

## **Cornelia (3493) – Full Description**

*“We whose names are herein subscribed being a jury of merchants & ship’s masters sworn in Douglas by the worshipful John Quayle & William Christian Esqs Water Bailiffs and Judges of the Court of Admiralty of this Isle, pursuant to a process issued out of the said court to examine and report the condition of the ship Cornelia of Camphire, Alexander Thompson, master, and her cargo, and the damages suffered in the said ship and cargo, in the harbour of Douglas the 10<sup>th</sup> instant (August 1746). At the instance of said matter have accordingly viewed the ship and find her not sea worthy until repaired.*

*We have also viewed the cargo and find that there is thirty puncheons of flaxseed part of the said cargo some all wet through, others not quite through, but not merchantable, also sixty two bags of said flax seed in the same condition.*

*And further we find three hundred and sixty eight bags according to the report of the captain in a warehouse piled one upon the other, five of which appeared to us damaged as above, the remainder that appeared to us are in tolerable good order.*

*It further appeareth unto us by the declarations of William Graham, John Kermode, John Bridson and Charles Cowell, four skimmers, that five packs of skins, part of the said cargo, is damnified and not merchantable, therefore it is our opinion that for the interest of the owners of the said skins they be immediately disposed of to the best advance for what they will give.*

*And this we give for our survey and report in the premises as witness our subscription this sixteenth day of August 1746.*

*John Folis  
Philip Lafons  
John Thompson  
Andrias Bloms  
William Fine  
Anthony Calliste.*

*We are further of opinion for the interest of the owners of the said flax seed that the said thirty two puncheons of flax seed and sixty seven bags of flax seed be immediately disposed of to the best advantage for whatever they will give.*

*John Folis  
Philip Lafons  
John Thompson  
Andrias Bloms  
William Fine  
Anthony Callister*

*At an Admiralty Court holden at Douglas the 15<sup>th</sup> August 1746.*

*The said jury delivered this their survey & report in the premises in presence of Captain Alex Thompson and Mr Thomas Arthur to us.*

*John Quayle  
William Christian.”*

*“We whose names are hereunto subscribed being a jury of ship masters & ship carpenters sworn in Douglas by the Worshipful John Quayle & William Christian Esqs Water Bailiffs & Judges of the Court of the Admiralty of this Isle, pursuant to a process issued out of the said court to examine & report the condition of the ship Cornelia of Camphire Alexander Thompson master & the damage suffered in the ship in the harbour of Douglas the 10<sup>th</sup>*

*instant (August 1746). At the instance of the master – we have accordingly viewed & strictly examined the condition of the said ship, and do find she is strained all over, and twisted, her trunnels started & and her keel broken which has lessened her value fifty pounds British at least, and this we give for our verdict & survey in the premises as witness our subscriptions this 19 August 1746.*

*Patrick Savage  
David Ross  
William Lyall his mark x  
Matthias Mylchreest*

*At an Admiralty Court holden at Douglas the 19<sup>th</sup> August 1746.*

*The said jury delivered this their survey & report to us.*

*John Quayle  
William Christian.”*

*“At an Admiralty Court holden at Castle Rushen the 22<sup>nd</sup> September 1746 before the Worshipful John Quayle & William Christian, Water Bailiffs and Judges of the said Court.*

*Thomas Arthur of Douglas said Isle merchant – plaintiff  
And  
Alexander Thompson master Cornelia of Camphire*

*The names of this Jury sworn to try the issue between the said parties.*

*Merchants  
Henry Lindsay  
Raymond Pannetts  
Archibald Livingston*

*Masters of Ships  
John Dennis  
Edward Kavanagh  
Phillip Christian*

*Depositions of witnesses taken on the matter in differences between the parties concerning the disaster which happened to the said vessel Cornelia in the port of Douglas, and the cause thereof, on Sunday morning the 10<sup>th</sup> August last whereby part of a parcel of flax seed shipped by the plaintiff was damaged and being adjourned to this 6<sup>th</sup> October and are as follows:*

*Erasmus De Vries being sworn & examined on behalf of the defendant despoth & saith that he is a mariner on board the said ship Cornelia and that he joined with the defendant the master in the protest entered & made on the said disaster & signed the same. And being asked by the defendant what time on the Sunday morning 10<sup>th</sup> August aforesaid they transported the vessel in Douglas harbour as mentioned in the said protest saith it was between one & two of the clock or thereabouts and asked what sort of night it was, what was the wind? – saith it was a fine night & the wind at west southwest as he best remembers. And being asked whether the defendant the master was on board at that time, saith, he was. And that the crew received orders, not from the master immediately but from the mate to haul away. And being asked whether they were to go o sea or to another part of the harbour – saith that neither were mentioned, but that the mate’s order was to let loose their ropes, and that they would be done presently. And asked whether they kept a watch upon the deck before they loosed, answered that there were three boys on deck, bot on the watch and to attend the captain. Being further asked what time the captain went aboard - answered that he did not bring him aboard himself, but that he believed it was about midnight. Being asked what was the first thing they did after they received orders from the mate to haul away – he answered they first loosed all the ropes, except a small stern fast to keep the ship in proper position which stern fast was made fast to the galliot belonging to Hamburg then lying in the harbour. And that*

