M.R.O. 1—82 400—22-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 515 Press
~~Mis.~~

Dated 5 - 12. 1857.

Not to be folded or roughly handled

No. 17. From the Honorable Company's Solicitor; to the Chief Secretary to Government, dated 2nd December 1857, No. 704.

Sir,

With reference to the Extract from Minutes of Consultation noted in the margin, I have the honor to state for the information of Government that in communication with the Secretary to the Marine Board and Messrs. Parry and Co., the Agents at Madras for the Ship "Sir Edward Parry," I have succeeded in effecting an arrangement for the contribution by the Owners of that Vessel, by way of general average of their proportion of the loss sustained by the Honorable Company by the Jettison of their Goods from that Vessel during her last voyage from London to Madras.

Minutes Consultation, dated 23rd September 1857, No. 390, Marine Department.

It has been arranged that the average Statement shall be prepared by Mr. J. T. Maclagan of Madras and the necessary agreement (prepared by me) has been duly executed by the Master of the "Sir Edward Parry," and is herewith sent with a view to its being sealed, in the usual manner, on behalf of the Honorable Company and then returned to me.

I have prepared a similar agreement for execution by the Owners and Consignees (other than the Honorable Company) of the Cargo imported by the "Sir Edward Parry," and I trust that the Majority of such Owners and Consignees will execute it, as in fairness they ought to do.

The Master of the "Sir Edward Parry" was guilty, in my opinion, of *great* laches in not getting an average agreement executed by all necessary parties before he landed his Cargo. It was his duty to have taken this step immediately on his arrival at Madras, and his default in this respect (although I do not think it can be made the foundation of legal proceedings against him or that the Honorable Company have any remedy against him) may be productive of much trouble and inconvenience and perhaps of loss, to the Honorable Company.

With a view to prevent a recurrence of a similar state of circumstances I would beg to suggest that the Marine Authorities be directed in future to ascertain from the Master of every Vessel anchoring in the Madras Roads, upon which Cargo belonging to the Honorable Company shall have been shipped, immediately on her arrival and before she lands any portion of her Cargo, whether there has been any Jettison of the Honorable Company's Cargo during the voyage or any other loss in any way affecting the Honorable Company, which can form the subject of an adjustment by way of average, and if so, to call upon the Master of the Vessel not to land any of his Cargo until a formal average agreement has been executed by all proper parties. The Marine Authorities should likewise communicate in all such cases *and without delay* with me in order to my taking the necessary measures for furthering and protecting the interests of the Honorable Company. The course above suggested is that which should have been pursued on the arrival of the "Sir Edward Parry."

In communication with the Secretary to the Marine Board I will take all such further measures with reference to the case now under consideration as may seem to me expedient or for the benefit of the Honorable Company.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

No. 18. Order thereon, No. 515; dated 5th December 1857.

Ordered to be communicated to the Marine Board with reference to their letter of the 22nd September last, No. 3240. The Board will in future adopt the course advised by the Company's Solicitor in the last para: but one of his letter.

Ordered also that the Seal of the East India Company be affixed to the Agreement received with the above letter, and that the document be returned to the Company's Solicitor.

Exd. J. A. Wilson.

Marine Department

No 515

Extract from the Minutes of Consultation
under date 5th December 1837.

Read letter from the
Hon'ble Company's Solicitor
dated 2d December 1837 (No 1744)

Ordered to be com-
municated to the Ma-
rine Board with Refer-
ence to their letter of the
22d September last No 3240.
The Board will in fu-
ture adopt the course
advised by the Com-
pany's Solicitor in the
last para but one of
his letter.

Ordered also that
the Seal of the East India
Company be affixed to
the Agreement received
with the above letter and
that the document be
returned to the Company's
Solicitor.

To the Marine Board
" Company's Solicitor
(With Agreement sealed)

9 Feb 240

Disp. 11th

Entered in Let. 16/12/57

Marine Ltr. to Engr.
16th July: No. 4 of 1858
Para 16

17—18

Inclosures 8th Decr.
Marine 1857 Depart.

No. 515

Extract Mins: of Coun.

5th December 1857.

Further from Supt. of Quarries 15th Septr. 1858 & No. 855-