(No. 1161.)

"GANGES."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster, on the 8th, 9th, 10th, and 11th of November 1881, before H. C. Rothery, Esquire, Wreck Commissioner, assisted by Vice-Admiral Powell, C.B., Captain Parish, and Captain Vaux, as Assessors, into the circumstances attending the stranding and loss of the sailing ship "Ganges," of London, on the Goodwin Sands, on the 14th of October 1881, when three lives were lost.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the stranding and loss of the said ship was due to the shifting of the cargo, to the parting of the cable, and to the extreme violence of the gale, which made it impossible for the steam tug "Hibernia" to bring her head round, and caused her to drive on to the Goodwin Sands, and that the master was fully justified in abandoning her when he did. The Court, however, is of opinion that the master is to blame for having cut the lashings of the shifting boards on the port side when he found that the cargo had shifted, for not having seen that the chains were clear to run out before the ship had arrived in the Downs, and for having got somewhat too hastily into the starboard lifeboat, leaving the chief officer and some 10 of the crew on board; but under the circumstances it will not deal with his certificate.

The Court is not asked to make any order as to costs.

Dated the 11th of November 1881.

(Signed) H. C. Rothery,
Wreck Commissioner.

We concur in the above report.

(Signed) R. Ashmore Powell,
Alfred Parish,
Cuthbert Vaux,
} Assessors.

Annex to the Report.

This case was heard at Westminster, on the 8th, 9th, 10th, and 11th days of November 1881, when Mr. Middleton appeared for the Board of Trade, and Mr. Bucknill for the owner and for the master of the "Ganges." Eleven witnesses having been produced by the Board of Trade and examined, Mr. Middleton handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Bucknill having produced two witnesses, then addressed the Court on behalf of his parties, and Mr. Middleton having been heard in reply, the Court proceeded to give judgment on the questions on which its opinion had been asked. The circumstances of the case are as follow:—

