



**A treatise on maritime law Volume 2; Including
the law of shipping; the law of marine insurance;
and the law and practice of admiralty**

Theophilus Parsons

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This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1859 Excerpt: ...1 Gray, 371, Dewey, J., said: "The court are of opinion, that after any considerable portion of the goods insured, as in the present instance thirty-eight per cent, of the whole amount of the number of boxes of teas, has arrived at the port of destination, and been landed in a perfect state, the assured cannot then abandon and recover for a total loss, upon the ground of the loss of more than fifty per cent, at some former period of the voyage." This case arose from the loss of property on board the Paul Jones. This loss was very great, and it involved many questions and many parties in Boston and in New York; and all of the questions were referred, by nearly all the parties, to Professor Gretnleaf of the Cambridge Law School, the Hon. Franklin Dexter, of Boston, and the author of this work. The case was thoroughly argued in writing by able counsel, and the referees came unanimously to the conclusion expressed in the text, and were sustained, on this point, by the case of Forbes v. Manufacturers' Ins. Co. See also, Seton v. Delaware Ins. Co., 2 Wash. C. C. 175. But no notice appears to have been taken of this rule in the case of Moses v. Columbian Ins. Co., 6 Johns. 219, cited ante, p. 371, n. 3. If a cargo be insured consisting in part of memorandum articles, and in part of other goods, no abandonment for a mere deterioration in value is valid, unless the deterioration in value of the articles-not within the memorandum, exceeds one half the value of all the goods insured.¹ The general rules of law applicable to Memorandum Articles we have already considered somewhat at length; it remains, however, to determine (assuming that the underwriters are not liable for a constructive total loss), what amounts to an actual total loss. This subject is gener...

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