

(No. 6462.)

"MAY."

Shipping and Seamen's Act, 1877.

Wrecks and Casualties.

(For Stipendiary Magistrates and Justices of the Peace.)

Colony of New Zealand, to wit.	}	REPORT on a Shipping Casualty to the "MAY" Barquentine.
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To the Honourable the Minister having charge of the Marine Department of New Zealand.

I, the undersigned, Stipendiary Magistrate, having been on the 24th day of October, 1902, applied to by Alexander Rose, Esquire, Collector of Customs at the port of Auckland, 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 "May," of the port of Auckland, on the 17th day of October instant, on the West Coast Kaipara Heads, did duly proceed with the said investigation, to wit, on the 24th day of October instant, and had before me, and examined on oath, divers persons and witnesses, to wit,

Patrick Bonfield, master, steam tug "Pilot,"
Michael Wickmann, master, barque "Concordia,"
Wati Dunn, ship's boy,
Edward Harrison, mate,
Alexander Stanaway, rafter,
John Francis Passell, fireman, and
John Harrison, shipowner,

the original depositions of whose evidence are hereunto annexed, signed by me, being assisted therein by John Adamson, master mariner, holding a certificate of competency, No. 82,634, from the Board of Trade, London, and Thomas Fernandez, master mariner, holding a certificate of competency, No. 36, from the New Zealand Marine Department, who were duly appointed by the Minister of Marine 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 "May" is 62,536, of which John Urquhart was master, who held a certificate of service as master, home trade, No. 2649, issued by the New Zealand Marine Department, and which ship belonged to John Harrison, of Kaipara.
2. That the loss or damage herein more particularly mentioned happened on the 17th day of October, 1902, at about 5 o'clock in the forenoon on the West Coast, near Kaipara Heads.
3. That the loss or damage appears by the evidence to have been caused by her being stranded during a gale and afterwards broken up by the surf.
4. That the nature of the loss or damage done was total loss. That the vessel is not insured. That the "May" was barquentine rigged. Her port of registry Auckland; her registered tonnage 237. That six 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 "May" was employed in carrying timber from Kaipara to Manukau Harbour, and the practice was for the steam tug "Pilot" to accompany her on her voyages, and to tow her when necessary. She traded in

this way under a special permit from the Customs Department, the permit stipulating that she should have a certain crew and equipments. The vessel was well found and equipped in every particular. She had been put in order and resurveyed about 16 months ago. Her sails had lately been renewed, and were good. She carried a lifeboat, and all the stipulations in her permit had been adhered to.

The vessel was properly ballasted, and her cargo of 170,000 ft. of timber was not excessive. Her Plimsoll mark was above water.

She carried a crew consisting of John Urquhart, master, who held a certificate, and an acting mate, three seamen, a cook, and a boy. The crew was in excess of the number named in the permit.

It appears from the evidence that on the 16th instant, at about 8.30 a.m., she left Ponto Point about five miles inside Kaipara Heads, in tow of the steam tug "Pilot," bound for Manukau Harbour. The pilot station signalled to take the bar, which was crossed about noon. The weather was fine, the wind fair, and the sea not heavy.

The "May" had sail set, as was the practice, and about 3 p.m. she began to overrun the tug, and it was mutually agreed between the master of the "May" and Patrick Bonfield, the master of the tug, that the tow line should be taken in. This had been their practice on these voyages when the wind was fair. They proceeded in company on their voyage. Between 8 and 10 p.m. a westerly gale came on, which gradually increased in violence, and during the night raised a very heavy sea on the coast, and surf on the beach.

At midnight the "May" hove out head to sea, and it appears to have been agreed between the masters that they were to lay to for the night, and enter Manukau Harbour on the following day. The master of the "May" did not make any request to be towed, but at about 2 a.m., the wind and sea increasing, the master of the "Pilot" approached her with a view of towing her to sea, but found himself unable to get the line on board. The "Pilot" was then put head to sea, and her crew did not again see the "May." The "Pilot" experienced a very heavy gale, during which all movables were swept from her deck, her bulwarks damaged, and her master injured. She, however, weathered the gale, and got into Kaipara Harbour on Monday, 20th instant.

