

(No. 365.)

“FLEETWING.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at Westminster, on the 16th and 17th of January 1879, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain PICKARD, R.N., and Captain BEASLEY, as Assessors, into the circumstances attending the stranding of the British sailing ship “FLEETWING,” of Dundee, on the morning of the 26th November last, whilst on a voyage from Algoa Bay to London.

Report of Court.

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

1. That the said ship was placed in the charge and under the direction of Charles Pearson, a Walmer boatman, from 9.30 p.m. of the 25th to 1.30 a.m. of the 26th of November last, during which time the master was below, and that the said Charles Pearson was an utterly unfit person to have charge of her.

2. That at 9.30 p.m. of the said night they obtained bearings of the Royal Sovereign Lightship, but that after that time no measures whatever were taken to ascertain the true position of the ship, not was the lead hove at any time.

3, 4, and 5. That the said vessel “Fleetwing” was improperly and unskillfully handled in being kept on an E.S.E. course from midnight until she grounded, heading directly for the French Coast.

6. That no blame attaches to James Crammond, the mate of the “Fleetwing,” for the casualty, but that the same was entirely due to James Isles, the master, for having kept the vessel for nearly four hours on an E.S.E. course, heading directly for the French Coast.

7. That the master was not justified in giving up charge of his vessel on the night in question to the said Charles Pearson, of whose qualifications for such charge he was entirely ignorant, and who was in fact an utterly incompetent person.

For these wrongful acts and defaults the Court suspends the certificate of the said James Isles, the master of the said vessel “Fleetwing,” for six months from this day, but recommends that during the period of such suspension he be allowed a first mate’s certificate.

The Court makes no order as to costs.

Dated the 17th day of January 1879.

(Signed) H. C. ROTHERY,

Wreck Commissioner.

We concur in the above report.

(Signed) BENJAMIN S. PICKARD, R.N., } Assessors,
 ,, THOS. BEASLEY, }

Reasons.

The Commissioner.—The “Fleetwing,” of Dundee, is a barque of 349 tons register, built at Sunderland in the year 1867, and at the time of the casualty which forms the subject of the present inquiry she was the property of Messrs. John and James Isles, Mr. John Isles being the managing owner. She left Algoa Bay for London on the 4th of September last with a cargo of 300 tons, chiefly wool, and having a crew of 11 hands all told, and she seems to have been in every way in good condition and well fitted for the voyage. She had but one compass in use, and that was immediately before the wheel. Nothing particular occurred until the 25th of November, when she had arrived in the Channel. At noon of that day Beachy Head bore N.N.E., distant 6 miles; and at 4 p.m. they were abreast of the Royal Sovereign Shoal Lightship, which bore from them N. and by W., distant from one to one and a half miles. The wind was light from W. to W.S.W., and the sea smooth. At this time they were boarded by a person named Charles Pearson, a Walmer boatman, who engaged to pilot the ship as far as Dungeness, where she could pick up a regular Trinity House pilot, and to supply her with some provisions for a sum of 4l., 3l. being for his assistance as pilot, and 1l. for the provisions. On coming

on board he informed the master that the proper course to steer was east by north; the vessel was accordingly kept upon that course until between 7 and 8 o’clock, when the wind coming away from the northward and eastward she would not keep her course, but broke off to about east-south-east.