at the same time carried out a head fast and fastened it to one of the posts on the quay. Being asked whether the stern fast was cast off in veering, he says he can't tell, but believes not, because the people aboard ought to have more understanding therein. Being asked again how his vessel was moored before the vessel was loosed – answered that they had two hawsers on the south side, & a large one on the north side to one of the posts out of her stern & two buoy ropes a head made fast to a post on the quay & abreast fast to the galliot. Being asked what time they loosed their top sail – answered after they had cast off their fasts. Being asked if they had any other sail loose at the time they cast off their fasts – answered no but when she went to the south side they hoisted out their jib to make her head fall off. Being asked if there was enough wind to give her steerage way when her top sail was set – answered there was but little wind & that she had not steerage was when the jib was hoisted – answered no & that she did not answer to the helm but they hoisted the jib to bring her head about. Being asked how he could expect that the jib would round her head off when there was so little wind that the main topsail did not give her steerage way – answered that the jib being a light sail & that the farthest sail ahead will assist with a small breeze in bringing the head about. Being asked what time the main topsail was braced back and whether she was on the rocks or not at that time. Answered it was braced back before she came on the rocks when they found her going to the southside. Being asked whether third jib was hoisted at the same time as their topsail was braced back – answered that when they found the topsail would not avail, they then hoisted out their jib. Being asked again whether they intended to haul down or sail out – answered they intended to haul down, but when they found the vessel going to the southward they loosed their topsail in order to cast her. Being asked where they hauled from on board - answered they roused her by hanging over the starboard bow. Being asked Being asked instead of loosening the sails & employing their hands therein - why did not they rather get their head fast around the windlass & heave upon it to bring her round – answered that such ropes as they haul away with, were not fit to heave on at the windlass. Being asked if they had a stern fastening why did they not check her by hauling upon that stern fast – answered they did not check her with the stern fast but her bow at the same time steered round to the south shore. Being asked what time of tide it was – answered it was high water at the time she came on the rocks. Being asked when the vessel sheered with her bow on the south shore whether her head fast was taut or slack – answered that he can't be positive but believes it was taut, for they were in a hurry running fore & aft working & getting out a heaving rope. Being asked on what part of the quay the head fast was made fast to – answered it was the second or third post on the quay about a ship's length or two from the upper end of the quay. Being asked if they had a light on that part of the quay where the head fast was made fast to – answered no. Being asked whether he could see the further end of the pier or not – answered that he did not take notice for they were minding their business. Being asked whether he was hauling at the head fast & looking out – answered that he did haul on the head fast but it was the mate's business to look out but that he took notice that she was sheering round & that they were doing their best to stop her. Being asked whether the steerman was forward all the time – answered that he was forward and aft where his duty called him. Being asked what distance there was from the place the vessel loosed to the place she came on – answered about two ship's lengths or two and a half as he believes. Being asked whether the stern fast was taut or loose when the vessel came on the rocks – answered that he did not know but that it was the steerman's business to look after these things & that he was only to obey his orders being asked whether or not the steerman gave him any directions to haul on the stern fast when her ? was coming on the rocks – answered that the mate was by that rope to stop it if necessary. Being asked if he or any of the crew were called upon to assist the mate in checking her when she was coming with her bow on the rocks – answered that the mate was sufficient to do it by himself. Being asked whether the stern fast was strong enough to heave or haul upon with the whole crew – answered it was when she was afloat. Being asked where abouts the galliot lay, on board which their stern fast was fastened – answered the galliot lay before Mr Arthur's door & she lay the outside of the galliot. Being asked what part of the river did her rudder & stern lie in at low water – answered her stern lay a little further over than the middle of the river at low water. Being asked what they did first when the vessel came on the rocks – answered that they brought out a strong hawser & made it fast to the quay & endeavoured to haul her off and the cable broke or parted. Being asked why they did not get out a strong hawser or cable and make it fast to the quay & so heave her round when they found her bow sheering to the south shore – answered that they did as soon as they could. Being asked since they got a strong hawser out to the quay after she came on the rocks which hawser they say was parted with heaving, why did they not get their head fast to the windlass & so heave upon that, before her bow came on the rocks – answered they did haul as much as they could but it could not help them. But that it was the mate's business to know the reasons for doing. Being asked again was it not the captain's business to know the reasons for their actions – answered the captain gives his directions to the mate & the mate to the men. Being asked if he heard the captain give any instructions that night – answered no but that he supposed he gave his directions to the mate else the mate would not have given said directions to the men & says that the captain was on deck and bid them be brisk in what they were about. Being asked did they

*haul upon their head fast all the time from the place where they loosed from till they came on the rocks – answered they did haul all the time & endeavoured all they could to keep her on the north side. Being asked how they came to shift in the night when they might have done it during the day – answered that it was a fine night and that the tide answered and that it was the captain’s business to give directions. Being asked why they did not sail away a day before – answered the master best knew that it was the master’s business. Being asked if the master gave any previous notice before to the men of his intention to go to sea – answered no. Being asked if the master told them how far or to what part of the harbour they were to go – answered no he did not.*

