

(No. 974.)

**"MARY GRAHAM" AND "HARRIET  
UPHAM."**

REPORT of a Naval Court held at Pensacola, on the 17th March 1881, into the collision between the barque "MARY GRAHAM" of Maryport, and "HARRIET UPHAM," of Londonderry, N.S., in Pensacola Harbour, on the 27th February 1881.

*Present:*

OSMOND C. HOWE,  
President of the Court,  
Her Majesty's Vice-Consul.

WILLIAM SHEARER (of Aberdeen),  
Master of British ship  
"Arzilla."

ROBERT A. J. KLAENFORTH,  
(of Rostock, Germany),  
Master of British ship  
"Macedon."

RICHARD SAUPNER,  
(of Halifax, Nova Scotia),  
Master of British ship  
"Berkeley Castle."

THOMAS J. FREW,  
(of Quebec, Canada),  
Master of British ship  
"Western Belle."

HENRY A. HOWE,  
Consul's Clerk,  
Clerk of the Court.

*Finding of the Court.*

In the matter of inquiry into a collision that occurred between the British barques "Mary Graham" and "Harriet Upham," in the harbour of Pensacola, on the 27th February last, the subject of investigation particularly being the cause or causes of the casualty, the conduct of the officers and crew.

The Court finds by the evidence adduced, especially based upon the information given in the case by two expert witnesses, harbour pilots of Pensacola, as regards the barque "Mary Graham,"—

1. That the "Mary Graham" was carefully moored under the direction of a harbour pilot in the harbour of Pensacola, with the customary quantity of chain by the stern, with her port anchor in a clear berth, and at a safe and proper distance from the barque "Harriet Upham."

2. That as regards the barque "Harriet Upham," this vessel was at the time that the "Mary Graham" was brought to anchor, riding at single anchor with fifteen fathoms of chain, ready for sea, with her jib boom rigged out and signals flying for pilot and steam tug.

3. That during the night of the 26th of February a strong gale arose from the south-east, veering gradually round south-westerly; when between the hours of 3 and 4 o'clock a.m., of the 27th February, a very heavy squall struck the two vessels and caused an unavoidable collision.

4. That the probability appears, that had not the "Harriet Upham's" jib-boom been rigged out, the collision may not or would not have happened.

5. That it must be referred to that discrepancies have been found to exist between the entries in the sailing or ship's log of the barque "Harriet Upham," and the evidence given by some of the witnesses of that vessel.

6. That it is considered that those in charge of the barque "Mary Graham" did all in their power to avoid the collision.

It is then found and decided accordingly that the collision can only be considered to have been unavoidable, that is to say, inevitable, leaving the vessels to bear or make good their respective damages as customary in such cases.

L 367. 744. 70.—4/81. Wt. 203. E. & S.

The Court is compelled to remark that there has been made manifest a want of respect on the part of several of the witnesses of the barque "Harriet Upham," by their defiant demeanour and abrupt answers and remarks at the time of giving their evidence.

The Court further orders that the expenses attendant upon the proceedings of this case, amounting to the sum of twenty two pounds and two shillings, be paid by the Consular Officer and charged in his accounts with the Board of Trade, as in such cases made and provided by custom or by law.

(Signed) OSMOND C. HOWE,  
President of the Court,  
Her Majesty's Vice Consul.

*A narrative of some of the material facts which the Court considered proved with some necessary references.*

From the inquiry touching the collision, the Court considered it proved that the barque "Mary Graham" did not drag her stern moorings, and that the collision took place through the veering of the vessels, and really is inclined to doubt the truth of the statement of those on the "Harriet Upham" as regards the quantity of chain having been paid out that they assert to.

When the anchor of the "Mary Graham" was let go, it was clear, and the "Harriet Upham" then bore a little to windward of north. The "Harriet Upham" was then lying with but fifteen fathoms chain out, on port anchor; it is therefore evident that if forty five fathoms was paid out by latter vessel, both vessels could clear, especially so if "Harriet Upham's" jib boom had been rigged in according to harbour regulations, as she was not taken to sea as intended when the "Graham" anchored, although it has fully appeared that she was to go immediately after the evidence, showing that the tug-boat that took the "Graham" to her anchorage left the last named vessel according to former arrangement, to take the "Upham" to sea, when there, an alteration was made, and it was intended that the "Upham" should remain longer in port, the jib boom ought to have been rigged in according to harbour regulations.

