

No. 2.

The UNDER-SECRETARY for PUBLIC WORKS to Mr. C. W. CAVE.

SIR,—

Public Works Office, Wellington, 9th February, 1883.

With reference to your letter of 1st December addressed to Mr. Bell, Crown Solicitor, inquiring whether the Government “have resolved to treat the report of the Joint Committee of last session as final so far as regards Messrs. Brogden’s claim to have the disputes between them and the Government submitted to arbitration, or whether the latter would upon any, and, if so, upon what, terms consent to a reference of the claims either under the Government Contractors Arbitration Act or in any other mode,” I am directed by the Minister for Public Works to state that the Government has no other reply to make than that conveyed to you in a letter dated 27th January, 1882—viz., that, while you deny the right of the Government to insist upon certain legal conditions imposed by the contracts and by Parliament, it would be premature to consider whether the Government will waive any such conditions so long as their right to rely upon them is contested.

I have, &c.,

C. W. Cave, Esq., Solicitor,
Wellington.C. T. BENZONI,
Acting Under-Secretary for Public Works.

No. 3.

Mr. C. W. CAVE to the Hon. the MINISTER for PUBLIC WORKS.

SIR,—

Wellington, 22nd February, 1883.

I have the honour to acknowledge the receipt of the letter of the Assistant Under-Secretary for Public Works, dated the 9th instant, in which the remark contained in a letter to Messrs. Brogden of the 27th January, 1882, is repeated—namely, “that while you [Messrs. Brogden] deny the right of the Government to insist upon certain legal conditions imposed by the contracts and by Parliament, it would be premature to consider whether the Government will waive any such conditions so long as their right to rely upon them is contested.”

In reply, I would ask leave to point out that the above is not an accurate description of the position at present and for some time past taken up by Messrs. Brogden in reference to their claims. On the contrary, I would submit that the course pursued by Messrs. Brogden since the judgment of the Court of Appeal, delivered in December, 1881, points to an acquiescence on their part in the decision of the Court, rather than to a denial of the right of the Government to insist on the legal conditions referred to.

In support of this view I would call attention to the fact that, directly the Court of Appeal had delivered judgment to the effect that Messrs. Brogden’s claim could not be adjudicated upon in a Court of law, they accepted the position thus imposed on them, and, without delay, commenced proceedings under the Government Contractors Arbitration Act, with a view to a reference of one of the claims to arbitration. The remedy provided by the above-mentioned Act being, however, in its turn, denied to them, the only tribunal in the colony left open to Messrs. Brogden was Parliament, and to that body they accordingly resorted, praying that, as a matter of equity, the obstacle to an arbitration might be removed. By neither of these proceedings have they, as I submit, denied the right of the Government to insist on the legal conditions referred to, and, of course, whilst the decision of the Court of Appeal remains unreversed, it would be idle for them to do so. Their request now is that, in return for certain concessions and reductions which they are willing to make, some of the legal conditions may be waived. Under these circumstances, I trust the Government will now be disposed to deal with the matter in an equitable spirit, and will consider my letter of the 1st December, with a view to arranging some course of procedure by which a final settlement of the claims may be secured.

I have, &c.,

The Hon. the Minister for Public Works, Wellington.

CHARLES W. CAVE.

No. 4.

Mr. C. W. CAVE to the Hon. the PREMIER.

Wellington, 25th May, 1883.

SIR,—

Re *Messrs. Brogden’s Claims*.

At the interview which Mr. Lawson had the honour to have with you a short time since, you expressed your willingness to look into the papers in connection with those claims after your return from Auckland, with a view to considering whether you could recommend any course of action to the Government which might result in a compromise of the matters in dispute, and the relinquishment of all legal proceedings by Messrs. Brogden.

From communications which I have lately received from England I have reason to believe that a much smaller sum than that mentioned by Mr. Alexander Brogden to Sir John Hall (£100,000) would now be accepted in discharge of the claims, and I should have no hesitation in agreeing, on behalf of my clients, to stay all legal proceedings if the Government could see their way to recommend to Parliament the payment of a lump sum in settlement.

What this sum should be, Mr. Lawson and I are prepared to discuss with you, if you think fit to favour us with another interview.

Trusting you will be able now to give the matter your consideration,

I have, &c.,

The Hon. the Premier, Wellington.

CHARLES W. CAVE.