

(No. 118.)



1869.

TASMANIA.

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**CONTRACT FOR REPAIR OF OLD  
COMMISSARIAT STORE.**

**REPORT OF THE SELECT COMMITTEE; WITH EVIDENCE.**

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Brought up by Mr. Gregson, and ordered by the House of Assembly to be printed,  
October 13, 1869.

*SELECT COMMITTEE appointed on the 23rd September, to enquire into the circumstances connected with the acceptance of Mr. Ware's Tender for a New Roof and Alterations to the old Commissariat Stores.*

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MEMBERS OF THE COMMITTEE.

MR. GREGSON.  
MR. JAMES SCOTT.

MR. JOHN SCOTT.

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DAYS OF MEETING.

1st and 7th October.

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WITNESSES EXAMINED.

Captain Warren, R.E.  
Assistant-Commissary-General Castray.  
Francis Butler, Esquire.  
Mr. W. Ware.  
Mr. James Gray, and  
Mr. Joseph Hawkes.



*THE SELECT COMMITTEE appointed to enquire into the Contract for the repairs of the Commissariat Stores, and who were empowered to call for Persons and Papers, have, after inquiry, agreed upon the following*

## REPORT.

Your Committee were of opinion that they should best discharge the duty imposed upon them by inquiring into the existing system of Contracts rather than by seeking to detect past errors.

Your Committee called in and examined the Officer in command of the Royal Engineer Department, with a view to obtain information as to the principle which prevails in the War Department. The evidence will be found attached to the Report.

The principal Officer in the Commissariat Department was next examined, and his evidence will be found embodied in the documents accompanying this Report.

Mr. Castray, the Commissariat Officer, very considerably placed in the hands of your Committee a "Code of Regulations and Instructions for conducting the duties of the Commissariat Department," from which your Committee obtained much valuable information. The following transcript is taken from the "Code," as it is apposite, and bears directly upon the inquiry remitted to your Committee:—

"Although, as a general principle, it is desirable that the lowest tender should be accepted, yet it may happen that this principle should, under the authority of the Officer Commanding the Forces, be departed from, particularly when it may be considered that the articles tendered may be obtained at a more advantageous rate by not resorting to Contract, and in all cases in which the persons making the lowest Tender cannot give ample and satisfactory security for the performance of the undertaking; but in all such cases a full explanation must be furnished to the Treasury Board of the *specific reasons* which have led to a deviation from the ordinary course."

The evidence taken will be found minutely detailed in the papers accompanying this Report.

Your Committee desire to make another extract from the "Code" already referred to:—

"Upon the day appointed, the Tenders are opened in the Office of the Officer at the head of the Commissariat Department, and in his presence, and in the presence of an Officer to be specially appointed for the purpose by the Officer Commanding the Troops, and both the Officers engaged on this duty are to affix their initials to the Tenders, which are to be numbered in succession as they are opened, and a schedule of them is then to be made and signed by both the Officers, and submitted to the Officer Commanding the Troops with the recommendation in writing, at the foot of the schedule, of the Commissariat Officer in charge as to which of the Tenders should be accepted, after he shall have satisfied himself that the proposed securities are good and efficient."

The Director of Public Works concurred in the desirability of having the sealed Tenders opened in the presence of a Board; and your Committee, with great deference, recommend the adoption of this system.

Your Committee have failed to discover sufficient evidence, or "specific reasons," which have led to a deviation from the ordinary course in not accepting the lowest Tender.

THOS. GEO. GREGSON, *Chairman of Committee.*

*Committee Room, 13th October, 1869.*

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## MINUTES OF THE MEETINGS.

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FRIDAY, 1ST OCTOBER, 1869.

The Committee met at 10:30 o'clock.

*Present*—Mr. Gregson, Mr. James Scott, Mr. John Scott.

Mr. Gregson was appointed Chairman.

Captain Richard Warren, Royal Engineers, was called in and examined.

*Ordered*, That the following Witnesses be summoned:—Assistant-Commissary-General Castray, Francis Butler, Esq., Director of Public Works, Mr. John Appleby, 52, Patrick-street, Mr. Joseph Hawkes, Mr. Ware.

The Committee adjourned to Thursday next, at 10:30.

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THURSDAY, 7TH OCTOBER, 1869.

The Committee met at 10:30.

*Present*—Mr. Gregson, Mr. James Scott, Mr. John Scott.

Assistant-Commissary-General Castray, Francis Butler, Esq., Director of Public Works, and Messrs. Ware and Hawkes, were called in and examined as Witnesses.

