

MADRAS RECORD OFFICE.

Government of Madras.

Home DEPARTMENT.

G.O. No.	276	Press Mis.
Dated	9-8	18 60

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Marine Department,
9th August 1860.*

Read again letter, 27th July 1860, No. 3,453, from the Superintendent of Marine—Recorded in Proceedings 28th idem, No. 264.

No. 11. Read the following letter from JOHN MILLER, Esq., for J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George, dated 31st July 1860, No. 725.

*Proceedings of Government in its Marine Department,
dated 28th July 1860, No. 264.*

I have the honor to acknowledge the Proceedings of Government noted in the margin and the papers which accompanied them.

2. I have submitted them for the consideration of the Advocate General and now forward a copy of his opinion thereon and return the papers above noted.

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COPY—OPINION.

If Government have independent proof—independent I mean of the Bill of Lading—that 98 tons were shipped, then I think they can compel the Captain to deliver that weight, or can claim against him for the deficiency.

If, however, Government seeks to recover such deficiency *solely* upon the evidence of the Bill of Lading, I think they must fail, unless they can show that the words were added *after* they had accepted the Bill of Lading as completed by the Master's signature, or that some fraud or concealment was practised to prevent these words from being observed at the time.

For it is plain that if the authorities in London were *aware* that the Master had openly and bonâ-fide inserted these words, *before* he would sign, and they *accepted* his signature with that qualification, Government here cannot now object to it.

(Signed) THOMAS SYDNEY SMYTH,
Advocate General.

30th July 1860.

(A true Copy.)

(Signed) JOHN MILLER,
for J. R. BOYSON,
Government Solicitor.

No. 12.

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ORDER THEREON 9th August 1860, No. 276.

In the absence of the 'independent proof' referred to in the first para. of the Advocate General's opinion, the Superintendent of Marine will disburse the balance of freight payable on the actual delivery of Coal ex "George Canning," and will report the amount admitted, returning also the shipping documents connected with the question, in view to the case being submitted to the Secretary of State.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Govt.
Read again letter, 27th v)
July '56 No. 3453, from the Suptdt. of Marine. Recorded in Pro: 28th id. No. 234.
Read also letter from the Govt. Solicitor Inter 31st No. 725.

Order - 9th August 1860. No. 276.
In the absence of the 'independent proof' referred to in the first para of the Advocate General's opinion the Suptdt. of Marine will disburse the balance of freight payable on the actual delivery of coal ex "George Canning", & will report the amount admitted, returning also the shipping documents connected with the question, in view to the case being submitted to the Secretary of State.

The Suptdt. of Marine -
with 2 shipping documents. {amp. 13th 1860.