

(No. 5484.)

“KESTREL.”

Shipping and Seamen's Act, 1877.

Wrecks and Casualties.

Colony of New Zealand, } REPORT on a Shipping Casualty to the to wit. "KESTREL."

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

I, the undersigned, Stipendiary Magistrate, having been on the nineteenth day of October 1896 applied to by Edward Patten, Esquire, Collector of Customs at the port of Christchurch, 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 "Kestrel," of the port of Lyttelton, on the eighteenth day of September last, at the Waimakariri River at Kaiapoi, did duly proceed with the said investigation, to wit, on the twenty-ninth day of October instant, and had before me, and examined on oath, divers persons and witnesses, to wit, the original depositions of whose evidence are hereunto annexed signed by me, being assisted therein by J. A. H. Marciel, holding a certificate of competency, No. 03757, from the Board of Trade, England, as extra master, 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 "Kestrel" is 57499, of which Henry Ashford Featherston is master, who holds a certificate of competency, No. 5076, issued by the Marine Department, and which ship belonged to Kaiapoi Produce Company of Kaiapoi.

2. That the loss or damage herein more particularly mentioned happened on the 18th day of September 1896, at about one o'clock in the afternoon at Kaiapoi.

3. That the loss or damage appears by the evidence to have been caused by an insufficiency of water in that portion of the Waimakariri River marked by beacons as the North Channel.

4. That the nature of the loss or damage done was injury to the hull amounting in value to under 50l., and injury to the cargo amounting in value to 40l.

That the vessel was insured.

That the "Kestrel" is ketch-rigged. Her port of registry Lyttelton, her registered tonnage 51 tons.

That no lives were lost through the casualty.

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

1. The said vessel being duly loaded with a cargo of produce, and bound for Nelson and Collinwood, was on the said day duly advised by the signalman, George Frederick Day, that the bar of the Waimakariri River was safe for crossing.

2. The said vessel then entered what was supposed to be the North Channel of the said river, the said channel being marked by beacons for the guidance of vessels.

3. The course of the said vessel was directed by the said signalman along the said channel by aid of the semaphore, and she proceeded in accordance with such directions until she took the ground in such supposed channel.

4. There was not sufficient water in the said channel at any state of the tide to afford safety to the said vessel, and the said channel really led over the North Spit.

5. The signalman is employed by the Waimakariri Harbour Board, and part of his duty is to mark the channels from time to time, and to guide and assist vessels in and out of the said river.

6. The said signalman had recently marked the said North Channel as containing sufficient water for the said vessel, whereas in fact there was no channel at all where marked, and there is no reason whatever for supposing that the channel had shifted since marking.

7. There was ample water in other parts of the said river if properly marked.

8. The said signalman was grossly negligent in the discharge of the important duty of properly marking and keeping marked the true channels in the said river.

9. This neglect of duty by the said signalman was the cause of the said vessel being stranded.

10. No blame is to be attached to the master or mate of the said vessel in connection with such stranding.

11. The said signalman during this investigation has been represented throughout by counsel, and has thereby had every opportunity of making his defence.

12. The costs of this investigation, amounting to 5l. 8s. 5d., shall be paid by the said signalman, George Frederick Day.

Given under my hand this nineteenth day of October one thousand eight hundred and ninety-six, at Kaiapoi, New Zealand.

(Signed) H. W. BISHOP, S.M.

I concur in the above report.

(Signed) J. A. H. MARCIEL, Assessor.

(Issued in London by the Board of Trade on the 11th day of March 1897.)