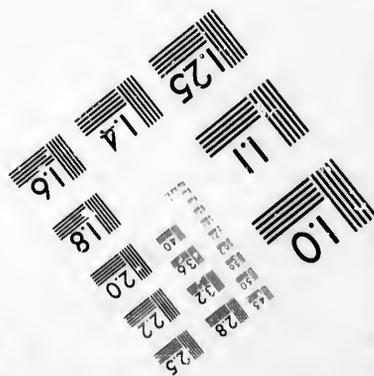
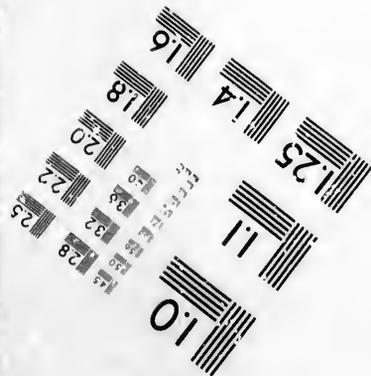
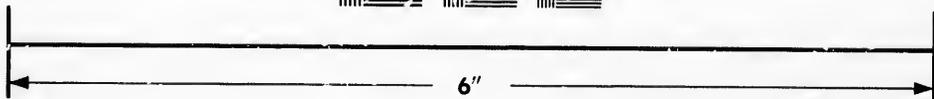
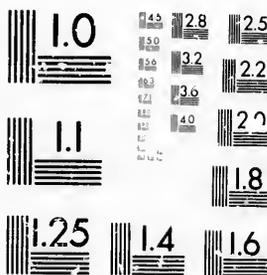


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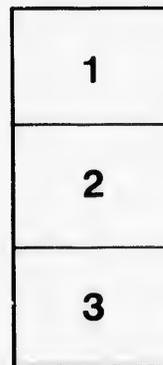
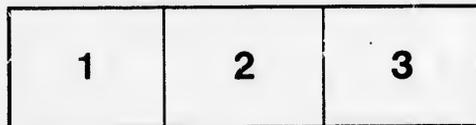
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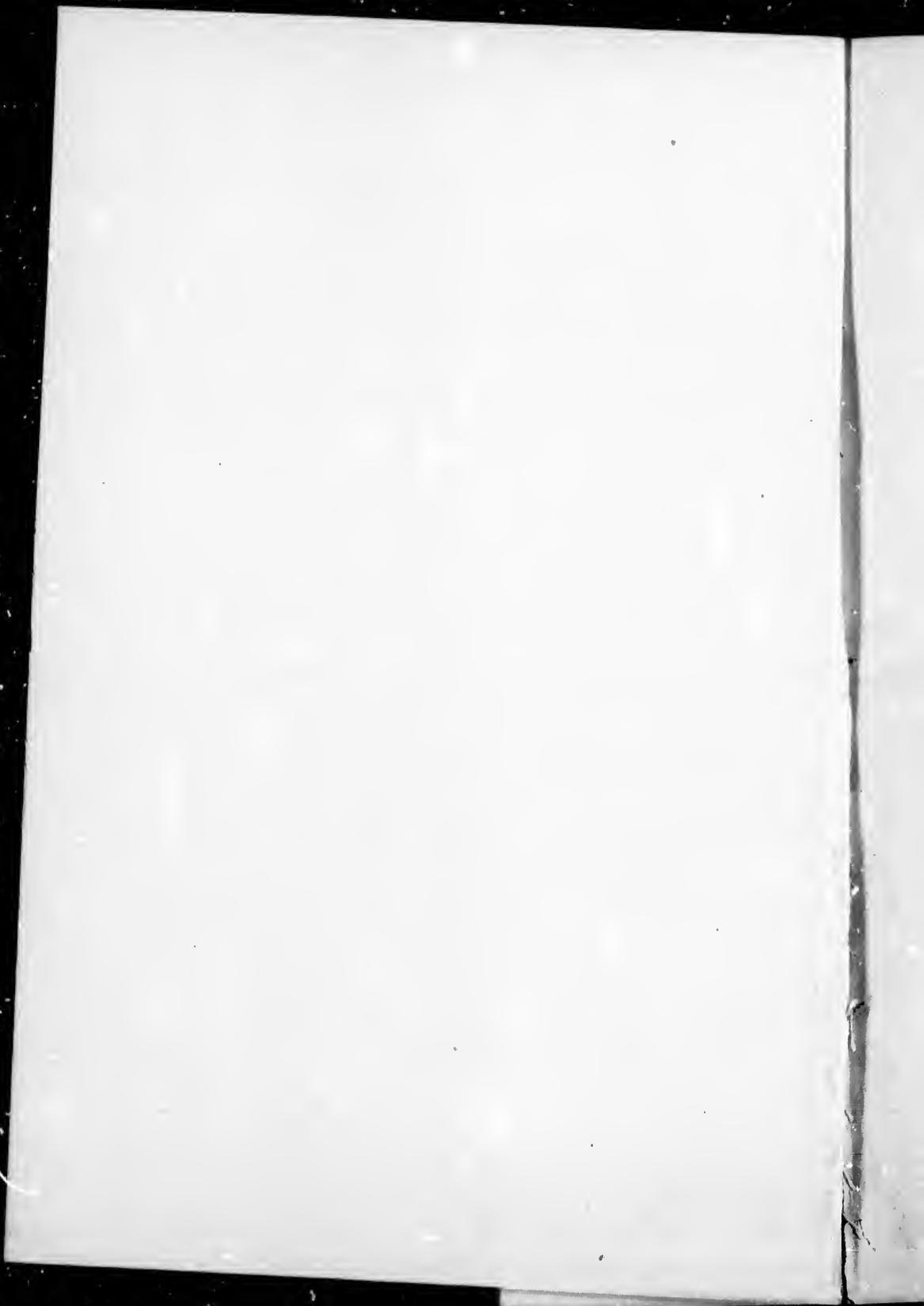
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COPY OF CORRESPONDENCE, ETC.