The "Ganges" was an iron sailing ship belonging to the Port of London, of 1161 tons gross, and 1106 tons net register. She was built at Sunderland, in the County of Durham, in the year 1861, and at the time of her loss was the property of Mr. James Nourse, of No. 50, Lime Street, London, who was also the managing owner. She left Middlesbrough on the 11th of October ultimo for Calcutta, with a crew of 35 hands all told, and a cargo of 1288 tons 6 cwt. of iron goods, drawing 18 feet 5 forward and 18 feet 10 aft. Her crew, we were told, consisted of 11 Europeans and 24 Lascars; the Europeans being a master, two mates, a carpenter, a boy, and six apprentices. The cargo consisted of 1147 tons of iron chairs or sleepers, of a peculiar construction, besides which there were 126 tons of iron tie bars, and about 56 or 57 cases of iron bolts, weighing about 15 tons. Of the iron chairs or sleepers, from 800 to 900 tons were stowed in the lower hold, the remaining 300 tons, as well as the 126 tons of tie bars and the cases of iron bolts, being placed in the 'tween decks. She left, as I have already stated, Middlesbrough on the 11th of October last, having a pilot on board to assist the captain in the navigation of the vessel down Channel, and on the morning of the 14th was beating down Channel against a strong gale from the S.W. with her head about N.W. by W. Between 5 and 6 a.m., and when about midway between Beachy Head and the Royal Sovereign Lightship, she was tacked with her head to the southward. About two hours afterwards the captain, thinking that he heard a noise in the hold, took a light and went into the 'tween decks, and he then observed that the upper tier of chairs had got adrift and had shifted to port, those on the port side having fallen away from the centre into the port wing, whilst those on the starboard side had fallen against the shifting boards in the centre. He thereupon cut the lashings of the shifting boards on the port side, as he told us, to let the shifting boards down upon the cargo, and then returned on deck. The list that the vessel had at this time owing to the shifting of the cargo was small, but it may be a question whether it would not have been wise on his part to have then put back to the Downs, and got his cargo re-stowed. But, instead of doing so, he continued his course, feeling more and more the strength of the sea as he got further to the southward, until about 12 o'clock, when she was tacked with her head to the N.W. In about an hour afterwards the wind suddenly shifted to W.N.W., and blew with great violence, throwing the ship over on her starboard side, and causing the cargo to shift over to starboard, the vessel being gunwale under, with the water half across the deck. A consultation then took place with the pilot, and it was determined to run back to the Downs, which they reached between 4 and half-past, and when abreast of Deal Castle the helm was put hard down, so as to bring the ship up into the wind, and the port anchor was let go. After paying out about 75 fathoms, the chain suddenly parted inside the hawse hole, upon which orders were at once given to let go the starboard anchor; but as there were only thirty fathoms of cable upon deck, and they were unable to pay out more, the anchor would not hold, and the vessel began to drift bodily towards the Goodwin Sands. Signals were at once made for a tug, and shortly afterwards the tug "Hibernia" came up, and after one unsuccessful attempt a hawser was passed to the "Ganges" and secured on board, and the tug then began towing with all her force. The gale, however, was then at its height, and although the starboard anchor had been slipped, as soon as the tug had got hold of her, both vessels continued to drift towards the Goodwins, the "Ganges" dragging the steam tug with her. At length the ship began to strike, and the master of the "Hibernia," finding that she had got into between six and seven fathoms of water, deemed it advisable, for the safety of his own vessel and of those on board, to slip the hawser, and he accordingly did so. The "Ganges" continued to drive before the wind and sea, and at about 5.30 p.m. she struck upon the Goodwins. Blue lights were then burnt from the ship, which were shortly afterwards answered from the Gull Lightship, as well as from Deal and Ramsgate. After a time the master, finding that the vessel was beating heavily upon the Sand, and that there was some danger of the masts coming down, ordered the second mate to get out the lifeboat on the starboard side, which was then the lee side, and that was accordingly done. Orders also seem to have been given to get out the port lifeboat, but they were not acted on; and, indeed, the port side being to windward, it is doubtful whether they could have got her out without smashing her. As soon as the starboard lifeboat had been got out, two hands were put into her to fend her off from the side, and about three-quarters of an hour afterwards the captain, thinking that the masts were coming down, ordered the men to get into her, and they all then got in, with the exception of the chief mate and some ten of the Lascars. They were, however, no sooner in the boat than a sea came and half filled it, upon which the pilot advised that they should return to the ship, and all scrambled back on board with the exception of one of the apprentices and two of the Lascars, who were carried out to sea, the

L 367. 931. 150.—12/81. Wt. 203. E. & S.

painter having unfortunately broken, and were drowned, but the boat was subsequently washed up on the coast of France. At about 9 p.m. the Deal lifeboat came up, and having brought up to windward two of the hands were hauled through the water on board the ship; and it was then agreed that they should remain by the ship to take the crew off if necessary, and that at daylight, if the wind and sea abated, they should carry out an anchor with the view of hauling the vessel off the sand. Shortly afterwards the Ramsgate lifeboat came up unobserved by the master, and having ranged up alongside the fore-rigging on the lee side, fifteen of the Lascars got into her. As soon as the master saw the men getting into her, he stopped any more from following them, and ordered those who had got in to return to the ship, but this they refused to do; and the Ramsgate lifeboat then sheered off and dropped astern, still however holding on to the ship. At midnight, as the tide rose, the ship began to bump again, and on a loud noise being heard, and on its being reported that the deck had cracked across in the way of the main hatch, the captain deemed it advisable for the safety of the lives of all on board to leave the ship; and he and the rest of the crew accordingly got into the Deal lifeboat, and were landed at about 3.30 the same morning at Deal. The ship herself ultimately became a total wreck, and was lost, together with all her cargo.

