

(No. 4311.)

"IDA"

AND

"CHARLES EDWARD" (S.S.)

"Shipping and Seamen's Act, 1877."
Wrecks and Casualties.

REPORT on a shipping casualty to the cutter "IDA."

To the Honourable the Minister having charge of the
Marine Department of New Zealand.

I, the undersigned Resident Magistrate (one of Her Majesty's Justices of the Peace in and for the Colony of New Zealand), having been on the eighteenth day of March 1891, applied to by Wilson Heaps, Esquire, Collector of Customs at the Port of Nelson, for a formal investigation, pursuant to Section 240 of the "Shipping and Seamen's Act, 1877," and other provisions of the said Act, respecting a shipping casualty to a certain British ship called the "Ida," of the Port of Nelson, on the eleventh day of March last, at the Port of Nelson, did duly proceed with the said investigation, to wit, on the eighteenth day of March instant, and had before me, and examined on oath, divers persons and witnesses, to wit, Thomas Whitwell, Arthur Nicholas Batchelor, Alfred Bruce, Joseph Gilbertson, Abraham Laird, Harry Vincent Gully, Robert McArtney, Frank Bailie, Thomas Nalder, and Thomas Halstead Harley, the original depositions of whose evidence are hereunto annexed, signed by me, being assisted therein by Henry Clouston, holding a certificate of competency, No. 17, from the Trinity House, Leith, and dated 5th April 1848, who was duly appointed by me to act as assessor; and, upon such investigation and examination of witnesses as aforesaid, I find and report as follows, that is to say:—

1. That the official number of the said ship, called the "Ida," is not given, of which Cockram Westrupp is master, who holds no certificate, and which ship belonged to Thomas Halstead Harley, of the City of Nelson.

2. That the loss or damage herein more particularly mentioned happened on the eleventh day of March 1891, at about eight o'clock in the evening, at the

Port of Nelson, in the inner harbour, by the steamer "Charles Edward" and the cutter "Ida" colliding.

3. That the nature of the loss or damage done was that the cutter "Ida" was sunk in the inner harbour. That the vessel is not insured. That the "Ida" is cutter-rigged. Her port of registry, Nelson, but is not registered, being only ten tons. That one life was lost through the casualty.

And I, the said Resident Magistrate, further state my opinion on the matter aforesaid to be as follows:—

That the loss or damage appears by the evidence to have been caused by the steamer's whistle not having been blown when going down the harbour, in compliance with the harbour regulations, and more especially on an evening when there was a fog, though intermittent; and as it was also the duty of the steamer, under Article 17 of the Regulations for Preventing Collisions, to give way to the sailing vessel, I am of opinion that in this case the steamer was in default; that everything was done by the captain and officers to save the life of the master of the cutter "Ida." In consideration of that, and of this being Captain Whitwell's first mishap after such long service, I return him his certificate, but would draw his attention specially to the above-named Article 17 for his future guidance. I also return the mate his certificate, drawing his attention to that article also, and order that the costs of this inquiry be borne by him and the captain as follows:—The captain two-thirds, and the mate one-third. As the engineer appears to have obeyed his orders promptly, and to be in no way connected with the casualty, I exonerate him from all blame, and return him his certificate. I consider that, notwithstanding Harbour Regulation No. 28, Captain Whitwell's course down the harbour was the usual and proper course. I also think it is open to reasonable doubt whether Westrupp's life might not have been preserved if life-saving apparatus, as required by the Regulations, had been on board the cutter. The costs in the matter amount to 7l. 12s., and have to be paid by the captain and mate in the above proportions.

Given under my hand, this twentieth day of March one thousand eight hundred and ninety-one, at Nelson, New Zealand.

(Signed) ANDW. TURNER, R.M.

I concur in the above report.

(Signed) HENRY CLOUSTON, Assessor.