

No. 13.

His Honor JOHN WILLIAMSON to the Hon. W. Fox.

SIR,—

Wellington, 2nd July, 1869.

I have the honor to acknowledge the receipt of your letter of 22nd June, 1869, No. 147, in which you refer to the correspondence that has passed between the Government and the Superintendent of Auckland relative to the resurvey of the Manukau Harbour.

I am not disposed to question the accuracy of your recital, but I feel constrained to take exception to the fairness of your proposal, that the expense to be incurred in the resurvey of the Manukau Bar, miles outside the coast line and distinct from the Harbour of Manukau, should be charged against the Province of Auckland, under the Marine Act.

I am of opinion that no delay whatever should be allowed to take place in making an accurate resurvey of the Manukau Bar, and I have, therefore, to request that the Marine Surveyor be instructed to proceed forthwith to the Manukau and undertake this work; but I respectfully submit that the expense should be a Colonial and not a Provincial charge, inasmuch as it is properly a part of the coast survey, the expense of which is, in all cases, borne by the Colony.

The Provincial Government of Auckland has already undertaken the work of shifting and replacing the beacons and buoys within the harbour and on the bar, in accordance with Mr. Balfour's report, at a cost of over £800; and any expense that may necessarily be incurred resurveying the harbour proper, will be borne by the Province of Auckland.

I have likewise the honor to request that you will be good enough to instruct the Marine Surveyor to proceed to Hauraki Gulf, on the East Coast of the Province of Auckland, and make an accurate resurvey of the coast line, with the view of rectifying the Admiralty Charts of that part of the coast, which have been ascertained to be incorrect.

I have, &c.,

J. WILLIAMSON,
Superintendent.

The Hon. the Colonial Secretary, Wellington.

No. 14.

The Hon. W. GISBORNE to His Honor J. WILLIAMSON.

Colonial Secretary's Office,

Wellington, 30th August, 1869.

SIR,—

Referring to your Honor's letter of the 2nd ultimo, on the subject of the resurvey of the Manukau Bar, I have the honor to forward herewith a copy of a Memorandum by the Colonial Marine Engineer, and to inform you that the view taken by Mr. Balfour is supported by the opinion of the Attorney-General.

So soon as the resurvey of the Manukau can be commenced, the Government have no doubt that a satisfactory arrangement will be able to be made with the Provincial Government of Auckland as to the apportionment of the charges.

I have, &c.,

His Honor the Superintendent of Auckland.

W. GISBORNE.

Enclosure in No. 14.

MEMORANDUM by MR. BALFOUR.

Survey of Manukau Bar.

1. THE only enactment regarding marine surveys, that I am acquainted with, is the 29th section of "Marine Act, 1867," which runs as follows:—"It shall be lawful for the Governor to authorize to be made and completed all such surveys of any port, harbour, or coast line of the Colony as may be requisite for the safety of shipping, and all such surveys so made and completed shall be published by authority of the Governor.

2. There is nothing in the Act as to whether local surveys of harbours, &c., shall be charged provincially or not.

3. The question is, therefore, an open one, and may be decided on general principles. If the 29th section be read in the light of the two preceding sections (27 and 28), I should, however, say that such a survey as that of Manukau Bar should be charged provincially.

A. The proclaimed limits of the port extend to and include the bar.

B. The survey of the bar is only of use to vessels frequenting the port and crossing the bar. No coasting vessel (not entering) would be at all benefited by such a survey.

4. The Act distinctly provides (sections 27 and 28) that all harbour-marks, buoys, and beacons, within the limits of any port or harbour, or the approaches thereto, shall be established and maintained at the cost of the Province within which such port or harbour is situated.

5. The same general principle applies here:—

A. Buoys, &c., within the proclaimed limits of any port, should be maintained by the Province.

B. All buoys, &c., which are only available or serviceable to vessels entering or leaving any port or harbour, may be logically considered to be within "the approaches thereto," and are, therefore, chargeable provincially.

6. It is certainly difficult to draw a line in some cases, and I believe the public service would be benefited were all harbours administered by the General Government (as a branch of the Customs probably, so that lighthouses, harbour establishments, and marine surveys would be under one general control, the cost being defrayed from a common fund.

* * * * *

JAMES M. BALFOUR,
Colonial Marine Engineer.

Wellington, 9th July, 1869.