These being the facts of the case, the Board of Trade have asked our opinion upon a great number of questions, but, as Mr. Middleton has stated, not for the purpose of founding charges against the owner or the master, but rather with the view of obtaining the opinion of the Court upon the several points which have been raised in the course of the inquiry, and as to whether the greater credence should be given to the master or to the chief officer.

Now the first question which we are asked is, "Whether, at the time she left Middlesbrough, the 'Ganges' was in good and seaworthy condition." It seems that she was originally built in 1861, and that at that time she was an exceedingly good vessel. At first she was only 839 tons, but in 1876 she was lengthened 30 feet amidships, at an expense of 6,000*l*., and her tonnage was then increased, as we have seen, to 1161 gross and 1106 net. She seems to have been an especial favourite of the owner, Mr. Nourse, who had himself commanded her for about four years; and we find by a certificate from Lloyd's register, which has been given in, that she was specially surveyed in the year 1880, and her class, 100 A1, at Lloyd's was then renewed; and that so late as the 8th of October last she was reported as being in a good and efficient state, and fit to carry dry and perishable cargoes to and from all parts of the world. We have therefore no doubt that the vessel, when she left Middlesbrough on the 11th of October last, was in a thoroughly good and efficient condition.

The second question which we are asked is, "Whether her anchors and cables were sufficient in size and strength?" It appears that she had two bower anchors, one weighing 31 cwt. 1 quarter and 12 lbs., besides its stock of 7 cwt. 3 quarters and 6 lbs., and the other weighing 30 cwt. with a stock of 7 cwt. and 3 quarters. Both had been tested as appears from the certificates given in, the strain put upon the one being 29 tons 13 cwt., and upon the other 28 tons 12 cwt.; and I am informed by the assessors that such anchors would be ample in size and strength for a vessel of her description. As regards her chains, a certificate has been produced shewing that a total length of 1¾ inch chain, 270 fathoms long, and weighing 417 cwt. 2 lbs., had been tested at the River Wear Works with a breaking strain of 77 tons ⅛, and with a tensile strain of 55 ⅛ tons, and that this was the chain which the vessel had on board. It would seem then that the vessel was furnished with anchors and chains fully sufficient in size and strength.

The third question which we are asked is, "Whether she was sufficiently and properly manned?" It appears that she had a crew of 35 hands all told, of whom 11 were Europeans and 24 Lascars. The Europeans, as I have stated, consisted of a master, two mates, a carpenter, a boy, and six apprentices. As regards the Lascars it was said that they are inferior to Europeans, according to some three Lascars being equal to two Europeans, whilst according to others two Lascars would be equal to only one European. On this assumption the 24 Lascars would be equal on the former computation to 16 Europeans, on the latter to only 12; and the vessel would then be considered as having had a crew equivalent to from 23 to 27 hands all told. I may add that the Lascars in question are said to have been of the ordinary description, neither exceptionally bad, nor exceptionally good; they had brought to this country another of Mr. Nourse's own vessels, the "Jumna," and appear to have done their duty well on board the "Ganges" in going from London to Middlesbrough, and afterwards in working her down the channel. It is true that the chief mate, Bothwell, said that there was some difficulty in getting them to turn out, but he is not confirmed on this point by any of the other witnesses, and it is certain that they did go aloft and reef the sails during the height of the gale, which was a service of some danger; and the only point in which they may fairly be accused of having misconducted themselves was in abandoning the vessel and getting into the Ramsgate lifeboat, and in refusing to come back when the master ordered them to do so. It must however be remembered that the master and the Europeans on board had previously set them the example by themselves getting into the ship's boat whilst it was alongside. On the whole we are not prepared to say that she was not properly and sufficiently manned; at the same time we are disposed to think that it would have been better if, instead of having six apprentices, she had had some three or four able seamen, who would have been able to go to the wheel, and which I am told the Lascars do not ordinarily do. That some able seamen capable of taking the wheel were required on board this vessel is shewn by the fact that when the vessel was thrown upon her beam ends the chief mate went to the wheel, and remained there until she was brought up in the Downs, instead of discharging the duties which usually devolve upon a chief officer. We are told that four of the apprentices had signed articles in 1878, one in 1879, and the other in 1880, not one of them, however, had been three years at sea, and we have no doubt that some three or four able seaman in the place of some of these apprentices would have been desirable.

