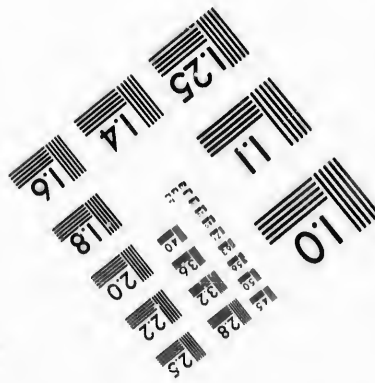
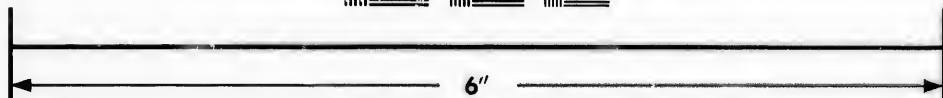
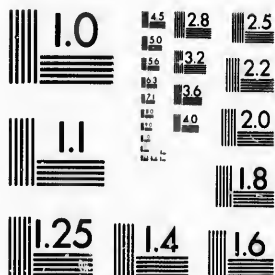


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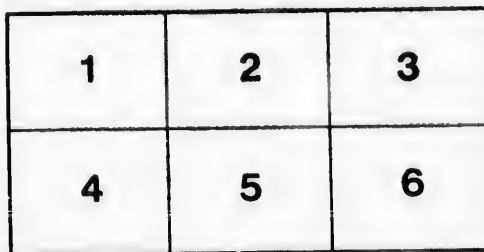
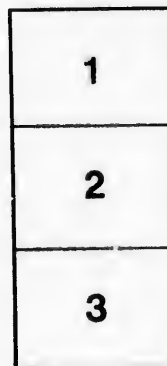
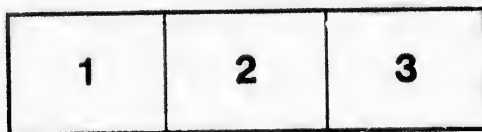
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*See Jones & Co. of Montreal
1858*

PROPELLER ST. LAWRENCE,

Stranded in the Long Sault Rapids, May, 1858.

General Average Statement,

BY R. H. HAMILTON, ESQ., OF MONTREAL,

AND COLLECTIONS

BY ARCHIBALD CAMPBELL, ESQ., OF QUEBEC.

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REMARKS:—

Claims for general average contribution can only properly exist when the vessel, her stores or appurtenances,—or the cargo, or some portion of them, has (in some pressing emergency) been selected and deliberately sacrificed with a view to the preservation of the whole adventure: or—when, under similar circumstances, an expense has been voluntarily incurred for the mutual benefit of Ship, Freight, and Cargo.

In all such cases, it is evidently the interest of all the co-adventurers, and their underwriters, that all such claims should be *honourably* and *promptly discharged*,—each contributing in the proportion of their respective interests,—so that in future emergencies there may, on these grounds, be no reluctance in making the sacrifices, or incurring the liabilities which the preservation of their property may require.

An incorrectly adjusted general average Statement is, for these reasons, *an unmitigated evil*. It destroys that confidence which is necessary to harmonious action between the shipper and his underwriter, and indeed between all the parties interested: and it is fatal to that prompt dealing which is the soul of all commercial transactions.

In the case of the Propeller *St. Lawrence*, the vessel met with a casualty, became disabled, let go an anchor, and was finally brought up by running into the mud at Messina Point, where she was held by a warp from the shore, and by the anchor in the stream, until she was rescued by the steaming *America*, and moved *in safety to the dock at Cornwall*, and there (it is contended) the claim for general average contribution should have ceased.

Differing therefore with Mr. Hamilton on the principles of the adjustment which the owners or charterers of the vessel had employed him to make, and failing in all endeavours to obtain a reference (with consent) to some professional average adjuster of established reputation, whose decision might have a beneficial influence on future local adjustments: THE BRITISH AMERICAN ASSURANCE COMPANY had no alternative but to *reimburse their customers* the several sums they had paid under Mr. Hamilton's adjustment, and to refer all the papers connected therewith to Archibald Campbell, Esq., the Average Stater of Quebec, whose extensive practice entitles him to be considered an authority on the theory and practice of Marine Adjustments, as relates to the law and practice in Great Britain and the Province of Canada.

