

"Capt. Scott Misener, president, Sarnia Steamships Ltd., who was in Montreal when the ship sank, left for Port Colborne immediately. He was quoted in a Welland dispatch of Oct. 8 as having stated that he could not say whether an attempt to raise the ship would be made, adding that a representative of the company had been sent to Erie to locate her...

"Following investigation held at Toronto, Oct. 11 and 12, by Capt. L. A. Demers, Dominion Wreck Commissioner, assisted by Capt. C. J. Smith and B. A. Bongard (both from the C. S. L. Lake Ontario passenger steamers -Ed.), as nautical assessors, into the foundering... judgment was given finding the master, Capt. Edward C. Hawman, in default, and suspending his certificate from Oct. 2, 1932, until Jan. 1, 1934, it being recommended that he be issued a mate's certificate during suspension of his master's certificate. The first mate, M. Smith, was warned, and the second mate, A. F. Burtenshaw, was held not to blame.

"The evidence showed that... on leaving Erie, she 'had presumably four feet of freeboard'. After she had got into the lake, the water became rough and a high sea struck her, listing her to starboard about 15 degrees, which she retained. The master sounded the signal calling all hands to boat stations, and the first mate left the wheel and pilothouse to assist in getting the boats ready. Prior to that, the crew, including the firemen, had been attempting to place hatches and tarpaulins, and to batten the hatches on the port side, the starboard side being left untouched. The master remained alone at the wheel; he brought the seas more toward the port beam to facilitate the launching of the starboard boat, and did not leave the wheelhouse until a second sea caused the ship to roll more to starboard, and she finally rolled bottom up. First mate Smith testified that he supervised the taking on of the cargo, and that he was positive that the holds were well trimmed and filled, without, however, having gone under the hatches to ascertain those conditions.

"The judgment stated that the court considered the trimming of the coal cargo was performed perfunctorily, and criticized the taking on of a 400-ton deck cargo of coal before the placing of the hatches. It said that the coal on the deck, no doubt, was spread haphazardly and must have buried the hatch covers and battens to some extent, causing much labour to be expended and time wasted when the necessity for placing them arose. The master had received no instructions to take a deck cargo, which had been taken on his own orders. It had been stated that there was no time to secure hatches at the loading port, other ships waiting their turn to load, but this plea of lack of time was very weak, and the ship should have been made fast, or anchored elsewhere until she had been made ready to proceed to her destination.

"The master's evidence indicated that he failed to apply ordinary judgment. When the ship listed and remained inclined, there was no immediate necessity to man the boats, and an attempt should have been made to bring both wind and sea dead aft, or better still on the starboard quarter, with a view to righting her, the crew getting the boats ready in the meantime. When the ship listed to starboard, after being struck by a heavy wave from the port quarter, the master brought her voluntarily or allowed her to come to, bringing the seas more toward the quarter, with the intention of offering more lee to permit the launching of the starboard boat, this having been, under the circumstances, a wrongful act of seamanship, indicating lack of resourcefulness due to inexperience.

"The court was fully convinced that the loss of the ship was due primarily to the shifting of cargo in the holds and that the list was accentuated by water entering through the hatchways, which were open or improperly secured, in contravention of regulations insisting that the necessary precautions be adopted. A rider to the judgment said: 'The court urges that a meeting between the authorities and Great Lakes shipowners be arranged during the winter to devise some means whereby dangerous, pernicious customs which are said to exist on inland waters may be abolished, such as indifferent stowing,