*Erasmus de Vries.”*

*“Johannes Rose being sworn & examined on behalf of the defendant, despoth & saith that he is a mariner on board the Cornelia. That he is unacquainted with & does not know the hour particularly in regard to losing the vessel. But to the best of his opinion or guess believes it was about midnight. Being asked how long after the captain came on board was the orders given to have the vessel unmoored – answered immediately after the captain came on board. Being asked if he was in bed or on deck when the master came on board – answered he was in bed. Being asked if there was a watch kept that night – answered that the boys were on watch as was the custom. Being asked how the wind was & what sort of weather when they loosed – answered that the wind was about west, but not looking the compass at the time can’t be particular & that it was a fine night. Being asked what time of tide it was when they loosed – answered it was high water or hardly high water & that it had not ebbed. Being asked after what manner the vessel was moored & where – answered there were two sternfasts on the south side and one big one to the north side & two buoy ropes forward on the quay & a breastfast to the galliot. Being asked where the big rope on the north side was made fast in the vessel – answered to the timber head abaft. Being asked where it was made fast on the shore – answered somewhere near the sign of the Three Sailors. Being asked where abouts were the two head fasts made fast on the quay – answered to one of the posts near the upper end of the quay. Being asked how long were they getting their fasts aboard – answered that they used all expedition possible. Being asked again whether he was employed in getting in all their fasts – answered that he was & that he went in the boat from fast to fast to cast them off. Being asked did he cast them off – answered he himself cast them off. Being asked how long were they casting off their ends – answered about a small half hour to the best of his guess. Being asked if he run out a head fast before all the ropes were cast off – answered that all ropes were cast off, except the stern fast which remained fast, till they had run out a head fast. Being asked what particular directions were given them, when they loosened their vessel – answered that the mate gave orders to let go the fast, that they might haul further down & that they would be soon done. Being asked when they went ashore to cast off their head fast – answered that they one on the upper end of the quay, which was the reason that they did not bring out another head fast to fix lower down on the quay as (they say) they intended to haul further down – answered while she lay fast by the stern fast that the mate gave him a warp into the boat in order to run out to a head in the boat, because he could not draw along the quay as vessels lay alongside the quay. Being asked how far lower down on the quay from the place where the two head fasts which were first cast off were fastened to, was the head fast that was afterwards run out made fast? - answered three ship’s lengths at the most & in answer to the latter part of the question saith, that it was fastened to one of the posts on the quay. Being asked when they loosed their top sail – answered as soon as they found the vessel falling off to the south side. Being asked what time they hoisted their jib – answered when they found their top sail would not do, then they hoisted out their jib to bring her head about from the rocks. Being asked if there was any wind at the time – answered no & it was fine calm weather but that he could perceive by the top sail that there was a little breeze aloft. Being asked what fasts she had out when they came on the rocks - answered a stern fast which was fastened to the galliot. Being asked whether the stern fast was taut when the vessel came on the rocks – answered the stern fast was taut when she came on the rocks. Being asked if the stern fast was taut when she came on to the rocks with her bow, how came she then to thwart across the river – answered that when her bow touched on the rocks, they let her stern fall off a little as the best & safest way for the ship to lie. Being asked what means were used to get the vessel off before they let her thwart across the river – answered they carried out a hawser & fastened it to one of the posts on the quay & brought it to the windlass & on heaving on the windlass it broke. Being asked whether that hawser was carried out from the head or the stern of the vessel – answered it was carried out at the stern from the windlass. Being asked how far below the corner of the quay the hawser was fastened – answered about a ship’s length for then there was a vessel square with the corner of the quay & then that fast was brought out astern of her. Being asked whether the stern fast they had first out which was made fast to the galliot was sufficient to heave at the windlass – answered no, but it was fully sufficient to warp over by hand & to work a ship off by. Being asked why they did not carry out a fast to the*

