

1882.
NEW ZEALAND.

PROPOSED TE ARO RECLAMATION, WELLINGTON HARBOUR

(CORRESPONDENCE RELATIVE TO).

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Town Clerk's Office, Wellington, 7th December, 1881.

I have the honor, by direction, to forward herewith, in terms of clause 156 of "The Harbours Act, 1881," copies of plans of the proposed Te Aro reclamation, to which the City Council desire to obtain the approval of the Governor in Council, in terms of clause 154 of the said Act.

Will you have the kindness to inform me whether this application will be sufficient, or whether it will be necessary to make further application through the Colonial Secretary or other Minister.

I have, &c.,

CHARLES C. GRAHAM,

Town Clerk.

The Secretary, Marine Department, Wellington.

No. 2.

The SECRETARY, Marine Department, to the TOWN CLERK.

SIR,—

Marine Department, Wellington, 12th December, 1881.

I have the honour to acknowledge the receipt of your letter of the 7th instant, forwarding copies of plans of the proposed Te Aro reclamation for the approval of the Governor in Council, and in reply to the last paragraph thereof to inform you that this application will be sufficient; but that duplicate plans will be required in pursuance of section 156 of "The Harbours Act, 1878."

I have, &c.,

WILLIAM SEED.

The Town Clerk, Wellington.

No. 3.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Town Clerk's Office, Wellington, 23rd December, 1881.

Referring to my letter of the 7th instant, I have now the honor to forward herewith duplicate plans of the proposed Te Aro reclamation signed as approved by the Chairman of the Harbour Board; and, as the Council are anxious now to call for tenders with the least possible delay, I have to request that you will kindly give the matter all due despatch.

I am further directed to state that, although the details in the plans submitted to you are for a breastwork of totara, sheathed with muntz-metal, it is the intention of the Council to call for alternate tenders for cement alone, or for cement and brick.

I have, &c.,

CHARLES C. GRAHAM,

Town Clerk.

The Secretary, Marine Department, Wellington.

No. 4.

The SECRETARY, Marine Department, to the TOWN CLERK.

SIR,—

Marine Department, Wellington, 30th January, 1882.

Referring to your letter of the 7th ultimo, forwarding plans of the proposed Te Aro reclamation for approval by His Excellency the Governor in Council, I have the honor, by direction of the Minister having charge of this department, to forward herewith copy of report thereon by the Colonial Marine Engineer, together with duplicates of the plans referred to therein.

I have, &c.,

H. S. MCKELLAR,

For Secretary.

The Town Clerk, Wellington.

Enclosure in No. 4.

MEMORANDUM for the Hon. the MINISTER, Marine Department.

I HAVE carefully examined these plans [M.D. 589, 590, 591, (three sheets) 592], as proposed by the City Council, Wellington, for the above; and, in the interests of the Harbour of Wellington, cannot recommend them for approval without considerable modification.

A reference to the plan M.D. 606, prepared for the purpose, will show that these proposed works, if carried out, will materially decrease the area of a most useful portion of the harbour; the face line of the reclamation, or breastwork, will at its eastern extremity be in water 13 feet deep; in fact, the line as laid down on an old plan of soundings shows 15 feet, which fact, if the two sets of plans are correct, would indicate considerable silting up of the bottom. I should recommend that the line of breastwork at the above place should not have a greater depth than 9 or 10 feet, and a line drawn to correspond with this would be about $2\frac{1}{2}$ chains inland of the line proposed. Also, at the end next the Queen's Wharf the water area is prejudicially lessened, and the reclamation will prevent a free flow of water under the land end of the wharf.

The starting point I should propose to be about $2\frac{1}{4}$ chains nearer Custom House Quay, and the face of the work thence projected on a line to give a clear width of 100 to 120 feet from the corner of section 24 F (see plan, on which it is shown 120 feet).

An alternative line is also shown by black dots, which would place the proposed "Quay" to the seaward of the Queen's Bond; this, on some grounds, might be preferred. This, the former line, will reduce the area of proposed reclamation by about $4\frac{1}{2}$ to $4\frac{3}{4}$ acres, embracing what must be considered as a most useful and necessary part of the harbour.

It should be explained why the breastwork need not be in such deep water as 13 to 15 feet: the prevalence of certain winds would prevent it being utilized for berthage, as the vessels lying against it would not be stem and stern on to these winds; and to give the necessary berthage the breastwork, when complete, will be studded with projecting wharves in the proper direction to suit the winds—that is, parallel with the arms of the Queen's Wharf (see dotted green lines on plan, illustrative of this, showing one of these wharves, W.) The inner end of these wharves need not be in deeper water than 9 to 10 feet, to suit the smaller class of vessels, and the wharves would project gradually into deeper and deeper water to suit the larger vessels as might be required.

On the tracing furnished by the City Council (M.D. 589) I have marked the line as proposed to be modified, dotted green; also on plan specially prepared (M.D. 606), is shown the same line and its *probable* extension eastward, supposed to be in water 9 to 10 feet deep at low water springs.

In reference to the minute of the Secretary, Marine Department, as to provision for a public road or quay along the sea-front of the reclamation, this must be considered as an absolute necessity, in view of rail and tram extensions and increased general public traffic; and on the latter-named plan is shown this quay (120 feet wide) in green dotted lines. Custom House Quay will at some future time have to be widened to correspond.

In reference to constructive details, the wrought-iron ties for staying the piles of the breastwork appear to be drawn at too steep an angle to be of service in such deep water, and should be taken further back; this, however, can be modified when the actual depth of the reclamation at the breastwork has been decided.

In conclusion, I again most earnestly recommend that the plans as submitted by the City Council be not approved, but that they be modified as suggested. A large extent of useful harbour area will thus be conserved, and the cost of the work very materially reduced.

JOHN BLACKETT,
Marine Engineer.

Marine Office, 24th January, 1882.

No. 5.

The TOWN CLERK to the Hon. the MINISTER, Marine Department.

SIR,—

Town Clerk's Office, Wellington, 7th February, 1882.

I have the honor, by direction, to acknowledge receipt of your letter of the 30th January, enclosing copy of report by the Marine Engineer on the plans of the proposed Te Aro reclamation, as submitted by the City Council for the approval of the Governor in Council.

This report has been duly considered by the City Council, in conference with the Harbour Board, who have appointed a joint committee to wait upon you as a deputation on the subject of the very considerable modifications in the said plans, as proposed by the Marine Engineer; and I have to request that you will kindly inform me when it will be convenient for you to receive the said deputation.

I have, &c.,

The Hon. the Minister of the Marine Department,
Wellington.

CHARLES C. GRAHAM,
Town Clerk.

No. 6.

DEPUTATION to Major ATKINSON.

[Extract from *Evening Post*, 11th February, 1882.]

A joint deputation from the City Council and Harbour Board waited on the Hon. Major Atkinson, Minister of Marine, yesterday afternoon, relative to the modifications made in the City Council plans of the proposed reclamation. The representatives of the Council were—His Worship the Mayor, Councillors Logan, S. Brown, Allen; Mr. Baird, City Engineer; and Mr. Graham, Town Clerk. The Harbour Board was represented by its Chairman, Mr. Levin, and Mr. Jackson. Mr. Blackett, Marine Engineer, and Mr. H. S. McKellar, of the Customs Department, were also present.—The Mayor stated that the deputation had come to see whether they could induce the Minister to cause some alteration to be made in the modifications suggested to the plans of the Corporation by the Marine Engineer, as those modifications were such as to seriously interfere with the carrying-on of a work deemed so important by the citizens. In fact, so

seriously did the suggested alterations affect it, that it would really be a question whether it would be worth while carrying out the reclamation if they were adopted. Roughly speaking, the Council would lose in the saleable value of the land about £40,000—that was on the first piece of reclamation. The deputation thought they might, with such data as the Engineer would put before the Minister, induce the Government to allow them to go on with the work, as it would be shown that the navigation of the harbour would not be seriously interfered with. Some slight alterations might be made to obviate the objections pointed out. They did not wish to attach less importance to Mr. Blackett's opinion than it was entitled to, but they would like if Mr. Blackett could point out something which would not so seriously interfere with the scheme.

