

1883.  
NEW ZEALAND.

---

## MESSRS. BROGDEN'S CLAIMS

(CORRESPONDENCE BETWEEN THE GOVERNMENT AND MR. C. W. CAVE, SOLICITOR FOR  
MESSRS. BROGDEN AND SONS, RELATIVE TO).

*Return to an Order of the House of Representatives, dated the 17th day of August, 1883.*

*Ordered, "That the correspondence which has taken place between the Government and Messrs. Brogden since September, 1882, be laid before this House."—(Mr. Turnbull.)*

---

### No. 1.

Mr. H. D. BELL to the Hon. the MINISTER for PUBLIC WORKS.

Wellington, 2nd December, 1882.

SIR,—

*Messrs. Brogden's Claims.*

I have the honour to enclose a letter just received by me from Mr. Cave, the Messrs. Brogden's solicitor.

I have replied, informing him that this letter has been forwarded to the Government, and that the absence of the Hon. Mr. Johnston from Wellington may cause some delay in reply.

I have, &c.,

H. D. BELL,

Crown Solicitor.

The Hon. the Minister for Public Works, Wellington.

### Enclosure in No. 1.

Mr. C. W. CAVE to Mr. H. D. BELL.

Wellington, 1st December, 1882.

DEAR SIR,—

*Re Messrs. Brogden's Claims.*

As there seems likely to be some delay in disposing of the application now pending on behalf of Messrs. Brogden for leave to amend their petition of right in the Invercargill and Mataura Railway case, the present seems to me a fitting opportunity for making another effort towards effecting an arrangement which may possibly render further litigation unnecessary. With this view I should like to inquire 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 feel less hesitation than I otherwise should in making this inquiry, as I think the discussion in the House of Representatives which followed the bringing-up of the Report of the Committee clearly proved that a considerable section of the members of that House would favour an investigation of the claims.

Of course I do not disguise from myself that, to obtain this under present circumstances, my clients must make some concessions. These would probably require to be discussed; but I should like to state what I am prepared to advise Messrs. Brogden to agree to:—

1. As to interest: To claim only one year's interest at 10 per cent. under the contract, leaving the question and rate of interest for the remainder of the time to the decision of the arbitrator:

2. To consent to the reference to the arbitrator of the overpayments alleged in the Under-Secretary for Public Works' letter of the 12th May, 1877, and, if sustained, to consent to these being set off against sums found due on other contracts:

3. To eliminate the damage claims for imperfect plans.

I shall be glad if you will submit this letter for the consideration of the Government, and, should they instruct you to make any proposal in reference to it, I need scarcely say that it shall receive my most careful attention.

Yours, &c.,

H. D. Bell, Esq., Crown Solicitor.

CHARLES W. CAVE.