

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No.	370	Press Mis.
Dated	6. 8.	18 57.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Marine Department,
from 6th to 12th August 1859.*

No. 5. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine; to the Chief Secretary to Government, Fort Saint George, dated Madras, 22nd July 1859, No. 2669.

I have the honor to inform you that during the Cyclone of the 5th May 1858, the "Melanie" to avoid a collision with two Vessels that were drifting down upon her, and which had they come in contact might have resulted in her total loss, slipped from an anchor and 75 fathoms of chain. She had on board at this time, among other cargo, Government Stores to the value of 12,063 Rupees, and upon this the Agents on behalf of the owners have claimed average contributions.

	Rs.	Rs.	A.	P.	
Ordnance Stores.....	5,675	172	5	8	2. The average statement, which has been made out in Calcutta seems to be perfectly in order; the expenses incurred having been so divided as to include in the contribution only such losses as were sustained with a view to the safety of the Vessel. I beg therefore to recommend that the claims be allowed.
Hospital.....	374	11	5	9	
Electric Telegraph.....	6,014	182	10	5	

Referred for the opinion of the Advocate General.

FORT SAINT GEORGE,
25th July 1859.

(Signed) T. PYCROFT,
Chief Secretary.

No. 6. From J. R. BOYSON, Esq., Government Solicitor; to the Chief Secretary to Government, Fort Saint George, dated Madras, 3rd August 1859, No. 1367.

Order, dated 25th July 1859, and made on letter from the Superintendent of Marine, to the Chief Secretary to Government of the 22nd Idem, No. 2669.

1. I have the honor to acknowledge the Order of Government noted in the margin.

2. I at once applied to the Superintendent of Marine for the extended protest and average statement of the "Melanie," when he forwarded me a certified copy of the average statement.

3. Upon further enquiry I learnt from the Agents for the "Melanie," Messrs. Gahan, Eaton and Co., that the extended protest was in Calcutta and would be sent for, if I insisted upon it.

4. Under the circumstances of this case and from the knowledge which I (personally) had of the weather and consequence events in the Madras Roadstead in May last, I did not consider it necessary to insist upon the production of the extended protest, the more especially as there was a full extract from the Ship's Log at the head of the average statement and the underwriters on the Ship had paid their shares of the general average, which they would not have done unless their liability had been clearly and sufficiently evidenced.

5. I therefore laid the papers before the Advocate General, communicated to him the result of my enquiries and conferred with him hereon.

6. I now forward a copy of his opinion and return the letter and order above noted.

COPY OPINION.

The protest is not before me, but the weather, at the time mentioned, in the Madras Roads, is matter of notoriety, and all the other facts appear beyond dispute. I advise to pay the Rupees 366-5-10.

(Signed) THOMAS SYDNEY SMYTH,
Advocate General.

29th July 1859.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

Marine. 20

Proceedings of the Madras Govt.

Read the following letters -

From the Superintendent
of Marine
the Govt. Solicitor

Enter 22nd July 1859 No 2669
3rd Augt 1859 1367

Order thereon - 6th August 1859 -
No 370.

Under the opinion given
by the Advocate General,
the Honble the Governor in
Council sanctions the pay-
ment of Rs. 366.5.10 - Three
Hundred & Sixty Six Rupees
Five Annas & Ten Pies - as
General Average Contribution
on Govt. Stores, valued as
shown in the margin, form-
ing part of the cargo on the
Melanie during the cyclone
of the 5th May 1858

Stores -	Valua- tion.	Contribu- tions.
Ordnance	5,675	172 5 8
Hospital	374	11 5 9
Electric Telegraph	6,014	182 10 5
R^s 12,063		366 5 10

To the Dept of Marine
for delivery
Acct General
Civil Auditor } Dispt 10

Proceedings of the Madras Government, Marine Department, from 6th to 12th August 1859.

No. 7. ORDER THEREON, 6th August 1859, No. 370.

Stores.	Valuation.	Contributions.
Ordnance	5,675	172 5 8
Hospital	374	11 5 9
Electric Telegraph	6,014	182 10 5
Rupees...	12,063	366 5 10

Under the opinion given by the Advo-
cate General, the Honorable the Governor
in Council sanctions the payment of Rupees
(366-5-10) three hundred and sixty-six,
five Annas and ten Pie as general
average contribution on Government stores,
valued as shown in the margin, and form-
ing part of the Cargo on the "Melanie"
during the Cyclone of the 5th May 1858.

(Signed) T. PYCROFT,
Chief Secretary.

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General Average
of Melville

Proc. of Board of 12 Aug 12
Moarvine 1859 Sept 1st

No 370

Proceedings of 1859

29th August 1859