In order to show that the objections raised against the Adjustment were not without sufficient reasons, the objectional Adjustment, the Correspondence, and the corrected Adjustment by Mr. Campbell, are published, and the final results of each statement are placed in *juxta position*.

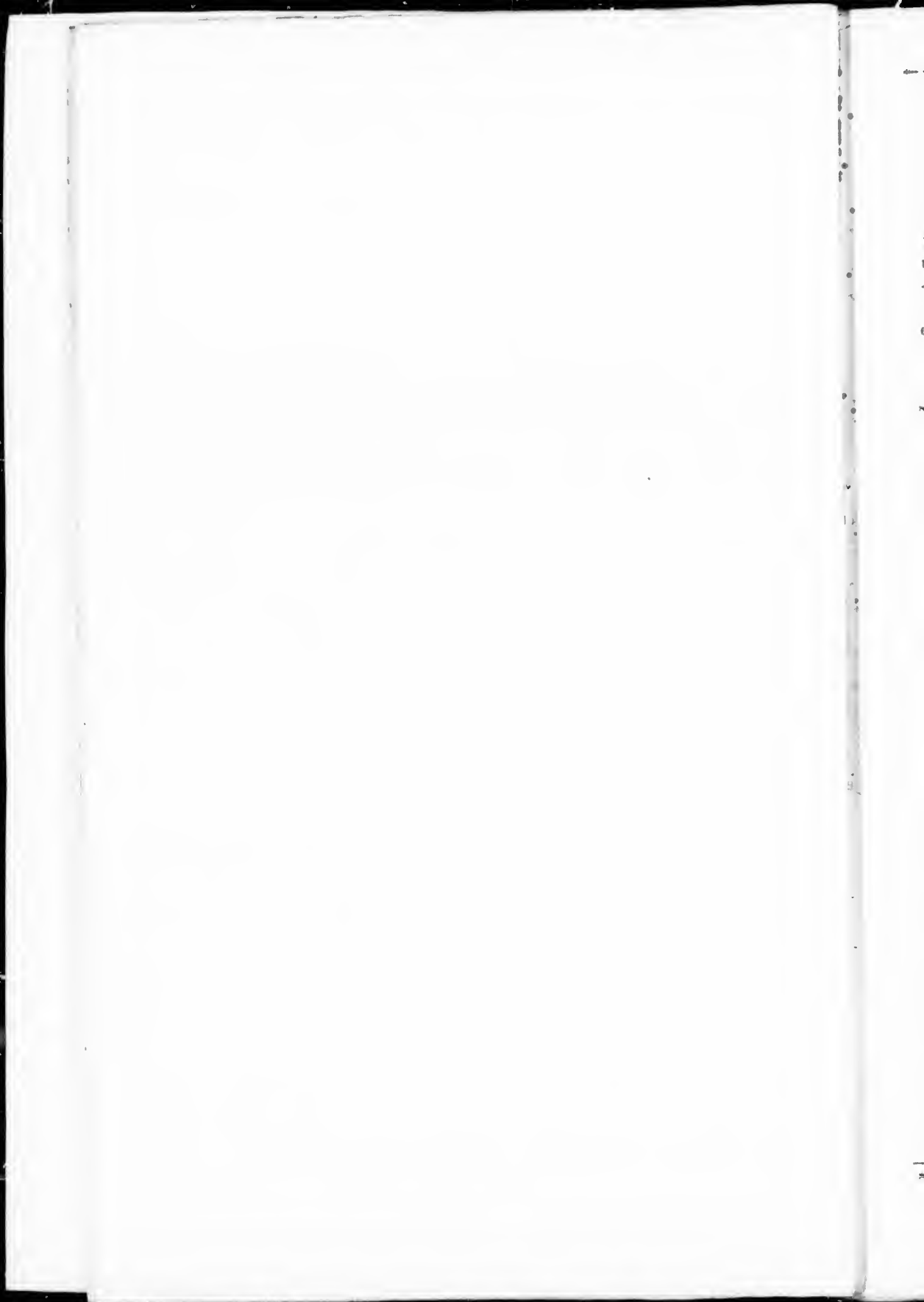
All of which is respectfully submitted.