With MESSRS. TEMPERLEYS, CARTER, & DARKE,
respecting the Capitation Tax charged on the
Emigrants in 1870.

NOTE.—It may be remarked that the Committee paid the Capitation Tax in 1869, Messrs. Temperleys' contract price that year being £5 5s.; and it was understood that the Capitation Tax should be paid; Messrs. Allan's rate from London *via* Liverpool being about £5 12s. 6d. Messrs. Temperleys' Contract Tickets in 1869 were issued to the Committee with the rate filled up £6 10s.

In 1870 there was an entirely new state of affairs; there was prospect of a large Emigration, and all Shipowners engaged in the Canada trade were anxious for the Contract. Messrs. Allan tendered at £5 2s. 6d. per statute adult from London to Quebec, reducing their actual sea-passage rate from Liverpool to Quebec to £4 10s. This amount included Capitation Tax. As will be observed, Messrs. Temperleys came forward with an offer early in the year, and their Contract Tickets delivered to the Committee for the Emigrants expressly state their rate to be £5 5s. including Capitation Tax.

The following Copies of Letters have, however, been furnished by Messrs. Temperleys' Solicitors as the ground of their claim for the Tax.

3, WHITE LION COURT, CORNHILL, E.C.,
19th January, 1870.

J. STANDISH HALY, ESQ.
DEAR SIR,

We beg to inform you that our first steamship for Canada this year will be the "Medway," to leave the Victoria Docks on Thursday, 21st April.

We can engage your passengers by her to the extent of four hundred adults.

If arrangements now in progress be carried out, we shall have a line of steamships leaving London at fortnightly intervals through the whole season of the present year, and our fares for your Emigrants shall be fixed as low as possible considering the price of provisions and other expenses.

We are, dear Sirs,

Yours faithfully,

(Signed) TEMPERLEYS, CARTER, & DARKE.

Secretary

*British and Colonial Emigration Fund,
Cockspur Street.*

3, WHITE LION COURT, CORNHILL, E.C.,
8th Feb., 1870.

J. STANDISH HALY, ESQ.

SIR,

Referring to our respects of 19th January, we now beg to inform you that we have arranged to dispatch the steamship "Medway" from Victoria Docks for Quebec on the 14th April, and we intend to keep up a fortnightly line during the whole season with the four following steamships, viz., "Medway," "Nile," "Avon," and "Niger," all very fine vessels, and particularly well suited to the trade.