westward, to heave her off, when her bow took the ground – answered it was not necessary, & besides, a hooker was in the way, otherwise they would have carried it higher. Being asked where that hooker lay – answered exactly square with the corner of the quay. Being asked could they not have carried a hawser to the westward of the hooker – answered no, it was more of use to have it fast astern of the vessel than ahead of her. Being asked if that vessel lay to the eastward or westward of their ship or how – answered to the westward or northwest, about a good ship's length from them. Being asked how their vessel lay when she first took the ground with her bow – answered she lay with her bow about southeast & her stern about northwest. Being asked where the stern of the vessel lay when she was aground – answered about the middle of the river. Being asked about the cause of the vessel's straining – answered because she struck on the rocks. Being asked whether her lying hollow across the river at low water was or was not the cause of her straining & damaging the cargo – answered that had all the ship's length touched the ground she would not have received so much damage. Being asked after they had cast off their two head fasts that were on the quay, what had they to command her head – answered immediately after casting off the two head fasts they carried another further forward, in order to haul the ship down. Being asked had they that head fast which he says they carried further forward down on the quay in order to haul the ship by, on board their boat when they came ashore to cast off their first two head fasts – answered no but that the mate as ready with the coil in his hand, on the return of the boat & tossed it into the boat, which they immediately carried forward. Being asked what was the next thing they did after they fastened that rope ashore – answered that returned & by the mate's direction begun to haul the ship down. Being asked did they haul that rope taut – answered that they first hauled in the slack & when they found the ship going over to the south side that they then hauled with all their might. Being asked if they brought that rope to the windlass – answered that they had no time but they hauled with all their might & made it fast round a timber head. Being asked what they did next – answered that they immediately loosed their top sail & braced it aback to prevent her going to the south side. Being asked why they did not haul upon the stern fast instead of loosing their top sail as it was moderate weather - answered that they did not haul because the more they had hauled the more the vessel would have shot over to the southward. Being asked that as he says the more they hauled upon the stern fast, the more the vessel would have shot over to the southward, how happened it, that they did not haul upon their head fast in order to bring her head to the northward – answered that they were not able to haul on to any purpose for the ship was ungovernable then. Being asked was that head fast fit to be brought to the windlass – answered no, for that it was only a common warp. Being asked if they had a strong hawser made fast on the quay, where that warp was, and also about the windlass, does he think that if they had, had it out, & hove upon it in time, would it not have prevented the vessel going over with her bow on the south side – answered that it was not customary in hauling a ship away to bring a warp about the windlass in moderate weather. Being asked whether they had hauled the vessel anything ahead, before her bow came on the rocks on the south side – answered while they were hauling the slack of the rope they veered out astern, & hauled in the slack ahead. Being asked if they found that her bow sheered to the south side, when they had hauled in the slack of the head fast. What was the reason that they veered out upon the stern fast – answered they had hauled in the slack of the head fast and found the ship shooting over to the southward, they did not veer out anymore at the stern fast but stopped it for that the more that they had hauled upon the stern fast the more it would have shot the ship to the southside. Being asked, whether the ship sheered over to the south side, had the slack of the head fast was hauled & made fast on board - answered no, but as soon as the slack of the head fast was hauled in they then discovered, & not before, that the ship was shooting over to the southward, upon which the mate gave directions to the whole ship's crew to haul with all their might, boys & all, upon that head fast. Being asked on what quarter the stern fast was out on – answered on the larboard quarter. Being asked how far they had gone from the place they had moored till they came upon the rocks – answered about 3 good ship lengths. Being asked who stood by the stern fast when the vessel's bow came on the rocks – answered that one of the ship's company was there but as he was busy himself he could not tell which. Being asked whether that stern fast was sufficient to bring to the windlass – answered no, but it was sufficient to haul on. Being asked if there were any empty casks got to buoy the vessel & from whom they were got & whose instance & request – answered there was four got from the merchant meaning Mr Arthur & that it was at Mr Arthur's instance & request. Being asked, what time the master came on the deck the Sunday that the accident happened – answered that the captain was on deck all the time of the accident and when the ship was fast, & that they could do no more, saith that the captain went to his cabin & came on deck about 10 o'clock being unwell. Being asked what water was about the vessel when the captain came on deck out of his cabin – answered about a foot or 3 or 4 astern of the ship & as soon as there were 8 inches in the pumps they began to pump & the captain came on deck & assisted in pumping at the same time. Being asked whether or not Mr Arthur did not desire some of the hands to call the master about 7 or 8 o'clock that Sunday morning & throw several stones near the cabin with the intention to call the master, to see the condition of his vessel lay in – answered that it is very possible that he would not see it he being ashore at the

time to take a dram. Being asked if he did not see Mr Arthur walking about the vessel in the river with his boots on him – answered, he did. Being asked if Mr Arthur did not speak to the mate & the rest of the hands to get carpenters to help the vessel so as to make it tight to prevent her sinking on the next tide – answered he did see Mr Arthur speaking to the mate, but does not know what conversation they had.

*Johannes Rose his X mark.”*

*“Emanuel Williams being sworn & examined on behalf of the defendant despoth and saith that he is a mariner on board said ship Cornelia. And being asked who gave him orders to loose the ship from her moorings before she came on the rocks - answered the mate. Being asked whether he was told whether the vessel was to go to sea or to another part of the harbour – answered he was not that the steersman called him up & gestured with his hands bid them cast off the vessel and they would soon be done. Being asked what kind of wind & weather they had that night & what time of the night they got such orders – answered it was a fine calm moon light night & the wind about west or west by south, and they got orders about midnight. Being asked how long the master was aboard before he got orders to loosen the ship from her moorings – answered about a small half hour or a quarter of an hour but can’t be certain. Being asked what time of tide it was when they loosed the vessel – answered it was rather before high water, than after. Being asked how he knew whether it was high water or not answered that he could see by the shore. Being asked how the vessel was moored – answered that he had two stern fasts out of the south side & another stern fast at the north side & two head fasts which he calls buoy ropes & a breast fast to the galliot. Being asked what was the first thing they did after they loosed their vessel – answered that a man went to cast off the fasts & that he was busy hauling them in. Being asked what time they loosed their topsail – answered that as soon as they found the ship shooting to southward they loosed their topsail & then braced it aback after hoisting it as high as they could. Being asked how the wind was that night time that the topsail was hoisted - answered that it was west or west by south to the best of his judgment without looking on the compass. Being asked how her head lay, when the topsail was backed – answered he can’t exactly tell, but to the best of his judgment her head lay south. Being asked had they a stern fast out & did they bear taut upon it when the topsail was hoisted – answered they had a stern fast out from the time they cast off & they were veering away till they came near the rock & then they stopped short on their stern fast on which the ship’s bow struck on the rocks. Being asked from what quarter they had their stern fast out – answered the larboard quarter. Being asked had they a head fast out to the northward – answered yes, they had a head fast out fastened to one of the posts of the quay. Being asked why did they not make use of that head fast to keep her head from going to the southside on the rock – answered that they all hauled on that head fast men & boys but that they were not strong enough to prevent the ship going on the rock. Being asked why they did not bring that head fast to the windlass & heave on it to prevent her going on the rocks, since they could not prevent her by hauling by hand – answered when they found they were not able to check her by hand, they made fast their head fast to a timber head and that in case they had attempted to bring it to the windlass, the ship would have been quicker on the rocks. Being asked did they veer upon the stern fast before they hauled in the slack of the head fast – answered no, for they hauled in the slack of the head fast which when done, they veered upon the stern fast. Being asked was the main topsail loosed at the time they made fast her head fast to the timber head, as mentioned in the question last but one – answered that the head fast was made fast to the timber head before they loosed their topsail. Being asked what part of the river did her stern lie in the next low water after she went on the rocks – answered that her stern lay about the middle of the river. Being asked was she free afloat at the time they hauled in the bow fast & took a turn with it about the timber head – answered that she was. Being asked how it happened that she afterwards went on the rocks – answered that by the length of the ropes the ship sheered on the rocks. Being asked had she had two fasts out at the time they made her bow fast, fast to the timberhead - answered no. Being asked did the master see how the vessel lay at low water – answered he can’t tell. Being asked what time he arose on the Sunday morning the accident happened – answered he can’t tell exactly but saith that it was before the flood came about the ship. Being asked what flood was about the vessel when the master came out of his cabin upon deck - answered that he believes there was about three feet water about the ship’s stern & eight inches of water in the pumps on which they began to pump & the master came & assisted in pumping.*