—Mr. Baird produced a plan of the proposed reclamation, showing also the modifications suggested by Mr. Blackett. He pointed out that a number of blocks would be cut up, and others obliterated from the plans. Altogether about 2,900 feet of frontages would be cut away entirely, and that, at £20 per foot, would mean a loss of upwards of £50,000. Mr. Baird mentioned that by doing away with No. 12 berth the Corporation would provide berthage along the breastwork, and vessels would have their heads to the wind the same as at the present T. It would not be difficult to prevent the silting up of the approach to the breastwork, and it had been provided for on the plan.—The Minister of Marine said no doubt the suggested modification would be destructive of the land, but what Mr. Blackett had to consider was the injury to the harbour. It was the duty of all parties to look to the future requirements of the port.—Councillor Allen said no prudent mariner would ever put his vessel on the Te Aro Bight, where they would be subject to the sweep of the north-west wind.—The Mayor mentioned that under the grant of 1874 the Corporation were granted 70 acres of land, the only condition being that they should reserve 100 feet frontage, and it now seemed a little hard that outside power should be so solicitous for the interests of a rival body, and that the progress of the work should be interfered with at the outset.—Major Atkinson said he took it there was no antagonism between any of the parties concerned, but that they were all there to see what was best for the interests of the harbour, because the interests of the city were bound up in the interests of the harbour. They were all present for the purpose of seeing if they could not decide what was best for all purposes.—The Town Clerk said the reclamation was the security to the public creditor on account of the waterworks loan.—Major Atkinson replied that that could have no weight in dealing with this subject, where the interests of the whole harbour were concerned. Much greater injury might be done to bondholders by injury to the harbour than the stoppage of the reclamation.—Councillor Brown stated that there had never before been any notice of interference, and objection was raised only when the Council had arranged with the foreshore-holders.—Major Atkinson said if they started with the idea that they all wanted to get as much land as possible without damage to the harbour they would come to some conclusion. He would like to see the arguments take that line. He was charged with the duty of seeing that the harbour was not injured. He asked Mr. Blackett to state his reasons for objecting to the proposed line of reclamation.—Mr. Blackett said it would considerably reduce the harbour area. He contended that 8 feet, 9 feet, or 10 feet would be deep enough for reclamation purposes from an economic point of view.—Major Atkinson: Only from an economic point of view.—Mr. Blackett: And from a harbour point of view. They should not waste water.—Major Atkinson: Supposing the parties were willing to lose that water-area, and agreed that it was desirable to obtain the land, would it injure the harbour to make the land?—It would give you less room for navigating.—In reply to Major Atkinson, Mr. Levin said the Harbour Board had expressed a decided opinion about their piece of land being cut away by rather more than half of the most valuable portion. He thought the difficulty might be got over by a little modification of Mr. Blackett's proposals.—Major Atkinson said the Government might fairly ask the Board, as the conservators of the harbour, their views upon the subject.—Mr. Logan here stated that he had seen the Harbourmaster, who had told him that the Corporation line of reclamation would not interfere with the navigation at all. The Mayor: Supposing both bodies agreed to go on with the work, would the department agree to it?—Major Atkinson: If both agreed, and it did not interfere with the harbour, there would be no objection. The desire is to do what is best in the interest of all.—Mr. Logan jocularly remarked that if shipping trespassed within the reclamation line the Corporation could sue them for trespass.—Major Atkinson: That might be more profitable than the reclamation (laughter).—After some further discussion, it was decided to allow Mr. Blackett and Mr. Baird to discuss the matter between them, and the deputation withdrew.

No. 7.

MEMORANDUM for the Hon. the MINISTER, Marine Department.

IN accordance with the arrangement made during your interview with the deputation from the City Council and Harbour Board on the 10th instant, I met Mr. J. D. Baird, City Surveyor, by appointment, to endeavour to agree with him on a modified line for the proposed breastwork which would meet the requirements of the Marine Department, and be satisfactory to the City Council. After some general conversation, during which we could not determine as to the starting-point from the Queen's Wharf, I proposed, and Mr. Baird agreed to the proposal, that we should confer with the Harbourmaster, who, after being informed as to the several points at issue, gave his opinion in a manner most clear and precise.

This was to the effect that no part of the harbour affected by the Te Aro reclamation scheme should be encroached on beyond the limits of 8 feet to 9 feet soundings at low water; that the line of reclamation proposed by the City Council would cut through a most valuable and indispensable portion of the harbour, which should not be invaded by reclamation on any pretext, and that the gain of many acres of reclaimed land would be no compensation for the loss of water area, which a departure from the above conditions would involve. He stated also that he had had several opportunities of expressing this opinion before Committees of the House, and that he still held the opinion most strongly.

You will observe that this confirms to the fullest extent the position taken up in my memorandum of the 24th January, and would, if carried out to the letter, give a less area for reclamation than allowed by that memorandum.

In reference, however, to the starting-point at the Queen's Wharf, the Harbourmaster would not insist that my restriction should be adhered to, and gave it as his opinion that the reclamation might begin at the point shown on the City Council's plans—namely, 86 feet landward of the inner face of the inner T; also that this line of reclamation should be prolonged backward to meet the breastwork of Custom House Quay, as already proposed. On the other point, however—namely, as to retaining the largest possible area of water to the south-east of the Queen's Wharf, over soundings of 8 to 9 feet, he was firm; and as this is in accordance with my recommendation, it was evident to Mr. Baird and myself that he and I should not agree on any line.

Under these circumstances, and with the view of giving the Harbourmaster an opportunity of officially expressing his opinion, I recommend that a plan with this modification of my line shown upon it, and also a copy of this memorandum, be sent to the Harbour Board, with a letter inviting an expression of their opinion after having referred the matter to their Harbourmaster. On receipt of their reply in confirmation or otherwise of the modified line, I recommend that a plan showing the face line of the reclamation as may be determined on after the reply of the Harbour Board, be sent to the

City Council, explaining that this is the extreme limit to which reclamation should be carried.

I have marked the modified line referred to in brown colour on the first plan submitted to you (M.D. 606), and a tracing on an enlarged scale will be prepared to accompany the memorandum to be sent to the Harbour Board, should you approve of this recommendation.

Marine Office, 14th February, 1882.

JOHN BLACKETT,
Marine Engineer.

No. 8.

MEMORANDUM for the Hon. the MINISTER, Marine Department, by the MARINE ENGINEER.

I BEG to recommend that copy of my first memorandum on the above, with plan sent to the City Council, be also sent to the Harbour Board along with the second memorandum and plan which you have authorized to be sent.

This, if approved, will put the Harbour Board in possession of all correspondence connected with above, and will assist them materially in considering the question at issue.

Marine Office, 15th February, 1882.

JOHN BLACKETT,
Marine Engineer.

No. 9.

The SECRETARY, Marine Department, to the CHAIRMAN, Harbour Board.

SIR,—

Marine Department, Wellington, 16th February, 1882.

I have the honor, by direction of the Minister having charge of this department, to forward herewith copies of two memoranda by the Colonial Marine Engineer on the proposed Te Aro reclamation, together with tracings of the plans referred to therein; and I am to request that you will furnish me with an expression of the Board's opinion on the matter, as suggested by Mr. Blackett in his memorandum of the 14th instant.

I have, &c.,

H. S. MCKELLAR,
For Secretary.

The Chairman, Wellington Harbour Board, Wellington,

No. 10.

The HARBOUR BOARD and the TE ARO RECLAMATION.

[Extract from *Evening Post*, 21st February, 1882.]

A SPECIAL meeting of the Harbour Board was held yesterday evening to consider communications received from the Marine Department relative to the Te Aro reclamation. The members present were Mr. Levin (Chairman), W. V. Jackson, J. Nathan, S. Lancaster, G. Fisher, F. A. Krull, and Captain Rose. Mr. Jones (Engineer to the Board), Mr. Baird (City Engineer), and Captain Holliday (Harbourmaster) were also in attendance.

The CHAIRMAN said it might perhaps be convenient that he should say a word or two in reference to the position of the Board, with a view to preventing any wrong impression, and to do so he would have to refer to the negotiations which had taken place between the City Corporation and the Board. The members of the Board were aware that the communications with the Corporation were initiated by the Board. Having noticed that that body were going actively to work to reclaim a portion of the Te Aro foreshore, they thought it would be desirable that at the time the work was being contracted for the contract should also embrace a portion of the foreshore to which the Board were entitled, and they asked the Council if they would include this portion of the foreshore in their specifications. The Committee of the Board had several interviews with the Committee of the Council, and some correspondence took place; but he (Mr. Levin) was perfectly certain he spoke the mind of every individual on the Board when he said that the Board's estimate of the meaning of those interviews and that correspondence was that they were joining with the Corporation in a reclamation of which they were to own a part, and that the Board's approval of the plans was an approval in conjunction with the Corporation of the reclamation, but not in respect of the reclamation of the whole, as it affected the well-being of the harbour (hear, hear). Whether rightly or wrongly, it appeared to the Board, after reading the Act, that the question of how this reclamation affected the harbour would be decided, at any rate in the first instance, by the officers of the Marine Department; and the Board assumed, and he thought with good reason, that if their opinion on that matter was desired they should be asked to give it by the officers of the Marine Department. He said that much because he should be very sorry indeed that there should be any even apparent difference of opinion between the two bodies whose sole business was to promote the interests of the inhabitants of this city; and, as a misconception had apparently arisen, it was best he should state how he conceived that misconception had arisen. He said again that they, as a Harbour Board, were under the impression that they were giving their approval for one thing, while the City Council thought that approval to be in another direction. Now, in respect to the object of their meeting that night, he would only say this much: that, as a member of the Harbour Board, and as a citizen of Wellington, he conceived that the same interests should be guarded by the citizens and by the members of the Board. Clearly, to his mind, what would damage in any sense the harbour in its navigation would damage the advancement of this city and its inhabitants. He ventured to think the harbour had been, and always would be, the greatest and most valued possession the city could enjoy. He felt they had a most important duty imposed upon them, and that they must discharge that duty in a calm and dispassionate manner. All they had to consider that evening was the one question: Will the plans, as proposed by the City Engineer, do anything to interfere with or damage the harbour, or affect its navigation? If the balance of the evidence that they would take that night, and any that they might entertain hereafter, inclined them to think this, they must unhesitatingly say so; if, on the other hand, it did not bear this out, then with equal clearness ought they to express their opinion. He had asked the City Engineer to be good enough to attend, with a view of explaining his plans, and to offer such explanation and evidence as he might think fit; he had also asked the Harbourmaster and the Board's Engineer to attend for the purpose of giving their opinion upon the question under discussion, and to answer any questions that might be put to them. It would be best, he thought, to hear what evidence there was, and then to consider it in committee, and prepare a report for the Marine Department.

