

(No. 6177.)

"KESTREL"

AND

"ROTOMAHANA" (S.S.)

Shipping and Seamen's Act, 1877.

Wrecks and Casualties.

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

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

I, the undersigned, Stipendiary Magistrate for the Colony of New Zealand, having been on the 6th day of February, 1901, applied to by Edward Patten, Esquire, Collector of Customs at the Port of Lyttelton, 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 23rd day of January last, on the voyage of the said ship from Kaiapoi to Collingwood, about 30 miles from Lyttelton Heads, by a collision between the said ship and the s.s. "Rotomahana," did duly proceed with the said investigation, to wit, on the 14th day of February instant, and had before me and examined on oath, divers persons and witnesses, to wit,

Patrick Darragh ...	Master of the "Kestrel,"
Ivor Andstrom ...	Mate " "
Joseph Robert Maryen	
Morley ...	2nd officer, s.s. "Rotomahana,"
Ernest Stevens ...	A.B. " "
James Dunn ...	" " "
Charles McLachlan ...	" " "
Walter Manning ...	Master " "
and	
Henry Featherstone ...	Master Mariner,

the original depositions of whose evidence are hereunto annexed, signed by me, being assisted therein by Hugh McLellan, holding a certificate of competency, No. 310, from the Marine Department of New Zealand, and Alexander T. Murray, holding a certificate of competency, No. 09,315, from the Board of Trade, London, who were duly appointed to act as Assessors; 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 "Rotomahana" is 75,224, of which Walter Manning is master, who holds a certificate of competency, No. 5075, as master, Home Trade, issued by the Marine Department of New Zealand, and which ship belonged to Dunedin. The official number of the "Kestrel" is 57,499, of which Patrick Darragh is master, and which ship belonged to Lyttelton. The master's certificate is

number 5457 of competency as master, Home Trade, issued by the Marine Department of New Zealand.

2. That the loss or damage herein more particularly mentioned, happened on the 23rd day of January, 1901, at about half past one o'clock in the morning on the voyage of the "Kestrel" from Kaiapoi to Collingwood.

3. That the loss or damage appears by the evidence to have been caused by the master of the ketch "Kestrel" failing to show a bright or a flash light or flare from the moment the green light of the "Rotomahana" was seen by the mate of the ketch.

4. That the nature of the loss or damage done was that the masts were taken out of the ketch and the hull injured. That the vessel is not insured. That the vessel is ketch rigged and is called the "Kestrel." Her port of registry Lyttelton; her registered tonnage fifty-one. 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. That the master of the ketch "Kestrel," Patrick Darragh, is blameable, inasmuch as he left the vessel in charge of one man (an uncertificated mate), during a night watch when another man who could have acted as a lookout was available.

2. That the mate of the "Kestrel," Ivor Andstrom, should have called the master when he saw the green light of the steamer following.

3. That the collision was due to the fact that a bright or flare light was not displayed by the "Kestrel" from the time the green light of the "Rotomahana" was seen by the mate of the "Kestrel."

4. That the second officer of the "Rotomahana," J. R. M. Morley, exercised a sound judgment in not porting his helm before he had picked up the "Kestrel," that he did his best to avoid a collision and that he is in nowise to blame.

5. That the costs of this inquiry be borne by Patrick Darragh, the master of the "Kestrel."

6. That all the certificates be returned to their owners.

Given under my hand, this fourteenth day of February, one thousand nine hundred and one, at Lyttelton, New Zealand.

(Signed) R. BEETHAM,
Stipendiary Magistrate.

I concur in the above report.

(Signed) H. MCLELLAN,
Assessor.

I concur in the above report.

(Signed) ALEXR. J. MURRAY,
Assessor.

A true copy.

W. T. GLASGOW,
Secretary, Marine Department,
New Zealand.

(Issued in London by the Board of Trade on the
26th day of April, 1901.)