*Emanuel Williams.”*

*“Patrick Wilson being sworn & examined on behalf of the defendant deposeseth and saith that he has been bred to the sea. Being asked did he see the Cornelia dogger whereof the defendant is master the Sunday morning she*

met with the accident – answered he did. Being asked what time he went down to the vessel & what condition he saw her in that morning - answered it was between 7 & 8 o'clock when he went down & saw her head up about 7 or 8 foot up on the rocks, & her stern lying down in the river about the middle of it. Being asked what questions he asked the mate with regard to the accident desired to declare what he knows relating to the accident answered as follows. He asked the mate how they came there & he told him that they were going to sea – he asked him again, how was the wind, he shrugged his shoulders & told him he must do what his master ordered, or must lose his wages when he went home & that he then went & called the defendant & that the defendant immediately got up & put on his boots & went down & viewed the vessel wading through the river & immediately ordered the mate to get a Dutch carpenter that was then in the Hamburger & the defendant sent for Lyons the carpenter & his men & desired the mate to give them orders to tighten the vessel & keep her from sinking & that he heard the defendant call the master & throw stones aboard that he did not see the master at the time but the mate said he was sick. But that he did not see the master on the deck till between 10 & 11 o'clock but that he was not present all the time but going backwards and forwards between the ship and the defendant's house & does not know that he was a quarter an hour absent from the view of the vessel until he saw the master & that the defendant made the men get casks to put under the vessel which casks the defendant gave them. Being asked by the defendant if he had been master or pilot of that vessel whether he would have moved her that night. If he could without any inconveniency have moved her the next day or the day after – answered that he would not. Being asked whether the accident would, in his opinion, have happened if the master had taken a pilot with proper assistance to move his vessel – answered that in his opinion there would no such accident have happened if she had had a pilot on board & proper help. Being asked how long he has known Douglas harbour – answered these nine years past. Being asked did he ever remember any laden vessel of her burthen but always took a pilot coming in or going out of the harbour when it could be had – answered he never did, excepting the colliers. Being asked is it custom to loose sails on a vessel when transporting her in the harbour from one place to another, particularly in the night – answered no, it is not. Being asked which is the most difficult part of the harbour and where is a pilot most requisite – answered all along the upper part of the pier down to the pier head. Being asked where about the Cornelia lay in the harbour before the accident happened – answered she lay in the channel about half her own length west and south from the upper end of the pier. Being asked what conversation passed between the deponent & the defendant before the accident happened, concerning the taking off of the tides & removing the vessel – answered that defendant said he did not care to move his vessel for two or three days till fair weather, on which the deponent told him he would have enough water where he lay all neap excepting a tide or two. Being asked whether Captain Thompson would have water enough for two or three days after – answered that he would. Being asked by the defendant whether he went down on purpose to view the vessel – answered he did. Being again asked by the defendant if he did go down on purpose what interest he had therein – answered he had no interest but to see what condition the ship was in. Being further asked by the defendant what depth of water there is in that berth where the Cornelia lay at common springs & neaps where she lay alongside the Hamburger – answered he very seldom knew less than seven foot of water at lowest or common neaps, and at highest springs twelve, fourteen or fifteen foot water. Being asked again by the defendant if he had measured the depth of water there – answered he did often enough. Being asked again by defendant if he knew the draught of water of the Cornelia at that time and how many feet deep she went – answered he did not know but Captain Thompson told him he would bring her to seven feet. Being asked again by the defendant if he the defendant told him what draft of water she dried after she was loaded – answered no he can't tell that but that he the defendant told him she would be very deep when at eight feet. Being asked again by defendant if he himself when master of a ship commonly took a pilot to transport his ship from one place of a harbour to another, in a dry harbour where he had occasion for some days to view all the dangers which might lie in his way – answered that he never moved his vessel when loaded once a pilot berthed her, without a pilot but that he has moved his vessel when light without a pilot. But that he always had a pilot going out & coming in to Douglas harbour if he could get one. Being asked again by defendant that as he observes sails are never loosed in transporting a ship in the harbour, whether he, if it was his case, that his ship should by some accident or another run on shore would he not then, loose sails & lie them aback or otherways as he thought best to get his ship off again if possible – answered to be sure he would use all the means he could, but he would run ends out rather than loose sails. Being asked again by the defendant if it be consistent with his knowledge that any of the pilots belonging to the Isle of Man are invested with branches from the Trinity House or have any Public Deed from the Government of the said Island authorising them as such – answered that he knows no such pilots in this Island.