At the request of the Chairman, Mr. Lyon read the communications from the Marine Department. They were enclosed with a letter from the department requesting the Board to furnish an expression of opinion on the question in dispute between the Corporation and Marine Department. One of the documents was Mr. Blackett's first report to the Minister of Marine, the substance of which has already appeared in these columns. The second communication was a memorandum to the Minister from Mr. Blackett, relative to the interview between himself and Mr. Baird (the City Surveyor), and the Harbourmaster, the latter being called in at the desire of both parties. The memorandum states that "the Harbourmaster, after being informed as to the several points, gave his opinion in a manner most clear and precise. This was to the effect that no part of the harbour affected by the Te Aro reclamation scheme should be encroached on beyond the limits of 8 feet to 9 feet soundings at low water; that the line of reclamation proposed by the City Council would cut through a most valuable and

indispensable portion of the harbour, which should not be invaded by reclamation on any pretext; and that the gain of many acres of reclaimed land would be no compensation for the loss of water-area, which a departure from the above conditions would involve. He stated also that he had several opportunities of expressing this opinion [before Committees of the House], and that he still held the opinion most strongly. You will observe that this confirms to the fullest extent the position taken up in my memorandum of the 24th January, and would, if carried out to the letter, give a less area for reclamation than allowed by that memorandum. In reference, however, to the starting-point at the Queen's Wharf, the Harbourmaster would not insist that my restrictions should be adhered to, and gave it as his opinion that the reclamation might begin at the point shown on the City Council's plans, viz., 86 feet landward of the inner face of the inner T, also that this line of reclamation should be prolonged backward to meet the breastwork of Custom-house Quay as already proposed. On the other point, however, viz., as to retaining the largest possible area of water to the south-east of the Queen's Wharf over soundings of 8 feet to 9 feet, he was firm, and, as this was in accordance with my recommendation, it was evident to Mr. Baird and myself that he and I should not agree on any line." The memorandum concludes by recommending that a plan, with this modification of his (Mr. Blackett's) line shown upon it, should be sent to the Board, inviting their opinion on it, and on the receipt of their reply that a plan showing the face-line of the reclamation as may be determined on after the reply of the Harbour Board be sent to the City Council, explaining that this is the extreme limit to which reclamation should be carried.

Mr. BAIRD, being called upon to make any explanation he might think fit, said that it would be found that the Marine Engineer took them back to 5 feet 3 inches of water, and did not give them the 8 feet; and he did not see how the Council could undertake the reclamation at all under the circumstances.

Mr. LEVIN.—I understand that by Mr. Blackett's plan so much land goes to waste, and that that is one of the material objections to it.

Mr. BAIRD.—That is the sole objection; it would give us no saleable land.—Mr. Baird explained where it wiped out certain blocks and cut through others. With regard to the question of the quay that was disposed of, as Mr. Blackett admitted that he had no right to deal with that subject.

Mr. FISHER said that, if Mr. Blackett's plan were adopted, what the Council would have would be 100 feet inside, which they would have to present to the foreshore-owners, and 100 feet outside, which they would have to present to the Government. He would ask Mr. Baird two questions: (1) Whether the first report of Mr. Blackett did completely destroy the value of the reclamation to the Corporation? and (2) Does the second report of Mr. Blackett lessen the effect of the first?

Mr. BAIRD replied to the first question in the affirmative, and to the second question he said the second report very slightly lessened the effect of the first—that was for cutting up and selling.

Mr. LEVIN.—Your main answer to the Marine Engineer, then, is that the depth varies from 5 feet 3 inches to 8 feet, and down to 5 feet 3 inches again, and at no point does it go to 9 feet?

Mr. BAIRD.—Yes, that is the effect of my evidence. I may also add that the Council's line runs parallel with the Ts of the Queen's Wharf, so that vessels would lie head to the wind—more so than by Mr. Blackett's line.

In answer to Mr. Lancaster, Mr. BAIRD said he did not think the Corporation's proposed plan would have the effect of injuring the harbour.

Captain HOLLIDAY was next asked to give his opinion. He said: After twenty-one years' experience of the harbour, I should say this line (the Corporation line) proposed here will injure the harbour very much indeed. This is the most sheltered part of the harbour, and ought not to be interfered with in any way. It is silting up fast here, and if you build a wall it will silt up faster. Every one who knows the harbour is well aware that this is the most valuable part of it, and small ships come here where they can get shelter. In answer to questions, he said he would deepen the shoal water by dredging the stuff outside and throwing it inside, and thus reclaim and deepen at the same time. In the proposed reclamation there was no provision for watermen's boats, and there was no other shelter except round Evans Bay.

Mr. FISHER.—Your objection would have applied with greater force to Tonk's reclamation.

Captain HOLLIDAY.—Not at all. That would be dry at low water, and there is no use of shelter where there is no water.

To Mr. Jackson.] The proposed line of reclamation would interfere with the navigation of sailing vessels though not of steamers. Vessels in coming up required to anchor there.

Mr. FISHER asked if it would not get over the difficulty to prevent vessels by regulation from anchoring in the fairway; but Captain Holliday replied in the negative, stating that, if a master found his vessel drifting, no regulation would prevent his anchoring there. Taking in deep water would, he added, interfere with navigation in any harbour.

Captain ROSE explained that vessels coming to the wharf sometimes had to anchor, and if they dragged they would not have room enough.

To Mr. Fisher.] If you went into 13 feet of water, and ran out wharves, as you would eventually have to do, it would interfere with the navigation of steamers.

Several questions were asked as to the silting up of the harbour if the reclamation was carried out, but, as Mr. Baird explained that silt-pits were constructed to catch the shingle, and Mr. Jones, the Board's Engineer, stated that the silting could be prevented, it was generally agreed that this was a minor question.

To Mr. Jackson.] The vessels which took advantage of the bight were principally lighters, yachts, and boats, but that was simply because there was no accommodation for the discharge of cargo. If accommodation existed, they would go there rather than any other place.

To Mr. Baird.] A vessel would not go to the breastwork if there were only 5 feet 3 inches water. Seven feet would be better for vessels of the class I speak of, but it would not do to go out to the line proposed by the Corporation.

Mr. JONES, the Board's Engineer, next gave his opinion, which was to the following effect: He agreed with Mr. Baird's plan, except the curve near Old Customhouse Street, which he would form into an angle to give better berthage and greater facilities for laying off the streets. It would be possible to prevent silting up by means of silt-pits. He did not think a foot or two in depth would effect the harbour, especially as it was so large. He did not think the depth proposed by the Corporation would be a serious detriment to the harbour. Their plan was what he should have proposed, but he would not have gone beyond 12 feet or 13 feet. He was not experienced in navigation, but it was his opinion that the harbour would not be injured.

Mr. NATHAN suggested that further evidence should be obtained before the Board replied.

Mr. FISHER pointed out that the Marine Department or the Governor himself could not interfere except it was clearly shown that the reclamation would be injurious to the harbour, and he did not find in Mr. Blackett's reports a single word about injury to the harbour; he merely stated that it would "decrease the area," and that "the water-area would be lessened"—facts so evident that they could not be disputed. It was clear to him from the evidence already taken—even from Captain Holliday himself—that the navigation would not be injuriously affected, and there was nothing to prevent a decision being arrived at that night, nor to prevent that decision being in favour of carrying on the reclamation. As, however, it was apparent there would be an adjournment for further evidence, he would propose at another time, what otherwise he would have proposed that night, viz., "That, while the Board has the fullest confidence in the report of the Marine Engineer, it is of opinion that the proposed Te Aro reclamation will not encroach upon the waters of the harbour in such a manner as to injure the navigation of the harbour. The Board therefore recommends that no further objection be offered to the reclamation, as proposed by the Corporation, being at once proceeded with."

Captain HOLLIDAY repeated that, in his opinion, the reclamation would interfere with the navigation of the harbour.

Captain ROSE said the tenor of Mr. Fisher's remarks was that the Harbour Board tried to get evidence opposed to the Council. He utterly disclaimed this on his part, and felt pained that such an impression should have originated.

Mr. KRULL and the CHAIRMAN also disclaimed any such idea.

After further discussion it was resolved to adjourn till 3 p.m. next day, and to call Captains Campbell, Bowton, Doyle, and Phillips (of the "Euterpe").

[Extract from *Evening Post*, 22nd February, 1882.]

THE Harbour Board met at 3 o'clock yesterday afternoon to take further evidence on the question of the Te Aro reclamation. Present—Messrs. Levin (Chairman), Jackson, Fisher, Nathan, Lancaster, Krull, and Captain Rose. Messrs. C. C. Graham (Town Clerk), Baird (City Engineer), Jones (Harbour Engineer), and Captain Holliday (Harbourmaster), were also present.

The Chairman stated that Captains Campbell, Phillips, and Bowton had been asked to give evidence, and were in waiting for that purpose.

Captain PHILLIPS, of the "Euterpe," was first called, and said he could only speak with reference to vessels from Home. He had seen the plans, and it was his opinion that, by carrying the reclamation out as far as proposed, vessels would be put to very great inconvenience in berthing during strong north-west winds, because they had to anchor on the south side of the wharf, and the vessels tailed round. By having the land so far out, there was a chance of damaging vessels at anchor in the vicinity. The breastwork would not affect a vessel like his, because, if she dragged, she would go ashore before reaching the breastwork; but damage might be done to vessels lying about.

Mr. FISHER asked if the witness considered it a part of the navigation of a ship to warp up to the wharf, as he understood navigation to mean by means of sails.

Captain PHILLIPS considered warping up a part of the navigation of his ship, and pointed out that there were other means of navigating a vessel than by sail, *e.g.*, by steam.

