

waive the limitation of time and all technicalities, and that arrangements were actually made for an investigation of the claims upon that basis, which arrangements were repudiated by the Messrs. Brogden by the letter of the 8th March, and again when they elected to proceed with the petition of right in the Waitara case. I submit that I have also proved that throughout Messrs. Brogden have been treated with exceptional liberality and consideration. I submit that I have also proved that by the act of the Messrs. Brogden, and in no way by the act of the Government, the investigation of these claims has been delayed for five years. As a special instance I have shown that the Messrs. Brogden, having in their possession a petition of right, signed in the year 1878, did not file it until the middle of the year 1881. I would here incidentally refer to the fact that Mr. A. Brogden, in his letter of the 15th March, 1882, says,—

As to the time that elapsed between 1878 and 1881, you appear to ignore the fact that it was the *close* of the year 1878 when the petition of right was granted to us. Our Mr. Brogden came out here in 1880, and was here in that year, but the continued absence of the Minister for Public Works from Wellington prevented communication with him until the first month of 1881.

It seems to me that it is rather Mr. Brogden who ignores a fact than the writer of the letter to whom he is replying. Mr. Brogden refers in italics to the close of the year 1878, but omits to state it was certainly the close of the year 1880 when he arrived in the colony. If I have failed to convince the Committee that the position of 1877 is not the position of 1882, I have no doubt failed along the whole line of my case. Ought the Government or the colony to adopt in 1882 the same course that they fairly and honorably agreed to take in 1877? I think that is the question which the Committee have to consider, and I submit that it is necessary for their decision of that point that they should know what is the general nature of the claims, and whether they are of such a kind that they can be settled five or six years after the close of the contracts, as they could have been examined and settled a year after. The time which I have allowed myself for my address to the Committee has not been sufficient to permit me to mention many matters which I could have brought under your notice to show the impossibility of having as full and satisfactory an investigation now as we could have had in 1877. I have instanced the question of prices and the question of earthwork in swamps as examples of the difficulty of ascertaining the truth now. The Committee will remember, no doubt, that we are no longer in the position we once were with regard to evidence. Mr. Carruthers, for instance, is no longer available to us, as he is absent from the colony, and his evidence under the present law could not be taken by commission; and I say that unless his evidence is obtained the interests of the colony will not be properly protected. Other witnesses are dead, some have disappeared, and, in short, during the time that has elapsed we have lost a considerable part of the evidence we could have adduced in 1877. I do not say that it would not be possible to prove still that the greater part of these claims are without foundation, but I can with regard to some of them say that we have lost most valuable evidence which we could have brought forward if the claims had been prosecuted when they should have been; and I venture to submit to the Committee that the claims which, according to Mr. Henderson's letter, amounted on the 31st January, 1876, to something over £30,000, and which now amount to about £250,000, without interest, cannot with equal facility and with equal safety to the Government be examined now. I have now concluded my address, but as a personal matter I wish to draw attention to Messrs. Brogden's letter of the 13th June, 1882, in which it is stated that "Mr. Bell's version is both inaccurate and unfair, inasmuch as he must have been aware that the amount above referred to, instead of being 'less than £700,' was actually £865." In answer to that I say that my statement is a positive and absolute fact, and one which cannot be denied, and I say that any statement to the contrary is both "inaccurate and unfair."

The Committee then adjourned until Monday, the 24th July, at 11 a.m.

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MONDAY, 24TH JULY, 1882.

Mr. W. T. L. TRAVERS, examined.

*Mr. Cave:* In pursuance of the arrangement made on Saturday, Mr. Travers is now here for the purpose of giving his evidence in reference to the passing of the Government Contractors Arbitration Act, and perhaps it may be convenient that he should make a statement.

*Mr. Travers:* I have very little to say about the matter. When Messrs. Brogden were—

*Mr. Bell:* Of course, if Mr. Travers makes a statement, I shall take the opportunity of asking him a few questions.

*The Chairman:* Of course.

*Mr. Travers:* Well, when Messrs. Brogden were making arrangements with the Government, I believe Mr. Brogden was anxious as to the arbitrator, and, after some discussion, the Government consented that the Judges of the Supreme Court, in their several jurisdictions, should be constituted arbitrators in respect to any disputes that might arise, and that was made part of the general conditions of the contract. It was, however, considered by the law advisers of the Government that such a duty could not be cast upon the Judges without being provided for by statute, and therefore the Government undertook to bring in a Bill in order to give the Judges jurisdiction. As I understood it, the sole object of the Bill was to give to the Judges the power of acting as arbitrators under the conditions of the contract. I retain, I may say, comparatively slight recollection of what took place in regard to the passing of the Bill, but I find on an account which was rendered by my firm against Messrs. Brogden that I perused the draft of the Bill. I see by a parliamentary paper that Mr. Reid states that a copy of the draft Bill was sent to me "as a matter of courtesy," and I am not prepared to say that it was not. But it is probable, as I was not supposed to deal with the matter professionally, that I may have put the draft by without saying more about it. However, I understood that the object of the Bill was solely to vest the authority in the Judges, as I have already mentioned. But I see that I conferred with Mr. Brogden on the 13th August about the draft Bill, for I find that I drew some amendments of the clauses in the then draft, which were forwarded to the then Attorney-General, now