

(No. 349.)

"FARNLEY HALL," (S.S.), and  
"MORNA," (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at Westminster, on the 16th, 17th, and 18th of December 1878, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Commander FORSTER, R.N., and Captain CASTLE, as Assessors, into the circumstances attending the damage caused to the British steamship "FARNLEY HALL," of West Hartlepool, through collision with the British steamship "MORNA," of Leith, at about 2 p.m. of the 10th of November 1878, in Limehouse Reach, in the River Thames.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed,—

1. That serious damage was done on the occasion in question to the steamship "Farnley Hall," through collision with the steamship "Morna," and that such collision was due to the wrongful act of Henry Whittingham Allen, the pilot in charge of the "Morna," and not to any act or default of anyone on board the "Farnley Hall."
2. That the "Farnley Hall" was on the occasion in question navigated in a careful and proper manner, and with due regard to her own safety and to that of other vessels on the river.
3. That in particular her helm was not improperly starboarded when nearing Cuckold's Point; and that she did not improperly or at all deviate from her course, but was following the usual and proper course up Limehouse Hole, when she was run into by the steamship "Morna."
4. That the "Morna" was not, on the occasion in question, navigated in a careful and proper manner, and with due regard to her own safety and that of other vessels on the river.
5. That in particular the "Morna," being an overtaking vessel, neglected to keep out of the way of the "Farnley Hall," and that on approaching the "Farnley Hall" she neglected to slacken her speed, and to stop and reverse in sufficient time to avoid a collision.
6. That there is no reason to suppose that a good look-out was not being kept either on board the "Farnley Hall" or the "Morna;" but that it is not usual or necessary under the circumstances for a look-out to be kept aft.

The Court makes no order as to costs.  
Dated the 18th of December 1878.

(Signed) H. C. ROTHERY,  
Wreck Commissioner.

We concur in the above report.

(Signed) GEORGE H. FORSTER, } Assessors.  
JOHN S. CASTLE, }

Reasons.

The Commissioner.—The object of the present inquiry is to ascertain the circumstances under which a collision occurred between the steamships "Farnley Hall" and "Morna," near Cuckold's Point, in the River Thames, about 2 o'clock in the afternoon of Sunday the 10th of November last. But before I proceed to deal with the facts of the case, I may observe that both Mr. Clarkson and Dr. Phillimore seemed at one time to be somewhat alarmed, lest the Court should be disposed to enter into an inquiry not only as to what were, but as to what ought to be, the regulations for the Port of London. The Court, however, has no such desire. That matter is at present in the hands of a committee far more competent to deal with such a question than this Court. Undoubtedly if any question arose in the course of one of these inquiries which seemed to show that some regulation, or the want of some regulation, had materially contributed to the casualty, it would be the duty of the Court not altogether to overlook it; but happily no such question arises in the present case. The facts are in a nut shell.

It seems that the "Farnley Hall" was an iron screw-steamship of 945 tons gross and 606 tons net register, and was fitted with engines of 98 horse-power. She was built at West Hartlepool in the year 1871, and at the time of the casualty which forms the subject of the present inquiry she was the property of Mr. Robert Irvine, of the Harbour Dockyard, West Hartlepool, and others, Mr.

Robert Irvine being the managing owner. She was on a voyage from the Baltic to London, laden with a cargo of wood and iron; and shortly before midday of the 10th of November last arrived off Gravesend, and having there taken on board a pilot named Edward James Denton, she proceeded up the river, her destination being the Grand Surrey Canal. Except when she had to ease to go round the points, she went at full speed, which, we are told, was about 9½ knots, until she arrived in Limehouse Reach. At this time the master, chief mate, and pilot, were on the navigating bridge, which is raised about 7½ feet above the lower bridge. The boatswain and two men were also on the bridge steering her. It was nearly high water, but the flood was still running, and the wind was blowing strong with squalls from the south-west. With the view, as the master and pilot have told us, of getting what they called a good slack for entering the dock, the vessel when about half-way up Limehouse Reach was put at slow. On nearing the top of the reach, three barges, and I believe a schooner, were observed lying at anchor nearly in mid-channel, but rather to the southward of it. The "Farnley Hall" was steered to pass to the north of them, and her helm was then starboarded for the purpose of rounding Cuckold's Point. According to her own account she had rounded the point, and had straightened up Limehouse Hole, her helm having been steadied for about a minute and a half or two minutes, when the chief mate happening to turn round observed a steamer, which afterwards proved to be the "Morna," at a distance variously stated of from 60 to 130 feet astern, and heading for their port quarter. He immediately blew the whistle, which attracted the master's attention, who, on seeing the "Morna," ordered the engines to be set on full speed ahead. Before, however, the "Farnley Hall" could get sufficient way upon her the "Morna" struck her with her stern and starboard bow on the port quarter, damaging her very considerably below the water line. The "Farnley Hall" continued her course up the river, but so fast did the water gain upon her that it became necessary to lay her upon the mud, whence she was afterwards taken into dock.