In answer to Mr. Levin, Captain PHILLIPS asserted that the reclamation up to the point proposed would interfere with the easy moving about of ships, as there would be a lot of small vessels in the way; but if small vessels were not in the way the difficulty would be obviated, as ships could not reach the breastwork.

Captain HOLLIDAY said he had several times seen vessels drift ashore.

Captain CAMPBELL, of the "Kiwi," said he had had twenty-five years' experience of the harbour, and was of opinion the proposed reclamation would go into too deep water, and would leave no room for small vessels to anchor in the only safe place they at present had. It would also affect the harbour for small steamers coming alongside the wharf—steamers the size of the "Kiwi" and "Grafton." He did not think it would be safe to be alongside the breastwork. The reclamation would do no harm if it went out into 5 feet or 6 feet at high water.

Captain BOWTON, of the "Aurora," stated that he had been trading in and out of Wellington for thirty years. The proposed line of reclamation would leave large ships very little room to move, and vessels could only lie at the breastwork with anchors out, so as to be ready to haul out in case of a north-west gale. This would prevent other small craft sailing up alongside the breastwork, especially at night, as the anchors would be in the way. The reclamation, too, would prevent vessels sailing up to the lower Ts at night, as they were now able to do. He would not attempt to do so, and if, while lying off, his anchor did not hold, he would drive against the breastwork. It was his deliberate opinion that the line of breastwork came out too far for the well-being of the harbour. It would be better to take the reclamation further in and dredge. The sea which now ran down the head of the bay would, with northerly winds, break over the proposed breastwork.

Mr. FISHER.—Supposing all small vessels, hulks, and marine relics were cleared out of the way, would there be sufficient water with the reclamation to work up to the lower T?

Captain BOWTON.—Yes; in a moderate way.

To Mr. Nathan.] The principal danger is in case of vessels dragging, and it is therefore desirable to have as much room as possible.

In answer to Mr. Levin, Captain BOWTON said he did not think it would be possible to keep the space south of the wharf clear. Hulks were required to lie there, and if they had to be shifted they would interfere with the navigation. There was no other part of the harbour that could be used for small vessels.

Mr. FISHER.—That is a question for owners of hulks and yachts to consider.

After some further questions, which elicited nothing fresh, the Board resolved to go into committee.

Mr. FISHER proposed that strangers and the Press should not be excluded, and this was agreed to.

Mr. FISHER moved, "That, while the Board has the fullest confidence in the report of the Marine Engineer, it is of opinion that the proposed Te Aro reclamation will not encroach upon the waters of the harbour in such a manner as to injure the navigation of the harbour. The Board therefore recommends that no objection be offered to the reclamation, as proposed by the Corporation, being at once proceed with." He again pointed out that there was nothing in Mr. Blackett's report or the evidence to show that the harbour would be injured, and Captain Bowton, he said, had distinctly asserted that if the water was kept clear there would be room for navigation. Captain Holliday seemed to have a special affection for a boat harbour, but the question was whether Wellington should throw away a chance of obtaining an estate worth £100,000 for the sake of providing a boat harbour for the accommodation of small boats, yachts, and dilapidated hulks. The work of reclamation had been stopped, and he wanted to find out who was responsible for that stoppage. If the Board passed the resolution he had proposed, it would show that the stoppage did not come from that direction; if not, of course it bears a different interpretation. The silt question had been disposed of, and the balance of the nautical evidence went to show that if the water was kept clear of small vessels there would be ample facilities for coming up to the wharf.

Mr. LANCASTER seconded the motion. He did not see from the evidence they had had before them that any damage would be done to the harbour by carrying out the reclamation according to the City Engineer's plans.

Captain ROSE said he should be but too glad to see the citizens get all the land possible, but the question was whether the evidence they had heard showed it to be advisable to reduce the area of the harbour. As a nautical man his own opinion was that it was not desirable to take so much from the small space of the harbour, as they were bound to provide accommodation for small vessels. With regard to bringing vessels to the wharf it had been shown that vessels coming to the wharf were frequently in danger of being dragged, and it was better that they should drag on to the beach than on to the hard breastwork. Then came the question of large steamers. They would in time probably be required to berth at the large T, and the reclamation would seriously contract the space for backing out. He did not feel inclined to propose any amendment, but as a nautical man he considered Mr. Blackett's line the best.

Mr. NATHAN was also of opinion, after the evidence which had been taken, that it would be unwise to adopt the line proposed by the Council. He was sorry to come to the conclusion that he could not support that proposal. He, however, failed to see how Mr. Blackett's line spoilt the area for cutting up. He could not help coming to the conclusion that there would be a great element of danger if the reclamation was carried to the point proposed by the Corporation.

Mr. JACKSON said he had come to the conclusion that the line, as drawn by Mr. Blackett, was too stringent altogether, and this was borne out by the Harbourmaster. There would be ample room for vessels, and if they broke away they would go ashore before reaching the wall. The next important point was the curve line, as it followed the contour of the bay, and he was of opinion that small craft could lie there without being in the way of vessels rounding up to the wharf, because steamers did not go near there. Perhaps it was not desirable to go quite so far out as the Corporation proposed, and he would suggest a modified line. He would move, "That the Board approves of the plans of the proposed Te Aro reclamation, with the following modification: The starting-point to commence at a point on the Queen's Wharf marked A, 86 feet landwards from the face of the inner T, in a depth of about 5 feet 3 inches at low water; that the line should continue as nearly as possible parallel with the arms of the wharf until it reaches the mark K, which it would pass in, say, 10 feet water; from thence it would follow the curve line as shown on plan as nearly as possible until it reaches letter U in a depth of water not exceeding 11 feet 6 inches." He did not see why yachts and small boats could not use the almost natural basin on the north side of the Queen's Wharf. [Mr Jackson's proposal takes off a graduated slice from the Corporation's proposed line of from 14 feet near the Queen's Wharf extending to 70 feet at the curve, giving at this point 100 feet more than Mr. Blackett's line allowed.]

Mr. KRULL did not think the reclamation would interfere with the water, although it was natural for seafaring men to try and get as much elbow-room as possible. If they had less room they would be more careful. He quite agreed with Mr. Baird's plan, but, if they could not get all, they ought to accept the modification suggested by Mr. Jackson. If they could get the Marine Department to accept that, he would like to see it done.

Mr. LEVIN said he felt quite certain if they could go out of that room unanimous they would get what they desired, but they would weaken themselves by division. He urged them to come to a unanimous decision if possible.

Mr. FISHER said he should be sorry to appear obstinate in a matter of this sort. Of course the matter would be brought before the Council, and the fact of his yielding would not affect the Council, who would have to consider the whole question. He did not like yielding when it seemed to be only for the sake of yielding. The question of danger was purely visionary, for whatever danger existed by one line existed by the other. However, he should not like it to be said that the ultimate settlement of the matter had been endangered by any vote of his, and he would accept the amendment in order that they might be unanimous about it.

It was resolved to tack the amendment on to the original motion, which was altered to read thus: "That, while the Board has the fullest confidence in the report of the Marine Engineer, it is of opinion that the proposed Te Aro reclamation with the following modification will not encroach upon the waters of the harbour in such a manner as to injure navigation of the harbour. [Here follows Mr. Jackson's amendment.] The Board recommend that the plan, as modified, be assented to."

Mr. LEVIN pointed out that the resolution as written was somewhat inconsistent, and Captain Rose and Mr. Nathan, while assenting to the modifications proposed by Mr. Jackson, merely for the sake of being unanimous, objected to the wording of the resolution, as they did not wish any reason to be assigned. They wished the resolution to state only that they agreed to the modification.

Mr. FISHER would not give way however, and, after about two hours had been devoted to trying to come to a solution of the difficulty, Mr. Fisher insisted upon his original motion being put, with Mr. Jackson's amendment tacked to it as his own.

The CHAIRMAN objected to this, and ultimately, after many further efforts to get the Board to come to some amicable understanding, he put Mr. Jackson's amendment first, remarking that he had done his utmost to make both ends meet, and that he did not feel himself called upon to do any more. He felt ashamed, he said, at having had to sit so long listening to such schoolboy folly.

The amendment was carried, Messrs. Nathan, Jackson, Rose, and Krull voting for it, and Messrs. Fisher and Lancaster against. Mr. Levin did not vote.

The meeting then closed.

No. 11.

The SECRETARY, Harbour Board, to the Hon. the MINISTER, Marine Department.

SIR,— Wellington Harbour Board, Wellington, 24th February, 1882.

I have the honor to acknowledge receipt of your letter dated the 16th instant, No. 812/31, enclosing copies of two memoranda by the Marine Engineer on the proposed Te Aro reclamation, together with tracings of the plans referred to therein, and requesting an expression of the Board's opinion on the matter.

In reply I beg to inform you that a special meeting of the Board was held on Tuesday last, the 21st instant, to consider the question submitted by you, when the following resolution was adopted, viz.: "That the Board approves of the plans of the proposed Te Aro reclamation, with the following modification: The starting-point to commence at a point on the Queen's Wharf marked A, 86 feet landwards of the inner face of the inner T, in a depth of about 5 feet 3 inches at low water; that the line should continue as nearly as possible parallel with the arms of the Queen's Wharf until it reaches the mark K, which it would pass in, say, 10 feet of water; from thence it would follow the curve line as shown on the plan as nearly as possible, until it reaches the letter U in a depth of water not exceeding 11 feet 6 inches."

I return herewith the Marine Engineer's enlarged tracing, showing the line referred to in the foregoing resolution, coloured yellow.

