

No. 12.

The AGENT-GENERAL to the Hon. the MINISTER for IMMIGRATION.

(No. 740.)

7, Westminster Chambers, Victoria Street, Westminster, S.W.,

SIR,—

28th September, 1876.

Adverting to your letters No. 149, of the 24th of June, and No. 123, of the 3rd of May, on the subject of the penalty of £500 inflicted by you on Messrs. Sloman's agents, for breach of contract in the case of the ship "Terpsichore," I have the honor to enclose you a copy of a letter which I have just received from Messrs. Sloman. The Government being now in full possession of all information concerning the various agreements with Messrs. Sloman, I feel I need not further allude to that part of the subject. I have referred the present letter to the solicitors of the Government, for their advice as to how I should proceed in regard to the stipulation that the matter shall be finally settled in London, as provided in the contract.

The Hon. the Minister for Immigration,
Wellington.

I have, &c.,
W. TYRONE POWER,
Agent-General.

Enclosure in No. 12.

Messrs. SLOMAN and Co. to the AGENT-GENERAL.

SIR,—

Hamburg, 25th September, 1876.

You will ere this have been informed that £500 have been deducted in Wellington from the freight of the "Terpsichore," with the understanding, as per enclosed extract from Messrs. Johnston and Co.'s letter, that the matter should be finally settled in London, as provided in the contract. In consequence, we have the honor to inquire in what manner you would propose to proceed. As for our part we should, relying upon the high-minded and independent character connected with your name, be quite satisfied to leave the matter to your final decision. You will, however, be pleased to consider in how far actions not under our control have contributed towards the complaints, to what extent we ought to suffer for the actions of the captain, and, finally, whether the fine of £500 is not in every case excessive and beyond measure, the more so as the British Emigration Act imposes for similar offences fines from £50 to £100 only.

The "Terpsichore" was chartered by us to convey the emigrants intended for our own ship "Gutenberg," this ship unfortunately having failed to arrive, from circumstances quite beyond our control. We fitted the "Terpsichore" exactly in same manner as we should have fitted out the "Gutenberg" and all our ships before her, which have conveyed their passengers so well. The same bread manufactory supplied her with the same quality of bread as those, and at the same cost to us; we ordered for her a first-rate condenser for 350 adults; it was fitted on board with all the necessary appliances, and a good engineer was appointed to work it; besides two water tanks of sixty hogsheads each, we put on board 650 hogsheads of water in casks from the Altona Waterworks, the best water we have. We must emphatically deny that the casks were not good; they were from the large coo-pering establishment which as a speciality supplies the water casks for emigrant ships, and we are convinced they were also in accustomed good condition. Although it may be quite desirable to have all the water supply in tanks, still neither your charter-parties nor any laws require it, and most ships carry casks the same as the "Terpsichore," without any reflection being cast upon their outfit upon that account.

The "Terpsichore" had, therefore, for the supply of water, a first-rate condenser for 350 adults, 120 hogsheads of water in tanks, and 650 hogsheads in casks. Comparing this with your own requirements, she had therefore an excess of about 350 hogsheads. We can prove the above by the enclosed accounts and other documents, and it will show that we at least have not stinted the supply to our profit, and with a little good management the captain had all the means at his disposal to serve out good water in sufficient quantity. We consider herrings quite objectionable for tropical voyages, but to suit the taste of the emigrants our laws require them; however, a person with any common reason would immediately substitute meat for them, as long as he prudently could, the moment the herrings became unsound. Although the captain was not our own, he still acted under our responsibility, and we are therefore more or less answerable for him; but as we cannot always remain at his side, it is very hard that all the blame and *onus* should fall upon us, that while we are heavily fined, he should be rewarded; whereas we are persuaded, with a little good management, the bread might have been kept sound, plenty of good water could have been served out, and no rotten herrings would have been offered to any one.

As the captain was first seized, and as he had his own bread, it after all follows that it cannot have been originated by the bread, but from other reasons not under our control.

We finally can state with the greatest satisfaction that we have forwarded about 3,000 emigrants to New Zealand in our ships without any complaints being made; on the contrary, in many instances our ships have been highly commended, when others were not so fortunate. Considering, therefore, that this is the first complaint, that we unfortunately were forced to employ a ship not our own, that we have not failed to make the outfit as good as we possibly could, we sincerely hope you will exonerate us personally entirely, and, if any, only impose a fine in accordance with the offence and with the enactments of the British Emigration Act.

We cannot let this opportunity pass without most respectfully referring to the unexpected treatment we are enduring from the New Zealand Government; we are persuaded that neither yourself nor the Government are fully acquainted with the case, and we therefore make free to appeal to your high sense of honor for common justice. We should not complain if our claims were merely disputed, but we complain that Dr. Featherston, who was introduced to us as a man of honor and respectability, as the representative of a respectable Government, has put into our hands a contract, the correctness of which, as regards its legal forms and coming from such a quarter, we could not venture to question, and that your Government, of course in ignorance of this circumstance, avails itself of the game played upon us, with the object to cut off and prevent the common course of justice.