We shall be happy to contract with your Association for the conveyance of a large number of Emigrants on the most moderate terms possible, either on the footing of a party for every departure, or otherwise, as may best suit your views.

We are Sir,

Your very obedient Servants,

(Signed) TEMPERLEYS, CARTER, & DARKE.

Secretary

British and Colonial Emigration Fund.

BRITISH AND COLONIAL EMIGRATION FUND,
15, COCKSPUR STREET, S.W.,
Feb. 8, 1870.

DEAR SIRS,

I should be glad to have a distinct offer from you of number you can take per "Medway," and the terms of conveyance, before to-morrow.

Yours,

J. S. HALY.

(Endorsed) 250 @ £5 10s. Terms as before.

LONDON, 8th February, 1870.

J. STANDISH HALY, ESQ.

DEAR SIR,

In reply to your letter of to-day, we are willing to take 250 statute adults of steerage passengers in the S.S. "Medway," sailing on 14th April, at £5 10s. per adult. Conditions the same as your late shipments.

We are,

Your obedient Servants,

(Signed) TEMPERLEYS, CARTER, & DARKE.

Hon. Secretary
British and Colonial Emigration Fund,
15, Cockspur Street, S.W.

NOTE.—Messrs. Temperleys could scarcely have meant £5 10s. and Capitation Tax, making £5 15s., in the face of Allan's tender, £5 2s. 6d.

BRITISH AND COLONIAL EMIGRATION FUND,
2, WESTMINSTER CHAMBERS, S.W.,
Feb. 17, 1870.

GENTLEMEN,

After my interview with Mr. Temperley yesterday, I submitted your amended offer of taking 300 or more statute adults to Quebec in the S.S. "Medway," at the rate of £5. 5s. per statute adult, to the Lord Mayor and Committee, and I am instructed by them to accept the same.

I am also to inquire what accommodation you can afford us in your two following steamers? The Committee desire to send 250 statute adults at least in your next following S.S. if possible, and would be glad of all the available space in your third steamer.

Your early attention to this will much oblige,

Gentlemen,

Your faithful Servant,

J. STANDISH HALY.

Messrs. Temperleys, Carter, & Darke.

LONDON, 25th Feb. 1870.

J. S. HALY, ESQ.

DEAR SIR,

With reference to our various conversations we beg to confirm our remarks, and understand that you engage to send per S.S. "Medway" to Canada a full complement of steerage passengers, equal to something over 300 statute adults and 250 adults in each of the following two steamers, and think that during the season we shall be able without doubt to carry for you up to the extent of 300 adults.

The rate of passage-money for the first three steamers will be as agreed, five guineas per adult, with all terms same as latter part of last season, and it is probable that the rate for the remainder will remain the same, but at this time we cannot bind ourselves while you are not bound.

Yours very truly,

(Signed) TEMPERLEYS, CARTER, & DARKE.

2, Westminster Chambers,
Victoria Street.

*Private.]*40, QUEENSBOROUGH TERRACE, W.,
May 7, 1870.

MY DEAR SIR,

I am obliged by your note of this day, and I have procured cheques in settlement of the first moiety of the "Medway" and "Tweed" accounts, which I shall be happy to hand you on Monday, if you will send to 2, Victoria Chambers, for them.

I very much regret that there should have been any difference of opinion between us respecting the terms of agreement for the conveyance of our Emigrants.

I assure you that I had no idea you contemplated acting this season on the exceptional rule we adopted in August last for one of your ships, and I reported to my Committee that you would carry our Emigrants in your first three steamers this year at £5 5s. per statute adult, two children under twelve counting as one adult, infants under one year free; and on this all our arrangements have been based, otherwise a different notice would have been issued to our Emigrants and corresponding local Societies.

I have not mentioned the matter in dispute to my Committee, but I am certain that any member conversant with the subject will bear me out in this statement.

