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(No. 1135.)

“ BIRKBY.”

FINDING of a Naval Court held at the British Consulate at Pernambuco, on the 11th and 12th days of October 1881, to inquire into the stranding of the British bark “ BIRKBY,” of Maryport, official number 18,262.

It appears, from the evidence, that the bark “ Birkby,” bound from Newcastle for Valparaiso with a cargo of coals, sighted Madeira on July 16th, and was proceeding on her voyage.

On the 13th August, at noon, in latitude 6° 50' south, longitude 33° 30' west, steering S.W. by W. $\frac{1}{2}$ W., speed about 2 $\frac{1}{2}$ knots per hour, wind S.S.E.; at midnight Saturday, 13th, tacked to the eastward; at 8 a.m. on Sunday, 14th, tacked to the westward; sighted land at noon, continued on the port tack, steering about S.W. by W. $\frac{1}{2}$ W.; struck soundings in 20 fathoms at 5 p.m., still continued on the port tack, standing in towards the land; sounded again at 5.20, no bottom at 10 fathoms. Immediately after struck soundings in 4 fathoms, and got ready to go round, but before the helm was put down the ship struck the ground, Point Pedras being N.N.W. about 2 miles.

1. That the master, James Patterson, undoubtedly was in error in supposing, when he sighted land on the 14th August at noon, that it was distant 40 miles, as it could not have been visible at that distance.

2. That instead of then altering his course and keeping off the land, which, in the opinion of the Court, would have been the prudent and proper course, in view of the fact of his only possessing a small scale chart of the South Atlantic, he continued on the port tack, standing in towards the land.

3. That he evidently failed to make any allowance for the strength of the current.

4. That he was guilty of a still greater and serious error in judgment in not going round as soon as he struck soundings at 5 p.m. in 20 fathoms.

5. That the Court see no grounds for blaming the master's conduct after the vessel struck.

6. That the crew appear to have conducted themselves properly.

7. That the Court attach no weight to the statement of the pilot that the master was drunk after the vessel stranded, as the weight of evidence goes to disprove such accusation.

8. That, so far as the evidence goes, the vessel was well found and seaworthy on her leaving Great Britain.

9. That the log has been carelessly kept by Elias Le Motte, the mate.

10. That the practice of the mate signing the master's name in log is most objectionable and improper.

The Court therefore orders—

1. That, in accordance with the powers vested in it by section 23 of Act 25 and 26 Victoria, cap. 63, the Court orders that the certificate of competency of James Patterson, as master, No. 94,685, issued by the Board of Trade, and dated Liverpool, 6th February 1879, be suspended for the space of six calendar months from this date.

2. That in accordance with section 263 of the Merchant Shipping Act, 1854, half the expenses of this Court, or the sum of five pounds, sixteen shillings, or sixty-two thousand nine hundred and fifteen reis, be paid by James Patterson.

3. That the mate, Elias Le Motte, be and is hereby severely reprimanded for the careless manner in which he kept the ship's log, but that his certificate be returned to him.

The expenses of the Court, fixed at eleven pounds, twelve shillings, or one hundred and twenty-five thousand eight hundred and thirty reis, are approved.

(Signed) E. W. BONHAM, H.M. Consul,
President of the Court.

W. G. BARR,
Lieutenant H.M.S. “ Rifleman.”

P. W. MAYOW,
Commander H.M.S. “ Rifleman.”

GEO. E. GIBBS,
Master barque “ Lanoy.”

WM. CUNNINGHAM, barque “ Eve.”

British Consulate, Pernambuco,
12th October 1881.