W. M. STEWARD,

Manager, Marine Department,

British American Assurance Co.

TORONTO, NOVEMBER, 1878.



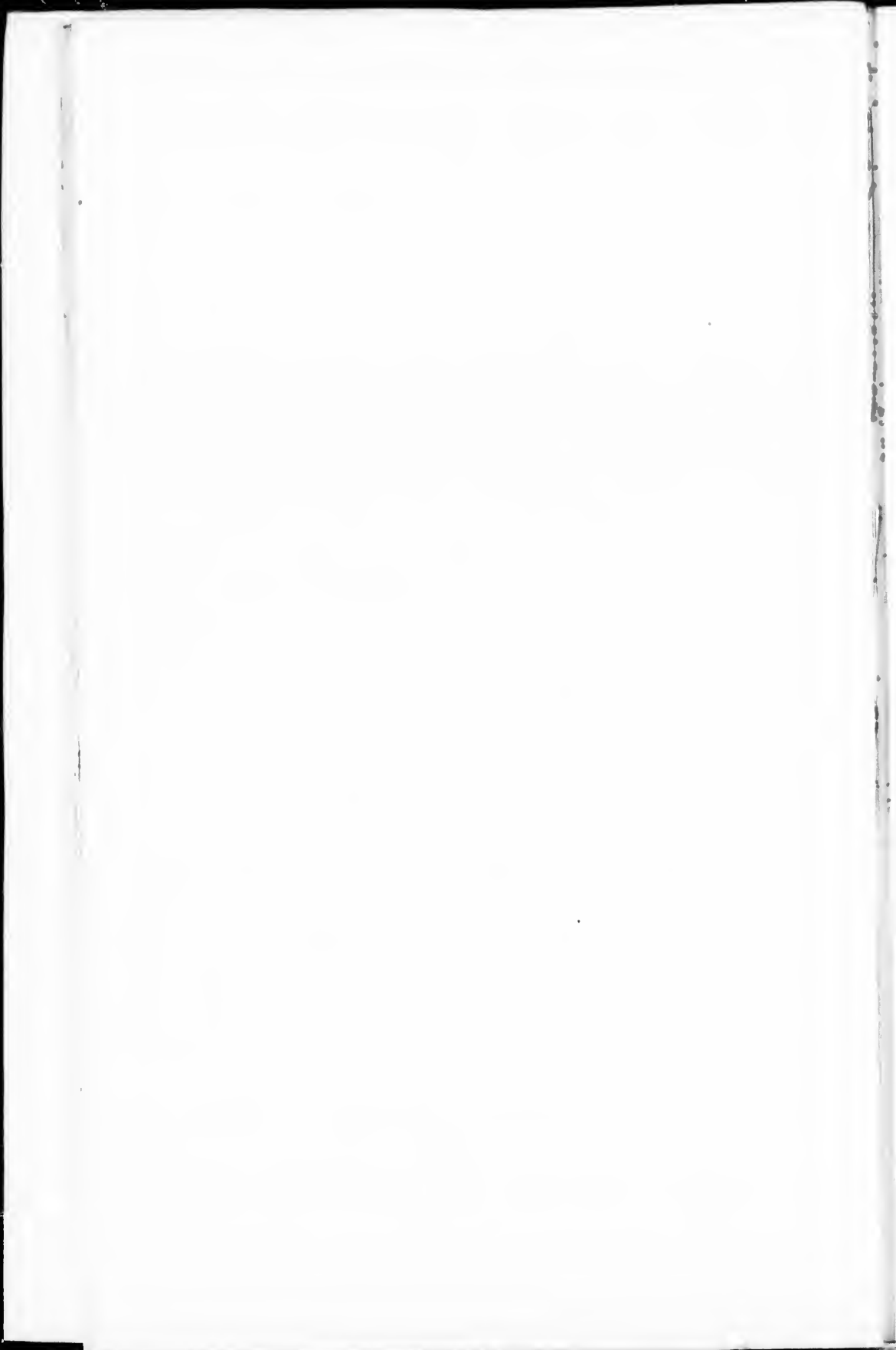
General Average Statement

AS ADJUSTED BY R. H. HAMILTON, ESQ., OF MONTREAL, AND CORRECTED
BY ARCHIBALD CAMPBELL, ESQ., OF QUÉBEC.

