

(No. 4228.)

"PERSEVERANCE."

The Merchant Shipping Acts, 1854 to 1887.

In the matter of a formal Investigation held at Liverpool on the 30th and 31st days of January, and the 2nd and 3rd days of February 1891, before JAMES ASPINALL TOBIN, Esquire, and SIR JAMES POOLE, Knight, two of Her Majesty's Justices of the Peace for the said City, assisted by Captain WILSON and Captain RICHARDSON, into the circumstances attending the stranding of the British sailing vessel "PERSEVERANCE," of Aberystwith.

Report of Court.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the annex hereto, that the cause of the stranding of the said vessel was standing in too long on the starboard tack after passing the South Rock Light-ship without taking the necessary precautions, and the Court, having carefully considered the whole evidence as affecting the master, suspends his certificate for three months.

Dated this 3rd day of February 1891.

(Signed) J. A. TOBIN, } Justices of the
JAS. POOLE, } Peace for the City
of Liverpool.

We concur in the above report.

(Signed) R. WILSON, } Assessors.
GEO. RICHARDSON, }

Annex to the Report.

This case was heard at St. George's Hall, Liverpool, when Mr. Paxton, solicitor, appeared for the Board of Trade, Mr. Collins, solicitor, appeared for the captain and owner, and Mr. Walter Bateson, solicitor, appeared for the underwriters.

The "Perseverance" was a British sailing vessel, built by Mr. Thomas Thomas, of wood, at Cabait, near New Quay, county Cardigan, in 1848.

She was rigged as a schooner and registered at the port of Aberystwith, her official number being 1458.

Her length is 65 ft. and nine tenths, main breadth, 20 ft. and one tenth, depth in hold 9 ft. and eight tenths, and her registered tonnage 72'95. All the crew state that she was in good condition at the commencement of her last voyage up to the time of this casualty. She had two fly-wheel pumps, which were in good working order, and a boat.

She was principally owned by Mrs. Frances Owens, wife of the master, who was registered as though having $\frac{3}{4}$ shares jointly with Ellen Williams; but the master was entrusted with the sole management of the vessel.

James Owen, the master, is registered as owner of $\frac{1}{4}$ shares but as the vessel was mortgaged, he seems to have had small pecuniary interest in the vessel.

It appears from the evidence that the master purchased the vessel in 1865 for 500l. In 1876 he had her thoroughly repaired, and classed red A 1 for 7 years at Lloyd's, the repairs costing 500l., and since various sums at subsequent times. He considered her value at the time of her loss to be about 350l. to 400l. She was insured for 250l. against total loss only. The freight was 35l. against which 14l. was advanced. The freight was not insured.

The vessel loaded at Garston a cargo of 135 tons, consisting of 111 tons of bone manure and 23½ tons of linseed cake. This was insured by the consignees, but the master had no interest in it. It appears that when laden she was drawing 9 ft. 3 in. forward, and 11 ft. 4 in. aft, and she left Garston on the

26th November, with a crew of 4 hands all told, bound for Ayr. She left in good order and condition.

The wind being contrary on the 27th November, she put into Bangor, North Wales, and remained there until the 3rd January 1891, when she again proceeded. The wind changed to W.S.W., with rain and hazy weather.

About daylight on the 4th January the Calf of Man was passed, and during the day the wind shifted round to the eastward, blowing strong, the ship lying up N.E. to N. varying. About 9 p.m., when on starboard tack, they made the South Rock Light-ship ahead, or a little on the lee-bow; then the master put her round on the port tack, and she was kept so for an hour, heading from S.E. to S.E. by E. varying, and going at about three knots, when she again put round on the starboard tack, heading about N.N.W. The ship was put on the port tack for two or three miles, then went round on the starboard tack.

Again at 10.30, made the light-ship again a little on the lee-bow. She passed her on the port side, ship heading N.N.W.

The ship was going, according to the master, one and a half to two knots from 12.30 to 1 a.m. of the 5th, when the order was given to "tack ship," and she then struck heavily. The lead appears to have been used after passing the light-ship, but not in an efficient manner. Bottom was said not to have been found at seven fathoms. The starboard anchor was let go with 30 fathoms cable. All sail was taken in, and one pump manned, the other being disconnected. She did not make at first much water, but as the tide rose she made water rapidly, and she bumped heavily, and the master thought the keel was broken, or the bottom started. The one pump was kept going till the water was seen over the cabin sheets, or nearly so. The boat was now got over the side, fearing that the vessel would capsize. All hands got into the boat and hung astern, and remained for two hours, and then started for shore and landed at Cloghy Bay about 6.30 a.m. on Monday, the 5th. The vessel struck on a rock inside the North Rock, 200 or 300 yards from the beacon.

