

NEW YORK, MONDAY, OCTOBER 31, 2005

ESSAY

# 'Ghost Ship': Salvaged or Victimized?

BY JAMES E. MERCANTE

**A** burning question surrounded the ill-fated voyage of the *Mary Celeste* 130 years ago: Whether her rescuers were saviors of ship and cargo who should be rewarded or criminals guilty of murder on the high seas who should be hanged.

This nautical mystery cum salvage involved a 100-foot two-masted sailing vessel, registered in New York. Found deserted and adrift in the mid-Atlantic on Dec. 4, 1872, the "ghost ship" was en route from New York to Genoa, Italy carrying a cargo of 1,700 casks of alcohol to fortify wine.

The vessel was spotted drifting aimlessly by another merchant sailing ship, the *Dei Gratia*. No one was at the wheel of the *Mary Celeste*; nor were there any signs of life aboard.

Gone without a trace were Captain Benjamin Briggs, his wife, two-year-old child and eight crewmen. A final log entry had been recorded 11 days earlier. Giving new meaning to the term "dead reckoning," the *Mary Celeste* had been drifting toward Genoa on her intended course for 11 days with no one at the wheel to guide her.

Remarkably, the vessel was said to be in good condition, the cargo largely intact and clothing was folded neatly on bunks. The galley, however, was in disarray and the ship was wet everywhere.

The only evidence of a disturbance was a missing lifeboat and two dislodged hatch covers. There was no sign of struggle. The eerie fate that befell *Mary Celeste* remains a mystery amid a limitless sea of speculation. Naturally, each time the story is told, the more-fantastic the details become.

The *Dei Gratia's* Captain David Morehouse ordered three of his men to sail *Mary Celeste* to safe haven in the Straits of Gibraltar. Upon arrival, the authorities ordered an immediate investigation. A survey of the vessel offered no solutions, only outlandish theories and more unanswered questions, while the line between fact and fiction blurred.

Theories ranged from the possible—mutiny by an enraged crew intoxicated from samplings of the alcohol cargo, an attack by pirates, a minor explosion generated by alcohol vapor causing the fearful crew to hastily abandon ship and to slowly drift away in the lifeboat, to the outrageous—a giant wave striking the ship washing everyone overboard, attack by sea monster, capture by aliens.

British authorities suspected that the captain and crew of *Dei Gratia* were solely responsible for *Mary Celeste's*

plight in order to obtain a generous salvage award.

Admiralty law grants salvors substantial awards for rescuing vessel and valuable cargo.

It has been recognized in admiralty law for over 2,000 years that one who voluntarily assists an imperiled ship is entitled to a "salvage" award from its owner. The purpose of this fundamental principal is to encourage the saving of life and property at sea. The award frequently is a percentage of the value of the vessel and her cargo. However, the law does not tolerate an unscrupulous salvor's dishonesty, corruption, fraud or misconduct: as the marine equivalent of "unclean hands," this means that a salvor is not to benefit by his own wrongdoing.

The *Dei Gratia's* crew testified at length during a three-month Admiralty Board of Inquiry at Gibraltar. That inquiry failed to substantiate the charges against them. No one, including the authorities, had any proof of what happened. The only testimony available was that of the *Dei Gratia's* crew who had a vested interest as salvors.

Nevertheless, the cloud of misconduct that veiled the crew would not dissipate. Having established the elements of salvage, with no proof to the contrary, the admiralty court was obligated to compensate the *Dei Gratia* owners. However, the court granted a minimal award, instead of bestowing a larger salvage reward to which the owner would ordinarily have been entitled.

The *Mary Celeste* set sail again. But superstitious sailors refused to serve aboard her. The vessel was sold 17 times in 11 years. In 1884, she was over-insured and then deliberately run aground off the coast of Haiti, with a load of cheap rubber boots and cat food.<sup>1</sup>

The attempted insurance fraud was detected when the ship refused to sink and insurance investigators found worthless cargo. The master and owner were prosecuted, and the "ghost-ship" ultimately settled into a watery grave.

**T**he saga of the *Mary Celeste* is legendary proof, in the maritime context, that, either cheaters never prosper, or that no good deed goes unpunished. You be the judge!

1. Van R. Field, "The Enduring Mystery of the *Mary Celeste*."

**James E. Mercante** is an admiralty partner at *Rubin, Fiorella & Friedman*.