Yours very truly,

J. STANDISH HALY.

H. W. Carter, Esq.

THE BRITISH AND COLONIAL EMIGRATION FUND, *Dr.*
To OWNERS S.S. "MEDWAY,"
Per TEMPERLEYS, CARTER, & DARKER.

To Amount paid at Quebec for Capitation
Tax, 497 Souls @ \$1 = \$497, or Stg. . . £102 2 6
1st voy. 1870.

E.C. LONDON, 18 June, 1870.

THE BRITISH AND COLONIAL EMIGRATION FUND, *Dr.*
To OWNERS S.S. "TWEED," 1st voy.
Per TEMPERLEYS, CARTER, & DARKE.
 To Capitation Tax paid at Quebec on 454 Souls
 (Infants exclusive) @ \$1 = \$454 . . . £93 5 9

E.C. LONDON, 13 *July*, 1870.

BRITISH AND COLONIAL EMIGRATION FUND,
 2, WESTMINSTER CHAMBERS, S.W.,
July 14, 1870.

DEAR SIRs,

I have received your statement of account amounting to £4,661 10s. 4d., and having to-day handed you £893 8s. 6d., am I correct in my estimate that £3,768 1s. 10d. + £490 17s. 6d., the second moiety of passage-money per "Atlas" (which I observe is not included in your statement) and which makes £4,258 19s. 4d., is the total amount due to you?

Please let me know,

Believe me,

Yours truly,

J. S. HALY.

Messrs. Temperleys, Carter, & Darke.

3rd October, 1872.

J. S. HALY, ESQ.

DEAR SIR,

We have never been so surprised by any incident of business as by your statement to us of 2nd Sept. last, viz., that you think we are not entitled to receive from your Association the various amounts which we have charged for Capitation Tax in the year 1870. Without referring particularly to the number of claims for

Capitation Tax which we have lodged with you from time to time without one word of objection on your part, or to the fact which we casually notice of your having paid us Capitation Tax as long since as 1868, we find that we charged and you paid the Capitation upon Passengers by steamships "Dacia," "Cleopatra," and "Medway," all of which left London late in the season of 1869. On 25th February, 1870, we wrote that our rate for the first three steamships would be five guineas—all terms same as latter part of last season.

On 9th May, 1870, we wrote that "Medway" is held at your disposal to extent of 450 adults, on terms and conditions of previous shipments this year. On 27th May, 1870, we wrote that passage per "Medway" and "Tweed," and the conditions referring to these steamers next voyage respectively, are the same as for late departures.

On 7th June, 1870, referring to "Tweed" and "Avon," we offered to take your Emigrants on same terms and conditions as those of other steamers leaving in this year.

On 21st June, 1870, we wrote to the same effect with regard to "Tweed," "Avon," "Atlas," and "Medway."

On the 8th August, 1870, we agreed to take one family at £5 10s. including Capitation Tax—the rate, as you will observe, being raised by five shillings to cover our payment of the tax.

The matter appears to us perfectly clear in our favour, and requires no argument on our part. If you differ from us, please inform us of the grounds of your so doing, and we will consider them.

Yours truly,

(Signed) TEMPERLEYS, CARTER, & DARKE.

Hon. Sec.

British and Colonial Emigration Fund.

ST. MICHAEL'S ALLEY, CORNHILL, LONDON,
11th Oct., 1872.

SIR,

A dispute has arisen between yourself, as acting for the Committee of the British and Colonial Emigration Fund, and our clients, Messrs. Temperleys, Carter, and Darke, with respect to their claim against the Committee for the balance of their account amounting to £582 9s. 8d.

We have read the correspondence which has passed with respect to the claim, and we have advised our clients that they have an undoubted right to recover from the Committee, or from any member of the Committee, the amount claimed. Under these circumstances we shall be obliged if you will consider the question with your Committee and (if you desire) take the opinion of your Solicitors in the matter; and if those gentlemen should disagree in opinion with us, we shall be happy to meet them and explain our views with respect to the claim, and agree if possible upon a solution of the difficulty which has arisen.

We may add that our clients would regret extremely to be forced to litigation with your Committee, and we trust that you will receive this communication as written in no hostile spirit, but simply with the desire to bring the differences which have arisen to an amicable conclusion.

