

(No. 1702.)

"MARY."

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at Liverpool on the 1st and 2nd days of March 1883, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain CURLING and Rear-Admiral MORESBY, as Assessors, into the circumstances attending the foundering of the sailing ship "MARY," of Liverpool, and the loss of the life of the master thereof, on the 2nd of February last, whilst on a voyage from Llandulas to Weston Point, in the River Mersey.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the said vessel was in a good and seaworthy condition when she sailed on her last voyage, and that her loss was due to the water having got into the hold, but how or in what way it is not possible to say.

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

Dated this 2nd day of March 1883.

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

We concur in the above report.

(Signed) WILLM. CURLING, } Assessors.
R.N.R.,
J. MORESBY, }

Annex to the Report.

This case was heard at Liverpool on the 1st and 2nd days of March instant, when Mr. Paxton appeared for the Board of Trade, and Mr. Pickford for the owners of the "Mary." Seven witnesses having been produced by the Board of Trade and examined, Mr. Paxton handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Pickford then addressed the Court on behalf of his parties, and Mr. Paxton having replied for the Board of Trade, the Court proceeded to give judgment on the questions upon which its opinion had been asked. The circumstances of the case are as follow:—

The "Mary" was a small schooner belonging to the Port of Liverpool, of 70 tons gross and 59 tons net register. She was built at Conway in the year 1857, and at the time of her loss was the property of Messrs. Kneeshaw and Lupton, of No. 41, Old Hall Street, Liverpool, Mr. Henry Lupton being the managing owner. In the afternoon of the 1st of February last she arrived at Llandulas, in Abergele Bay, on the coast of Denbighshire, for the purpose of taking in a cargo of limestone and carrying it thence to Weston Point, in the Mersey, that being the trade in which she was then employed. She got alongside the stage at 4 p.m., and having taken in her cargo left again at about 6 p.m., with a crew of three hands, namely, a master, a mate, and a boy, the weather at the time being fine, the wind moderate from about south-east by S., and the tide a little past high water. On leaving she was laid with her head to the east under a main sail, fore and aft fore sail, topsail, topgallant sail, jib, and staysail; but at about 7 o'clock, the wind having come on to blow harder, they furled the fore and aft foresail, lowered the topgallant sail, and reefed the main sail. At about 8 o'clock the wind headed them, and she was put upon an E.N.E. course, that being as close as she would lie. She was kept on that course until about half past eleven, when, observing a light to the northward of them, which they supposed to be the North West Light-ship, the master determined to put her about for the purpose of getting closer to the land and into smoother water. In staying she shipped two or three seas, but

nothing to speak of, and as soon as she was round she was put upon a S. by W. course, close hauled to the wind on the port tack, and was kept on that course for about three quarters of an hour, when, finding the water becoming smoother, the captain laid her off on a S.W. course, fearing to get too close in to the shoals. After continuing on that course for some little time the master ordered the mate, who was at the helm, to bring her up again with her head to S. by W., close hauled on the port tack, thinking that on a S.W. course she was making too much way, and was nearing the shore too quickly. At about half past 12 o'clock they tried the pumps, but found no water in her. They kept her still on a S. by W. course until about one o'clock, when the mate observed that she did not answer her helm so quickly as usual, and perceiving at the same time a quantity of water on the lee side of the deck he called the master's attention to it, and asked him to haul the boat up, as she seemed to be sinking under them. The water, however, proved to be gaining very rapidly upon them, and in a minute or so after seeing the water on the deck the vessel turned over on her side and foundered, righting, however, as she went down. On finding that she was going over the mate rushed towards the rigging, but was washed overboard; on the vessel righting, however, he got hold of one of the back stays, and thus got up into the fore top. The boy also got into the main top, but the master was never seen again. There the mate and the boy remained until about 8 o'clock the following morning, when they were rescued from their dangerous position by a small steamer belonging to Messrs. Kneeshaw and Lupton. The place where the vessel sank was in about 4 to 5 fathoms of water, N.N.E. of Llandulas, and apparently a little to the northward of the Constable Bank.

These being the facts, the first question upon which our opinion has been asked is, "Whether when the vessel left Llandulas she was in good and seaworthy condition?" It appears that the vessel had been engaged for the last two or three years in carrying limestone between Llandulas and Weston Point, making about four or five voyages a month. The business, it seems, is somewhat hazardous, Llandulas being an open roadstead, where, when a vessel is caught in a northerly gale, the only means of saving her seems to be to sink her alongside the pier. This seems to have been done to the "Mary" in March 1881, and on that occasion she was when raised taken to Rhyl, and there repaired at an expense of 253*l.* to 254*l.* On that occasion she had a new keel, new kelson, and a number of new planks put into her, and was thoroughly fastened from keel to gunwale. In November last again she had to be sunk alongside Llandulas Pier, and on being raised was on this occasion taken to Runcorn, where she was repaired at an expense of 269*l.* 13*s.* 1*d.*, in addition to 36*l.* 14*s.* 3*d.* for sails and ropes. From that time she made four voyages between Llandulas and Weston Point, without having sustained any damage, and was on the fifth voyage when she foundered. According to the foreman of the builders who repaired her at Runcorn, and who gave his evidence in a very clear and straightforward way, they had orders to do all that was required, and to put her into thoroughly good and seaworthy condition, and they did so. There is, therefore, no reason to suppose that when she left Llandulas on her last voyage she was not in a thoroughly good and seaworthy condition, the sums spent upon her in March 1881 and November 1882 being very large for so small a vessel.

