

(No. 7017.)

"LUTTERWORTH."

The Shipping and Seamen Act, 1903.

Wrecks and Casualties.

(For Stipendiary Magistrates and Justices of the Peace.)

Colony of New Zealand, } Report on a shipping casualty to
to wit. } the barque "LUTTERWORTH."

To the Honourable the Minister of Marine,
New Zealand.

I, the undersigned, Stipendiary Magistrate, and one of His Majesty's Justices of the Peace in and for the Colony of New Zealand, having been on the 4th day of October, 1906, applied to by David Johnston, Esquire, Collector of Customs at the Port of Wellington, for a formal investigation, pursuant to section 235 of "The Shipping and Seamen Act, 1903," and other provisions of the said Act, respecting a shipping casualty to a certain British ship called the "Lutterworth," of the Port of Timaru, on the 29th day of September last, at or about 20 miles north of the Amuri Bluffs, did duly proceed with the said investigation, to wit, on the 5th day of October instant, and had before me, and examined on oath, divers persons and witnesses, to wit:—

Harry Lamb Hicks, Master of the barque "Lutterworth,"
William Bendall, Marine Surveyor,
George Bunker, A.B.,
George Gordon Smith, Superintendent Mercantile Marine,
Maurice Evan Morris, Second Mate,
Arthur Henry Fisk, Master Mariner,
Hugh Munro, Master Mariner,

the original depositions of whose evidence are hereunto annexed,* signed by me, being assisted therein by W. J. Grey, Master Mariner, holding a Certificate of Competency, No. 74, from the New Zealand Government, and R. J. Gillespie, Master Mariner, holding a Certificate of Competency No. 10184, 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 the said ship called the "Lutterworth," is 60895; of which Henry Lamb Hicks is Master, who holds a Certificate of Competency, No. 027855, issued by the Board of Trade, and which ship belonged to The Colonial Sailing Ship Company, Limited, of Timaru.
2. That the loss or damage herein more particularly mentioned happened on the 30th day of September, 1906, at about 7 o'clock in the evening at about 20 miles north of the Amuri Bluffs whilst on an easterly course, and the vessel was abandoned about half a mile off the beach, a little to the eastward of Cape Terawhiti, about 4 p.m. on the 1st October, when the crew were rescued by the s.s. "Penguin."
3. That the loss or damage appears by the evidence to have been caused by shingle ballast shifting.
4. That the nature of the loss or damage done was cutting away of the masts and abandonment of the vessel. That the vessel was insured for 1000L., Company, name not known. That the "Lutterworth"

* Not printed.

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is barque rigged. Her port of registry Timaru, her registered tonnage 887. That no lives were lost through the casualty.

In the matter of a formal investigation held at Wellington on the 5th and 6th days of October, 1906, before me, assisted by Captains Grey and Gillespie, into the circumstances attending the abandonment of the barque "Lutterworth" at sea half a mile to the eastward of Cape Terawhiti, 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 barque became unmanageable through the vessel lurching heavily at about 7 p.m. on the night of the 30th September, 1906, causing the shingle ballast to shift, and the vessel was abandoned about 4 p.m. on the 1st October, when the crew were rescued by the s.s. "Penguin."

Dated this 6th day of October, 1906.

(Signed) A. McARTHUR,
Stipendiary Magistrate.

I concur in the above Report.

(Signed) W. J. GREY, } Assessors.
(Signed) R. J. GILLESPIE, }

Annex.

re "Lutterworth."

I have the honor to report the opinion of the Court touching the cause of the casualty on the 30th September, and the abandonment of the barque "Lutterworth" at or about half a mile off the beach, a little to the eastward of Cape Terawhiti, on the 1st October at 4 p.m. during squally weather from the south-east. I find that the vessel was well found, and was sufficiently ballasted and provided with proper shifting boards.

Everything went well till 7 p.m. on Sunday, the 30th September last, when the master was going to run for the Straits. At this time the weather was thick, a moderate gale was blowing from the south-east with a heavy sea running. The vessel went into the trough of the sea and the ballast shifted. She then became unmanageable and the master ordered that the masts be cut away to save the ship from going under. The evidence is not clear as to when the guide of the steering gear carried away. I am of opinion that the master was fully justified in doing what he did to save the lives of those on board, and that there is no blame attachable to him or his officers and crew. I make no order as to costs.

Questions.

- (1.) Whether the casualty was in any way due to or caused by or contributed to by the negligence or carelessness of the master or any of the officers of the said vessel.
- (2.) Whether the vessel was properly ballasted and whether she had proper shifting boards provided.
- (3.) Whether the casualty was due or contributed through the shifting boards being insufficiently high or through any omission or default in connection with the ballasting.

Answers.

- (1.) The casualty was not in any way due to or caused by or contributed to by the negligence or carelessness of the master or any of the officers on the said vessel.
- (2.) The vessel was properly and sufficiently ballasted and proper shifting boards were provided.

(3.) The casualty was due to the vessel lurching heavily, thus causing the shifting of the ballast, which shifting was contributed to by the shifting boards being insufficiently high.

(Signed) A. McARTHUR,
Stipendiary Magistrate.

6th October, 1906.

A true copy.

GEORGE ALLPORT,
Secretary of Marine.

(Issued in London by the Board of Trade on the
15th day of January, 1907.)

[Faint, mostly illegible text, likely a witness statement or report.]

[Faint, mostly illegible text, likely a report or official communication.]