

1885.

NEW ZEALAND.

CLAIM OF ROBERT GAWN, OF OTAGO

(PAPERS RELATING TO).

*Return to an Order of the House of Representatives, dated 18th August, 1885.**Ordered, "That there be laid before this House a copy of all reports, documents, and papers relating to the claim of Robert Gawn, of Otago."—(MR. SAMUEL.)*

Mr. A. A. CATOMORE to the Hon. the ATTORNEY-GENERAL.

SIR,—

95, Princes Street, Dunedin, 10th August, 1883.

Enclosed I beg to forward you notice of action by John Shaw, of East Taieri District, farmer, pursuant to section 28 of "The Crown Suits Act, 1881," for the recovery of damages alleged to be sustained by him, and an injunction, through the action of the Minister for Public Works in cutting or diverting a ditch or watercourse in connection with the Otago Central line of railway, and would thank you to acknowledge the receipt of same.

I have, &c.,

The Hon. the Attorney-General, Wellington.

ALFRED A. CATOMORE.

[Enclosure.]

HER MAJESTY'S ATTORNEY-GENERAL in NEW ZEALAND, at Wellington, in the Colony of New Zealand.

I, THE undersigned Alfred Augustus Catomore, as the solicitor for and on behalf of John Shaw, of the East Taieri District, in the Provincial District of Otago, in the Colony of New Zealand, farmer, do hereby, pursuant to section 28 of "The Crown Suits Act, 1881," give you notice that the said John Shaw will, upon the expiration of one month from the time of your being served with this notice, or the same being left at your office, or forwarded by post to you, or so soon afterwards as can be done, cause a petition setting forth the claim of the said John Shaw, as hereinafter mentioned, to be filed in the Supreme Court of New Zealand, Otago and Southland District, at Dunedin, in the Provincial District of Otago aforesaid, for the hearing and determination thereof, and stating in such petition *inter alia* as follows:—

1. The said John Shaw was at the time of the committing of the grievances hereinafter mentioned, and still is, the owner of and in lawful occupation of a certain piece of land situate in the East Taieri District aforesaid, being Section numbered six (6), Block nine (IX), of the said district.

2. That the Minister for Public Works of the said colony, or his servants, agents, or workmen, under and with his authority, in or about the months of August and September, one thousand eight hundred and eighty-two, made, cut, dug, altered, constructed, or diverted, or caused to be made, cut, dug, altered, constructed, or diverted, in connection with a certain public work, to wit, the construction of the Otago Central line of railway, a certain ditch or watercourse along and through the boundary of Sections five and eleven, Block IX., East Taieri District aforesaid, dividing the land of one Robert Gawn from that of one John Bell, the owners thereof, which said ditch or watercourse so made, cut, dug, altered, constructed, or diverted, was left to terminate at the north-eastern boundary or corner of the said land of the said John Shaw, whereby and by means whereof a large amount of water, gravel, and silt, in the month of January last, and from thence up to the present time continually, has been caused, permitted, and suffered by the said Minister for Public Works to flow down and through such ditch or watercourse, and wrongfully permitted and suffered to escape on to and cover the said land of the said John Shaw, and to carry away a portion of such land; and by the means aforesaid a large quantity of water, gravel, silt, and other matter, in and since the said month of January last, has been deposited on to the said land of the said John Shaw and remained thereon, thereby destroying the grass and herbage growing and being on eleven acres or thereabouts of the said land, which became and is wholly lost to the said John Shaw; and the said land of the said John Shaw became and is injured and of less value to him, and he has been hindered and prevented from using the said land.

3. That the said John Shaw claims two hundred and fifty pounds (£250) for the said damage, loss, and injury to his said land, and also praying that the said Minister for Public Works, his