The story told by the "Morna" is as follows: She is an iron screw steamship of 930 tons gross and 544 tons net, and is fitted with engines of 200 horse-power. She was built at West Hartlepool in the year 1869, and is the property of the London and Edinburgh Shipping Company, Limited, and is one of their regular traders between Leith and London, making the voyage twice a week.

On the morning in question she also was bound to London, and at about noon, on passing Gravesend, she took on board a pilot named Henry Whittingham Allen for the purpose of piloting her up the river. On rounding the Isle of Dogs we are told that her engines were put down to slow, they were then again put at full speed, but when about half-way up Limehouse Reach we are told that they were put at half speed. As she approached the barges, which were lying in the upper part of the reach, her helm was slightly starboarded so as to pass to the southward of them. This would of course take her somewhat closer to the south shore. After passing the barges she starboarded her helm for the purpose of rounding Cuckold's Point. At this time, according to the evidence of those on board the "Morna," they observed the "Farnley Hall" suddenly and unexpectedly starboard her helm and come across their bows, and at the same time stop her engines. The helm of the "Morna" was thereupon put hard-a-starboard and the engines were reversed full speed. With the view, we are told, of passing under the "Farnley Hall's" stern, but owing to that vessel having stopped her engines it was found impossible to clear her, and the "Morna" struck her, as I have already stated, on the port quarter with her stem and starboard bow, damaging her below water.

According then to the "Farnley Hall" she was taking the usual and proper course in rounding Cuckold's Point; she had starboarded her helm when she got to the top of the Limehouse Reach, which would necessarily take her somewhat over towards the south shore, but she had already rounded the point and had straightened up Limehouse Hole for a minute and a half or two minutes before the collision. According to the "Morna" there would have been no collision at all, unless the "Farnley Hall" had suddenly and unexpectedly starboarded her helm, thus throwing herself across the "Morna's" bows and at the same time stopped her engines.

Now, in the first place, what evidence is there that the "Farnley Hall" ever stopped her engines at all? All that the master, mate, and pilot of the "Morna" can say is that they believe that her engines were stopped, because they could see no wash astern, but at the outside this amounts only to an impression on their minds, it is their belief. On the other hand, apart from the extreme improbability that the "Farnley Hall" should at this time

have stopped her engines, we have the sworn testimony of all who were on board the "Farnley Hall" that her engines were never stopped, but that when the "Morna" was observed close to them they were put on full speed ahead. This account, too, agrees with the evidence of Bruce, the look-out man on board the "Morna," who told us that, so far as he could see, there was no change in the "Farnley Hall's" engines, except just before the collision, when there seemed to be more wash under her stern.

And now let us see what evidence there is as to the course on which the "Farnley Hall" was at the time of the collision. According to those on board her she had passed the point and was heading up Limehouse Hole, her helm having been steadied for a minute and a half or two minutes before the collision. If so her course at the time would be about north-west and by west, that being the fair course up that reach. Now the master and pilot of the "Morna" told us that, to the best of their judgment, the course of the "Farnley Hall" at the time of the collision was the same as that given by her own people, namely, N.W. or N.W. and by W., but then they say that she was at the time heading for the south shore. If so, seeing that N.W. by W. is a fair course up Limehouse Hole, the "Farnley Hall" must, in order that she should have been heading for the south shore, have starboarded her helm before she had rounded the point to such an extent that if she had not been run into by the "Morna" she would have run on the south shore. No reason is given for her taking so extraordinary a course, and to say the least it is in the highest degree improbable.

But it appears to us that all doubt upon this point is set at rest by the evidence of Captain Braine, the dock master at the Limehouse Dock. He tells us that he was standing at the time upon the pier head, expecting two steamers up to dock; that he saw the nose of the "Farnley Hall" first appear beyond the point heading somewhere about north; that he saw her come round under her starboard helm to about N.W., and then steady, heading fairly up the reach. He also saw the bows of the "Morna" coming round the point, heading also about N., but as it appeared to him she was so close to the bank that she smelt the ground, and ran over against her starboard helm across the river. If then we are to believe Captain Braine's evidence, and I see no reason why we should not, it is clear that the "Farnley Hall" had rounded the point not suddenly but gradually, and in the usual and accustomed manner, and that she was heading up the reach on a N.W. or N.W. and by W. course before the collision. And it is for the "Morna," which was the overtaking vessel, to show why he did not keep clear of her; and this in our opinion she has not done. It appears to us that the collision is to be accounted for in one way, and in one way only, namely, that the "Morna" was going at so great a rate of speed that there was not time for her to avoid the "Farnley Hall," either by stopping and reversing, or by passing under her stern.