The second question which we are asked is, "Whether her pumps were sufficient and in good order?" We were told by the mate that the pumps were in very good order and perfectly sufficient, and there is no evidence to the contrary.

The third question is, "Whether she was overladen, having regard to the nature of her voyage?" It appears that the vessel had on this occasion twenty rounds, as they are called, of three wagons each, besides two wagons over, of limestone and lime dust, making sixty-two wagon loads altogether, and as each wagon contained about 2 tons, that would give us a total weight of about 124 tons. With this cargo in her we are told that she drew about 8 feet 3 or 4 forward, and 9 feet 4 or 5 in. aft, and according to Mr. Davies, the foreman of Messrs. Brundritt and Co., of Runcorn, who repaired her on her last voyage, she would with that draught have had a freeboard of about 12 to 14 inches.

He also told us that she had an extreme sheer, something like four feet on a total length of 72.5 feet. Now by the Board of Trade rules, a sailing vessel with an under deck tonnage of 70 tons and built of hard wood, as this vessel was, should have a freeboard of 1.7 inches to every foot depth of hold, which on a depth of hold of 7.7 feet would give us 13 inches; a freeboard, therefore, of 12 to 14 inches, with such a sheer as this vessel had, would in our opinion be ample, the more so as the voyage on which she was bound was almost a river voyage, its total duration being we are told ordinarily about 10 or 12 hours. Moreover, we are told that she has frequently carried larger cargos. We are not disposed to agree with the very adventurous gentleman, Mr. Evans, who told us that in his opinion 4 inches would be an ample freeboard for this vessel; but 12 to 14 inches would we think be sufficient, having regard to the nature of the voyage.

The fourth question which we are asked is, "Whether the pumps were used with sufficient frequency, and whether proper measures were taken shortly before the casualty to ascertain whether there was any water in the well?" It seems that from the time of leaving until she went down the pumps were tried several times. I think the mate said three or four times, and that the last occasion was at about half-past twelve, that is to say, half an hour before the vessel foundered, and that on neither occasion was any water found in her. It appears to us, therefore, that the pumps were tried with sufficient frequency, and that proper measures were taken to ascertain whether there was any water in the well.

The next question is, "Whether the hatchways and other deck openings were sufficiently protected and secured?" We were told by the mate that the hatchways were almost new, and that the tarpaulins were in very good condition. The main hatchway was secured before they left Llandulas, the main hold having been filled first; and immediately after leaving they proceeded to secure the after hatchway with tarpaulins. And there is no reason to suppose that either the hatchways or any of the other deck openings were not sufficiently and properly protected and secured.

The sixth question which we are asked is, "What was the cause of the sudden capsizing and foundering of the vessel?" This is a very difficult question to answer. That it was not due to the water that she took on deck is, as Mr. Pickford has contended, quite clear, for the only water which she seems to have taken on deck was when she was stayed at about half-past eleven, about an hour and a half before she was seen to be sinking, and, as the mate observed, it was of no consequence, and none of it seems to have gone below. Moreover, she had got into much smoother water, and had not for a considerable time been taking any water on deck. The case is no doubt very mysterious; at the same time we cannot but think that the capsizing must have been due to water having in some way or other got into the hold. How it got there it is very difficult to

say. The mate told us that when they had to sink the vessel at Llandulas, they bored a hole with an auger about 1½ inches in diameter in the stern, and that when the tide left her, and she was left high and dry, a plug was put into the hole, and she floated on the next tide. That, we were told by the mate, was the way in which the hole was stopped up on the last occasion of her being sunk, in November last, and, so far as he knew, nothing more was done to it. Now if this hole had not been effectually stopped, or the plug had dropped out, it might account for the water getting into the ship, but it must be remembered that she had made four voyages since then, so that even if the plug had been dry and loose when first put in, it would by that time have become wetted and swollen, and there would then have been no more chance of its coming out than of a treenail doing so. We were also told by the mate that shortly before the casualty he had seen broken water immediately under the port quarter, and had called the master's attention to it, but that the master had said that it could not be shallow water, for he was sounding at the time, and could find no bottom at 7 fathoms; moreover, if they had struck with sufficient force to cause her to spring a leak, it is almost impossible that the mate should not have perceived it. How the leak arose—whether from the starting of a butt, or from the plug coming out, or from her striking, or from what other cause, it seems impossible to say.

The seventh question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" So far as appears, nothing could be better than the way in which she seems to have been navigated during the short time they were out.

The eighth question is, "Whether blame attaches to Mr. Henry Lupton, the registered manager, in regard to any of the above matters?" In our opinion no blame whatever attaches to Mr. Lupton. These gentlemen seem to have eight or nine vessels of this description engaged in carrying lime from the quarry, which they own at Llandulas, to Weston Point, for the chemical works there. They seem to have spared no expense in keeping this vessel up, and it is clear that she must have been exceptionally strong, otherwise she would have gone to pieces, when it became necessary to sink her; indeed, we are told that her scantlings were equal to those of a vessel of 500 tons. The owners, too, it seems, do not insure any of their vessels; they would therefore have a direct interest in keeping them in a thorough state of efficiency, and that, in our opinion, they have done.

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

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

We concur.

(Signed) WILLM. CURLING, } Assessors.
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