I have, &c.,

The Hon. Minister in Charge of the Marine Department,
Wellington.

H. M. LYON,
Secretary.

No. 12.

The SECRETARY, Marine Department, to the CHAIRMAN, Harbour Board.

SIR,— Marine Department, Wellington, 3rd March, 1882.

With reference to the decision of the City Council to proceed with the Te Aro reclamation before the plans of the same are approved by His Excellency the Governor in Council, I have the honor, by direction of the Minister, to inform you that the Government are advised by the Crown Law Officers that section 156 of "The Harbours Act, 1878," is applicable to the proposed reclamation; and I am to draw your attention to section 164 of that Act, which contains a saving of rights in land granted below high-water mark under "The Public Reserves Act, 1854," or the amending Act of 1862 (under which Act the grant was made to the Corporation), but adds a condition that no harbour works shall be constructed on such land except with the consent of the Governor in Council. You will observe on reference to section 8 of the Harbours Act that the reclamation of land from the sea is included in the term "harbour works."

The Government are further advised that, as your Board has the control of the harbour, and is primarily charged with the care of navigation, should the Board consider that the proposed work will be injurious to the navigation of the harbour, it is the proper authority to move the Attorney-General to take steps to obtain an injunction of the Supreme Court to restrain the Corporation from proceeding with the reclamation before the plans have been approved by the Governor in Council.

I have, &c.,

The Chairman, Wellington Harbour Board, Wellington.

H. S. MCKELLAR,
For Secretary.

No. 13.

The SECRETARY, Marine Department, to the SECRETARY, Harbour Board.

SIR,—

Marine Department, Wellington, 4th March, 1882.

I have the honor to acknowledge the receipt of your letter of the 24th ultimo, forwarding a resolution adopted by the Wellington Harbour Board upon the subject of the proposed Te Aro reclamation, and with reference thereto to draw your attention to my letter No. 77/32, of yesterday's date, on this matter.

I have, &c.,

The Secretary, Wellington Harbour Board,
Wellington.

H. S. McKELLAR.

For Secretary.

No. 14.

The CHAIRMAN, Harbour Board, to the Hon. the MINISTER, Marine Department.

SIR,—

Wellington Harbour Board, Wellington, 10th March, 1882.

I have the honor to acknowledge the receipt of your letter No. 77/32, dated the 3rd instant, and in reply beg to inform you that the subject-matter thereof has been referred to the Board's solicitors, who have advised that the Harbour Board is not the proper authority to move the Attorney-General to take steps to obtain an injunction of the Supreme Court to restrain the Corporation from proceeding with the proposed Te Aro reclamation, a copy of which opinion I enclose herewith for your perusal.

I beg to draw your attention to your letter of the 16th ultimo, and also to the Board's reply thereto dated the 24th ultimo, which latter embodied a resolution passed at a special meeting of the Board; that resolution, together with the tracing accompanying the same, clearly defined the limits to which, in the Board's opinion, the proposed reclamation should be carried.

I have, &c.,

The Hon. Minister in Charge of the Marine Department,
Wellington.

W. V. JACKSON,

Chairman.

Enclosure in No. 14.

MEMORANDUM for CHAIRMAN, Wellington Harbour Board.

DEAR SIR,—

We have perused the letter of the 3rd instant from the Secretary of the Marine Department to your Board, and we understand that you desire to be advised whether, from a legal point of view, the Board is the proper authority to apply for an injunction against the Corporation, as therein suggested. With regard to the opinion of the Crown Law Officers referred to, we need say nothing, except that we consider the chance of success upon a motion for injunction would be very remote. The question is whether, if interference is required, the Board is by law the proper body to interfere; and we are distinctly of opinion that it is not. It is true that Harbour Boards, as constituted, have a certain jurisdiction over harbour matters, including harbour navigation, but they are bodies with restricted functions, and created for special purposes, and in many instances a controlling power is reserved to the Legislature or the Government. By section 148 of the Harbours Act the Board is expressly prohibited from reclaiming "except under the authority of a special Act." Again, section 156 (which we are surprised to find is relied upon by the Crown Law Officers) makes the Governor's assent a condition precedent to the construction of harbour works. Further than that, it expressly declares by subsection (4) that "the Minister may, at the expense of Board, &c., take all necessary steps and proceedings to abate and remove the work" done in contravention of the provision of this section. It will accordingly be observed that, where the right to reclaim or erect harbour works is given to the Board, a right of veto is in all cases reserved either to the Legislature or the Governor in Council. The Board is the controlled and not the controlling body; and how, in the face of the subsection (4) above quoted, the Board can be said to be the proper authority to move for an injunction, we are at a loss to conceive.

Wellington, 8th March, 1882.

Yours faithfully,

BULLER AND GULLY.

No. 15.

The TOWN CLERK to the Hon. the MINISTER, Marine Department.

SIR,—

Town Clerk's Office, 9th March, 1882.

I have the honor, by instructions from the City Council, to inform you that a plan in duplicate, showing an area of the land comprised in the Schedule to "The Te Aro Reclamation Act, 1879," which the City Council propose to reclaim under the provisions of that Act, and showing the details of the works proposed to be constructed in connection with and for the purpose of such reclamation, and showing generally the mode in which the reclamation is intended to be carried out, together with a copy of the specifications for the execution of the same, have been this day deposited at the office of the Marine Department.

The Council have taken this course in order to obviate any possible difficulty which might otherwise arise under the provisions of "The Harbours Act, 1878," but desire it to be understood that, whilst it may fairly be contended that the Governor in Council has power to deal with questions affecting the mode of carrying out the proposed reclamation, and the works ancillary thereto, having regard to their possible effect upon the navigation of other parts of the harbour, they cannot admit the existence of any right whatever to interfere with the discretion of the City Council in regard to the area to be reclaimed.

As the City Council are anxious that the work in question should be commenced without delay, they have instructed me to urge that the matter be forthwith brought under the notice of the Governor in Council, and that they may be informed as speedily as possible of the approval of the Governor in Council of the *modus operandi* and ancillary works, or of any modification of or addition thereto, as the case may be, which may appear to His Excellency and the Executive Council to be reasonably required.

I have, &c.,

The Hon. the Minister of Marine Department.

CHARLES C. GRAHAM,

Town Clerk.

No. 16.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Wellington, 11th March, 1882.

Referring to my letter of the 9th instant, addressed to the Hon. the Minister administering the Marine Department, I have the honor to forward herewith the plans and specifications therein mentioned.

I have, &c.,

J. E. PAGE,

For Town Clerk.

The Under-Secretary, Marine Department.

No. 17.

MEMORANDUM for the Hon. the MINISTER, Marine Department.

I HAVE already expressed an opinion on this matter, as the plans now forwarded (M.D. 619) show the same line of reclamation as submitted in the first set of plans forwarded by the City Council, and to which I objected.

As you are aware, the Wellington Harbour Board were asked to express an opinion on a line showing the proposed limits of the reclamation, as modified by me after conference with Mr. Baird and the Harbourmaster. The opinion of the Harbour Board, as expressed in a resolution, was to the effect that a line nearly midway between the City Council's line and mine would meet the case. I am sorry to say I cannot concur in this opinion, and would draw your attention to the evidence given by the Harbourmaster and three ship-captains before the Harbour Board, during their inquiry into this matter. (See report of meetings of Harbour Board, *Evening Post*, 21st and 22nd February, 1882.) This evidence all tends to show that the navigation of the harbour will be injured if the City Council is allowed to reclaim as proposed, and fully verifies my former remarks.

I, therefore, cannot recommend the plans now submitted for approval, but must certify instead that the work, if so carried out, will in my opinion be and tend to the injury of navigation.

I submit that the line, as modified by me on plan sent to the Wellington Harbour Board (part copy M.D. 589), represents the limit to which reclamation in this part of the harbour should be allowed. The line starts from a point A (plan M.D., 589) on the Queen's Wharf, 86 feet landward of the inner face of the inner southern T; thence to a point on line M N, 120 feet landward of M; thence curved round to a point on line U V, 165 feet landward of point U.

Marine Office, 14th March, 1882.

JOHN BLACKETT,

Marine Engineer.

No. 18.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Wellington, 20th March, 1882.

In connection with the letter from this office dated the 9th March, covering plans and specifications of the Te Aro foreshore reclamation, I am instructed to ask whether the Marine Department has or has not submitted the plans to the Governor in Council.

As the Council is anxious to obtain an early answer, you would oblige by replying to this communication so soon as may be convenient to yourself.

I have, &c.,

J. E. PAGE,

For Town Clerk.

The Secretary, Marine Department.

No. 19.

The SECRETARY, Marine Department, to the TOWN CLERK.

SIR,—

Marine Department, Wellington, 21st March, 1882.

I have the honor to acknowledge the receipt of your letter of yesterday's date, and in reply to inform you that the plans and specifications of the proposed Te Aro reclamation forwarded with your letter of the 9th instant have been duly received, and are now under consideration.

I have, &c.,

H. S. MCKELLAR,

For Secretary.

The Town Clerk, Wellington.

No. 20.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Wellington, 27th March, 1882.

Referring to my previous letters of the 9th and 20th instant, and to your reply to the letter dated the 21st instant, in reference to the plans and specifications of the proposed Te Aro reclamation, I have again the honor to request that you will be good enough to inform me what further steps have been taken in reference thereto.

A great deal of valuable time having been already lost, the City Council are most anxious to commence operations without any further delay, and therefore trust that you will be able to advise them that the proposed plans have now been approved by the Governor in Council.