The Propeller *St. Lawrence*, descending the Long Sault Rapids, in the month of May, 1858, met with a disaster, carrying away her rudder, splitting her keel and stem post, and ultimately took the ground near Messina Point, from whence she was taken by the Steam Tug *America*, and towed to the dock at the foot of the canal at Cornwall, and there left in safety.

The following is an abridged copy of the *General Average Statement*, but containing all essential particulars, as made up and adjusted at Montreal, on that occasion.

TOTAL.	DISBURSEMENTS.	GENERAL AVERAGE.	SHEETS PAID, IN DOLLARS.
8452 63	JACQUES, TRACY & Co.		
	To labor pumping day and night at Messina Point	857	90
	“ do. 11 men sent by Davidson	90	00
	“ do. 9 men employed at Cornwall	7	51
	“ do. 4 men to Montreal from May 26 to 28, 2 days, at \$2	16	00
	“ passage 11 men from Montreal to the Coteau	11	79
	“ do. 3 men from Montreal to Cornwall	3	00
	“ 2 men pumping while discharging	3	00
	Boarding Men at Messina Point, viz:—		
	To 13 men, on average 3 days each, at \$1	39	00
	“ 11 men sent by Davidson	55	00
	“ 6 men at Cornwall, 4 men each	1	50
	“ 4 men from Cornwall, 2 days each, at \$1	8	00
	“ paid boat hire at Messina Point, ferrying men, &c.	7	88
	“ travelling expenses, telegraphing, and protesting	17	95
	“ protest at Cornwall	2	00
	“ sundry telegraphs	2	65
	“ cedar log to buoy cable	0	12
	“ paid 4 teams towing <i>Bancharois</i> canal, \$3.50 each	14	00
	“ do. 4 do. <i>Lachine</i> canal, \$3 each	12	00
	“ do. 4 <i>belois</i> <i>Lachine</i> to Montreal	1	50
	“ fuel consumed at Messina Pt. to keep engine pumping	47	78
	“ <i>Extra labor</i> employed discharging quickly <i>up stream in canals on the way down to Montreal</i>	24	77
	“ extra labor employed discharging quickly	30	58
165 38	CALVIN & BROOK.		
	To paid towage	168	35
153 31	JACQUES, TRACY & Co.		
	To 2 blankets and 2 rugs used to stop the leak	10	00
	“ 1 anchor lost when the vessel grounded at Messina Point	62	00
	“ depreciation of chain as allowed by Surveyors	59	32
	“ shack line, 103 lbs. at 8c.	8	24
	“ shack line depreciated 50 per cent.	9	75
	“ 1 anchor buoy	1	50
	“ 1 buoy line, 12 lbs. at 12½c.	2	50
12 43	ALEX. DAVIDSON.		
	To services rendered for general good	11	33
	“ do. repairing pump		81 00
5 25	J. T. LIVINGSTONE.		
	To blacksmith's work		5 25
25 00	GIBB, HUNTER & Co.		
	To natorial charges	25	00
8846 87	Carried forward	8846	86 25



GENERAL AVERAGE STATEMENT CONTINUED.

TOTAL	DISBURSEMENTS	GENERAL AVERAGE	No. Tons or Measures
846 87	Brought forward	\$840 62	86 25
1195 34	AUGUSTIN CANTIN. To repairs to Propeller St. Lawrence		1195 34
145 40	JACQUES, TRACY & Co. To bawage to Cantin's and rehanging bells		11 86
	" 30 feet of chain for rudder		1 80
	" wages of crew extra time consumed during the voyage, and employed saving the property	48 63	
	" board of the same	18 04	
	" 13 men 50c. per day extra, saving freight, ship's crew commission on disbursements	42 35	45 50
	" commission collecting general average	42 35	60 70
40 00	R. H. Hamilton, adjusting this statement	30 00	10 00
\$2353 40	Total	\$1021 95	\$1331 45

VALUATION, GENERAL AVERAGE

Brought forward amount for General Average Contribution \$1021 95

VALUES FOR CONTRIBUTION.

CARGO.