The fourth question which we are asked is, "Whether the amount of dead weight cargo was excessive?" It seems that the quantity of cargo which she had on board was 1288 tons some hundred weights, all of it consisting of heavy iron goods. Mr. Nourse has told us that his vessel was not a weight carrying vessel, her total dead weight carrying capacity being only 1,400 tons. And the assessors think that under the circumstances a cargo of 1,288 tons of heavy iron goods was as much as, if not more than, she ought to have had on board. At the same time we are not prepared to say that she was overladen.

The fifth question which we are asked is, "Whether her cargo was properly and efficiently stowed and secured; and whether it was properly distributed, so as to make the ship as easy as possible in a seaway." I have already stated that she had 1,147 tons of iron chairs or sleepers on board; 126 tons of tie bars, and 56 or 57 cases containing about 15 tons of iron bolts. Of the chairs or sleepers from 800 to 900 tons were stowed in the lower hold, the rest of the cargo being between decks. Now these chairs or sleepers are of a very peculiar construction, being both sleeper and chair in one; they are required for the railways in India, the ordinary wooden sleeper being quite incapable of resisting the attacks of the white ant. The form is that of an oblong inverted pie dish with a railway chair on the top of it, and as Mr. Middleton said, it is as difficult a piece of goods to stow as could well be imagined. The way, in which we are told that the 800 or 900 tons of chairs were stowed in the lower hold, was as follows:—They were not laid down on their flats, but were placed on their edges, and inclined at an angle of 45°, in rows going from the centre to the sides of the ship. The rows were not all inclined in the same direction, but alternately in opposite directions. Thus, if one row was inclined towards the port side, the next would be inclined to starboard, and in the wings they were blocked off by a chair being placed in the opposite direction, supported where it was deemed necessary, by pieces of dunnage wood. The next tier was laid in the same way, except that, when the inclination of the lower row was to starboard, the row immediately above it would be to port, and thus the tiers were built up until they came to within 4 feet of the hold beams. That, as I understand, was the way in which the cargo was stowed in the lower hold. In the 'tween decks the stowage was as follows:—The 56 or 57 cases of iron bolts were first stowed in the fore and after ends of the ship, to form a kind of bulkhead at each end. Resting against these bulkheads were constructed two blocks of sleepers or