The Committee adjourned at 12:30.

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## EVIDENCE.

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FRIDAY, OCTOBER 1, 1869.

CAPTAIN RICHARD WARREN *called in and examined.*

I command the Royal Engineers at this Station. The practice at Home in contracting for large Works is, to call for Tenders from Contractors of known stability,—a list of whom is kept at the War Office. The lowest, or any Tender, is not necessarily accepted; but almost invariably the lowest is accepted. In smaller matters—repairs, &c.—Tenders are called for in the usual manner; and persons tendering leave their names with the Officer in charge at the local Office, from whom they get a Form of Tender. It is the duty of such Officer to report to Head-quarters upon the capability of such persons,—the Tenders being sent in to the War Office. The usual precaution is taken of inserting in the Notice that the lowest Tender, or any Tender, will not necessarily be accepted; but it is the usual practice to accept the lowest Tender, unless some reason exists why it should not be accepted. If the local Officer reported against a person tendering, it is usual to refuse his Tender. Tenders are opened before a Board, of which the Head of the Department is one. The practice here is, to open the Tenders in the presence of the Senior Officer of the Commissariat Department and an Officer of the Department to which the Tenders refer. Tenders are never opened by one Officer alone. I have called for Tenders since I have been here. We call annually for Tenders for Repairs. In calling for Tenders we insert in the Notice that the lowest Tender is not necessarily accepted. The lowest Tender has always been accepted.

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THURSDAY, OCTOBER 7, 1869.

LUKE RICHARD CASTRAY, *Esq., called in.*

*To the Chairman.*—I am Assistant-Commissary-General, stationed at Hobart Town. It is the practice in our Department to open the tenders for contracts in the presence of a Military Officer. Each then initials and numbers each tender so that no mistake shall arise. It is the duty of the Commissariat Officer to recommend the acceptance of the lowest tender, unless that Officer is satisfied that the person contracting is incapable of carrying out his contract, and is unable to give sufficient security. We are bound to accept the lowest tender with ample security given, except in case of a person who has previously held a contract and had not given satisfaction or has failed to carry out his contract, either in my own or any other Department.

FRANCIS BUTLER, *Esq., called in.*

I am Director of Public Works. The reason of my recommendation to the Treasurer not to accept the lowest tender is given in my letter of 16th ultimo addressed to the Hon. the Treasurer. The contract was for brickwork, plasterer's work, and carpenter's work. Mr. Ware is a carpenter I believe, but I have no personal knowledge. I do not know if he has had any previous contracts with the Government; never under me since I have been Director of Public Works. I have had occasion very often to examine

his work professionally for the last 15 years. I was generally able to give him certificates that his contracts were to my satisfaction. I will not say I never had to find fault. I would not say that of any builder I ever knew. I was not called upon by Dr. Agnew to examine his work in reference to ceiling the room of the Royal Society, or any work at Webb's. We had from Ware the security we asked for, — namely, the deposit of £50. There is a further security as the work progresses by keeping back 15 per cent. of the value of work done until the completion of the contract. There is no Board present at the opening of the tenders. I opened them in the presence of the tenderers and the Chief Clerk. Such has been the usual course. The relative value of the work would be this: the wood-work would be equal to the brick and stone together. I know something of Hawkes as a tradesman. He has executed two small contracts that I have had something to do with. The first one was satisfactorily performed, but the second, which was the stone wall round Trinity Church, has not turned out so satisfactory as I should have wished. Hawkes complied with all the conditions in sending in his tender for the repairs, &c. of the Commissariat Stores. I don't think the bond, and the power of withholding a portion of the money as it became due, would have been sufficient security without a more constant supervision than it is necessary to give to Mr. Ware's work. The stone and brick-work would not require more supervision than the brick-work. I believe Hawkes is a bricklayer, but I do not really know. My reasons for recommending the rejection of Hawkes's tender are all given in the correspondence. Ware is a builder of longer standing and character, and I thought it better the Government should accept his tender than one of a comparatively untried man. Ware's work has been carefully supervised. The specification allows the use of the old bricks. There has been no departure from the specification by Ware. The front part is to be cemented, therefore that part of the specification which requires the bricks to be even and of an uniform colour does not apply. I think it would be a very good plan to open the tenders by a Board. It would relieve me from responsibility, and I would prefer it. I hand in a paper showing tenders which have been accepted sometime prior to my appointment, showing that the lowest has not always been accepted.

