

6. That the said matters set forth in the said petition, and for which the suppliants claim redress, are disputes between the suppliants and the Minister for Public Works appointed under "The Immigration and Public Works Act, 1870," acting on behalf of Her Majesty the Queen, within the meaning of the said Act and the twenty-seventh clause of the said contract; and that the said matters in dispute have not been referred to the decision of a Judge of the Supreme Court as by the said Act provided.

AMENDED REPLICATION.

In the Supreme Court of New Zealand, Wellington District.

ALEXANDER BROGDEN, HENRY BROGDEN, and JAMES BROGDEN *against* THE QUEEN.

The 22nd day of October, 1877.

The suppliants by way of replication say,—

I. As to the first plea pleaded on behalf of Her Majesty the Queen, that they take and join issue thereon.

II. As to the second plea pleaded on behalf of Her Majesty the Queen, that they deny all the material allegations therein contained.

III. As to the third plea pleaded on behalf of Her Majesty the Queen—(1) That they deny the allegations contained in the fourth and sixth paragraphs thereof; (2) That in so far as the matters set forth in the petition in the said plea mentioned are disputes between the suppliants and the Government, as in the said plea mentioned, such disputes arose more than six calendar months before the filing of the said petition, as Her Majesty well knew, and neither the Government nor the Minister for Public Works took or adopted any of the ways, means, or proceedings provided by the Act in the said plea mentioned for referring the same to arbitration under the provisions thereof.

IV. As to the fourth plea pleaded on behalf of Her Majesty the Queen, That they deny the allegations contained in the fourth and sixth paragraphs thereof; that in so far as the matters set forth in the petition in the said plea mentioned are disputes between the suppliants and the Government, as in the said plea mentioned, such disputes arose more than six calendar months before the filing of the said petition, as Her Majesty well knew, and neither the Government nor the Minister for Public Works took or adopted any of the ways, means, or proceedings provided by the Act in the said plea mentioned for referring the same to arbitration under the provisions thereof.

FURTHER PLEA.

In the Supreme Court of New Zealand, Wellington District.

ALEXANDER BROGDEN, HENRY BROGDEN, and JAMES BROGDEN *against* THE QUEEN.

On Tuesday, the 11th day of December, 1877.

And for a further plea the said Walter Scott Reid, Solicitor-General for our Lady the Queen for the Colony of New Zealand, for and on behalf of our said Lady the Queen, says that, before the filing of the said petition in the Supreme Court at Wellington, by a deed dated the fifth day of September, 1877, and made between the said suppliants of the one part, and James Brunless, of 5, Victoria Street, in the City of Westminster, civil engineer, and James Brogden, one of the said suppliants, of the other part, and which said deed is not in the possession or under the custody or control of Her Majesty the Queen, or any person on her behalf, the said suppliants assigned unto the said James Brunless and James Brogden all their interest in, amongst other things, the contract set out in the said petition, and all principal moneys and interest payable in respect thereof, and in respect of the construction of the railways therein mentioned, and all additional works connected therewith: And, further, that the said suppliants did, by the said deed, empower the said James Brunless and James Brogden to demand, sue for, recover, and receive all principal moneys and interest thereby assigned, and to give effectual discharges in respect thereof; that thereby the said suppliants ceased to have any right or interest in the said contract, and the principal moneys and interest payable in respect thereof, and that the said James Brunless and James Brogden became entitled thereto.

NOTICE OF ENTRY OF DISCONTINUANCE.

In the Supreme Court of New Zealand, Wellington District.

Between ALEXANDER BROGDEN, HENRY BROGDEN, and JAMES BROGDEN, *against* THE QUEEN.

TAKE notice that the suppliants have this day entered a discontinuance herein.

Dated the 26th day of September, 1878.

HENRY H. TRAVERS,
Solicitor for the Suppliants.

To Walter Scott Reid, Esquire, Solicitor-General for and on behalf
of Her Majesty the Queen for the Colony of New Zealand.