

Court of Appeal deciding in our favour in this case. It is not a trifling matter, and the delay which has already occurred has caused serious loss and inconvenience to us, and has detained one of our firm in the colony for a very long time. The Government have rejected all our offers to promote an amicable settlement, and we cannot avoid recording our sense of the injustice of the effort now being made, whether successful or not, to set up a statute of limitations of six months against our claims.

With regard to our not presenting this petition as soon as it was signed by His Excellency the Governor, we have only to state that the peculiar provisions of the Government Contractors Arbitration Act required grave consideration, and our Mr. Alex. Brogden could not arrange to be absent from home until the middle of last year. The Government have, however, had substantially nearly all the claims before them since the end of the year 1876, and we are naturally surprised that they have taken no steps to investigate them until about two months ago. We therefore ask you to be good enough to inform us whether there is any reason other than that of the desire to compel us to proceed under the Act referred to, which actuates the Government in refusing to recommend His Excellency the Governor to sign our other Petitions of Right, and, if so, to be good enough to state what the reason is.

The Hon. the Minister for Public Works,
Wellington.

We have, &c.,

JOHN BROGDEN AND SONS.

The UNDER-SECRETARY for PUBLIC WORKS to Messrs. BROGDEN and SONS.

GENTLEMEN,—

Public Works Office, Wellington, 23rd August, 1881.

I have the honor, by direction of the Acting Minister for Public Works, to acknowledge the receipt of your letter of the 18th instant, in which you request to be informed what course the Government intend to pursue with the Petitions of Right forwarded by you to the Minister on the 1st July last, in the event of the Court of Appeal deciding in your favour the question of procedure.

In reply, I am directed to say that the Government cannot agree to state what course they may take in consequence of a possible judgment of the Court of Appeal until the Court has pronounced its decision.

In reply to that part of your letter in which you advert to loss and inconvenience suffered by you in consequence of delays which have occurred, I am directed to point out that the delay which has taken place in the presentation in a definite shape of your claims against the colony has not been occasioned by any act of the Government.

With reference to your request that you may be informed what are the reasons which have actuated the Government in returning your Petitions of Right, I am directed to reply that the Government do not feel called upon to state their reasons for refusing to recommend His Excellency the Governor to sign the necessary consents.

I have, &c.,

JOHN KNOWLES,

Under-Secretary for Public Works.

Messrs. J. Brogden and Sons, Wellington.

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

SIR,—

Wellington, 25th August, 1881.

We have the honor to acknowledge the receipt of your letter of the 23rd instant. We submit that a curt and absolute refusal of any information on the various questions we put is not the answer we are entitled to expect. We have large claims against the colony, and have furnished particulars of the items for work done, and for which we have not been paid. Under ordinary circumstances we should have been entitled, upon showing the *bonâ fide* character of our claims, to have a Petition of Right, by means of which the Courts of law would pronounce judgment upon them.

The Government contend that the claims have to be settled under the conditions laid down in "The Government Contractors Arbitration Act, 1872," and by no other means. We contend otherwise, and that is practically what will have to be decided by the Courts of Appeal.

The defence set up by the Government is unusual, and quite out of the regular way. We ask that we may be informed what course the Government intend to take when this irregular defence is disposed of. If some other device is to be set up, we think we are entitled to know it.

We feel it necessary to state the real effect of the contention of the Government in reference to the Act. It is a veiled attempt to prevent us having any means of recovery of the moneys due to us, for if successful in compelling us to arbitrate under the Act—which, however, we do not anticipate—they would reply to any such arbitration, "It is too late to commence the proceedings, because they ought to have been commenced within six months from the time of the particular dispute."

We refrain from observations about the passing of the Act, or its correct interpretation or application, but we would point out that parliamentary paper E-3, 1878, page 9, shows that certain sections, which are the disabling clauses, were added by the Solicitor-General without any communication with us or our solicitors; and, as the pages of *Hansard* and the newspaper referred to will show, no intimation was given either to the Ministers, or to the House of Representatives, or to us, that such important and improper additions had been made.

It is not correct to say that the delays are attributable to us. The accounts for nearly every contract were delivered in detail in May, 1876, and in the following months of December and January. If you will examine the accounts for works as rendered, you will find them practically the same now as then, the different sums appearing at various times being claims for interest and compensation. Every contract is a separate one, and particulars of six out of the ten contracts have been with you for five years, and the delay in dealing with them rests entirely with the Government. We therefore respectfully repeat our inquiry, and shall be glad if, upon further consideration, the Government will see their way to afford us the information we ask for.

The Hon. the Minister for Public Works,
Wellington.

We have, &c.,

JOHN BROGDEN AND SONS.