**MR. WILLIAM WARE** *called in.*

*To the Chairman.*—I am a builder. I am a carpenter and joiner, but not a bricklayer or stonemason. I have been forty years in the business as builder. I have had Government Contracts before. The last was the Post Office, where I was sub-Contractor, and before that the Parliamentary Buildings. It is six or seven years since I held a Government Contract. I believe I am now carrying out the Contract according to the conditions and specifications. I cannot speak with certainty. The work is strictly supervised. About one-fourth of the amount is brick and stone work. I employ bricklayers, stonemasons, carpenters, and joiners. I do not work at the bench myself. I cannot say how they pay me for this Contract, as I have not the conditions here. I think it is that I receive £85 per cent. of work done. I expect to draw the payments from the Treasury. I always have done so for all the work I have done for the Government. I have not given a procuracy for any one to draw the money for me. I have done many thousands of pounds worth of work for the Director of Public Works in private matters. I am not indebted to the Director of Public Works or any of his family.

Mr. Cheverton and Mr. Butler supervise on behalf of the Government. Mr. Cheverton is Foreman of Works, and it is his duty to supervise. Mr. Cheverton has not made any complaint as to the nature of my work.

**MR. JAMES GRAY** *called in and examined.*

*To the Chairman.*—I am Chief Clerk and Draftsman in the Public Works Department. I am aware that a builder named Ware obtained the Contract for the repairs to the old Commissariat Stores. Ware's Tender was accepted, considering him the best qualified to carry out the work. We have often found that the want of experience and incapacity of the lowest tenderers has been highly prejudicial to the Public Service and the interests of the public. In this case, if we had not let the Contract to a known man, the supervision would have been costly. It would require to be constant, and everything connected with the work inspected as it went on.

*To Mr. John Scott.*—From my experience I do not think it desirable that the lowest tender should always be accepted. My experience has been extensive.

**MR. JOSEPH HAWKES** *called in.*

*To the Chairman.*—I am a bricklayer, mason and plasterer, and slater. I have been working at those trades about 21 years. I have had a good many contracts lately, and have worked for nearly all the builders in Town. I have given satisfaction to the persons who employed me, there were no complaints. I complain that my tender was not accepted. I was prepared to find security for the full amount of the job, £1259. I think the work is not being carried out now according to specification. It is specified that all the front bricks shall be new and close laid: this is not adhered to. If I had been allowed to take the Contract I would have taken it at a less sum to do the work as it is now being done.

## PAPER handed in by MR. BUTLER.

<i>Asylum, New Norfolk.—Additions, New Buildings.</i>			<i>Salmon-breeding Establishment.—Superintendent's Residence.</i>		
	£	s. d.		£	s. d.
Jas. Gregory .....	2462	0 0	Charles Vout .....	515	0 0
M. J. M'Loughlin .....	1880	0 0	Jas. Briant .....	465	10 0
Cheverton & Andrews .....	1820	0 0	R. J. Brooking .....	355	0 0
			C. File.....	335	10 0
			W. Fairbairn .....	334	3 0
<i>For Foundations, New Buildings.</i>			<i>Lease of Sand Hill Toll Bar for 1867.</i>		
	£	s. d.		£	s. d.
Peter Fife .....	0	6 0	Jno. Smith .....	840	10 0
M. M'Loughlin .....	0	4 9	Jno. Owen .....	835	10 0
Wm. Harris.....	0	4 3			
<i>Hospital, Launceston.—Wooden Outbuildings.</i>			<i>Police Buildings, Table Cape, 1866.</i>		
	£	s. d.		£	s. d.
Douslin & Lloyd .....	977	0 0	M. Boland .....	595	0 0
Gough and Mesterman.....	969	0 0	F. Lockie .....	566	0 0
Ditcham & Button .....	870	0 0	Titmus & Baker.....	520	0 0
Francis & Miller .....	870	0 0	Fowler & Hill.....	487	0 0
Charles Vout .....	857	0 0	R. H. Stabb .....	485	0 0
John Richards .....	840	0 0	Chas. Vout .....	459	12 0
			Wm. Coucher .....	444	10 0
			Thos. Wiseman.....	407	0 0
			Boatwright & Son.....	£379, £361, and 349.	
<i>Asylum, New Norfolk.—Wash-house and Laundry.</i>			<i>Bridges, George's River and River Groom.</i>		
	£	s. d.		£	s. d.
Cheverton & Andrews .....	400	0 0	Richard Terry .....	139	0 0
A. M. Nicol .....	365	0 0	Jno. M'Bean.....	145	0 0
M'Loughlin & Henry .....	260	0 0			
<i>Watch-house, Peppermint Bay.</i>			<i>Watch-house, Scottsdale.</i>		
	£	s. d.		£	s. d.
Thomas Saunders .....	195	0 0	D. M'Lachlan .....	190	0 0
J. F. Rigby .....	150	0 0	Wm. Blyth .....	185	0 0
C. C. Giles .....	132	0 0	Brown, Paul & Jones .....	151	10 0
Geo. Flukes .....	130	0 0	Rutherford & Gill .....	138	0 0
C. Renshaw.....	121	0 0	B. R. Watson.....	130	0 0
			John Watson .....	129	0 0