That the "Morna" was going at great speed is abundantly proved by all the evidence in the case. In the first place, we have the evidence of Captain Jenkins, the harbour-master of Gravesend, who told us that he was coming up the river on that day in charge of a wreck called the "Luna," and that the "Morna" passed them off Cubitt Town Pier, and that he thought she was then going too fast, it being, as we are told, the practice to slacken speed when passing a wreck in the river. But the question is, at what rate was she approaching Cuckold's Point? Until to-day the evidence on this point was somewhat conflicting, the pilot of the "Morna" stating that she was going slow, whereas the master said that she was at half speed. The question, however, has been entirely set at rest by the evidence of the engineer of the "Morna," who told us that the engines were going at half speed for five minutes before they were reversed full speed just previous to the collision. Now we are told that the "Morna" was so fast a boat that there was no vessel on the river that could pass her; I think one of the witnesses said that her full speed was 15 knots an hour; but all admit that her half speed was seven or between seven and eight knots an hour. When therefore they were, according to their own admission, within two or three ships lengths of the "Farnley Hall" they were going at the rate of seven or eight knots an hour, and they were also close to the south shore. Being so close to the south shore, and going at that great speed, what more natural than that she should in attempting to round Cuckold's Point run against her starboard helm across the river; and this is what the master himself said that she would do, and was the reason why in rounding the Isle of Dogs he had put her down, not to half speed, but to slow. What the master was attempting to do was to cut out the "Farnley Hall" by going inside to the south of her. Owing, however, to his being so near the south shore, and to his great speed, he shot

across the stream against his starboard helm, and so ran into her.

A very important question was raised in the course of the inquiry as to whether, on the engines being reversed, a vessel's head would, when her helm was hard-a-starboard, go off to starboard, even before she had got stern way. It is a theory, which has been a good deal discussed of late, and the master and pilot of the "Morna" evidently came prepared to say that the engines had been reversed and the helm starboarded with the view of throwing her head to starboard, and thus passing under the "Farnley Hall's" stern. The story which they were prepared to set up was that the manœuvre of starboarding the helm and backing astern, would have enabled them to clear the "Farnley Hall's" stern if the latter vessel had not stopped suddenly. But in cross-examination the pilot, who showed a remarkable ignorance as to the points of the compass, and as to the chart, and who admitted that he did not at all know the speed of the "Morna" either at full speed, half speed, or slow, although he had piloted her a great many times, was obliged to give up this pretty theory, and to admit that he had starboarded and hard-a-starboarded before he ordered the engines to be reversed, and that his intention in so doing was to pass to the southward, and on the port side of the "Farnley Hall." He was also obliged to admit that when he ordered the engines astern it was to stop her headway, and that as a matter of fact he did not know and did not trouble himself much as to how her head would go. Whether then this theory is or is not true, it has nothing to do with the present case, and it was certainly not with the intention of going under the "Farnley Hall's" stern that the helm of the "Morna" was put hard-a-starboard and her engines reversed. If the "Morna's" head did pay off a point or so to the northward just before the collision it is a matter of little moment, the true cause of the collision in our opinion is that the "Morna" was going too fast, and that she did not attempt to reduce her speed until she was too close to the "Farnley Hall."

It seems to be admitted on all sides that the "Morna" was at the time entirely under the control of the pilot, Henry Whittingham Allen, and that all the orders were given by him both in regard to the course and speed of the vessel; and we have, therefore, no hesitation in saying in answer to the first question which has been submitted to us by the Board of Trade, that the collision was due to his wrongful act and default, and that it was not in any way caused by any act or default of anyone on board the "Farnley Hall."

In answer to the further question, whether those on board the "Farnley Hall" are to blame for not having had a look-out stationed aft, the gentlemen by whom I am assisted inform me that it is not usual, and in their opinion that it is not necessary to have a look-out stationed aft on board of these vessels. She had a good look-out forward, and that is all that is necessary under these circumstances. No doubt if she had been going into dock, or stopping or altering her course suddenly and unexpectedly, it would be the duty of the master or the officer in charge to see whether or not there were any vessels astern, with which she was likely to come into collision. But there was no such necessity in this case. The "Farnley Hall" was following the usual and proper course in rounding Cuckold's Point, and the "Morna" ought to have anticipated that she would take this course, and not have attempted to cut in between her and the south shore. She should have slackened her speed in time, and for not having done so we hold her solely to blame.

We make no charge against the "Morna" that she was not keeping a good look-out ahead. The only fault that we find with her is that she was going at too great a rate of speed, and that that, and that alone, caused the collision.

I do not think that there is any other question on which you require the opinion of the Court. The questions are rather long, but I think that I have in effect answered them all?

Mr. Verney.—Yes, sir, I think you have entirely covered the ground.

The Commissioner.—You do not ask for any costs, do you?

Mr. Verney.—No, sir.

Mr. Clarkson.—My clients, sir, would like their costs.

The Commissioner.—Yes, I have no doubt they would, and I daresay they will get them in the superior court.

(Signed) H. C. ROTHERY,  
Wreck Commissioner.

We concur.

(Signed) GEORGE H. FORSTER, }  
JOHN S. CASTLE, } Assessors.