

MADRAS RECORD OFFICE.

Government of Madras.

Marine DEPARTMENT.

G.O. No. 31

Press
Mis.

Dated 25. 1

1861.

Not to be folded or roughly handled

12

*Proceedings of the Madras Government, Marine Department,
25th January 1861.*

No. 51. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 12th January 1861, No. 142.

I have the honor to acknowledge receipt of the Proceedings of Government of the 4th instant, No. 3, on the subject of the detention of the abandoned barque "Mary Oxley" at Cocanada, and to submit the following report thereon.

2. The "Mary Oxley" on her passage from Bombay to Calcutta encountered a Cyclone in December 1859, and was abandoned. She was subsequently fallen in with by the "Colgrain;" was towed into Cocanada on the 13th of that month; and was by the Commander of the last named vessel placed in charge of the Master Attendant at that Port as receiver of wreck under the Rules sanctioned by Government of date the 10th February 1852.

3. The "Colgrain" was shortly after engaged for the conveyance of Emigrants to the West Indies, and it appears that the Commander left without submitting any claim for salvage, although he requested the Master Attendant to retain possession of the "Mary Oxley" until a reasonable remuneration on this account had been paid.

4. The Commander of the "Mary Oxley" having been picked up and brought to Madras, he was granted passage in a Government vessel to Cocanada to enable him to attend to the interests of his owners. He remained there some months, but no instructions from them having been received regarding any arrangement for the payment of the salvage which the Commander of the "Colgrain" was undoubtedly entitled to, the Master Attendant considered, and I think rightly, that he was not authorized in delivering up the vessel.

5. In June last he returned to Madras, and it was then I first learned that the Master Attendant had refused him permission to survey the vessel. I represented to him that having met with such an unexpected difficulty he should have addressed me when the restriction would have been immediately removed. He regretted not having done so, and left for England in one of the P. and O. Steamers shortly after as a deck passenger, the Commander of which at my express request promising to furnish him with accommodation which he would not otherwise have obtained. I mention this to shew that due regard was paid in my Office to his unfortunate condition, and that such aid as was in my power was afforded to him. Had any one on behalf of himself or his owners reported the circumstances complained

*Master Attendant, Cocanada, 2nd May 1860,
No. 95.
Do. do., 7th July 1860, No. 135.
Marine Superintendent, to Master Attendant,
17th July 1860, No. 3,319.*

of, prompt measures would have been taken to set aside the order prohibiting the examination of the vessel, and the accompanying correspondence will shew that immediate notice was taken of the measures adopted by Captain Thomson as soon as they came to my knowledge.

6. The owners of the two vessels concerned were, I understand, negotiating in England some arrangement about the salvage; but no satisfactory result having been arrived at, legal proceedings ensued, and in October last, the Master Attendant reported that the Vice Admiralty Court had ordered the "Mary Oxley" to be seized and requested instructions as to whether he was to deliver her up, when he was informed that the Court's orders must be obeyed.

7. The Government will perceive by the foregoing report that the detention of the "Mary Oxley" was occasioned principally by there being no one in India authorized to act in the matter. The Commander had a right to salvage, and to retain possession of the vessel until arrangements had been made for its payment. The fault of the Master Attendant lay in not allowing the Commander to examine her to ascertain what would be a reasonable sum to be admitted on this account, and it will be noticed as singular that neither Mr. Towle who makes the complaint, nor the Commander addressed me on the subject, although the former in his letter to the Secretary at Lloyds' mentions that the Masters Attendant are under my control. When I was first informed of the circumstance the Commander was on the point of leaving for England and there remained no one, as far as I am aware, empowered to represent the owners.

*Proceedings of the Madras Government, Marine Department,
25th January 1861.*

From Captain H. THOMSON, Master Attendant, to the Superintendent of Marine, Madras,
dated Cocanada, 2nd May 1860, No. 95.
I have the honor to acknowledge the

I have the honor to acknowledge the receipt of your letter, No. 2,018, dated 23rd April 1860, and in reply beg to apologize for not having sent in a more detailed report on the "Mary Oxley" than was contained in my letter of the 17th of December 1859. I must here remark before I go further into the matter that, until I received your letter above referred to, I was under the impression that I had sent you in a more detailed report than that contained in my letter of December 1859, I trusted also to Captain Gardener fulfilling his promise to me of calling on you personally, and explaining all the circumstances connected with his claim for salvage on the "Mary Oxley." I beg now to hand you a detailed report on the "Mary Oxley" which I am very sorry to say should not have been done before, but much extra work just at this time occurring. I hope will be a sufficient reason for this delinquency.

2. Referring to the 2nd para. of your letter, the cargo stores, and

2. Referring to the 2nd para. of your letter, the abandoned barque "Mary Oxley" with her cargo, stores, and provisions, &c., &c., &c., delivered over to me as Receiver of such property by Captain Gardener of the "Colgrain." He distinctly informed me that I was to retain charge of the vessel as she stood, until any duly authorized party would come forward and deposit a sum of money equivalent to cover salvage and all other charges, or until I received instructions from those concerned in England, meaning of course the owners of the vessel, and Messrs. Soams Brothers; what Captain Gardener, and Messrs. Soams Brothers, may claim for salvage, I am not aware, as Captain Gardener presumed this would be settled in England, as soon after the news of the disaster arrived as possible.