Boyer & Hawley	746 bds. Flour	27 00
Augustus Howard	380 bds. Flour, 245 damaged, 55	3 00
D. A. Poe	195 bds. Flour	48 00
J. & H. McLennan	320 bds. Flour	1067 00
James McDougall	100 bds. Flour, 000 damaged, 200	750 00
R. Hallowell	500 bds. Flour	2050 00
James & Oliver	9 bds. Pork	117 00
Gregory & Co.	17 bds. Flour and a lot of bags	63 00
E. M. Tylee & Co.	4 bds. Brandy	595 00
Jonathan Bone	1200 bags of Goods	490 00

Value of Cargo for contributions, freight deducted 10527 00

SHIP.

Propeller St. Lawrence valued at	80,000 00
Less repairs	1,215 25
	7,784 75
Add amount made good by Genl. Average	443 31
	7968 00

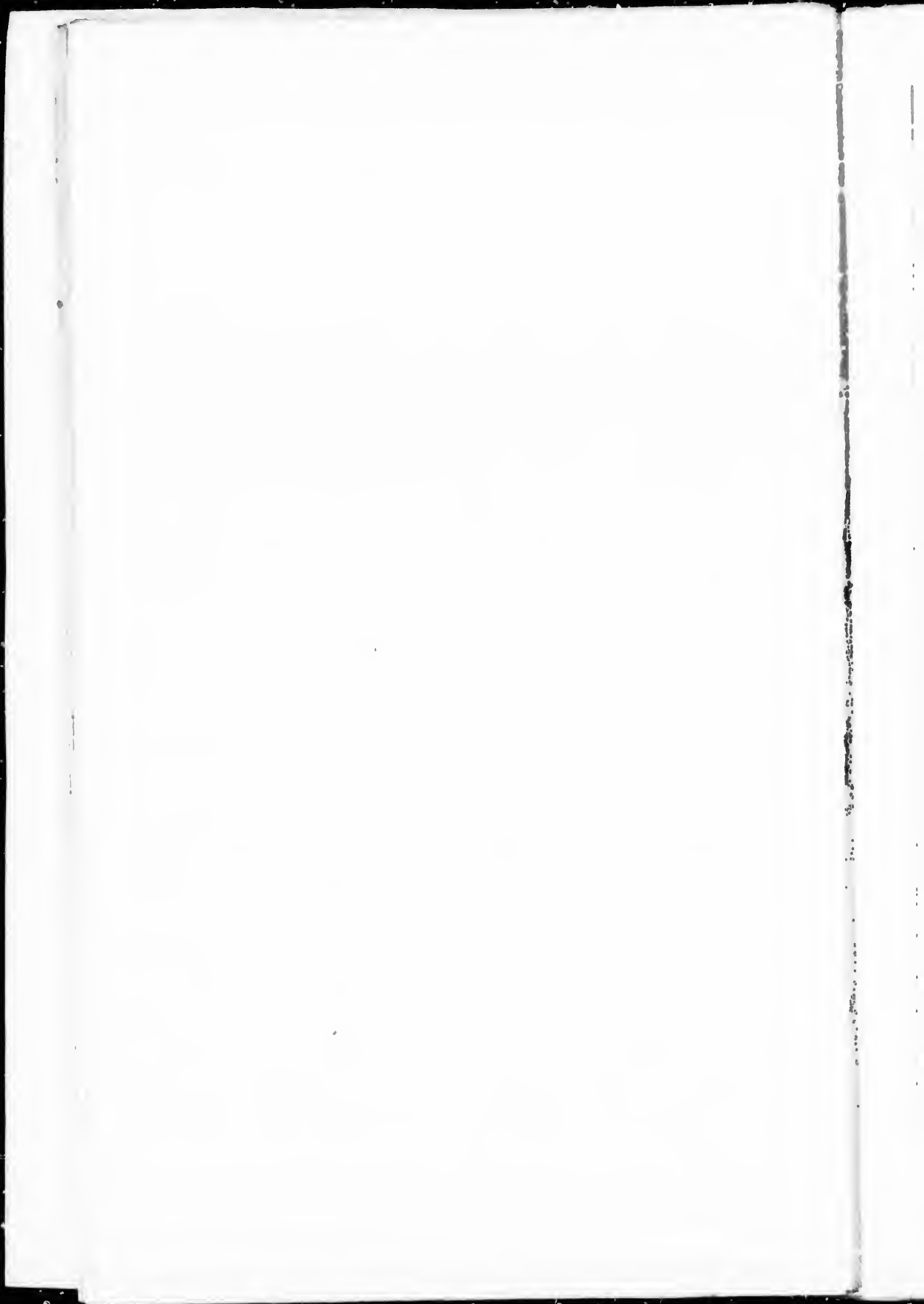
FREIGHT NETT 226 00

Value for Contribution \$18721 00

Amount of General Average to be contributed \$1021 95

This adjustment was considered unsatisfactory; certain charges which should have been borne by Ship, Freight, or Owners being improperly introduced into the General Average. The statement, protest, and papers connected therewith were therefore sent to Archibald Cambell, Esqr., for his investigation and report, and if necessary to draw up a correct and reliable adjustment.

The following is the reply:—



GENERAL AVERAGE STATEMENT CONTINUED.

QUEBEC, 15TH OCTOBER, 1858.

WM. STEWARD, ESQ. MANAGER, MARINE DEPARTMENT.

British American Assurance Co., Toronto.

Dear Sir,

Having examined all the papers laid before me connected with the General Average of the Propeller St. Lawrence, I have made an apportionment according to the custom in England and Canada, which you will please find enclosed together with the other papers.

The first part contains, in the form of extracts from the Protests, the chief grounds on which the General Average is founded. The disbursements are obtained from the Statement of Mr. Hamilton, and in one instance I was obliged to refer to your memorandum for an explanation, namely: in order to divide the towage account. The towage until the vessel reached a port of safety being General Average, and the remainder of the amount which was incurred to bring her to her destination being chargeable against the Freight. Cornwall appears to have been a port of safety; and not having the towage account before me, the proportion stated by you is entered as the towage from Messina Point to Cornwall.

There appeared to be *no grounds whatever* for charging the anchor, or the carriage to the chain, &c., to the General Average. The Protest only mentions that the anchor was "thrown out or cast, and a warp made fast to the shore to keep the vessel steady." It does not appear that this was done with the intention of sacrificing any part of the property. The anchor, warp, &c., were only applied to their legitimate uses, and neglect on the part of the master to make use of such means, when in his power, would have been a gross dereliction of duty.