Patrick Wilson.”

*“Thomas Porter being sworn & examined on behalf of the defendant saith that he is master of an open boat for these 12 or 14 years & has known Douglas harbour about 25 or 26 years. That he has very often been a pilot for ships both in & out, & swears nothing of the matter but that he saw the Cornelia afloat often enough and also that he saw her on the rocks like a wreck.*

*Thomas Porter his mark x.”*

*“Lawrence Walsh being sworn & examined on behalf of the defendant saith that he has been the master of a ship 44 years & that he has known Douglas harbour about 44 years & that he is one of the oldest pilots in Douglas harbour. That he had seen the defendant’s vessel lying in a very good berth in the harbour on Saturday before she went on the rocks & also saw her on Sunday morning following lying athwart the river with her head on the rocks that he knew the said vessel by seeing the flaxseed put aboard her. That he observed her to lie very hollow while on the rocks. Being asked whether he had not known it to be the usual custom for masters of ships to take pilots out & in of the said harbour of Douglas when loaded – answered yes. Being asked again if he was master or pilot of that vessel whether he would move her in the night time if he could without any inconvenience moving her the next day or the day following – answered that he would never move her at night if he was sure of water the next day, but if he wanted water he would move her at night meaning that if the tides were taking off he would move her to deeper water. Being further asked whether it’s usual or customary for a master or pilot of a vessel when they are loosening their vessel in that harbour in order to haul her lower down to cast off his head fasts when his vessel’s head lies out towards the pier head – answered that it is not for he would have an end a head out of her to guide her. Being asked again is it customary or necessary for a master of a ship or pilot to loose sails when they are shifting their berth in the harbour in the night time – answered that it was not proper to loose their sails but they should send their hands ashore to fast their fasts both head & stern. Being asked if he had a pilot aboard with proper assistance with sifting the vessel would the vessel met with that disaster in a calm night – answered she might with the best pilot in Europe. Being asked what part of that harbour of Douglas is a pilot most necessary – answered every part of it. Being asked if his fasts had been properly fastened and had in due time been hove or hauled upon or properly made use of does he think that the accident would have happened – answered if she had had good ends one on the north side & properly tendered, she would never have gone on the rocks on the southside.*

*Lawrence Walsh his mark x”*

*“Mr Anthony Whiteside being duly sworn & examined on behalf of the defendant saith that he was bred to the sea & has been master of a ship afterwards & had been master of a ship out of the port of Douglas. He believes he has been master of a ship out of the port of Douglas about six or seven years. Saith that he has known the said port of Douglas for about twenty years. Saith that he saw the Cornelia dogger athwart the river and was aboard of her when she was heaving off the rocks. Being asked if he was the master of that vessel whether he would move her in a dark night without a pilot when he could move her the next day or the day after without inconvenience – answered if he found the tide was taking off he would move her lower down but if he was having water why should he move her saith as the wind was south there was no danger of the tides cutting off. Being asked did he know how the wind was that night which the vessel was moved in – answered he can’t tell. Being asked how the wind was the next day – answered he believed the wind was about west-southwest but can’t be positive, is sure it was on the southerly hand. Being asked if he believed if the master had hired a pilot & proper used assistance for moving his vessel would the accident have happened – answered no, he believed it would not. Being asked did he remember any loadened vessel of her burthen, going in or out of the harbour of Douglas, but always took a pilot – answered no he does not remember not any ships go in or out of said harbour without a pilot for he always did so himself. Being asked is it customary to loose sails on a vessel when transporting her in the harbour of Douglas at night – answered he really can’t tell, saith it’s a custom he never saw. Being asked if they had sufficient out on the north side in shifting the vessel & a proper use made of them. Did he think the vessel would have gone on the rocks on the south side - answered things of that kind are always judged according to the time of the tide. Being asked supposing a vessel is to be transported at high water lower down the harbour & that she has sufficient fasts out on the north side & a proper use made of them in a calm night. Did he think she would go on the rocks on the south side and that in his opinion that no ship would go ashore if proper use were made of the fasts. Being asked which part of Douglas harbour is most difficult & most required a pilot’s direction & care – answered about the middle of the quay, a little below where the ship lay on the rocks. Being*

*asked if he was transporting a vessel a little lower down in that port would he cast off his first head fast by which he was moored before he had passed another head fast – answered no, he does not think it proper to do so, nor he would not do it. Being asked on behalf of the defendant whether it be consistent with his knowledge that a vessel having a pilot on board met with any accident, or whether he esteems pilots infallible more than any other men – answered no it's customary for ships to meet with accidents with pilots on board as well as without them & saith that no pilot is infallible. Being asked again by the defendant whether or not the best of seamen even in the port of Douglas, in transporting of a ship with the utmost care & diligence can prevent an unforeseen accident – answered no they cannot.*