It appears that the wind veered during the afternoon of the 26th to the southward of east, and that the "Mary Graham" was swaying closer to the "Harriet Upham;" the captain of the "Mary Graham" then, as he all through the evidence apparently did act, to save collision, went on board the "Upham" and requested that more cable be paid out, fifteen more fathoms were paid out.

Between eleven and twelve o'clock of same night the wind veered more to the southward, which caused the "Graham" to sway closer to starboard bow of the "Upham," at which time the master of the "Mary Graham," did all he could, and that was to let go his starboard bower, fearing as he did that he would foul the jib-boom of the "Harriet Upham," and hailed the "Upham" to pay out more cable; no reply was received, but evidence is given to the effect that the "Upham" did at about the same time let go starboard anchor, paying out twenty fathoms more cable. At 2 o'clock a.m., the master of the "Graham" again hailed the "Upham," and received no reply, according to the evidence.

At three o'clock and thirty minutes a heavy squall, lasting some fifteen minutes, struck both vessels broadside on, causing the "Mary Graham" to carry away the jib-boom of the "Harriet Upham," after which, she swung across the bow of latter vessel. The "Upham" swung so much faster head to wind than the "Graham's" anchor allowed her to swing, that the vessels fouled between fore rigging and topmast backstays.

It is believed that that was the time of the carrying away of the jib-boom, and that the "Graham" remained on starboard bow of "Upham," from evidence of second mate and two seamen of the "Upham," and also "Graham's" witnesses, notwithstanding the assertion of the master and mate of the "Upham," that the "Mary Graham" was on their port bow long before that. It appears that the vessels remained foul between the rigging some fifteen minutes; there was therefore ample time to cut away topmast, top-gallant and royal backstays lanyards, and save the "Upham's" mast, but it may be taken into consideration that the night was dark and boisterous; the doubt then may or may not be given in favour of the master as regards whether he was able to cut away or not.

It is believed that the master of the "Mary Graham" acted prudently in letting go his stern moorings; if he had not done so, in all probability the mainmast of the "Upham" would have been next fouled and carried away.

It appears to have been positive lack of sound judgment on the part of the master of the "Harriet Upham" in letting go the starboard anchor at midnight, as stated, without having first paid out sufficient chain on port anchor so as to have the jib boom of his vessel clear, except during the time of the squall, it would appear as if a single anchor was sufficient to hold the vessel. The starboard anchor should have been reserved in case the port chain had to be slipped is the opinion.

It appears clearly proved that when the "Mary Graham's" stern anchor was picked up, it was about the same position as when let go, hence the supposition or assertion that she dragged is incorrect.

No blame can be attached, as before referred to, that is, so far as known after careful consideration, to those in charge of the "Mary Graham," all having been done that was in their power to prevent collision, and afterwards to lessen damage.

The evidence on the part of the witnesses of the "Harriet Upham" appeared anything but straightforward, leaving much doubt on the minds of the Court as to their testimony. It having been proved that the "Mary Graham's" stern moorings when hove short were close to the starboard quarter of "Harriet Upham" when she was lying at anchor with twenty five fathoms of cable, and heading north-west, to add twenty fathoms cable length of vessel, and allow five fathoms distance from her stern, there would be about sixty fathoms added to the ninety fathoms of cable, which it has been stated in the "Upham's" log had been paid out, thus making one hundred and fifty fathoms. Now the wind did not veer well to the westward of south, which the "Upham's" officers maintain, the ballast wharf would have been fouled again; it would have been an utter impossibility for the "Mary Graham," with forty five or fifty fathoms stern mooring and length of vessel, and thirty fathoms, making eighty fathoms, to have reached a vessel one hundred and fifty fathoms distance.

(Signed) OSMOND C. HOWE,  
President of the Court,  
Her Majesty's Vice Consul.

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The Merchant

In the matter of a f...  
Scotland, on t...  
before W. NEM...  
Admiral PICAR...  
into the circu...  
the ship "JOH...  
Down, on 27th

The Court, having...  
stances attending th...  
finds, for the reaso...  
the casualty arose...  
the master of said...  
Dated this 18th

We concur in th...  
(Signed)

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wooden built brig o...  
mouth in the year...  
Cornwall, by Richa...  
others. She was...  
George Bowden, m...  
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with a cargo of 300...  
aft and 11 feet fo...  
feet. She had on...  
boat, and gig, and...  
board. She was ad...  
found on sailing up...  
the 26th February l...  
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same day she passe...  
distant about 4 or 5...  
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of the ebb, the vess...  
sail. The breeze f...  
and sail was reduc...  
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and put the helm ha...  
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