

(No. 7841.)

"MANCHESTER CIVILIAN" (S.S.).

CANADIAN SHIPPING ACTS, 1906-08.

In the matter of a Formal Investigation held in the Court House, Quebec, P.Q., on the 30th day of July, 1926, before Captain L. A. Demers, F.R.A.S., Dominion Wreck Commissioner, assisted by Captain J. E. Bernier and Captain A. Landry as Nautical Assessors, into the circumstances attending the stranding of the s.s. "Manchester Civilian" near Point Seche, River St. Lawrence (east of Fame Point), on the 23rd May, 1926.

The vessel was at the time en route from Sydney, N.S., with a cargo of coal and pig iron for Montreal, and remained aground nearly two months, suffering extensive damages.

Mr. Lucien Beaugard appeared on behalf of the owners, and Mr. A. C. M. Thomson for the master.

JUDGMENT.

The Court, having carefully reviewed and weighed the evidence adduced, is of opinion that the course given by the master to be followed after leaving Fame Point was too fine and too close to be considered safe. Many unexpected agencies may occur, and two miles off shore from Fame Point to Cloridorme Point is not sufficient to avoid the effect of such agencies. The Court is justified in saying it is too close and dangerous at all times.

Very frank statements of the occurrences have been given by both the master and second mate, no attempt at evasion or to minimise features being detected by the Court.

On their own testimony the Court finds the master, J. Barclay, is in default for, as stated above, close sailing, and he is cautioned to adopt safer measures for the future.

With respect to the second officer, J. T. C. Vigurs, it appears that the approach of the vessel to the land was not detected by him until the moment the ship struck. He may have been keeping a good look-out in his point of view; but his look-out was concentrated on discovering Cape Magdalen Light to the detriment of any other thought. The moment that he detected that his ship was being steered two degrees west of the course given, or towards the coast—but for how long he does not know—he at once made the correction to haul the vessel out.

The land at that part is visible and distinct enough to convey the impression to the watcher when any approach, gradual or dangerous, is made to it. If his powers of observation had been up to the standard he would also have seen that Fame Point, which was visible on his port quarter, was not closing in towards the stern in ratio as his vessel advanced.

Therefore, the Court is of opinion that his look-out and observation was not as good as he implies, and was not that of a watchful officer. For these reasons the Court finds him in default, and suspends his

Certificate, No. 0013104, for a period of one month from 30th July, 1926. As he is a young man beginning his career he is cautioned to exercise ever and always the greatest of vigilance.

The Court deplors this happening, which is not due to any lack of aids to navigation or failure on the part of any, but is absolutely due to what has become a custom of skirting the land dangerously, which, whilst it may be safe for many times, is liable to and does cause casualties sometimes.

Read in Open Court at Quebec this 30th day of July, 1926.

L. A. DEMERS,
Dominion Wreck Commissioner.

Concurred in by

J. E. BERNIER, } Nautical
A. LANDRY, } Assessors.

At the conclusion of the hearing of evidence, the following questions were submitted on behalf of the Department of Marine and Fisheries for the opinion of the Court:—

1. What number of compasses had the vessel? Were they in good order and sufficient for the safe navigation of the vessel? When and by whom were they last adjusted?

2. Did the master ascertain the deviation of his compasses by observation from time to time; were the errors correctly ascertained and the proper corrections to the courses applied?

3. Was a safe and proper course set at the last point of departure and thereafter steered, and was due and proper allowance made, taking into consideration the weather conditions and set experienced?

4. What were the weather conditions previous to and at the time of stranding?

5. Were soundings taken during the six hours preceding stranding? If not, should the lead have been used?

6. Was the ship navigated with proper and seamanlike care? Was the ship running at a proper rate of speed having in view the weather conditions?

7. What was the cause of the vessel stranding?

8. Was the stranding of the s.s. "Manchester Civilian" caused through the wrongful act or default of the master or second mate, or both of them?

ANSWERS TO QUESTIONS BY THE COURT.

1. Three, in good order, adjusted in April last.
2. Yes.
3. Course set was too close to shore.
4. Fine and clear.
5. No.
6. Not during fifteen minutes previous to stranding.
7. See Report and Finding.
8. Default of master and second mate.

L. A. DEMERS,
Dominion Wreck Commissioner.

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