*Anthony Whiteside.”*

*“Anthony Callister being duly sworn & examined saith on the part of the defendant, saith that he has been bred to the sea & that he has been master of a vessel & saith that he has been a pilot in Douglas harbour for about 4 or 5 years. Being asked did he see the Cornelia dogger when she lay with her bow on the rocks on the south side & her stern in the river – answered he did see her & went down to the said vessel. Being asked if he was master or pilot of that vessel would he move her in a dark night when he could move her the next day or day after without inconvenience – answered he would not move her in a dark night or light night unless it was a still light night indeed, if he could do it the next day without inconvenience. Being asked did he believe the accident would have happened, if the master had taken a pilot with proper assistance to move his vessel – answered he does not think she would if she had a pilot aboard with proper assistance. Being asked did he remember any loadened vessel of her burthen but always took a pilot going in or out of the harbour of Douglas, colliers excepted – answered no he never knew of any going in or out without a pilot. Being asked if it's customary to loose sails shifting a vessel in the harbour at night – answered it is not. Being asked if in shifting that vessel had sufficient head fasts out on the north side & a proper use made of them. Does he think the vessel would have gone on the rocks on the south side in a calm or moderate wind – answered no. He thinks not. Being asked which is the most difficult part of the harbour of Douglas requiring the care of a pilot – answered he thinks the most difficult part is from Mr Arthur's house to the steps of the quay below the necessary house. Being asked what is the most proper method to be used in transporting of a vessel lower down in that difficult part of said harbour – answered to have all ends fast & veer down by the stern fasts & haul by the head fasts and saith he would never take a vessel down with less than three fasts & sometimes four. Being asked if he was transporting a vessel lower down in that harbour did he think it would be proper to cast off his head fasts or all his other fasts by which was moored, excepting a breast fast till he had first passed the other fasts – answered he did not think it proper. Being asked on behalf of the defendant if he was a master or pilot of a vessel whether he would not transport a ship into deeper water in the harbour of Douglas in a clear, calm night if he was afraid of his ship being neaped where she then lay – answered if he was a pilot of a vessel he would do it, but if he was a master he would not do it without a pilot on board. Being asked whether pilot or master, & intending to transport his ship then lying along side of another well moored whether or not he would not stop his vessel to that, until such time as he got his ends & run out others – answered he would be sure if they would allow him. Being asked that as he says, he has been a pilot in the harbour of Douglas, for four or five years, & no doubt his being a master of a ship is sufficiently capable whether or not he was a branch from the Trinity House or any Public Act in his favour from the government of this Island authorising him to act as a pilot & likewise if he knows of any such pilot in this Island – answered he is not, & knows of none such.*

*Anthony Callister.”*

*“John Kissack being duly sworn & examined on behalf of the defendant saith that he served his time to the sea & had been the master of a vessel & has been a pilot in Douglas harbour about five or six years & has known the harbour of Douglas about twelve years. Being asked if he saw the Cornelia dogger when she lay with her bow on the rocks on the south side, & her stern in the river – answered he really did not. Being asked if he had the care of that vessel as aster or pilot, would he move her in the night when he could do it the next day, or the day after, without inconvenience – answered no, he would not. Being asked did he believe the accident would have happened, had the master taken a pilot with proper assistance to move his vessel – answered if there had been a pilot aboard the accident might have happened but as the master in his opinion had no pilot aboard he is accountable for the damage that happened. Being asked did he remember any loadened vessel of her burthen, but always took a pilot, when could be had, going in or out of the harbour of Douglas, colliers excepted –*

answered no, he never did. Being asked if customary to loose sails on a vessel when shifting her in the harbour of Douglas in night time – answered he never saw the like done neither night or day to that purpose. Being asked if that vessel had sufficient fasts out on the north side, & a proper use made of them, did he think she would have gone on the rocks on the south side of the river – answered he does not think she would if there was proper method taken. Being asked which is the most difficult part of the harbour requiring the are of a pilot – answered he thinks it all difficult from the entrance to near the upper end of the quay opposite Gelling’s house. Being asked what is the proper most method of transporting a vessel lower down that difficult part of the harbour – answered you must veer her down if you have water for it, & a proper time of the tide, with the assistance of a boat to carry out the ends or fasts belonging to said vessel. Being asked how many ends or fasts are necessary to be out in transporting a vessel lower down in that difficult part of said harbour – answered I think four ends is the safest way for that if she was to put a sheer other on one side or the other of the harbour by those ends being out might haul her into a proper berth & in safety. Being asked what is meant by the words proper assistance – answered a boat & hands which are customary when a pilot is made use of. Being asked by the defendant whether he, as pilot or master of a ship, would not transport his ship in a calm fairway if he was afraid of being neaped – answered he really would not. Asked again if he or men of the best skill & knowledge in transporting of a ship in Douglas harbour, with all the caution belonging to a sea man, might not meet with an accident or be able to prevent an accident if they loose in a improper time of the tide (after high water) so as the harbour is subject to banks & shoals. Being asked again if at a proper time of tide such people could prevent an unforeseen accident – answered they might prevent it if they loose in a proper time of the tide, any time before high water in a flowing tide. Being asked again that if he thinks pilots are infallible more than other men – answered pilots are subject to make mistakes as well as other men, provided they don’t take the proper method.

John Kissack.”