I have, &c.,

CHARLES C. GRAHAM,

Town Clerk.

The Secretary, Marine Department, Wellington.

No. 21.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Wellington, 3rd April, 1882.

Referring to my letter of the 27th ultimo, I am instructed to inform you that a special meeting of the City Council has been convened for Wednesday evening, the 5th instant, for the purpose of considering the question of the Te Aro reclamation, when it is hoped there may be some reply from your department to my several letters to lay before the Council.

I have, &c.,

CHARLES C. GRAHAM,

The Secretary, Marine Department, Wellington.

Town Clerk.

No. 22.

The TOWN CLERK to the SECRETARY, Marine Department.

SIR,—

Town Clerk's Office, Wellington, 6th April, 1882.

On the 9th ultimo I addressed a letter to the Hon. the Member of the Executive Council administering the Marine Department, and at the same time a letter to you accompanying plans of the works ancillary to this reclamation, and requested that they should be submitted for the consideration of the Governor in Council as early as possible.

On the 20th ultimo I addressed you again on the subject, requesting to be informed of the then position of the matter, and received a reply stating that it "was under consideration," but without saying under whose consideration.

I have since addressed two letters to you, namely on the 27th ultimo and the 3rd instant, to which I have received no reply.

As the work in question is one of great importance to the city, and the City Council are desirous of calling for tenders for its execution, I am instructed to protest against the delay to which they are subjected by your department, which appears to them both unnecessary and uncalled for.

I am further instructed to request that you will immediately submit this letter to the Minister in charge of the department, and ask him to make an early appointment to receive a deputation of the Council, who desire to confer with him upon the subject.

I have, &c.,

CHARLES C. GRAHAM,

The Secretary, Marine Department, Wellington.

Town Clerk.

No. 23.

DEPUTATION to the GOVERNMENT.

[Extract from *New Zealand Times*, 8th April, 1882.]

PURSUANT to a resolution passed at the Council meeting on Wednesday night, a deputation waited on the Hon. Major Atkinson on Thursday afternoon. The deputation consisted of the Mayor (Mr. G. Fisher), Councillors Danks, Logan, Greenfield, A. W. Brown, Stafford, and McKenzie, the Town Clerk, and City Surveyor. Mr. McKellar, Acting Secretary of the Marine Department, was present.

The MAYOR.—In order not to take up too much of your time, it will be better to take the matter up at the point where we left it when we last saw you. You will remember that the matter was left to a conference between the Engineers, and that the result of this was not satisfactory to the Council. Then, upon taking legal advice, we were advised that a prior submission of the plans of the work to the Marine Department was not necessary. Upon that, and acting on the advice of our Solicitor, we forwarded to the Marine Department a letter, dated the 9th March, a copy of which you have received, in which it was stated that the Solicitor had no doubt of the right of the Corporation to carry on the main reclamation, but that it might be advisable to obtain the assent of the Governor in Council to the manner in which it was proposed to carry out the ancillary works. We have since then forwarded four letters to the Marine Department, and have only received one answer, which is not regarded as satisfactory by the Council. We are aware that Ministers have been travelling over the country on departmental matters; but a month has elapsed and nothing has yet been done. Of course, we are in this position: In spite of the Harbours Act of 1878 we have a special Act—the Te Aro Reclamation Act of 1879. And it seems a strange thing that we should have a special Act authorizing us to carry on this work, and then that objections should be raised to the work being carried out. Our Solicitor, in order to avoid any misconception as to the construction of the Act, advised us to go to you and endeavour to obtain the assent of the Governor in Council to the work. Although he advises us to do this, he still says that, upon a strict construction of the statute itself, the reclamation and the works essential to its completion do not fall within the provisions of the 156th section of the Harbours Act, and that he will have no hesitation in advising the Council to proceed with the work, even if the Governor in Council give his decision against it. He says that all particulars relating to this work were placed before the Marine Department, which was represented at the time of the passing of the Te Aro Reclamation Act, and that all these doubts were fully explained then. Although our Solicitor gives us this opinion, he would still prefer that we should exhaust all conciliatory means before taking any decisive step, and we have come to you in the hope that you will give a satisfactory answer on the subject. As is pointed out in the letter of the Town Clerk, which you have received, the matter is one of urgency, and one that has been looked forward to with great interest for many years; and it seems strange to us, as to the great body of the people, that, after the Legislature has passed an Act authorizing us to carry out the work, these objections should be put in at a crucial moment. I do not think I need take up any more of your time, as these are the main points, shortly stated.

Major ATKINSON.—Am I to understand that the object of this visit is to obtain the sanction of the Marine Department?

The MAYOR.—I understand that this sanction will embrace the approval of the Governor in Council.

Major ATKINSON.—Of course in what I say I should like to correct what appears to be a misapprehension at the beginning. You say that a letter was forwarded to me, and that the date upon which it was forwarded was the 9th March, that a whole month has elapsed without anything being done, and that the citizens are unable to understand why departmental objections should be thrown in the way. I should like to point out that no difficulties of this kind have been thrown in the way. The whole question has been considered upon the broad basis as to whether the proposed work will be an injury to the harbour of the town or not. I was at a great deal of pains to put this to the last meeting. Instead of a departmental difficulty, it is a question of principle, whether injury is likely to be done to the harbour or not. This alone is what the Marine Department is concerned with at the present time. With regard to the apparent waste of a month, the letter dated the 9th March was not received until the 13th of that month. I have got Mr. Blackett's opinion on it, and have referred to the Law Officers to know my position. It seemed to me that if the Marine Department had been relieved from interference by the Act I should have nothing to do; but I am advised that the responsibility is on me, beyond question, and that the consent of the Governor in Council is absolutely necessary before any steps are taken. It then became my duty to see whether the Marine Engineer's opinion was against the opinions held by other competent persons, and I got Messrs. Napier Bell, Higginson, and Blair to send in reports upon the question. This consumed time until the 27th of last

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

method of taking the opinion of the Court on the legal question in dispute between the Government and the City Council on the subject, which can be settled between the Crown Law Officers and the City Solicitor; and I am to suggest that the latter should be asked to arrange for a meeting with the Solicitor-General hereon at his earliest convenience.

I have, &c.

The Town Clerk, Wellington.

WILLIAM SEED,
Secretary.

No. 25.

The SECRETARY, Marine Department, to the CHAIRMAN, Wellington Harbour Board.

SIR,—

Marine Department, Wellington, 12th April, 1882.

With reference to the correspondence which has passed between this department and the Wellington Harbour Board on the subject of the proposed reclamation in Wellington Harbour by the City Council, I have been directed to forward, for the information of your Board, the accompanying copies of the reports thereon made at the request of the Minister in charge of this department by the under-mentioned gentlemen:—

Mr. C. Napier Bell, M. Inst. C.E., and Engineer to the Lyttelton Harbour Board;

Mr. H. P. Higginson, M. Inst. C.E.; and

Mr. W. N. Blair, Engineer in Charge, Public Works, Middle Island.

Appended to these reports will be found copy of a further memorandum on the same subject by Mr. Blackett, Marine Engineer.

I have, &c.,

WILLIAM SEED,
Secretary.

The Chairman, Wellington Harbour Board, Wellington.

Enclosure 1 in No. 25.

MR. C. NAPIER BELL, C.E., to the Hon. the MINISTER, Marine Department.

SIR,—

Christchurch, 23rd March, 1882.

Acting under instructions conveyed to me by letter from the Secretary, No. 176/32, dated 20th March, 1882, I have the honor to report as follows on the subject of the proposed Te Aro reclamation.

I will first explain that, as I am intimately acquainted with this part of Wellington Harbour, acquired during five years' residence in Wellington, you will probably consider that it is unnecessary that I should come to Wellington before making any report. If, however, you think otherwise, I must defer the report until I can get an opportunity of coming to Wellington, and at present I cannot tell exactly when I would be able to do so.

I consider that the subject under consideration is more a nautical question than one of engineering; and the opinion of Captain Holliday and the shipmasters, whose evidence was taken, seems to be very conclusive as to the inconvenience, and even danger, that would be caused to shipping by the breast-work as proposed to be erected by the Corporation. I would only add to this my opinion that the position of the T's of Queen's Wharf pointing towards the land render much more room necessary than if they pointed away from the land, and towards deep water, as they do at Lyttelton.

The available room on the south-west side of Queen's Wharf after the reclamation was made on the line proposed by the Corporation would be very much obstructed by small craft and boats anchored there for shelter, which would greatly hamper the movements of large ships taking or leaving the berths at the T's of the wharf. In this respect I am of opinion that the proposed works would injure a valuable portion of the harbour and its navigation.

Ample accommodation for small craft and boats in an accessible and sheltered position should form a part of the requirements in any seaport town, because they are not less necessary in their way than the large ships. The plans under consideration take no account of this want, and I do not consider that the City Council are justified in sacrificing the interests of the harbour in this manner; therefore, if the Corporation be allowed to make the reclamation as proposed, I am of opinion that it should be required to provide shelter and accommodation equivalent to that which will be taken away by the works.

I agree with Mr. Higginson that the only available position remaining for a sheltered and convenient boat harbour would be near the Te Aro Baths, as shown in pencil on the plan M. D. 606. An embankment of rough stone projected from the shore, about 200 feet east of Tory Street, and curving round towards the baths, would enclose about eight or ten acres of well-sheltered space, which might be fitted with stairs and boat-slips. If this were done previously to commencing the reclamation, so that small craft could be removed from the anchorage under the lee of the Queen's Wharf, I am of opinion that most of the objections to the line of reclamation as proposed by the Corporation would be satisfactorily met.