The extra fuel used for pumping, and all extra expenses incurred for pumping are charged to General Average; but the fuel said to be consumed "to keep up steam on the canals," seems (if I understand the expression rightly) to have been used to assist in the working of the vessel, and for the purpose of enabling her to complete her voyage, it is therefore chargeable against Freight or Owners.

On referring to the statement, you will observe that I have adjusted it in the most *liberal* manner consistent with the established custom, and where a doubt existed, the item has been charged to the General Average.

In conclusion, I would beg leave to express my entire approval of the course adopted by your Company in objecting to settle claims on an adjustment which might have formed a dangerous precedent for the future.

I remain, dear Sir,

Yours truly,

ALEXANDER CAMPBELL,

Her Majesty's Surveyor.

Statement of General Average.

PER PROPELLER ST. LAWRENCE, J. MOWATT, MASTER, FROM TORONTO TO MONTREAL, WITH A CARGO OF FLOUR AND OTHER GOODS.

The vessel left the port of Toronto on the twentieth of May, 1858, with two thousand two hundred and fifty barrels of Flour, four hogs-heads of Brandy, and twelve hundred and six bags of Hoops on board. At ten o'clock the same night reached the port of Oshtwa, and took in a further quantity of cargo, namely: three hundred barrels of Flour and nine barrels of Pork, and left that port at two o'clock on the morning of the twenty-first of May. She continued her voyage in safety until she arrived at the head of the rapids of the Long Sault, in the River St. Lawrence, at about the hour of half-past eight o'clock on the morning of the twenty-second instant, and whilst descending that rapid being then in the

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GENERAL AVERAGE STATEMENT CONTINUED.

"proper channel, she struck with violence, in consequence of which the rudder was carried away, and the vessel otherwise injured, and being thereby disabled, she was guided by steam to or near Messina Point, *our anchor was thrown out or cast, the vessel also made fast to the shore by a horse, to keep her steady, and another anchor kept in readiness lest it should be required.* On sounding the pumps it was found that there were about three feet of water in the hold; the pumps were immediately manned, and kept working continuously, night and day, until the present time. That in order to secure the cargo and keep the vessel afloat, as many men were employed from the shore as were necessary, in addition to the crew.