Hobart Town, 6th September, 1869.

SIR,

I would respectfully solicit that you would be kind enough to bring under the consideration of the Honorable the House of Assembly this my complaint; that is,—

By public advertisement dated 13th August, 1869, Tenders were called for by the Director of Public Works for alterations and additions to the old Commissariat Stores, Hobart, with certain conditions connected with the said Tender. I was one of the Tenderers for the said work as per advertisement, and complied with all the conditions required by specification detailing the same, and was also the lowest Tenderer in amount for the completion of the said work. The amount of my Tender was £1259, whilst the amount of the Tender accepted was £1274, or £15 in excess.

I feel reason to complain of the rejection of my Tender; and would therefore again solicit your interference in bringing the whole matter before the Honorable the House of Assembly, enquiring why such a preference should be given, and such wrong done to myself.

I have the honor to be,

Sir,

Your most obedient Servant,

JOSEPH HAWKES.

To the Honorable T. G. GREGSON, Esq., M.H.A.

61, Harrington-street, Hobart Town, January 13th, 1867.

I, the undersigned, do hereby certify that I have known the bearer, Joseph Hawkes, for several years as a Stonemason and Bricklayer, and believe him to be a good sound workman. He has just completed a brick and stone building for me, and given me satisfaction. I also beg to certify that he is of steady and sober habits.

WILLIAM WARE, Builder.

Upper Murray-street, 15th September, 1869.

To those whom it may concern :

I FEEL much pleasure in being able to bear testimony to the satisfactory manner Mr. Joseph Hawkes has completed the erection of my school and dwelling.

The work I believe to be executed in a thorough workmanlike manner ; and as he is evidently perfectly and practically acquainted with the most intricate branches of a builder, as well as having proved himself to be a sober, persevering, and deserving tradesman, I trust as a native of Tasmania he will meet with that support and patronage which an exemplary and clever tradesman should merit at the hands of his fellow Citizens.

T. H. BROMFIELD.

(Copy.)

36 Macquarie-street, 12th September, 1868.

DEAR SIRS,

I HAVE to certify that the Contract for building the wall round Trinity Church is completed, and the balance of the Contract price, £69 15s., less 10 per cent. of Contract, £13 18s. = £55 17s., is due to Mr. Joseph Hawkes the Contractor; the balance £13 18s. will be due to the Contractor in one month from this date (12th October.)

In clearing out the trench for the foundations the drain was cut through, but in one place where there was some semblance of a loose stone drain openings were left in the wall to allow any water to percolate through.

Yours, Dear Sirs, Faithfully,

(Signed) FRANCIS BUTLER, Architect.

The Rev. Mr. DAVENPORT and the Churchwardens,  
Trinity Church.

New Town Park, 15th September, 1869.

MR. JOSEPH HAWKES has been employed by me as Contractor for various buildings, to the extent of about One thousand Pounds, within the last Twelve Months, and has executed his work up to the present time in a most satisfactory manner.

HENRY HOPKINS, JUNR.

Memorandum for Messrs. HAWKES, Builders, &c., Macquarie-street.

MESSRS. G. and J. Hawkes erected my Store, Franklin Wharf, under Contract. I consider that, excepting one joist having slightly warped, the Contract was faithfully performed, and wears so far remarkably well.

HENRY IVEY,  
16th September, 1869.

Office of Public Works, Hobart Town, 31st August, 1869.

SIR,

I HAVE the honor to submit seven Tenders as per annexed Schedule, which I have this day received under the following Advertisement :—

OFFICE OF PUBLIC WORKS.

Hobart Town, 13th August, 1869.

TO CONTRACTORS.

