

the *Captain*, with her spread of canvas, and her actual height of deck, was fitted to carry the same sail as other ships of her size, and to encounter the gusts and squalls to which every squadron, sailing-ship, and indeed every ship, is liable. I may add that after the *Captain* was ordered with her extent of canvas, I, knowing well that the *Hercules* and *Monarch* were perfectly capable of carrying more canvas than had been given to them, gave those two ships squarer yards, and somewhat more canvas in other ways, in order to prevent fictitious representations concerning the relative sailing qualities of the various vessels.

From your scientific practical knowledge and talent as a great shipbuilder, can you account in any way for the cause, or partial cause of, the *Captain* foundering as she did?—As soon as the news of the *Captain*'s disappearance came to this country, I concluded that she had capsized under the pressure of her canvas, and while I believe, from such information as one can gather, that it might have been quite practicable so to space the canvas on the night of her loss as to save her, my conviction is that the evil day would have only been deferred, and that there was nothing in the management of the *Captain* on the night of her loss which would have occasioned the loss of any other ship in the squadron. I think there is some force in the suggestion of Messrs. Laird that the ship was not in the same condition at the time of her loss as she had previously been, but I do not consider any change of condition would escape the notice of the captain and officers should contribute to the loss of such a ship.

Captain Hancock: were any of the deviations from the original design during her construction, and which were not objected to in your office, of such a nature as to account for the great miscalculation in her draught, or materially affect her stability?—I must answer this question under some disadvantage, as I have no opportunity of referring to the documents, but I think it exceedingly likely that some of the arrangements which were not objected to in our office did contribute both to the extra weight and to the reduction of stability in the ship, such for instance of the increased height of poop and forecabin, and the increased breadth as well as height of the hurricane deck, but it must be obvious to the court that it would be entirely inadmissible in a case of this kind for the Admiralty officers to prohibit Captain Coles and Messrs. Laird from giving the poop and forecabin the height which they deemed necessary, or to compel them to fit a hurricane deck so narrow that the ropes could not be worked upon it. In every case the suggestions for these special variations emanated from Messrs. Laird and Captain Coles.

Do you imagine from what you know of the loss of the *Captain* that it was in any way attributable to either of the two elements of danger you have alluded to—the sea bursting into the funnel casing from the leeward, or that a heavy sea shipped to windward added so largely to her topweights as to destroy her stability?—I have seen no evidence to show that the funnel casings were broken through, but I think it much more likely that she shipped a considerable weight of sea to windward, than that the pressure of wind, acting upon the under side of the hurricane deck, seriously contributed to her loss. Would not the effect of wind under the hurricane deck, when the ship was much heeled, have been less even than it would have been upon her side had her weather bulwark been carried up to her hurricane deck?—I certainly think so, be-

cause the height exposed to the pressure of the wind would be more increased by the inclination in the case of the side than in the case of a central structure.

Captain Rice: I gather from your evidence that no reduction of the masts would have made her a seaworthy ship. Is that so?—It is. Have you any reason to suppose that Captain Burgoyne was aware of your views of the unseaworthiness of the *Captain*?—Yes; I spoke to Captain Burgoyne in the sense in which I have answered the Court, as far as opportunity offered; and when I left the *Captain* at Birkenhead, the last time I saw Captain Burgoyne, he having been all through the ship with me, I said to him—“I don't want to say any more against her, but I am glad it is your fate and not mine to go to sea in her.” I also know that a friend of mine, an Admiral in the Service, took great pains to impress upon Captain Burgoyne that particular danger of her capsizing under the canvas to which reference has been made, and in mentioning his conversations to me in writing to me on the day the loss was mentioned, but before the mode was known, he referred to my remarks on rigged ships with low freeboards, and said he had drawn the serious attention of Captain Burgoyne to the position of the ship's deck, but the confidence of Captain Burgoyne was such that it almost defied criticism. In this letter the Admiral in question said he had no doubt she had capsized from what he had read. Do you consider that the Lords of the Admiralty, who ordered the construction of the *Captain*, removed, so far as the design is concerned, the controllership from Sir Spencer Robinson to Captain Coles, and the chief constructorship from yourself to Messrs. Laird, and that, in point of fact, this responsibility rests upon the board, who ordered her construction, notwithstanding the known objection of the Controller and Chief Constructor?—Yes, and notwithstanding their own objections also; for the Sea Lords of the Admiralty, without any exception I can remember, have been unfavorable to the rigging of ships with low freeboard, although it is out of my power to say whether this unfavourableness arose to any extent from their apprehension of danger. I cannot speak with certainty, but I believe that from the time when Captain Coles condemned the *Monarch* as in no way representing his views, their Lordships were strongly disposed, if not actually determined, to yield to the strongly expressed opinions of some members of Parliament, and to build a ship from Captain Coles' designs, unless they were themselves convinced that such a ship as he had proposed must of necessity fail.

