Memorial of Henry Frederick Brook, Frederick John English, and William Scott, of Wellington, in the Province of Wellington, settlers, and John Charles James, also of Wellington, Custom House Officers,

Sheweth,

That in the month of December, 1854, your Memorialists were appointed Tidewaiters in Her Majesty's Customs at the Port of Wellington, under the system established by Sir George Grey, (the late Governor-in-Chief of New Zealand) which came into operation on the 1st of October, 1853.

That your Memorialists continued to perform their duties up to the 19th September last, their annual salary being Eighty Pounds, with an additional sum of Two Shillings and Sixpence per diem when boarded on vessels, or engaged to assist in extra work in the long room.

That during the whole period of their employment in the Customs Department no charge of neglect of duty, or on any other ground, was preferred against your Memorialists; but their duties were discharged, as far as they are aware, to the entire satisfaction of the Collector and Tide Surveyor.

That on the 17th September last your Memorialists, in conjunction with the other Tidewaiters, addressed a letter to the Collector, of which the following is a copy:—

"CUSTOM HOUSE, WELLINGTON,
17th September, 1855.

"SIR,

"We, the undersigned Tidewaiters in the employ of Her Majesty's Customs at this Port, beg to call your attention to our present position in that capacity.

"Under the existing arrangements we receive an annual salary of £80, with an additional sum of 2s. 6d. per diem when boarded on vessels. It is almost unnecessary to inform you that we are required to act as boatmen to the Tide Surveyor, no other boat-crews being allowed to that officer. We are given to understand that at other ports (at Auckland there is no doubt) the Tide Surveyor has a boat's crew exclusively at his service, and that the Tidewaiters are not required to act as boatmen. Instances have occurred here where masters of English vessels have expressed surprise at having boatmen boarded on them as *Tidewaiters*. Again, on the Tidewaiters devolves the landing and shipping of the post-office mails; and in many instances these mails are not ready for shipment till the close of the Customs department. This circumstance entails on us an extra duty, and in reference to this matter, (we are in doubt ourselves) we submit it with deference, whether the conveyance of the post-office mails comes under the head of the duties required to be performed by us.

"Taking into consideration that for the last twelve months provisions of every description have been continually increasing in price, with no prospect of becoming cheaper; that house rent and labour of every description have increased in proportion; in fact, that every necessary of life is at the present time in Wellington most exorbitantly dear; we venture to hope that, under such circumstances, you will be of opinion that sufficient grounds exist for an increase in our yearly salary; and we beg, therefore, respectfully to request that you will be pleased to recommend our case to the consideration of the Officer Administering the Government in New Zealand.

"We have the honor to be, &c.,

(Signed)

{ "H. JAMES,
R. W. PATTEN,
H. F. BROOK,
WILLIAM SCOTT,
F. J. ENGLISH.

"S. Carkeek, Esq.,
"Collector in Her Majesty's Customs,
"Wellington."

And on the 19th of the same month, the Collector, in reply, addressed to each of the Tidewaiters the following letter:—

"CUSTOM HOUSE, WELLINGTON,
September 19, 1855.

"GENTLEMEN,

"Having taken your letter of the 17th instant into consideration, I have determined at once to relieve you from the difficulties under which you state you have for some time past been labouring; although, until the perusal of your communication, I was not aware that they existed.

"I have, therefore, caused the usual pay abstracts to be made out for your salaries, up to this date, which will terminate your services in this department.

"I am, Gentlemen, &c.,

(Signed)

"S. CARKEEK, Collector."

Addressed "To each of the Tidewaiters."

And accordingly, in conformity with such reply, all the Tidewaiters were at once dismissed from the Customs Department.

Bearing in mind that no charge of neglect of duty, or of any other nature, has ever been alleged against your Memorialists, they would with deference submit that the course adopted by the Collector is, to say the least of it, irregular; and your Memorialists would respectfully urge on the notice of your Excellency that the instantaneous dismissal of them from their situations, and that, too, in the middle of a month and in the middle of a week, is an excess of authority on the part of the Collector which he was not justified, under the circumstances, in carrying into effect, inasmuch as the letter addressed to that officer by the Tidewaiters was not in any way dictatorial; but on the contrary they (the Tidewaiters) ventured to hope that, from the facts set forth in the letter, sufficient grounds existed for an increase in

their yearly salary ; and they begged therefore respectfully to request that he, the Collector, would be pleased to recommend their case to the consideration of the Officer Administering the Government in New Zealand.

Viewing the case of your Memorialists as it stands in regard to the letter addressed to the Collector by the Tidewaiters, and the reply of the former, and in the absence of any charge or complaint against them of any nature, during the period of their employment in the Customs Department, your Memorialists beg respectfully to urge that the course adopted by the Collector has inflicted on them a serious injustice ; and the more especially so because their dismissal from the Customs Department was so instantaneous, and in the opinion of your Memorialists, to unjustifiable.

Your Memorialists beg therefore respectfully to submit their case to the notice of your Excellency, fully aware that it will receive at your hands such a consideration as it merits.

And your Memorialists as in duty bound will ever pray, &c.

{ HENRY F. BROOK,
W. SCOTT,
F. J. G. ENGLISH,
J. C. JAMES.

Wellington, 19th November, 1855.

COPY OF HIS EXCELLENCY'S REPLY TO THE TIDEWAITERS' MEMORIAL.

GOVERNMENT HOUSE, WELLINGTON,
27th November, 1855.

GENTLEMEN,

In reply to your Memorial, dated the 19th instant, regarding your removal from the office of tidewaiters, I am directed by His Excellency to make the following observations.

The Collector of Customs, with reference to the arrangement of the employment of the boat's crew as tidewaiters, was authorized by Governor Grey "to appoint and remove such officers as the necessities of the service may from time to time require," reporting any changes for the information of the Government.

His Excellency regrets the suddenness of your removal, for which your letter of the 19th September last, to the Collector of Customs, does not of itself afford sufficient cause ; but that officer was fully justified, after giving reasonable notice to persons employed, in making such changes with regard to the experimental arrangement referred to, as he might think beneficial to the public service.

His Excellency does not think it advisable to reverse the decision made in this case, nor is it in his power to give you any compensation.

I have the honor to be, gentlemen,

Your most obedient, humble servant,

(Signed)

W. GISBORNE,
For the Colonial Secretary.