SEALED Tenders will be received at this Office till noon on Tuesday, the 31st instant, for new Roof and alterations to old Commissariat Store fronting on Macquarie-street, and for the erection of an additional Store adjoining same for Bonding purposes in accordance with specifications, plans, elevations, and sections, which can be seen on application to

FRANCIS BUTLER, Director of Public Works,

for the performance of the service stated.

As there is only a difference of £15 between Mr. Wm. Ware and the next lowest tenderer, I recommend that of Mr. Ware at £1274 for acceptance.

I have the honor to be,  
Sir,

Your very obedient Servant,

FRANCIS BUTLER, Director of Public Works.

The Hon. the Treasurer.

SCHEDULE OF TENDERS.

	£	s.	d.	Time.
John Anderson.....	1359	0	0	February, 1870.
R. B. Wiggins.....	1350	0	0	31 March, 1870.
R. H. Stabb.....	1314	14	6	1 June, 1870.
William Stone.....	1285	0	0	1 March, 1870.
Edwd. Ford.....	1284	0	0	30 January, 1870.
William Ware.....	1274	0	0	1 March, 1870. Recommended.
Joseph Hawkes.....	1259	0	0	1 March, 1870.

FRANCIS BUTLER, Director of Public Works.  
August 31st, 1869.

THE Governor approves of Mr. Ware's Tender being accepted, in accordance with the recommendation of the Director of Public Works.

THOS. D. CHAPMAN, Colonial Treasurer.  
August 31st, 1869.

Re Commissariat Store.

THE Director of Public Works returns to Mr. Joseph Hawkes the cheque of Mr. George Crisp payable to Mr. Hawkes' order which accompanied his tender not accepted.

Office of Public Works,  
1st September, 1869.

Mr. J. HAWKES.

Hobart Town, 31st August, 1869.

I HEREBY tender to do, perform, execute, render up complete, on or before the end of February, 1870, the several works required to be performed at the old Commissariat Stores and Building, Hobart Town, in accordance with the specifications and conditions, and in conformity with the plans, elevations, and sections retaining thereto, and deposited in the Office of the Public Works, for the sum of Thirteen hundred and fifty-nine Pounds, including the sum of £50, as per Clause 28. (£1359.)

JOHN ANDERSON.  
84, Warwick-street.

Director of Public Works.

Hobart Town, 31st August, 1869.

I HEREBY tender to do, perform, execute, and render up complete, on or before the 31st day of March, 1870, the several works required to be done at the old Commissariat Stores and Buildings, Hobart Town, in accordance with the specification and conditions, and in conformity with the plans, elevations, and sections relating thereto and deposited in the Office of Public Works, at or for the sum of £1350, including the sum of £50, as per Clause 28.

ROBERT B. WIGGINS.

7, Molle-street, Hobart Town, 18th August, 1869.

I HEREBY tender to do, perform, execute, and render up complete on or before 1st day of June, 1870, the several works required to be performed at the old Commissariat Stores and Buildings, Hobart Town, in accordance with the foregoing specifications and conditions, and in conformity with the plans, elevations, and sections relating thereto, and deposit in Office of Public Works, at or for the sum of £1314 14s. 6d., including the sum of £50 as per Clause 28.

ROBT. H. STABB.

F. BUTLER, Esq., Director of Public Works.

31st August, 1869.

SIR,

I HEREBY tender to do, perform, execute, and render up complete, on or before the 1st day of March, 1870, the several works required to be performed at the old Commissariat Stores and Buildings, in accordance with the foregoing specification and conditions, and in conformity with the plans, elevations, and sections relating thereto, and deposited in the Office of Public Works, at or for the sum of Twelve hundred and eighty-five Pounds (£1285), including the sum of Fifty Pounds, as per Clause 28.

W. STONE.  
St. George's Hill.

To the Director of Public Works, Hobart Town.

August 31st, 1869.

SIR,

I HEREBY tender to do, perform, execute, and render up complete, on or before the 30th January, 1870, the several works required to be performed at the old Commissariat Stores and Buildings, Hobart Town, in accordance with the foregoing specification and conditions, and in conformity with the plans, elevations, and sections relating thereto, and deposited in the Office of Public Works, at or for the sum of £1284, including the sum of £50, as per Clause 28.

E. FORD.

Hobart Town, Harrington-street, August 31st, 1869.

I HEREBY tender to do, perform, execute, and render up complete, on or the 1st day of March, 1870, the several works required to be performed at the old Commissariat Stores and Buildings, Hobart Town, in accordance with the foregoing specification and conditions, and in conformity with the plans, elevations, and sections relating thereto, and deposited in the Office of Public Works, at or for the sum of One thousand two hundred and seventy-four Pounds (£1274), including the sum of Fifty Pounds (£50), as per Clause 28.