chairs, each four tiers high, and about 20 feet in length, leaving a space of from 50 to 60 feet between them. In the space thus left were first laid on the deck the tie bars, it being intended to fill up the interval between the two blocks with the remainder of the chairs or sleepers that had to be shipped. That appears to have been the state of affairs on Saturday the 8th, but that evening, in calculating the amount of the space which would be required for the sleepers that were left, it was found that the lower hold had taken more than they had anticipated, and that, consequently, the space between the two blocks would not be entirely filled by the remaining sleepers. Accordingly, at Mr. Nourse's suggestion, the upper tier of chairs was taken off the blocks at each end and laid in the centre, and then the remainder of the chairs were put in, making the whole of the chairs three tiers high right through, except in the way of the main hatch, where, we are told, that for a length of about 10 feet they were four tiers high. I should add that two rows of shifting boards, 11 inches by 3, had been previously put on each side of and secured by lashings to the iron stanchions, which ran down the middle of the vessel. They had been fixed in the expectation that the sleepers would be four tiers deep, and so that they would take the two upper tiers, but when the tiers were altered to only three deep the shifting boards were not altered, and would consequently only take the uppermost tier, except for about 10 feet in the middle, where there were four tiers. That, as far as we understand, is the way in which the 'tween decks was stowed. Now Mr. Fagan and Mr. Sutton. who are reputed to be amongst the best stevedores in Middlesbrough, told us that that is the way in which these cargoes are usually stowed by them; that they had stowed some 20 ships in this way, steamers and sailing vessels, and that in only one case had they heard of the cargo having shifted. Mr. Nourse, on the other hand, told us that he had before this sent out three cargoes of a similar description, that on all these occasions they had gone from West Hartlepool, and that they had been stowed differently, the rows being placed on edge, it is true, but fore and aft, and not athwartships, as the cargo of the "Ganges" had been, and he seemed to think that that was a better mode of stowing. Mr. Fagan, however, told us that that mode of stowing would do very well for a steamer which is more wall sided, but that it would not do for a sailing vessel, as there would be so much broken stowage, it being impossible to get a clear run fore and aft at the sides. Whether the one or the other mode is the better, it is clear that this was an exceptionally difficult cargo to stow, and therefore required exceptional precautions. It was suggested that possibly planks might have been laid above the cargo and tommed down from the beams, but it was said by Mr. Fagan that the effect of tomming them would be to break the sleepers; and Mr. Nourse stated that if the cargo moved at all, as it certainly would do, the toms would at once get loose and fall down. Mr. Nourse added, that should he ever again be required to take out such a cargo, he would build a special compartment to contain it, and that perhaps would be the better plan. But whether or not the best possible plan was adopted for stowing this cargo, we think that no blame can attach to Mr. Nourse for the mode in which it was done; he took the best advice that he could get on the subject, and employed one of the best stevedores at Middlesborough, one who had had a good deal of experience in stowing cargoes of this description. In one respect too, Mr. Nourse seems to have exercised a wise discretion, namely, in reducing the tow blocks from four to three tiers high when he found that there would not be sufficient to fill the centre part, thus relieving the two ends and bringing the weight amidships, by which the vessel would be made to ride much more easily in a sea way.

The sixth question which we are asked is, "What was the cause of the cargo shifting on the morning of the 14th of October, and was every possible effort made to secure it?" The first shifting that took place, although it seems to have set the upper tier of sleepers adrift. was not apparently of such a character as to give the vessel a very serious list. It seems however that the master, when he went down into the 'tween decks, cut the lashings of the shifting boards on the port side, to let them down, as he said, upon the cargo, forgetting apparently that when the vessel would go on the other tack, as she necessarily must do after a time, that portion of the cargo which had fallen into the port wing would return towards the centre, and that the port shifting boards having been lowered, there would be nothing to prevent the sleepers coming against the starboard shifting boards and carrying them away, and then the whole of the cargo would fall over to starboard. And that seems to have been the case, for when the carpenter went into the 'tween decks after the second shifting had taken place he found the whole of the cargo shifted over to starboard in a mass, and he could see no shifting boards at all. Why the master should have cut the lashings of the shifting boards it is difficult to say; neither he nor the owner, Mr. Nourse, could give us any good reason for so doing; and it appears to us that it was the chief cause of the casualty, so far as the shifting of the cargo was concerned, for had the shifting boards remained in position on the port side they might, when the vessel heeled over to starboard, have prevented the cargo from going bodily over to the starboard side.

The seventh question which we are asked is, "When the ship bore away for an anchorage were the cables properly ranged and were they clear in the chain lockers?" It appears that when the ship bore away for the Downs, it must have been with the intention of coming to an anchor in the Downs; and seeing the violence of the gale it would have been wiser to have got both the anchors ready for letting go with the requisite lengths of chain on deck. Instead of which it appears that whilst there were 75 fathoms of chain attached to the port anchor on deck, only 30 fathoms of the starboard chain had been got up. The result was, that when they wanted to pay out more chain upon the starboard anchor, the second mate told us that he found the chain jammed in the chain locker, and he accordingly sent some men down to shake it up; and that whilst they were doing it, the steam tug came up, and the men were then called up to assist in getting the hawser on board, and when this had been done the anchor was necessarily slipped. Had, however, a proper range of chain been got up on deck before hand, or at all events had care been taken to see that the chain in the locker was clear and ready to run out when the anchor was dropped, it is possible that the ship might have been brought up. We are not therefore prepared to say that when the ship bore away for an anchorage the cables were properly ranged, or that they were clear in the chain lockers.