When the master landed he saw a Mr. M'Mullin at Cloghy, who offered him assistance, and said, had he not better try and get the vessel off. At daylight the vessel was seen afloat, swinging to her anchor. The master accepted Mr. M'Mullin's assistance, and instructed him to employ a crew of men and one boat, and to save the material. At 7.30 a.m. M'Mullin and a crew of five men, went off to her, and found her afloat, but with a considerable quantity of water in her. The two pumps were now connected and set to work, and in a very short time, the water decreased rapidly; but the evidence in regard to this was conflicting. Mr. M'Mullin affirmed that the pumps sucked, but the crew say they never sucked. Sail was made on the vessel. The cable slipped, and they stood in for the bay, the tide being at half ebb. She was run in for a mile or a mile and a half, and took the ground. Mr. M'Mullin stated that had it been high water, he could have got the vessel close in, and that he would be able to do so on the next tide.

The master partially dismantled the vessel on the 5th and 6th, and the gear was put into the coastguard house. Captain Chevalier, agent for Sinclair and Boyd, who were Lloyd's agents, urged the captain to employ assistance, and allow him to take the vessel off, but the master replied that he would have nothing to do with him or Messrs. Sinclair and Boyd, until he had received instructions from his underwriters, to whom he had telegraphed.

A small steam-boat of 20 tons employed in salving came round on the morning of the 6th. Captain Chevalier called the master's attention to the steamer. The owner offered the assistance of the steamer which was declined. On the morning of the 7th or 8th, it is not quite clear which, but the Court thinks it was the morning of the 8th, the captain and crew left for Belfast.

The weather was calm until the evening of the 6th or 7th (and on this there is a conflict of evidence as to which day) a strong wind arose, during which the vessel sustained so much injury, that in the opinion of the witnesses it was useless to attempt to save her.

At the close of the evidence, Mr. Paxton submitted certain questions on which the Board of Trade desired

the opinion of the Court. Mr. Collins then addressed the Court on behalf of the master, and Mr. Paxton replied.

The following are the questions asked by the Board of Trade:—

1. Was the master justified in standing in so close to the shore, having regard to the nature of the coast and the thickness of the weather?
2. What was the cause of the stranding of the vessel?
3. Was every effort made to keep down the water?
4. Was the master justified in leaving the vessel at the time he did?
5. After he landed, did he make every effort to get assistance to save the vessel and cargo?
6. Was he justified in refusing the assistance offered to him by Captain Chevalier?
7. Did he obstruct Captain Chevalier in his efforts to save the vessel and cargo?
8. Would it have been practicable to have saved the vessel and part of the cargo; and if so, who was responsible for it not having been done?
9. What was the value of the vessel when she left Garston, and what insurance was effected upon her?
10. Was the master in default in regard to any of the above matters?

The Court answered the questions as follows:—

1. Having regard to the nature of the coast and the thickness of the weather, the master was not justified in standing so close to the shore.
2. Standing in too long on the starboard tack after passing the South Rock Light-ship, without taking the necessary precautions.

3. Every effort was not made to keep down the water.

4. The master was justified in leaving the vessel at the time he did.

5. The master did not, after he landed, make every effort to save the vessel and cargo.

6. Had the master used every effort, and found that he could have done without assistance, then he would have been justified in refusing the assistance of Captain Chevalier or any other persons.

7. Captain Chevalier had no power to take charge of the vessel without the captain's permission, which was refused.

8. It was practicable to have saved the vessel and part of the cargo had proper means been promptly taken by the master, who was responsible.

9. The captain's valuation was 350L. to 400L., but the actual selling value the Court had no evidence on which to form an opinion, and the insurance effected on her was 250L. against total loss.

10. The master was in default.

The Court, having carefully considered the whole evidence as affecting the master, suspends his certificate for three months.

(Signed) J. A. TOBIN, }
JAS. POOLE, } Judges.

We concur in the above report.

(Signed) R. WILSON, }
GEO. RICHARDSON, } Assessors.

Liverpool, 3rd February 1891.