

We undertook these contracts in reliance upon the public good faith of an English colony, and we will use every means in our power, by protest and otherwise, to prevent any attempt on the part of the colony to violate its engagements.

We have, &c.,

JOHN BROGDEN AND SONS,
(per JOHN HENDERSON.)

The Hon. the Minister for Public Works.

P.S.—As we are anxious to wind up our affairs in the colony, our contracts being now all completed, and as we are necessarily obliged to keep in our pay a considerable number of persons whose testimony will be necessary to us in case of dispute respecting the works executed or superintended by them, we have the honor to request an immediate answer to this letter.—J. B. and S. (per J. H.)

Messrs. BROGDEN and SONS to the Hon. the MINISTER for PUBLIC WORKS.

SIR,—

Wellington, 16th March, 1877.

The time left to us to assert our claims is so short if we are to be bound by "The Government Contractors Arbitration Act, 1872," that we cannot lose a moment in taking proper steps (1) to test the question of the validity of that Act, and (2) to proceed under it if bound by it. We therefore have the honor to request an immediate answer to our letter of the 8th instant, it being necessary that our case should be placed in the hands of our legal advisers without delay.

We have, &c.,

JOHN BROGDEN AND SONS,
(per JOHN HENDERSON.)

The Hon. the Minister for Public Works.

The Hon. the MINISTER for PUBLIC WORKS to Messrs. BROGDEN and SONS.

GENTLEMEN,—

Public Works Office, Wellington, 19th March, 1877.

I have to acknowledge the receipt of your respective letters of the 8th and 16th instant, the former of which has caused considerable surprise to the Government. On the 31st January last your legal adviser, Mr. Travers, addressed a letter to the Solicitor-General, proposing a certain course of action under "The Government Contractors Arbitration Act, 1872," for the purpose of determining disputes between the Government and yourselves in respect to the execution of your contracts.

To this letter a reply was given assenting to the course proposed, and I was therefore wholly unprepared for the proposals contained in your letter of the 8th instant, and the tone in which they were made. I do not propose to discuss with you the merits and probable working of the Act referred to, but I must be allowed to say that in my opinion your letter is based upon a misconception as to its effect and operation. Indeed I am advised that the Act only prescribes the necessary machinery for giving effect to the terms of the contracts entered into by your firm respecting the reference of dispute to Judges of the Supreme Court. Nor can I look upon the past action of the Legislature, nor the past or proposed action of the Government, as having in any degree prejudiced the investigation of your claims against the latter.

Respecting those portions of your letter of the 8th instant which speak of "threats of repudiation," and which contain remarks tending to show that the Government had, in procuring the passage of this Act, knowingly obtained unfair advantages over you, I can only say that your statements are erroneous and wholly uncalled for.

On behalf of the Government I entirely disclaim any wish to embarrass you in taking proceedings under the Act of 1872; but that Act is now law, and I am advised that the request made by you to dispense with its provisions could not be entertained; and I am further advised that the admissions and consents you ask for are unreasonable, and such as the Government have no power to agree to. It must be recollected that the Government is not in the position of a private person. There is a duty to the public, whose affairs the Government are called upon to administer, which must be considered paramount.

To the course formerly proposed on your behalf, and assented to on behalf of the Government by the Solicitor-General, I am prepared to adhere; but I cannot consent to such terms for conducting the references as would preclude the Government from having a thorough investigation of the matters alleged to be in dispute.

I have, &c.,

Messrs. John Brogden and Sons, Wellington.

J. D. ORMOND.

Messrs. BROGDEN and SONS to the Hon. the MINISTER for PUBLIC WORKS.

SIR,—

Wellington, 20th March, 1877.

We beg to inform you that we have instructed our solicitors to take proceedings against the Government in the Supreme Court by petition under "The Crown Redress Act, 1871," such proceedings being for the purpose of testing the validity of "The Government Contractors Arbitration Act, 1872."

We have therefore the honor to request that the consent of His Excellency the Governor may be given in the manner required by section 2 of the "Crown Redress Act," to a petition setting forth the particulars of our claims for work and labour done, and for materials supplied by us for Her Majesty the Queen, and also in a second count setting forth one or more of the contracts entered into between Her Majesty the Queen and ourselves, together with the breaches of contracts on which we claim damages.

We are unable to send with this letter the form of petition, but, as the action will be simply to recover for our work, labour, and materials, such action being sufficient to raise the question of the jurisdiction of the Supreme Court outside "The Government Contractors Arbitration Act, 1872," we presume the Government will intimate their intention of either granting or withholding such consent, without requiring the formality of awaiting the preparation of the petition itself.