

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.

390

Press
Mis.

Dated

23. 9

1857

Not to be folded or roughly handled

17/9/57

Fort Saint George, Marine Consultation, 29th September 1857.

No. 3. From J. J. FRANKLIN, Esq., Secretary Marine Board; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 22nd September 1857, No. 3240.

SIR,

I have the honor by desire of the Marine Board to submit the following circumstances regarding a considerable loss that has occurred from the jettison of a large quantity of Military Stores laden on Board "Sir Edward Parry" during a series of boisterous weather which she encountered on her passage from London to Madras in January last.

2. On the arrival of the "Sir Edward Parry" on the 14th May last, the Commander entered his Protest as usual, extended it, and informed the Master Attendant that a portion of the Company's Cargo had been thrown overboard to save the Ship from foundering. It is customary under such circumstances for the Commander of a Ship, before discharging his Cargo, to call on the Consignees to enter into a Bond agreeing to contribute in proportion to the value of their consignments, towards making good the loss which has been incurred for the preservation of the Ship and the remainder of the Cargo. This was not done in the present instance, and the whole of the Cargo was discharged. A considerable time elapsed before the Master Attendant could obtain the necessary documents which are required from the different Departments to enable him to discharge the Bill of Lading, but, on the 15th Instant, this was effected, and on that document being submitted to the Board, they discovered that property to the value of Rupees 11,889-12-2, had been thrown overboard. They immediately inquired of the Agents of the Vessel, Messrs. Parry and Co., what steps had been taken to enable the Company to recover the proportion of

No. 1.

* Dated 18th Sept. 1857.

average contribution which the Ship and the remainder of the Cargo should, according to Mercantile usage, bear. Their reply,* which is forwarded for the information of Government, was to the effect that the Cargo being principally the property of Government, it did not appear necessary that any steps should be taken to that end.

3. The Board have now called upon them for particulars of the value of the Ship and the private Cargo, with the view to the preparation of an average statement of the contribution which each should pay; but as this is the first case of the kind which the Board have had to deal with, they would solicit that the case be put into the hands of the Company's Solicitor with a request that he will advise as to the course to be pursued.

4. The balance of Freight having been claimed on the Stores thrown overboard as well as for those delivered, the Board have intimated to the Agents, after conferring with Mr. Boyson, that they are not prepared to pass the charge for those not forthcoming.

(Signed) J. J. FRANKLIN,
Secretary.

From Messrs. PARRY AND CO.; to the Secretary of the Marine Board, dated Madras, 18th September 1857.

SIR,

We have the honor to acknowledge the receipt of your letter of yesterday's date, enquiring what steps have been taken with a view to a General Average Contribution from the Consignees of Cargo by the "Sir Edward Parry."

From the Bills of Lading and other Documents in your possession, you will observe that the Government Stores Shipped in this Vessel of $\frac{4}{3}\frac{7}{8}$ Tons Register, amount to Six hundred and Twenty Tons, the remainder of her Cargo was necessarily unimportant in quantity, and in a great degree consisted of addressed Packages, which the practice of this Port does not subject to detention on account of General Average Contribution; in short, the Cargo of the "Sir Edward Parry," may be said, with some trifling exceptions, (which were also subject to jettison) to have consisted of Government Stores, and consequently the only Consignee against whom a claim of any consequence could be established was the Government.

Under these circumstances it did not appear necessary for the Commander or ourselves to take any steps to stop the delivery of the Cargo.

Fort Saint George, Marine Consultation, 29th September 1857.

A few days after his arrival here upwards of four months since, but prior to the discharge of his Cargo, the Commander of the "Sir Edward Parry" delivered to the Master Attendant an attested Extract from his Official Log, reporting the circumstances under which the jettison of the Company's Stores had been made, so that the Marine Authorities had notice in ample time to detain the other Packages of the Cargo, if they deemed such a course necessary.

In conclusion we must again repeat our request that the Bills for the Freight earned by the "Sir Edward Parry" may be passed for payment, irrespective of any other considerations referred to in your letter of yesterday's date.

(Signed) PARRY & CO.,

Agents "Sir EDWARD PARRY."

(True Copy.)

(Signed) J. J. FRANKLIN,

Secretary.

No. 4. ORDER THEREON, No. 390 ; dated 23rd September 1857.

Resolved that this letter and its enclosure be referred to the Honorable Company's Solicitor for his opinion on the case.

Attest

No. 390.

List

Resolved that this letter
and its enclosure be referred
to the Hon. Company's Solicitor
for his opinion in the case.

For 6th George, &
23rd September, 1857.

Me

Copy to the Honble
Company's Solicitor. } Dispt. 23rd

5th Copy

L E & D

service of the Company's Director with a
request that he will advise as to the course
to be pursued.

The balance of freight on
having been claimed on the Office's throw
board as well as for those delivered,
the Board have intimated to the Agents,
after conferring with Mr. Boyson, that they
are not prepared to pay the charge for those
not forthcoming.

Have the honor to be

Sir,

Your most obedient servant

Wm. Board Office

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