I do not think that very much would be gained by adopting the line last conceded by the Marine Engineer, and marked in brown on the plan (M.D. 606), over that required by the City Council, except that the quay wall would be placed in shallower water, and would therefore be less costly to build. The question at issue is of the room that is to be left under shelter of the wharf; and if the Council cannot provide room elsewhere, then it would be for the interests of the harbour that the original line, marked in green, as first proposed by Mr. Blackett, should be adhered to.

The proposed quay wall from the wharf, as far as 1,100 feet south-east from that point, and 200 feet farther if the wall were straight instead of curved, would afford good berthage for ships drawing 8 to 12 feet of water; the buttresses in the proposed wall would, however, be objectionable for this purpose. If dredging could deepen this length, ships of greater draught might use these berths, which

would be of great importance in this case, where so little space for berthing large ships is available in the port of Wellington. Beyond this point, towards the baths, the quay would be too much exposed to north-west winds to allow of ships lying alongside of it, and jetties would need to be built out from it whenever more room was wanted for the shipping. I might suggest that this subject should be fully considered before any plans for reclamation are allowed to be carried out, dealing, as they do, with the most valuable part of the port of Wellington.

The preservation of the foreshore from silting up by the use of silt pits to the sewers, I think, will not be found satisfactory, and the deposits could be removed cheaper and faster by a clam-shell dredge.

I have, &c.,

C. NAPIER BELL,

Member Institute Civil Engineers, Engineer, Lyttelton Harbour Board.

Enclosure 2 in No. 25.

Mr. H. P. HIGGINSON, C.E., to the Hon. the MINISTER, Marine Department.

SIR,—

Christchurch, 22nd March, 1882.

In compliance with instructions received, I have inspected that portion of Wellington Harbour that will be affected by the proposed Te Aro reclamation. I have carefully read the correspondence that has taken place, as well as the reports of evidence taken, and from which I gather that the question to be decided is as much a nautical as an engineering one.

The evidence given by the Harbourmaster and various shipmasters points conclusively to the fact that the Reclamation (if carried out to the line contemplated by the City Council) will seriously interfere with the navigation to and from the southern T's of the Queen's wharf, and at the same time so encroach upon the sheltered area made use of by nearly the whole of the smaller craft, that it will necessitate their removal to another anchorage.

The line of reclamation proposed by the City Council would enable vessels of light draught to lie alongside the breastwork, from the point of commencement at the Queen's Wharf, as far as the curve; beyond this point they would lie broadside to the north-west, which would render their position dangerous in rough weather. In consequence of this it will eventually become necessary to construct a series of wharves jutting out therefrom, and in line with the prevailing winds, which will monopolize the water space fully up to the Crown grant line. The area to the southward of the Queen's Wharf will, in consequence, be so far encroached upon as to allow no more room than will be absolutely necessary to enable steamers and sailing vessels to warp into their berths at the inner T's. It will be hardly possible for coasters to sail in under the lee of the Queen's Wharf and anchor as they now do during a strong north-wester, and at the same time it will oblige the whole of the small craft to find moorings elsewhere.

The only other sheltered positions that would be suitable are between the Queen's and Railway Wharves, and in the bay beyond Pipitea Railway Station. With regard to the former, I consider that the greater portion of the space must be kept clear in order to allow free access to the northern T's of the Queen's Wharf, and the approaches to the Custom House Quay, which, I presume, will be made available for coasters. The few boats now moored in this position are stated to be constantly in the way of steamers. It will, therefore, I am confident, be impossible to provide the necessary area in this locality. The latter position, beyond Pipitea, is, I am informed, shortly to be reclaimed by the Wellington and Manawatu Railway Company, so that it will not be available for the purpose.

It appears to me that coasting boats and yachts have a right to expect a full share of consideration in any arrangements contemplated for the improvement of both city and harbour, and that no work should be undertaken which would deprive them of their present shelter unless provided in a suitable position elsewhere.

After a personal inspection of the harbour, and consideration of the evidence adduced, I am firmly of opinion that the line of reclamation proposed by the City Council would monopolize the whole of the space now available for the shelter of the smaller craft. The line last proposed by the Marine Engineer would be a great improvement in this respect, as it would leave a larger area intact. I am, however, of opinion that the line of the breastwork to the reclamation should not be guided by the present depth of the water, but that it would be preferable to keep it in not more than 6 feet L.W.S., and then remove the silt by dredging until the necessary depth alongside the breastwork was obtained. The accumulation of silt and detritus is constantly going on, so that it will be absolutely necessary before long to face the question of dredging. The mode proposed by which to arrest the silt, by placing silt-traps at the mouths of the sewers, is, in my opinion, a very ineffectual way of meeting the difficulty. The removal of the silt would be very expensive, and if not constantly kept clear the silt-traps will be of no use whatever; probably this would be the case when most required, during a heavy rain. I consider that the silt can be removed in a more economical manner by dredging, while the possession of a dredge would enable the Harbour Board to keep the whole of the breastwork clear. A dredge of small size would be all that was necessary; in fact, a Priestman's crane with a patent dredging-bucket attached, if placed upon a barge or punt, would probably meet the requirements of the case. It appears to me to be more reasonable to maintain the existing wharfage and water area in an efficient state, than to continually encroach upon the harbour by reclamations—abandoning breastworks and wharves that have been previously of good service, and constructing new ones farther out at greater expense.

If the area proposed to be reclaimed is of vital importance to the city, I would propose that before it is carried out, that other suitable shelter should be provided for small craft, and that if this be possible it might meet the difficulty. I would suggest the construction of a sheltered basin at the eastern extremity of the Te Aro reclamation grant of about ten acres in extent. A breakwater of solid material could be run out from a point about twelve chains westward of the baths, measured upon the front line of the proposed future reclamation, at which point the reclamation should be stopped.

This breakwater should be run out to a length of about 700 feet in about 18 feet of water, curving gradually to the north-eastward and leaving a wide entrance between its extremity and the baths. Such a breakwater would entirely shelter the enclosure; and it could at the same time, I think, be entered or left by sailing boats in either north-west or south-east winds. I do not think that its cost would exceed £2,000.

If such accommodation would suit the smaller boats they could be entirely removed from proximity to the shipping, leaving the whole space to the south of the Queen's Wharf for the manipulation of the steamers and vessels approaching or leaving the southern T's. I have proposed this as a probable means of meeting the difficulty of providing shelter for small craft, and which, if considered suitable, might enable the City Council to reclaim to the full extent proposed. I would point out that the present plans make no provision whatever for the accommodation of watermen's boats. This is a necessity in every port, and is usually provided in a central and sheltered position. I have made no examination of the details of the proposed retaining walls, as I conclude that it is not required.

I have, &c.,

H. P. HIGGINSON,
Member Institute Civil Engineers.

The Hon. the Minister, Marine Department.

Enclosure 3 in No. 25.

Mr. W. N. BLAIR, C.E., to the Hon. the MINISTER, Marine Department.

SIR,—

Wellington, 27th March, 1882.

In accordance with your instructions (No. 183-82, of 20th March, 1882), I have the honor to submit the following report on the Te Aro reclamation proposed to be carried out by the Corporation of Wellington.

I have inspected the site of the proposed works, and examined the drawings and other documents referring to them.

Although already before you in detail, it is desirable that I should give an outline of the various proposals that have been made, otherwise my report will not be complete in itself.

The proposal of the Corporation of Wellington is to reclaim about eleven (11) chains of the Te Aro end of the harbour, and run the reclamation round in a gradually decreasing width to the Queen's Wharf, where it terminates in a frontage to the southern side of the wharf of about $3\frac{1}{2}$ chains. The outer edge of the reclamation is generally in from 10 to 13 feet at low water, running out to about 5 feet at the Queen's Wharf.

The first amendment on the Corporation's plans proposed by the Marine Department was to limit the width at Te Aro to about $8\frac{1}{2}$ chains, decreasing to 1 chain at the Queen's Wharf. The outer edge of the reclamation would be generally in from 9 to 10 feet of water, running out to about 4 feet at the wharf. An alternative proposal has since been made by the Marine Department with the view of meeting the wishes of the Corporation. It is to commence at the Queen's Wharf at the point fixed by the Corporation, but to run into the Marine Department's first line at cross-section M N on plans. A fourth proposal made by the Harbour Board is to strike a mean between the Corporation's line and the modified one laid down by the Marine Department.

Taking the block to be reclaimed at present only, and including the Harbour Board's endowment, the areas to be reclaimed under the various proposals are as follows:—City Corporation plan, $23\frac{1}{4}$ acres; Harbour Board's proposal, $22\frac{1}{2}$ acres; Marine Department's modified proposal, $20\frac{1}{4}$ acres; Marine Department's first line, 19 acres.

So far as I can ascertain, the only advantage claimed for the Corporation's plan is that it provides more building sites in the best position for business purposes, and admits of the ground being more economically laid out.

The objections to the Corporation's plan, and which are intended to be met by the amendments of the Marine Department, are that it curtails the area of the harbour in its best part, impedes the navigation, and prevents the extension of wharfage and other harbour improvements in the most convenient situation.

The revenue to be derived from the extra $4\frac{3}{4}$ acres of land in the Corporation's scheme would, I have no doubt, be considerable; but I do not think it can possibly be anything like an equivalent to the interests that are sacrificed in securing it. With reference to the question of more economically cutting up the reclaimed land into building allotments, this is a mere matter of rearranging the size of the blocks and the position of the streets; it will have comparatively little effect on the value of the land.