We remain, Sir,

Your obedient Servants,

PARKER & CLARKE.

J. STANDISH HALY, ESQ.
The British and Colonial Emigration Fund,
2, Westminster Chambers.

BRITISH AND COLONIAL EMIGRATION SOCIETY,
2, WESTMINSTER CHAMBERS, S.W.,

October 12, 1872.

GENTLEMEN,

I have to acknowledge the receipt of your letter of the 3rd inst. and also a letter from your Solicitors dated 11th, on the subject of your claim for the Capitation Tax paid on our Emigrants in 1870.

Assuming your statement that you desire to bring the difference which has arisen between us to an amicable conclusion to be correct, I think it well (before resorting to our Solicitors) to make the following statement for your consideration.

On January 19th, 1870, you wrote to me that "your fares for our Emigrants should be fixed as low as possible considering the price of provisions and other expenses" during the season; and on February 8th you further stated that you should be happy to "contract with the Association for the conveyance of a large number of Emigrants on the most moderate terms possible, either on the footing of a party or otherwise." These letters were submitted to the Committee at the Mansion House on February 9th, 1870, Lord Mayor Besley in the chair, and it was then resolved that I should be authorized to see you and make arrangements for the dispatch of Emigrants per "Medway," provided the terms were such as could be approved; and at a meeting held on the 16th I reported that I had seen you, and that you had offered to take 300 statute adults in the "Medway" at £5 5s. per statute adult, and this offer was accepted by the Committee and confirmed under Alderman Sir James Lawrence's hand. *There was no mention of Capitation Tax or any extra charge.*

I must also draw your attention to the fact that Messrs. Allan Brothers were at this time tendering for the conveyance of our Emigrants at £4 10s. per statute adult from Liverpool, and whilst recognising your plea that you are entitled to an advance upon the rate prevailing at

Liverpool, I cannot admit that you are entitled to an advance of £1 (or thereabouts) for such service.

I have only to add that I am advised that it is a very grave question how far you are justified in putting in any claim for Capitation Tax under the provisions of "The Passenger Acts." I shall not, however, raise this question now. You say you wish for an amicable settlement of our dispute. I will content myself with calling your attention to the circumstances under which the Committee were induced to send the larger portion of their Emigrants by your steamships in 1870, and as I am of opinion that they have incurred no liability for the payment of the Capitation Tax on these people, it will be my unpleasant duty to advise them to resist your demand for this head money, should it be persisted in.

I am,

Yours truly,

J. STANDISH HALY.

Messrs. Temperleys, Carter, & Darke.

Upon the receipt of Messrs. Parker and Clarke's letter, the Secretary consulted Alderman Sir James Lawrence, and having received a copy of the correspondence upon which Messrs. Temperleys found their claim from their Solicitors, Mr. Haly submitted it, together with copies of the Passenger Acts and of the Contract Tickets, to an eminent Q.C. for Opinion, and the following is his view of the legality of the claim:—"Each Contract Ticket is a formal Contract in the plainest language, excluding Messrs. Temperleys demand;" and further, "that it is the *final* contract, the letter being only preliminary; and that if the shipowners thought they had agreed for the Capitation Tax, why did they not strike out the words in the Ticket, 'including Government dues and Head Money, if any, at the place of landing.?'". And sums up his well-considered Opinion upon the documents submitted, as follows: "Upon the

whole, it seems to me that the Contract Ticket issued by the shipowners is fatal to their claim, being either the Contract itself, or conclusive evidence of the terms agreed upon by the letters *as understood by them*, which they cannot contradict; or, lastly, a document binding by way of *estoppel*; for the Associated gentlemen have acted upon the Ticket, by sending Emigrants, and so altered their position on the faith of Messrs. Temperleys' own statement of terms, which the latter cannot now be permitted to deny."

The substance of this Opinion having been communicated to Messrs. Temperleys, and they still persevering in their demand, it is considered necessary to convene a Special General Meeting of the Board, in order that the course of action may be decided on.

Pamphlet

J. Standish Halcy

1872

Contains offer of
Allens to carry
for £4.00. See
page.

