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(No. 895.)

"MARY."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of a formal Investigation held at St. George's Hall, Liverpool, on the 10th and 11th days of February 1881, before THOMAS STAMFORD RAFFLES, Esq., Stipendiary Magistrate, assisted by Rear-Admiral APLIN and Captains FORSTER and COMYN, Nautical Assessors, into the circumstances attending the abandonment of the British sailing ship "MARY," of Aberystwith, in about latitude 47° 11' N., and longitude 36° 45' W., on the 15th January 1881.

Report of Court.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the annex hereto, that the said ship was abandoned in consequence of her becoming disabled and unmanageable by the breaking of her rudder through stress of weather, and the Court considered that the master was justified in leaving her.

Dated this 11th day of February 1881.

(Signed) T. S. RAFFLES, Judge.

We concur in the above report.

(Signed) ELPHINSTONE APLIN, Rear-Admiral, } Assessors.
GEORGE H. FORSTER, }
D. R. COMYN, }

Annex to the Report.

The "Mary" was a barque built of wood at St. John's, N.B., in 1862. Immediately after being built, and being in fact not quite finished, she was sent over to Liverpool, and there purchased by Mr. Thomas Jones, of Aberystwith, who registered her at that port of 346·88 tons. He gave for her 2,940l., and finished her at a cost of 800l., when she was classed A 1 at Lloyd's for seven years. He then sent her on a voyage to Quebec, and on her return he spent a further sum of money on her with a view to strengthen her. On her class expiring in 1875 she underwent the usual survey; her rudder was unshipped, and repairs to the extent of 1,250l. were done to her, and she was re-classed as before for five years. In 1879 she was re-metalled and re-caulked at a cost of 200l., and some further repairs were done in 1880. At the time of her abandonment she was insured for 1,832l. on her hull and equipments, and the freight for 500l. Her master, Mr. David Davies, who joined her as master in 1866, had since that date commanded her. He holds a certificate of competency, No. 19,118, and dated 19th January 1861. In July last her owner having died a few months previously, on her arriving from a voyage at Greenock, she was advertised for sale, but no sale could be effected, and she was sent to Troon, where she loaded a cargo of 475 tons of coals, and she sailed for Trinidad on the 2nd August last with a crew of 10 hands all told. They had a good voyage out, and after discharging cargo she sailed in ballast for Belize, where she discharged her ballast and loaded a cargo of 392 tons of logwood, under the superintendence of an experienced stevedore. She left Belize on the 3rd December last, drawing 13 feet 5 inches forward and 13 feet 7 inches aft, the weather being fine and the wind moderate. All went well until the 7th of December, when the wind shifted suddenly to the eastward and the sail had to be reduced to lower topsails, and at midnight she was making from 2 to 2½ inches of water an hour, there being at the time a high cross sea, causing the vessel to labour. The weather from this time appeared to have been unsettled up to the 5th January, there being strong winds at times, during which the vessel was making from 2 to 3 inches of water an hour, and at other times, when the weather was more moderate, she made little or no water. On