3. Referring to the 3rd para. of your letter requesting to know the reason why the "Mary Oxley" has remained here so long; as Receiver of such property I could not deliver over charge of the vessel to her late Commander Captain Flannery, unless he deposited a sum of money equivalent to cover salvage, and all expenses incurred on her; Captain Flannery has made several requests to be put in charge of the vessel again, but this I consider I cannot do, unless I make myself responsible to the salvors and others for any claim they may have on the vessel.

4. The Agent for the Insurers on the salt that I alluded to in my letter of the 10th inst. has addressed the Collector on the amount to be deposited in order to release the above salt.

4. The Agent for the Insurers on the salt that I alluded to in my letter, No. 74, having addressed the Collector on the amount to be deposited. In accordance with the Collector's reply the above alluded to Agent is willing to deposit one-half the value salt can be purchased for the above alluded to Agent, and to be on the safe side in such matter, it is better to have too much than too little, so I propose receiving the same and depositing it in the Treasury, until this claim is finally settled.

5. The salt of course will have to bear a portion of the charge, of which I consider

5. The salt of course will have to bear a portion of the expense incurred since under my charge, of which I consider a fair proportion would be one-third.

From Captain H. THOMSON, Receiver of the

From Captain H. THOMSON, Receiver of Admiralty Droits, to J. J. FRANKLIN, Esq.,
Superintendent of Marine, Madras, dated Cocanada, 7th July 1860, No. 135.
In reply to your letter, No. 2,992, dated 25th June 1860, I have the honor to inform
that, I certainly did object to allow the late Commr. to incur the expense incurred since under my

In reply to your letter, No. 2,992, dated 25th June 1860, I have the honor to inform you that, I certainly did object to allow the late Commander of the abandoned barque "Mary Oxley" to hold a survey on board that Vessel, for the following reasons, and which Captain Flannery, if he had been so disposed could have shewn you.

1st. As I had received no instructions in the

*Proceedings of the Madras Government, Marine Department,
25th January 1861.*

not consider myself justified in acting otherwise than what I have done, as it is evident the salvors will look to me for the salvage which they claim, and what I hear is the one-half of the value that the vessel was insured for.

3rd. I can only assure you, I should be only too glad to get rid of this charge, instead of trying to retard the settlement of the question, if it could be done without prejudice to myself.

From Cocanada. To Madras.
From Master Attendant. To Superintendent of Marine.

Service.

Letter of twenty-third received last evening will be answered to-morrow. "Mary Oxley" was delivered over to me as Receiver of Admiralty Droits by Gardener of "Colgrain."

Can I sanction survey to value her before I get instructions from those concerned in England?

(Signed) H. THOMSON,
Master Attendant.

1st May 1860.

(True Copy.)

(Signed) H. THOMSON,
Master Attendant.

(True Copies.)

(Signed) J. B. CROWTHER,
Assistant Superintendent of Marine.

(True Copy.)

(Signed) J. B. CROWTHER,
Assistant Superintendent of Marine.

ORDER THEREON, 25th January 1861, No. 31.

No. 52.

*Proceedings of the Madras Government, Marine Department,
25th January 1861.*

Superintendent of Marine as soon as he became aware of it, and would have been corrected at once had reference been made to him by Captain Flannery, the Commander of that vessel, or by Mr. Towle, the Agent for Lloyd's at Cocanada.

3. In receiving charge of the abandoned Barque from Captain Gardener of the "Colgrain," Mr. Thomson acted under the revised Salvage Rules "for the recovery of Wrecks, Anchors, Cables or other property from the sea," sanctioned by Government on the 10th February 1852, and reported to the late Court of Directors in paragraph 5 of their Despatch No. 4 of the 1st June following.

(Signed) T. PYCROFT,
Chief Secretary.

Marine Department.

Proceedings of the Madras Government.

*Read the following letter from
the Superintendent of Marine*

/Here enter 12th Jan^y 1861 No. 142/

Order thereon 25 January 1861 No. 31.

*Resolved that a copy
of the foregoing letter, and of
its enclosures be forwarded to
the Right Hon. the Secretary
of State for India, in reference
to his despatch of the 30th
November 1860 No. 31.*

*2. The explanation
furnished by the Superintend-
-ent of Marine seems satis-
-factory, as far as he is con-
-cerned. Mr. Thomson, the
Master Attendant, at Cocanada,
certainly erred in objecting
to the survey of the barque
"Mary Oyley." His error, however,
was pointed out to him by
the Superintendent of Marine
as*

as soon as he became aware
of it, and would have been
corrected at once had regret
been made to him by Captain
Flannery, the Commander of
that vessel, or by Mr. Towle
the Agent for Lloyd's at Canada.
3. In receiving charge
of the abandoned Barge from
Captain Gardner of the "Colgrain"
Mr. Thomson acted under the
revised "Salvage Rules" for the
recovery of Wrecks, Anchors,
Cables, or other property from
the sea, sanctioned by Govern-
ment on the 10th February
1852 and reported to the
late Court of Directors in
para 5 of their Despatch No. 1
of the 1st June following.

JF

The Sup^t of Marine - Desps 26-1-61

Thamir & Co. 23rd June
No. 4 of 1861.

Replott 7th June
No. 10 of 1861.

(12)

Barge

31/4/62

Marine

Department 1861.

No. 31.

Proceedings of the Madras

Government.

Dated 25 January 1861.

Directing that the
information furnished
by the subject of the
on the subject of the
detention of the above
named barge "Mary
Oxley" at Cannanore, be
forwarded to the
of State.