

(No. 6210.)

"ARIADNE."

Shipping and Seamen's Act, 1877.

Wrecks and Casualties.

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

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

I, the undersigned Stipendiary Magistrate, one of His Majesty's Justices of the Peace in and for the Colony of New Zealand, having been on the 2nd day of April, 1901, applied to by Thomas Michael Cullen, Esquire, Collector of Customs at the Port of Oamaru, 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 "Ariadne," of the Port of Portsmouth, on the 24th day of March last, on the east coast of the Middle Island of New Zealand, about one and a half miles south of the Waitaki Mouth, did duly proceed with the said investigation, to wit, on the 10th day of April and following days, and had before me, and examined on oath, divers persons and witnesses, to wit:—George Mumford, Stewart Willis, Thomas Carodoc Kerry, George Savage, Percy Atwood, Herman Wind, Herman Wachsmith, Franz Keschnitzski, Eric John Hussey Freke, John Harding, John Mills, John Glen, Clement Egerton Wragge, Hugh McLellan, and Robert Crouch, the original depositions of whose evidence are hereunto annexed, signed by me, being assisted therein by Peter Paleson, holding a certificate of competency as master ordinary, No. 590, from the New Zealand Marine Department, and James Shand, holding a certificate of competency, from the Board of Trade, who were duly appointed by me 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 said ship called the "Ariadne" is 68,571, of which George Mumford is master, who holds a certificate of competency as master ordinary, No. 033,948, issued by the Board of Trade, London, and which ship belonged to Thomas Caradoc Kerry, of Hotel Cecil, London.
2. That the loss or damage herein more particularly mentioned happened on the 24th day of March, 1901, at about eight o'clock in the afternoon, on the east coast of the Middle Island of New Zealand, about a mile and a half south of the mouth of the Waitaki river.
3. That the loss or damage appears by the evidence to have been caused by careless navigation.
4. That the nature of the loss or damage done was total loss. That the vessel was insured for £20,000 at Lloyds. That the "Ariadne" was schooner rigged. Her port of registry Portsmouth, her registered tonnage 230 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:—

That the greater part of the voluminous evidence that has been brought forward at this inquiry has referred to the charge which, though it was not stated in the application made to me by the Collector of Customs on which this inquiry was instituted, was indicated by the nature and trend of the examination of the witnesses, viz., that the ship was designedly stranded. This charge, it is to be presumed, was based upon statements of certain of the crew. As I mentioned at the conclusion of the evidence brought forward by the Collector of Customs, this charge has not been substantiated; indeed, there is no evidence worthy of the name to support it.

The "Ariadne" was lying up in Sydney Harbour after a voyage from England and other parts, when in February last it was proposed by her owner, Mr. T. C. Kerry, to fit her out for a trip to Dunedin, and thence elsewhere to parts not determined on. It is in evidence that seamen were scarce in Sydney, and what must be characterized as a scratch crew was obtained, and to these were added three guests of the owner, who signed articles as O.S. at the nominal rate of 1s. per month. Of those signing articles five did not join; the balance, making with the captain, George Mumford, twelve in all, sailed with the yacht on the 25th February from Sydney. The captain was the only certificated officer on board; the mate, who joined as A.B., was a seaman with a seamen's union certificate as mate from Swansea, but he had no knowledge of navigation, and could not even understand a chart; the boatswain, an intelligent A.B., acted as officer and had charge of a watch. Early in the voyage, when first on the coast of New Zealand, it is plain there was little discipline, and on one occasion, when in Cook Strait, when the mainsail was split and carried away, it was with difficulty that the captain could get some of the hands of the watch below to assist, even at such a critical moment. There were complaints from some of the malcontents as to the food, not as to quality but the cooking, but it seems to me this was a mere pretext for discontent. These matters were not of any service to the object of investigation, and I only refer to them because they show that the master must have known he had amongst his crew untrustworthy and unreliable men, and that very great caution had to be exercised.

The only portion of the voyage with which the Court has really to do is that off the mouth of the Waitaki river; and on the 24th March, at 3 p.m., the captain states the yacht was about three miles off the mouth, about east, of the River Waitaki, the wind being S.S.E. (a strong breeze), and at that time the vessel was laid to the eastward, and she stood out to the offing until 6 p.m. At that hour, or about five minutes before it, before the watch was changed, the captain wore the ship and stood south-west towards the shore. The wind was blowing half a gale and the sea was heavy, and the captain knew he had to contend with a current. The night is described as being dark, and by some to be hazy, but this latter is improbable, as the captain states he saw the light at Cape Wanbrow at 7.57. The only point the captain can be sure of, and can speak of with any exactitude, is that east of the Waitaki, three or four miles from shore, which he left at 3 p.m. Then the captain saw the shore and stood out. The point at which he next wore his ship and stood in he assumes to be about seventeen or eighteen miles from shore. When he did so he must surely have known the distance to be purely a matter of conjecture and how much depended upon this calculation. Prudence should have suggested his going about during that watch before he left the deck to lay off his position after sighting Cape Wanbrow light. He might have wore his ship and taken another tack. He could as well have marked off his position then in safety. Instead of this he left the deck in charge of the mate, who, though perhaps an able seaman, is evidently not very intelligent. This officer made things worse, when relieved by the boatswain and the starboard watch at 8 p.m., by giving him the depth of water as 25 instead of 15 fathoms. With the area he had, and knowing himself to be the only qualified mariner on board, I think that, sailing as he was on a dark night straight on to what was nearly a lee shore, with an uncertain knowledge of his exact position, he should have exercised more caution. He had been running two hours by the wind from an uncertain point as to distance, with a heavy sea behind him, with a knowledge of the current, for that he admits, for he allowed for it on the outward board, and I think more prudence should be expected from a master under the circumstances. Putting aside the evidence of some of the seamen, who swear they could see the land, the time he had been standing on that tack, admitting that he was only going 5½ or 6 knots stated, he had nothing to lose by wearing his ship a mile or two sooner. I am of opinion that in neglecting to do this before the change of watches the captain was negligent of his owner's interest and his manifest duty, and I find the said George Mumford, the master of the vessel, guilty of a grave error of judgment when

navigating the ship on the 24th March, and I do determine that his certificate of competency under the Board of Trade, dated 17th February, 1899, be suspended for three months, and that he do pay the sum of £15 15s. towards the cost of these proceedings.

Given under my hand, this Sixteenth day of April, one thousand nine hundred and one, at Oamaru, New Zealand.

(Signed) JACKSON KEDDELL,
Stipendiary Magistrate.

I concur in the above report.

(Signed) P. PALLESON,
Nautical Assessor.

I concur in the above report.

(Signed) JAMES SHAND,
Nautical Assessor.

A true copy.

GEORGE ALLPORT,
Secretary, Marine Department,
New Zealand.

*(Issued in London by the Board of Trade on the
16th day of July, 1901.)*

Assessor.

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