The objection to the Corporation's plan, that it curtails one of the most valuable parts of the harbour, is undoubtedly a valid one. Although Port Nicholson is such a magnificent harbour, the direction of the prevailing winds makes it difficult to get good shelter anywhere near the city. In fact, the Te Aro end of the harbour is the only place where shelter can be got in all weathers, and the proposed reclamation does away with the very best part of it.

With reference to the question of impeding the navigation, at present vessels of all kinds can, in ordinary weather, come in direct to their berths; but if the reclamation is carried out it will be very difficult for sailing vessels to come in at any time to the southern side of the wharf, and in stormy weather steamers will have far too little room.

The evils just referred to will be considerably aggravated when the traffic of the port demands the extension of the T's in the Queen's Wharf, and the construction of other wharves coming towards them from the Te Aro end. The sheltered area and the room for manœuvring vessels will be still further curtailed to a serious extent, or else the additional wharfage to be provided must be very limited. It is impossible to get the number and lengths of wharves likely to be required without prejudicially curtailing the area of water round them, the very point on which their usefulness depends.

Summing up the whole position, I have no hesitation in stating, as my opinion, that the reclamation proposed by the Corporation would prejudicially affect the Harbour of Wellington and its navigation, the amount of injury done being in direct proportion to the trade of the port. Although in a less degree, the modified proposal of the Marine Department, made as a compromise, is open to the same objection as the Corporation's plan; and, furthermore, the breastwork is not in the best direction for forming a wharf. The line first laid down by the Marine Department is undoubtedly the extreme limit to which reclamation should be made, and I think it would even be advisable to keep a little inside this near the line of Cuba and Taranaki Streets, the outer boundary of the reclamation being kept in about 8 feet at low water.

Although there may be no direct return from it, a few acres of water in such a place as that under discussion is far more valuable than the same area of land adjoining. Good harbours in convenient localities in New Zealand are by no means plentiful, and the good places in them are still fewer. The prosperity of the colony depends as much on its harbours as on any other natural endowment; it is therefore of the utmost importance that nothing should be done that is calculated, even in the most remote degree, to injure them.

The Hon. the Minister, Marine Department.

I have, &c.,

W. N. BLAIR.

Enclosure 4 in No. 25.

MEMORANDUM for the Hon. the MINISTER, Marine Department.

THESE reports from Messrs. Bell, Higginson, and Blair, engineers, confirm my already expressed opinion as to the effect of the proposed Te Aro reclamation on the Harbour of Wellington and its navigation. They would lead me also to beg to be allowed to modify the terms of my memorandum of 14th March, 1882, in which I expressed an opinion that the line, as modified by me on plan sent to Wellington Harbour Board, might be adopted. This modification was intended to meet a corresponding concession on the part of the City Council, which body, however, has made no concession, but adheres to its first-proposed line. Also, it will be observed that in one of the reports under notice an opinion is expressed that the face of any reclamation should be limited to 8 feet low water springs, and in another that the limit should be 6 feet. In making my first report on this matter, I felt I was making as large a concession as possible in fixing 9 to 10 feet as the limit, feeling that 8 feet would be more to the interests of the harbour. This feeling is strengthened after hearing the Harbourmaster's views, and on reading the opinions of other engineers, and I am convinced that it would be well to limit the reclamation to this depth.

This, of course, refers to that part of the reclamation to the south-east of the Queen's Wharf, and will not apply to that portion leading from thence to the Queen's Wharf, along which line the water is shallower, but might be deepened by dredging. The above view would be strengthened by the probability that the requirements of the port will in future, as suggested in one of the reports, necessitate dredging over this area, and thus obtain better berthage and convenience for vessels of moderate size. In reference to the suggestion of Messrs. Bell and Higginson that shelter might be found at the eastern side of the harbour, towards the baths, for small craft and boats, &c., I have to remark that this part of the harbour, being notoriously the most exposed, would not be suited to such a purpose.

The question of stairs and slip for watermen's boats, also suggested in these reports, should not be lost sight of in any plans of reclamation, and should form part of the scheme. Details like these should be closely looked after by the Harbour Board, as conservators of *all* interests connected with the harbour.

If approved, I will submit plan of amended line, with recommendation.

JOHN BLACKETT,

Marine Engineer.

4th April, 1882.

No. 26.

THE SECRETARY, Marine Department, to the TOWN CLERK, Wellington.

SIR,—

Marine Department, Wellington, 12th April, 1882.

I have been directed by the Minister having charge of this department to transmit to you the accompanying copies of the reports made at his request by Messrs. C. Napier Bell, H. P. Higginson, and W. N. Blair, on the proposed Te Aro reclamation, to which he referred in his interview with the deputation from the City Council on Thursday last, together with a further memorandum on the same subject by Mr. Blackett, Marine Engineer; and I am to request you to be good enough to submit the same to the City Council. [Enclosure same as in No. 25.]

I have, &c.,

WILLIAM SEED,
Secretary.

The Town Clerk, Wellington.

No. 27.

MEMORANDUM from the NAUTICAL ADVISER, Marine Department, to the Hon. the MINISTER for the Department.

THE part of the harbour proposed to be reclaimed, as shown on plan M.D. 589, is only used at present by small craft, such as pleasure-boats, &c., and, if this anchorage for these vessels is to be preserved, the reclamation should not be so great as proposed either by the Colonial Marine Engineer or the City Council, whose lines are not materially different, the difference between them being only 165 feet at the broadest part of the proposed work on cross section U, V. I am, however, of opinion

that these small vessels could always find shelter at Featherston Corner, and that therefore it is not necessary to preserve the Te Aro anchorage for their use. Looking at the proposed work as the first instalment of further reclamation at a future time, I am decidedly of opinion that the approved line should run out no farther than in 10 feet of water, finishing off at the point marked in Mr. Blackett's proposal.

The objection to going deeper or farther out in any part of the harbour is that wharves run out from the reclamation towards the Ts of the Queen's Wharf would cramp the space included between, so as to make it difficult to move ships about; besides, the cost of constructing such wharves would be so great that, if the interest on their cost has to be provided for out of dues on shipping, the charges, I think, would necessarily be excessive.

I would also remark that running out wharves from already deep water must necessarily shorten the lengths of the wharves, and therefore lessen the accommodation and trade in that particular part of the harbour which is most sheltered and near the centre of the town.

Marine Department, Wellington, 15th April, 1882.

R. JOHNSON.

No. 28.

[Extract from the *New Zealand Times*, of 5th June, 1882.]

COURT OF APPEAL.

[Before their Honors the Chief Justice, Mr. Justice Richmond, and Mr. Justice Williams.]

The Attorney-General v. the Corporation of Wellington.

HIS Honor the Chief Justice, in delivering the decision of the Court in this case, said that the question which had been submitted to the Court was, "Whether the defendants are entitled, without having previously obtained the approval of the Governor in Council, in the manner provided by sections 156 and 164 of 'The Harbours Act, 1878,' or either of them, to proceed to fill up the said land, and to erect the necessary retaining wall, under the provisions of 'The Te Aro Reclamation Act, 1879.'" It was provided by section 11 of the Te Aro Reclamation Act that the Corporation of Wellington (the defendants) shall, during the execution of any work authorized by the Act, conform with and be subject to the provisions of section 156 of the Harbours Act, which apply absolutely to the Act, and they shall also conform to all other provisions of that Act, so far as they do not conflict with the provisions of the Te Aro Reclamation Act itself. It was not easy to discover any antecedent to which the word "other" could relate, and it might appear that it had crept in by mistake; but a more careful examination led to the opinion that the word had a distinct significance, and had been inserted for a special purpose. Section 3 of the Te Aro Reclamation Act gave the Council power to fill up the land specified in the Crown grant. "Other works" were, in the opinion of the Court, such undefined works as were not authorized by section 3, in addition to the particular work of reclaiming the land. It was contended on the part of the Crown that, looking to section 156 of the Harbours Act, and reading it with section 11 of the Te Aro Reclamation Act, the first mentioned must be taken to apply not only to additional works in connection with the reclamation, but to the work itself. Section 156 provides that plans of the proposed work shall be deposited with the Marine Department, and that the work shall not be proceeded with without the approval of the Governor in Council. The term "harbour works," as defined in the interpretation clause, includes the reclamation of land. But the subject of reclamation was dealt with by sections 147 to 151 of the Te Aro Reclamation Act, and it was difficult to suppose that section 156 of the Harbours Act could extend to a reclamation which had been specially authorized by Act of Parliament. In the opinion of the Court the words "by virtue of this or any other Act," in section 156, referred merely to cases in which more general powers for erecting harbour works had been given. It would be absurd to suppose that when Parliament had specially authorized the construction of particular works, that authorization could be rendered completely nugatory by another body. If the contention on the part of the Crown were correct, the Governor in Council would have absolute power in the present case to prohibit the work being carried out at all. All ancillary works were very properly made by section 11 of the Reclamation Act expressly subject to section 156 of the Harbours Act. Those works were undefined, and the object in giving the Governor in Council prohibitory powers was to prevent mischief being done. The circumstance that other works were made specially subject to section 156 of the Harbours Act indicated that it was not the intention of the Legislature to make subject to that section the reclamation defined and authorized by section 3 of the Reclamation Act. The same reasoning applied with greater force to the contention on the part of the Crown that the consent of the Governor in Council was necessary under section 164 of the Harbours Act. For those reasons the Court was of opinion that the answer to the question proposed should be in the affirmative.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1882.