The charterers of the steamer at Montreal were communicated with, and Mr. A. Davidson, Salvage Agent, rendered all needful assistance.

"The said John Mowatt, with a view of preventing, if possible, the water making on them thrust into the leak two blankets, two rugs, and a quantity of rags, which assisted very materially, the pumps in the meantime kept constantly going. When the anchor was cast as above mentioned, the bottom being a flat rock, and the current in that place being very strong, the anchor dragged for about a mile, when the said Propeller grounded, and the anchor caught simultaneously. When they remained until the tug-steamer called the *America* came alongside for the purpose of towing them down to the foot of the Cornwall canal; as she was eased off by the said tug, the shank of the anchor broke by reason of the strength of the current, and part of it was lost. That they reached the foot of the Cornwall canal at or about ten of the clock on the morning of Wednesday, when the captain sent immediately ashore to procure seven or eight extra hands to pump."

The pumps were kept perpetually going. They lay there all night, and in the morning proceeded on their voyage in tow of the steamer *Charlevoix*. On the twenty-eighth they arrived at the said port of Montreal, the vessel being towed on the river by steamers and through the canals by horses.

TOTAL	DISBURSEMENTS	GENERAL AVERAGE	
\$452	63	JACQUES, TRACY & Co.	
	To paid labor pumping day and night at Messina Point	\$57	90
	" 11 men sent by A. Davidson	90	00
	" 6 men pumping one night at Cornwall	7	50
	" 4 men from Cornwall to Montreal, 26th to 28th May	16	00
	" passage 11 men, Montreal to Coteau	11	00
	" do. 2 men to Cornwall (<i>supposing these men were sent to pump</i>)	3	00
	" 2 men pumping while discharging	3	00
	Boarding men (<i>engaged to pump?</i>) at Messina Point:—		
	" 13 men, on average 3 days, at \$1	39	00
	" 11 men sent by A. Davison	55	00
	" 6 men at Cornwall, 1 meal each	1	50
	" 4 men from Cornwall, 2 days each, at \$1	8	00
	" boat hire at Messina Point	7	88
	" travelling expenses, telegraphing, protesting, &c.	17	45
	" protest at Cornwall	2	00
	" sundry telegraphs	2	65
	" 1 cedar log to buoy cable		0 12
	" paid 4 teams towing Beauharois canal		14 00
	" do. 4 do. Lachine canal		12 00
	" cab hire, Lachine to Montreal		1 50
	" fuel consumed at Messina Pt. to keep engine pump going	47	78
\$452	63	Carried forward	\$369 66 \$27 62

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GENERAL AVERAGE STATEMENT CONTINUED.

TOTAL.	DISBURSEMENTS.	GENERAL AVERAGE.	Share.
\$452 63	Brought forward	\$369 66	\$27 12
	" <i>Extra Wood, &c., used to keep up steam in canals on the way down to Montreal</i>		24 77
	" extra labor employed discharging quickly (if this was actually for the benefit of ship and cargo, or if it saved an equivalent sum for men pumping, say General; if not, deduct and charge to Ship, Freight, or Owners)	30 58	
168 35	CALVIN & BROCK. Towage Account. Towage Messina Pt. to Cornwall (being first part of safety)	120 00	
	" Cornwall to Montreal		48 35
10 00	JACQUES, TRACY & Co. To two blankets used to stop the leak	8 00	
	" two rigs do. do.	2 00	
\$143 31	JACQUES, TRACY & Co. To 1 anchor lost at Messina Point when the vessel grounded		62 00
	" depreciation of chain		59 32
	" check line		8 24
	" depreciation of saub		9 75
	" 1 anchor buoy		1 50
	" 1 buoy line		2 50
12 33	ALEX. DAVIDSON, Services	11 33	
	To repairing pump		1 00
5 25	J. LIVINGSTONE. To Blacksmith's Account		5 25
11 86	JACQUES, TRACY & Co. To towage to Canin's and return, rebarging		11 86
1 80	" chain for rudder		1 80
25 00	GIBB & HUNTER.		
1195 31	A. CANTIN. To account repairs		1195 31
112 13	JACQUES, TRACY & Co. To wages of crew, extra time, and board		112 13
40 00	" R. H. Hamilton's account for his statement	30 00	10 00
62 66	" commission on disbursements and collecting average, 2 1/2 per cent on each, say 10 per cent on general	62 66	
<hr/>		<hr/>	
\$2270 66	Total	\$689 23	\$1581 43

VALUATION.	GENERAL AVERAGE.
Brought forward amount of General Average	\$689 23

VALUES FOR CONTRIBUTION.