I am, Sir,

Your obedient Servant,

WILLIAM WARE.

F. BUTLER, Esq., Director of Public Works.

Macquarie-street, Hobart Town, 31st August, 1869.

SIR,

I HEREBY tender to do, perform, execute, and render up complete on or before the 1st day of March, 1870, the several works required to be performed at the old Commissariat Store and Buildings, Hobart Town, in accordance with the foregoing specification and conditions, and in conformity with the plans, elevations, and sections relating thereto, and deposited in the Office of Public Works, at and for the sum of Thirteen hundred and fifty-nine Pounds (£1259), including the sum of £50, as per Clause 28.

I am, Sir,

Yours obediently,

JOSH. HAWKES, JUNR.

F. BUTLER, Esq.

\* Sic.



Office of Public Works, Hobart Town, 16th September, 1869.

SIR,

IN the Report laid before Parliament on the 24th ultimo, of Works under Loans Acts, at page 16, under the above head, the following paragraph appears:—

“Tenders have been invited to be received on the 31st instant for taking off roof of old building fronting on Macquarie-street, and for alterations and repairs to same. Also for the erection of an additional store of two floors, length 99 feet, width 26 feet, height 23 feet; with a verandah for gauging purposes, 99 feet and 14 feet, in accordance with the plans and specification defining the work.”

On the 31st, the following were received and submitted to the Government:—

	£	s.	d.	Time.
Jno. Anderson .....	1359	0	0	.. to February, 1870.
R. B. Wiggins .....	1350	0	0	.. to 31 March, 1870.
R. H. Stabb .....	1314	14	6	.. to 1 June, 1870.
William Stone .....	1285	0	0	.. to 1 March, 1870.
Edward Ford .....	1284	0	0	.. to 30 January, 1870.
William Ware .....	1274	0	0	.. to 1 March, 1870.
Joseph Hawkes .....	1259	0	0	.. to 1 March, 1870.

and that of Mr. Wm. Ware, at £1274, though £15 above the next lowest, was recommended by me and duly authorised.

The conditions provide that the Government is not bound to accept the lowest or any tender, and, in recommending Mr. Ware's for acceptance, I adopted no unusual course. I find my predecessors in office, in many instances, extending over a series of years, selected such competitor, though *not* the lowest, as was deemed best suited to carry out the works in a tradesmanlike manner. In the present instance I pursued a like course.

I have the honor to be,

Sir,

Your very obedient Servant,

FRANCIS BUTLER, *Director of Public Works.*

*The Honorable the Treasurer.*

Macquarie-street, Hobart Town, 2nd September, 1869.

HONORABLE SIR,

HAVING sent in a tender for the performance of sundry works to be done in repairs to the old Commissariat Store, and the erection of a new store contiguous thereto, and in so doing having fully complied with the terms set forth in the invitation for tenders, my tender being the lowest has been rejected, and my deposit returned. I made application to the Director of Public Works requesting to know the reason of my tender having been rejected, the only answer I can obtain is that he recommended Mr. Ware's tender should be accepted.

What I would most respectfully request is that the matter may be investigated, so that I may at least know the reason why my tender was not accepted. Further, I would ask had my tender been £200 lower than Mr. Ware's and I should have refused to proceed with the works, would the Director have returned my £50 deposit, or would Mr. Gray have thrown it into the fire.

Respectfully soliciting the favour of a reply,

I am, Sir,

Yours obediently,

JOSH. HAWKES, JUNR.

*To the Honorable T. D. CHAPMAN, Esq., Colonial Treasurer, &c.*

REFERRED to the Director of Public Works for his report.

THOS. D. CHAPMAN, *Colonial Treasurer.*  
September 3, 1869.

*MEMO. as to MR. HAWKES' Complaint of the non-acceptance of his Tender.*

3rd September, 1869.

MR. HAWKES was aware that the Government reserved the right of not accepting the lowest tender, as I read out that and some other of the conditions to him and the other tenderers present, before opening the tenders.

Mr. Ware is a builder of longer standing than Mr. Hawkes, and is, in my opinion, more able to carry out the Contract satisfactorily.

The difference in the tenders (£15) being so small, I considered it more advantageous for the Government to accept Mr. Ware's tender, and so I recommended.

FRANCIS BUTLER, *Director of Public Works.*

*To the Hon. the Treasurer.*