The eighth question which we are asked is, "What was the cause of the port cable parting?" The cause of the port cable parting may have been, as the witnesses stated, a kink in the chain; at the same time the strength of the tide and the violence of the gale, in the opinion of the Assessors, will fully account for its having parted, on being checked, when all the cable on deck had run out, however good the chain may have been.

The ninth question which we are asked is, "Whether the master ought not to have let go both anchors at once, and have had both cables of equal length veered to the clinch?" The Assessors are of opinion, not indeed that both anchors should have been let go at the same time, as there might have been a danger of one fouling the chain of the other; but what in their opinion ought to have been done was this—after the vessel had been brought round head to wind, they should first have let go the port anchor, and after 15 or 20 fathoms of the chain had run out, and the anchor had taken hold of the ground, the starboard anchor might have been let go clear of the port chain, and thus a strain would have been brought upon both chains at the same time. The Assessors are, however, of opinion that, seeing that nearly three hours and a half elapsed after the vessel had been put about to run for the Downs before the anchors were dropped, there was ample time to have got the chains out of the chain locker, or at any rate to have seen that they were clear for running out, but that does not appear to have been done.

The tenth question which we are asked is, "Whether there was a spare anchor available, and if so why it was not used?" It seems that there was a spare anchor on board, but when the "Hibernia" got hold of her, it was necessary to slip the starboard anchor, and there was no time after the "Hibernia" left them to get it out before the vessel struck.

The eleventh question which we are asked is, "Whether every possible effort was made by the "Hibernia" to tow the vessel into a place of safety?" The "Hibernia" is a very powerful tug, with engines of 130 horse power, and capable, we are told, of working up to three or four times her nominal force. Such, however, was the violence of the gale that, although she used her best endeavours to get the vessel's head round,

she found it impossible to do so. It seems that she did not abandon the "Ganges," until she found herself in six or seven fathoms of water, and when, if she had still continued to hang on to her, she would inevitably have been dragged on the sand, and probably been lost together with the "Ganges." She could have done no more than she did, nor was there any necessity for her to go to the shore for assistance, for soon after she had left her, it was seen that the blue lights of the "Ganges" had been answered from the "Gull" Lightship, as well as from Deal and from Ramsgate. No blame therefore attaches to those on board the "Hibernia."

The twelfth question which we are asked is, "What was the cause of the stranding of the vessel?" The cause of the stranding of the vessel was first no doubt the shifting of the cargo, which rendered her unmanageable; then the parting of the port chain; and lastly, the violence of the gale which prevented the "Hibernia," after she had got hold of her, hauling her head round to the wind and sea; and when in that state, no effort on the part of her crew could have saved her from going on the Goodwins.

The thirteenth question which we are asked is, "Did the master take all proper measures for the safety of the crew by means of the ship's own boats?" The master, when he ordered the starboard lifeboat to be got out, gave the 2nd mate at the same time orders to tell the chief officer to lower the port lifeboat. That order seems by some oversight not to have been communicated to the first officer, but even if it had been, it may be doubted whether they could have launched that boat to windward. At the same time it was the duty of the master, when he found that the other lifeboat had not been launched, to have inquired why his orders had not been carried out. We think too, that the master should not have got into the lifeboat, as he did, leaving the mate and some 10 Lascars on board, until he had seen that they too had some means of saving their lives. For that we think that the captain is not wholly free from blame.

The fourteenth question which we are asked is, "What was the cause of the loss of life, and was every reasonable and proper precaution taken to avoid it?" In our opinion no blame whatever attaches to the master for the loss of life which ensued; it was the breaking of the painter which caused the boat to go adrift, and which was the cause of the loss of the apprentice and two Lascars, who would seem to have been unable to get back to the ship when the order was given to do so.