the 5th of January there was a strong gale from the eastward which veered to the southward and westward, and on the 6th she was hove to on the starboard tack under lower main topsails and main trysail, when the main topsail split, and they then set the main topmast staysail. On the 7th, the weather having moderated, they bent and set the lower main topsail. At midnight on the 8th there was a strong gale from the S.W., the ship labouring heavily. At 7 a.m. on the 9th they found the rudder head sprung, and consequently put a lashing on it, and on the 10th the damage to the rudder became worse, and another lashing was put on it in order to secure it. It was again lashed on the 11th, but the damage to the rudder increased much, and eventually the upper part worked independently of the lower part, and the master, to prevent the action of the lower part of the rudder damaging the gudgeons and stern-post, got a chain round the stern and rudder to secure it a lee. The vessel was then lying to on the port tack, and making 2 to 3 inches of water an hour. At this time there was a strong gale from the eastward, with high sea, the ship labouring much and shipping quantities of water upon deck. On the evening of the 13th a steamer's lights were seen, and the crew came aft and asked the master to abandon the ship, but he refused to do so. At 1.30 p.m. on the 15th, the weather being still stormy and unsettled, they sighted a steamer, when the captain immediately called the crew aft and consulted with them as to their opinion of the condition of the vessel, and what was best to be done under the circumstances. They unanimously came to the conclusion that nothing further could be done for the preservation of the ship, and for the safety of human life it was deemed necessary to abandon the vessel. They hoisted a signal of distress, and the steamer "Samaria" bore down, and, coming under the stern, the master and crew left the "Mary" in latitude 47° 11' N., longitude 36° 45' W., and were received on board the steamer, and were landed at Liverpool in safety on the 22nd. No lives were lost. It was stated by the master that when they abandoned the vessel there were 4 feet of water in her, but it was in evidence that at noon of that day there was a rolling suck, and it was also in evidence that it was never necessary during the worst of the weather to use more than one pump from 20 to 30 minutes every hour, and as the pumps were not sounded previous to leaving, the Court did not see how the master arrived at the conclusion, as he stated, that there were 4 feet of water in the vessel when they left her.

On the close of the evidence Mr. Paxton asked the Court the following questions:—

1. When the "Mary" left Belize on the 3rd December last, was her rudder in good and proper condition?
2. If the rudder was not in a good and proper condition, were the master or owners aware of its condition?
3. Having regard to the condition of her rudder, her age, and the nature of her cargo, was the "Mary," when she left Belize, in a good and seaworthy condition for a winter voyage across the Atlantic?
4. What was the cause of the rudder working on or about the 9th January, and was every possible effort then made to repair it?
5. What was the cause of the rudder subsequently becoming useless, and was every possible effort made to repair it and render it available for use?
6. When it became useless, was it possible to rig a temporary or jury rudder, and if so, why was not that done?
7. What was the cause of the vessel making water on and after the 8th December, and was every possible effort made to keep it under?
8. Was the master guilty of any wrongful act or default in abandoning the vessel on the 15th January last?
9. If the abandonment was justifiable, was it rendered necessary by any wrongful act or default on the part of the master, and particularly

1. By not attaching tackles to the rudder, or rigging a jury rudder,

and stated that the Board of Trade were of opinion that the certificate of the master should be dealt with, after which Mr. Harrison addressed the Court for the master.

In answer to the 1st and 2nd questions, the Court found that there was no evidence before them on which

they could pronounce any opinion as to the rudder being in good and proper condition when the "Mary" left Belize, and the Court certainly could not say how far the master or owners were aware of the real condition of the rudder.

As to the 3rd question, so far as the Court could judge from the evidence, the "Mary" was in good and seaworthy condition when she left Belize.

As to the 4th, 5th, and 6th questions, the Court was of opinion that the damage to the rudder was caused by stress of weather, and that, considering the state of the weather at that time, all possible efforts were made to repair it; and it was not possible under these circumstances to rig a temporary rudder.

As to the 7th question, the water made was not at any time to be called considerable, and one pump worked by the watch was found sufficient to keep it under without much difficulty.

As to the 8th and 9th questions, the Court considered that the master of the "Mary" was not guilty of any wrongful act or default in leaving her on the 15th January, nor did they think that the master had ordered the abandonment of the vessel necessary by any wrongful act or default on his part.

The Court could not conclude their judgment without remarking upon the conduct of the master in reference to the ship's log-book. In several places it was found on examination to have been materially altered, and in inquiry it was ascertained that while on their passage home in the "Samaria" the master had revised it, according to what he considered to be the case, he caused the mate to make the several alterations which were noticed. The mate stated that, while obeying the master's instructions, he did not always agree with them. The Court considered that the master, by his conduct in this matter, had laid himself open to very grave reproof, and the Court censured him accordingly.