As to what subsequently occurred on board the "May" until her wreck, I had only the evidence of Wati Dunn, a half caste youth, who it appears certain is the only survivor of her crew, and who was saved through being an expert swimmer. This youth appears to have little knowledge of seamanship, and can only give a somewhat confused account of the events of the night.

About 5 a.m. the "May" was seen to come on shore by the master of the stranded Russian barque "Concordia." She came on shore stem on, but was thrown broadside by the surf. She capsized, and subsequently broke up. The others of the crew (6) have not been seen since, nor have their bodies been found.

There is no doubt that the gale which occurred on the night of the 16th arose very suddenly, and was a very violent one, and that the sea and the surf on the coast was very heavy, and this may be stated as the cause of the wreck.

I have reason to believe from the evidence, especially that of the owner, and from the opinion of my assessors, that errors in judgment were made in the handling of the "May" on that night, particularly in the matters of lashing the helm, not setting the sails, and retiring into the cabin; but the master and crew having unhappily perished, it is unnecessary to go further into that question. Were the master alive it is possible that he might show valid reasons for his conduct.

The evidence given by the master of the "Pilot" differs in several particulars from that of other witnesses, and, generally, is confused and unreliable. I conclude that this is owing to his having been injured, and suffering from some hardship during the gale. I have no reason to believe that his evidence was not honestly

given. In my opinion, in which my assessors concur, he cannot be blamed for the wreck of the "May." The casting off of the bowline was done by the master of the "May," who does not appear to have desired at any time that his vessel should again be taken in tow. The evidence seems to me to show that even if the "Pilot" could have taken the vessel again in tow, it would not have been a desirable course, as, considering the weather, the "May" would have had a better chance of getting off the lee shore by skilful sailing than by being towed.

Given under my hand, this twenty-eighth day of October, one thousand nine hundred and two, at Auckland, New Zealand.

(Signed) HUBERT W. BRABANT,
Stipendiary Magistrate.

I concur in the above report.

(Signed) J. ADAMSON,
Assessor.

I concur in the above Report.

(Signed) THOS. FERNANDEZ,
Assessor.

A true copy.

GEORGE ALLPORT,
For Secretary, Marine Department,
Wellington, New Zealand.

(Issued in London by the Board of Trade on the
9th day of January, 1903.)

(No.

"LIZZIE"

Shipping and Sea

Wrecks and

(For Stipendiary Magistrates

Colony of } REPORT ON
New Zealand, } "LIZZIE"
to wit.

To the Honourable the Minister
Marine Department

I, the undersigned, Stipendiary Magistrate,
on the 21st day of October instant, at
Elliot, Esquire, Collector of Customs,
Wanganui, for a formal deposition under
section 240 of "The Shipping Act, 1877,"
and other provisions of the Act of 1877,
a shipping casualty to a certain schooner
"Lizzie Taylor," of the Colony of New
Zealand, on the 13th day of October instant,
River, did duly proceed with me, and
wit, on the 23rd day of October instant,
me, and examined on oath, did depose
wit :—

Thomas L.
Adolf Jans
William S.
Arthur Irv

the original depositions of witnesses
annexed, signed by me, and
William Waddilove, R.N.R.,
certificate of competency, N.Z.
Trade, London, who was deposed
as Assessor; and, upon such
tion of witnesses as afore-
follows, that is to say :—

1. That the official number of the
"Lizzie Taylor" is 79299, and the
master, who holds a certificate of
026991, issued by the Board of
which ship belonged to John
Zealand.

2. That the loss or damage
mentioned happened on the 13th day
at about 4.40 o'clock in the
Spit, Wanganui Bar.

3. That the loss or damage
to have been caused by the vessel
on the North Spit, Wanganui Bar.

4. That the vessel is insured
"Lizzie Taylor" is schooner
registry Launceston. Her name

And I, the said Stipendiary Magistrate,
my opinion on the matter as follows:

That I find that the vessel
Taylor," was anchored about
channel, in a good position to
line with the beacons. The vessel
able. In fact all conditions
the bar. The ship was app