“Castletown October 17 1746

Mr Patrick Hindes being duly sworn & examined on behalf of the defendant saith that the defendant did purchase from him the deponent at public court in the presence of Mr John Quayle Notary Public of the Isle on the 17 May last 560 bags of flax seed at 2s 7p a bag amounting to £73 10s British value for which the said defendant paid him the said sum as per the receipt now produced. Being asked whether he believes that the flax see that the defendant bought from him, was shipped on board the Cornelia dogger whereof the defendant is master – answered he does believe it to be the same. Being asked if he saw the damaged flax seed which was relanded out of the said vessel & if he believes it to be part of the same which he sold to the defendant. Being asked if he sold the defendant any other flax seed than mentioned in the above receipt – answered he did not. Being asked if he saw the said flax seed shipped on board the said vessel – answered he saw some sacks of the same which he sold, put on board said vessel. Being asked if he attended the shipping of said flax seed on board the said ship – answered he did no attend it. Being asked did the defendant pay him £3 British for the cellarage of the said flax seed – answered he did. Being asked whether he knows that the flaxseed received any damage from the time he sold it till shipped- answered he does not know of any damage received unless by rat or by lying by the wall. Being asked again if he is conscious of any damaged it received – answered he is not, nor was any damage visible to him from the time of sale to the time it was shipped on board said vessel.

Patrick Hindes.”

“William Cannell cooper being duly sworn & examined on behalf of the defendant saith that the defendant paid him four pence per puncheon with two shillings for hoops & nails Manx value. Being asked if he saw the flax seed being putt into the puncheons – answered he did. Being asked if he believes the said flax seed was in as good condition when shipped as the day it was bought – answered he did not know. Being asked if he saw that flax seed shipped on board the Cornelia – answered he did not. Being asked if the damaged flax seed relanded was the same he coopered & part of the same 47 puncheons which he coopered – answered to the best of his they were. Being asked if he saw the puncheons when relanded – answered he saw some of them.

William Cannell.”

*“Hugh Alexander being duly sworn & examined on behalf of the defendant saith that the defendant paid hm £2 15s 5p Manx value for portorage of 430 sacks & 47 puncheons of flax seed shipped on board the Cornelia dogger Captain Thompson master. Being asked if Mr Arthur agreed with him for the shipping of the said goods – answered he did. Being asked if he saw any of the goods relanded – answered he did carry some of the same bags ashore. Being asked if they were in the same condition when relanded as when shipped – answered them he carried were dry but he saw some carried by horses which were wet. Being asked if he knew how much was damaged - answered he can’t tell. Being asked if he knew how many bags were put into each puncheon answered he can’t tell. Being asked if 19s & 7p Manx part of the abovementioned £2 15s 5p Manx, is a particular charge on the said 47 puncheons only – answered it is.*

*Hugh Alexander.”*

*Castletown October 18 1746*

*Mr Thomas Arthur the petitioner of this cause, being duly sworn & examined saith he bought the flax seed for 2 s 8p per bag from Mr Patrick Hindes for 560 bags as per said Hindes’ affidavit. Being asked what the empty bags are worth, each respectively – answered Such of them that were sound would sell for 9 pence per pair Manx value. Being further asked what the bags if empty, would sell for one with another good & bad – answered he believed that they might sell for seven pence Manx per pair one wit another but that the rotten bags which contained the flax seed before put into the puncheons were not worth above three pence Manx per piece & many of them nothing at all being quite rotten which occasioned the expense of puncheons to contain the seed. Being asked if he saw every part & parcel of the 560 bags of flax seed on board the Cornelia in bags & puncheons – answered he did. Being asked what he thought the puncheons were worth – answered he never bought or sold any of them for less than 8s English value per puncheon. Being asked whose property is the flax seed – answered Mr Patrick Hindes, Mr Francis Bird together with himself. One third each.*

*Thomas Arthur.”*

*“Thomas Arthur, Petitioner  
Alex Thompson, Defendant*

*We whose names are under written being an Admiralty Jury sworn before John Quayle and William Christian Esqs, the Worshipful Water Bailiffs of this Isle in this cause wherein Thomas Arthur of the town of Douglas merchant is petitioner and Alexander Thompson master of the Cornelia dogger of Campier is defendant touching a disaster which happened to the said Cornelia in the port of Douglas aforesaid, on Sunday morning the 10<sup>th</sup> day of August last, whereby a parcel of flax seed shipped by the petitioner was damaged, and after having heard & duly considered all the evidence & papers brought before us, & also the protest made by the said defendant, do find sufficient evidence to set aside & nullify the said protest and therefore we agree & adjudge, that the said protest be nullified & set aside. And that the said defendant Alexander Thompson do pay the said petitioner Thomas Arthur twenty four pounds five shillings & three pence half penny British in full of all damages occasioned or sustained by the said disaster and this we give for our verdict in the premises this 18<sup>th</sup> day of October 1746.*

*Henry Lindsay  
Richard Penettes  
Archibald Livingston  
John Dennis  
Edward Kavanagh  
Phillip Christian*

*At an Admiralty Court holden at Castle Rushen this 18<sup>th</sup> October 1746. The jury delivered this verdict to us.*

*John Quayle  
William Christian.”*

*“21<sup>st</sup> October 1746*

**Copyright Adrian Corkill 2022**

*This day the within named Alexander Thompson appeared before me John Quayle Comptroller and Clerk of the Rolls and entered himself bound in the penal sum of three pounds to and for the use of his Grace James Duke of Athol & Lord of this Isle by way of traverse to disprove the within written verdict of the Admiralty Jury whereby he finds himself greatly aggrieved and for relief in the premises craves another and further trial of the matter & ? contained by and before a traverse jury according to the practice in such cases.*

*Captain John Quayle  
Comptroller & Clerk of the Rolls."*

*The traverse jury never happened.*