CARGO.	VALUATION.	GENERAL AVERAGE.
Boyer & Hawley 716 bbls. Flour	\$2557 00	
Augustus Heward 380 bbls. Flour.		
215 damaged, 595	2220 00	
J. & H. McLellan 320 bbls. Flour	1067 00	
D. A. Poe 195 bbls. Flour	618 00	
James McDougall 100 bbls. Flour.		
100 damaged, 200	750 00	
Carried forward	7212 00	\$689 23

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GENERAL AVERAGE STATEMENT CONTINUED.

	VALUATION.	GENERAL AVERAGE.
Brought forward	\$7212 00	\$689 23
R. Hallowell 500 brls. Flour	2050 00	
Janes & Oliver 9 brls. Pork	117 00	
Gregory & Co. 17 brls. Flour and a lot of bags	63 00	
E. M. Tylee & Co. 4 hds. Brandy	593 00	
Jonathan Begg 1206 bags of Hoofs	490 00	
Value of Cargo for contributions, freight deducted		
	10525 00	
SHIP.		
Valued as per Capt. Alex. Stanley's statement	\$12,000 00	
Less repairs	1,215 00	
	10785 00	
FREIGHT NETT	200 00	
Value for Contribution		
	\$21510 00	
Amount of General Average to be contributed		
		\$689 23

Apportionment of General Average, Steamer St. Lawrence.

BY MR. HAMILTON'S STATEMENT.

BY MR. CAMPBELL'S STATEMENT.

Value.		Genl Average		Value.		Genl Average	
	pays				pays		
ST. LAWRENCE Str. - \$7968		\$331	96	ST. LAWRENCE Str. - \$10785		\$315	57
FREIGHT - - - - - 226	"	12	31	FREIGHT - - - - - 200	"	6	40
CARGO.				CARGO.			
Boyer & Hawley - - - - - 2557	"	139	58	Boyer & Hawley - - - - - 2557	"	81	93
D. A. Poe - - - - - 618	"	33	74	D. A. Poe - - - - - 618	"	19	80
J. & H. McLellan - - - - - 1067	"	58	24	J. & H. McLellan - - - - - 1067	"	34	19
James McDougall - - - - - 750	"	40	94	James McDougall - - - - - 750	"	24	05
Janes & Oliver - - - - - 117	"	6	39	Janes & Oliver - - - - - 117	"	3	16
Gregory & Co. - - - - - 63	"	3	44	Gregory & Co. - - - - - 63	"	2	02
E. M. Tylee & Co. - - - - - 595	"	32	48	E. M. Tylee & Co. - - - - - 593	"	19	00
Jonathan Begg - - - - - 490	"	26	75	Jonathan Begg - - - - - 490	"	16	28
Augustus Heward - - - - - 2220	"	121	19	Augustus Heward - - - - - 2220	"	71	14
Robt. Hallowell - - - - - 2050	"	111	90	Robert Hallowell - - - - - 2050	"	65	09
Mr. Hamilton's amount for contribution - \$18721				Mr. Campbell's amount for contribution - \$21510			
Pays general average - - \$1021		95		Pays general average - - \$689		23	

(Signed.)

R. H. HAMILTON.

Marine Insur. Adjuster.

Settled and established according to the custom
in like cases, Quebec 18th October, 1858.

(Signed.)

ARCHIBALD CAMPBELL.

(Signed.)

Her Majesty's Notary.

W. D. CAMPBELL, Adjuster.

Mr. Campbell has thus shown that FORTY-ONE PER CENT. of the amount paid on Cargo under Mr. Hamilton's adjustment, should have been borne by Ship or Freight, or by the Owners of Ship.