The fifteenth question which we are asked is, "Was the vessel prematurely abandoned?" The pilot told us that just before he left the vessel he saw a crack across the deck in the way of the main hatch, about a foot and a half wide, and that he had to jump across it in order to get to the boat. No one else seems to have seen this crack; and the carpenter, who was standing by the main chains before he went forward to get into the Deal lifeboat, must have crossed the place where it is said to have been, and yet he saw nothing of it. On the other hand, several of the witnesses speak of hearing a loud noise shortly before they left the ship, as though the deck had cracked across. Be this, however, as it may, we are clearly of opinion, looking at the exceptional violence of the storm and the dangerous position in which the vessel was, with the tide rising and the vessel beating on to the sands, and with nearly half of the crew on board the Ramsgate lifeboat, that the master was fully justified in abandoning her.

The sixteenth question which we are asked is, "Was the vessel navigated with proper and seamanlike care and skill?" It might indeed have been a question whether the master ought not, when the cargo first got adrift, to have at once put about and run for the Downs, as he would have got there before the height of the gale and on an ebb tide, when it would have been easier for him to come to an anchor; and he would then have been able to secure the cargo before continuing his voyage. Instead of which he proceeded on his course, heading to the southward for four hours more, getting more and more into the full force of the sea, and soon after he had put her on the other tack the whole cargo shifted over to starboard. We are well aware of the great disinclination that masters have to put back and run for the Downs, with the chance of coming into collision with some of the many vessels with which the Roads would probably be crowded. Looking, however, to the very dangerous nature of the cargo which she had on board it would probably have been the wiser course.

The seventeenth and last question is, "Whether the master and officers are, or either of them is, in default, and whether any blame attaches to them, or either of them?" and it is added, that "the Board of "Trade are of opinion that the certificate of the master "should be dealt with." Although, no doubt, the master showed a want of foresight in cutting the lashings of the port shifting boards, and in not seeing that the chains were clear before they reached the Downs, and some unnecessary haste in jumping into the lifeboat, as he did, leaving the chief officer and some ten of the seamen on board, we think, looking at the exceptional character of the gale, and the extreme danger in which the vessel was at the time from the shifting of her cargo and the parting of her cable, that some allowance should be made for him, and we shall not, therefore, deal with his certificate. I cannot, however, conclude this inquiry without making some remarks on the conduct of the chief officer. If we were to believe him, the loss of this vessel was due partly to the bad way in which the cargo was stowed, owing chiefly to the interference of Mr. Nourse, partly to the inefficiency of the crew of Lascars which she had on board. And without wishing to accuse him of wilful and corrupt perjury, it is impossible not to see that his evidence has been effected, partly by considerations of self interest and partly by feelings of hostility towards the owner. It seems that on the day after the casualty he went to Mr. Nourse's office with the evident intention of making a claim against that gentleman for the loss of his effects, which he valued at 70*l.* or 80*l.*; and he then told Mr. Nourse that, in his opinion, the loss of the vessel was due to the inefficiency of the crew, and to the bad stowage of the vessel. Not obtaining a satisfactory answer from Mr. Nourse, he on the following day sent him a lawyer's letter for the value of his effects. And the object which he had in view is so clear, that we think that we are fully justified in disregarding his evidence, and in accepting that of the owner, the master, the second mate, and the rest of the witnesses as to the points at issue in the case, not one witness having come forward to support the chief officer's statements.

The Court was not asked to make any order as to costs; but in reply to the counsel for the Board of Trade, stated that, in its opinion, the master's conduct had not been such as to disentitle him to his viatics as a witness.

(Signed) H. C. Rothery,
Wreck Commissioner.

We concur.

(Signed) R. Ashmore Powell,
Alfred Parish,
Cuthbert Vaux,
} Assessors.