In fact, the *Captain* was built from a strong outside pressure?—I have no doubt. I had no objection to the trial of inclination, and I was a little surprised that the Messrs. Laird should have deferred the request for it until she was brought away from their quiet basin, where she had been lying for many months; for it would have been quite practicable to have settled any doubt which may have existed in their minds, if any existed, by such a trial at Birkenhead, without waiting for remaining weights, the proportions of which are well known; but I cannot state to the Court what actual incidents prevented the ship from being inclined before she went to sea. I am at a loss to see what use the result of the inclination could have been put if it had been obtained in February, because the centre of gravity, as the Court knows perfectly well, is not a thing which can be moved about, except by introducing additional weights into the ship, which was impracticable in a ship of so low a free-

board, or by taking out of her some of the weights which were essential to her efficiency. Moreover, nothing serious rested upon the precise position of the centre of gravity, inasmuch as the position, in so far as it affects the safety of a ship, should be ensured in the design.

On Tuesday, some additional evidence was taken, and Mr. James May, the gunner of the *Captain*, who occupied a seat behind the Judge Advocate (Captain Blake, R.M.L.I., barrister-at-law), throughout the protracted proceedings, was then called upon for his defence. The surviving petty officers and crew, who are also nominally “prisoners,” were mustered by the provost-marshal, an important official in these trials. Mr. May, who wore two medals, presented to him by the Royal Humane Society for his gallant conduct in saving life, read the following brief defence:—“After all that has been adduced in evidence, it is unnecessary for me to take up your time by further repeating the loss of H.M.S. *Captain*. I, therefore, beg to state that I have been twenty-three years in the Navy, eleven years of which as a warrant officer, but I am unable to produce testimonials for that period of service, as I have unfortunately lost them in the ship. I therefore place myself in the hands of this most honorable Court, trusting that they will exonerate me, as well as the other survivors, from all blame. I would also beg leave to state that, with the assistance of John Heard, A.B., I succeeded in placing Captain Burgoyne on the bottom of the steam pinnace, and that afterwards I, with others, when in the launch, made another attempt to save him, but unfortunately failed, and I regret to add that George Myers, A.B., was unfortunately lost by being washed out of the boat at this time. I also wish to bring to your favorable notice the excellent conduct of the survivors when under my charge both in the launch and on shore, more especially that of Charles Tregenna, leading seaman, who for about ten hours so ably managed the steer oar, and upon whose courage, to a certain extent, our safety depended; also that of James Ellis, gunner's mate, who, as senior petty officer, assisted me in every way. The survivors and myself offer our most heartfelt gratitude for the noble message of sympathy from her most gracious Majesty, our beloved Queen, to the widows, orphans, and relatives of our late shipmates. We also tender the same to our nation for its noble act in coming to the aid and relief of the fatherless and the widows, and also to the captain, officers, and crew of Her Majesty's ship *Lord Warden*, for their generosity in subscribing a sum of money for our immediate wants on our arrival in England. In conclusion, on behalf of the survivors and myself, I beg to tender our most sincere thanks for the great kindness shown towards us during this present trial by the president and members of this most honorable Court.”

The Court was cleared for a short time, and on being reopened by the President (Admiral Sir James Hope, G.C.B., Naval Commander-in-Chief at Portsmouth) announced that it was the intention of the Court to adjourn from day to day, for three or four days, for the purpose of considering the evidence, and due notice would be given as to the time when judgment would be pronounced.

The Court then adjourned.

(To be continued.)

Sir Roserick Murchison has received a letter from Africa giving positive intelligence from Dr. Livingstone.