From 8 to 12 p.m. it was the mate’s watch, and at 9.30 the master, who had then, we are told, been on deck for 50 hours, went below, leaving directions that they should keep her, as nearly as the wind would allow, on an east and by north course, that they were to take in sail if the wind freshened, and that they were to keep a good lookout. At this time the lightship off the Royal Sovereign Shoal bore W. by N., distant about 4 miles, and the vessel was kept on an east-south-east course, or thereabout, until 10.30, when she was tacked with her head to north and by west. By about 10 o’clock the wind had increased considerably, and between that time and 12 all small sails were, in accordance with the master’s orders, taken in. At midnight lights were observed ahead, which the pilot supposed to be the lights of Hastings, and he accordingly ordered the vessel to be put about on the port tack, close hauled, heading from south-east to east-south-east. At 12 the boatswain, who was acting as second mate, came on deck, it being his watch. Pearson, the boatman, continuing to direct the navigation of the ship, and the chief officer then went below. At 1.30 the master came up on deck, and remained on deck from that time, and finding that it was blowing a fresh breeze he ordered the main topgallant sail to be taken in. At 2 a.m., or thereabouts, they observed a vessel with three bright lights, one at the stern, one at the bow, and one on the mast amidships, forming a triangle, and Pearson informed them that it was a lightship placed over a wreck which was lying off Fairlight, about 6 miles from the land. At 3 a.m. the wind came away more from the northward, so that they were able to lay the ship up somewhat nearer to her course, to about east or east by south. At 3.30, or a little before, a bright light was observed a little on the port bow, both Pearson and the master appear to have thought that it was Dungeness Light, and accordingly the master ordered the helm to be ported, which brought the ship’s head to about S.E. and by E. In about 10 minutes or a quarter of an hour afterwards land was observed on the weather bow, and orders were thereupon given to hard-a-port the helm, but almost immediately afterwards the vessel struck. They then found that the light, which they had mistaken for Dungeness Light, was really Cape Grisnez Light, and that instead of being as they had supposed on the English Coast they were in fact on the French Coast. The yards were immediately put aback, but as the tide was falling she remained fast, and the ship took a strong list to starboard. A kedge and stream anchor were laid out to prevent her being driven bodily on to the rocks, and at daylight they telegraphed to Boulogne for a tug. As the tide, however, rose, they got a strain upon the chain and hawsers, and at 11 a.m. she came off, and having slipped the chain and hawsers, they made for the English Coast. Having landed Pearson at Deal, the master engaged a tug to take the ship to London, where they arrived at about 4 p.m. of the 28th. Subsequently the ship was placed in dry dock, and her damages repaired.

In the earlier part of the inquiry Mr. Crofton, who appeared for the master, stated that he should raise the question whether in fact the vessel had sustained any “serious” or “material” damage by the stranding. Accordingly two Board of Trade surveyors were produced who had surveyed her after her arrival in London, and who told us that part of the main keel had been carried away, namely, about 35 feet amidships, and about 10 feet further forward, that the stern post had been started to the extent of about one eighth of an inch, that the main brace and lower pintle of the rudder had been broken, and that several of the bolts in the top sides amidships had also been broken by her straining whilst on the rocks. The cost of the repairs, we were told, would be about 600l. After this it seemed difficult to contend that there had not been “serious” or “material” damage sustained in consequence of her stranding. Indeed, the mere fact that the rudder post had been started would, in our opinion, constitute material or serious structural damage, for the wood ends or ends of the planks which fit into the rabbets of the stern post would thus become loosened, which would have the effect of slackening the caulking, and make it necessary to strip off the yellow metal and recaulk her, which was done. In the face of such evidence it was

quite impossible for Mr. Crofton to maintain his objection, and he has to-day admitted that there was material and serious damage done to the vessel, and that consequently the case comes within our jurisdiction.

Now the first question which we have to consider is, how was it that this vessel when bound for London, and making for Dungeness Point, there to take on board a pilot, came to find herself on the Coast of France, some 23 miles to the eastward of Dungeness Point, and aground within two or three miles of Cape Grisnez Light, one of the most brilliant lights in the Channel? To ascertain how this was it is necessary to inquire what was the force and direction of the tide, and what the course and speed of the vessel, from the time of her departure to her grounding on the French Coast.

I think we must take it that her true point of departure was the lightship off the Royal Sovereign Shoal; they were abreast of it at 4 p.m., and at 9.30 p.m. it bore W. by N. from them, distant about four miles. After this they had no certainty as to their exact position. It is true that, when they tacked at midnight, they saw the loom of some lights ahead, which Pearson, the boatman, thought at the time were the lights of Hastings, but he has told us that they might have been the lights of Rye. Then again between 2 and 3 a.m. they saw what they took to be a lightship, and which Pearson in some unaccountable way supposed to be the lightship over a wreck some six miles off Fairlight. And after this they saw nothing to enable them to fix their exact position until they came in sight of Cape Grisnez. We must, therefore, take 9.30 p.m. as the last time when they knew their exact position, and at that time the lightship bore from them W. by N., distant about four miles. This then we must take to be the point of departure.

And now let us see what was the force and direction of the tide on the night in question. Mr. Crofton has laid before us some very elaborate calculations as to the probable direction and force of the current at every hour from 9 p.m. until the vessel took the ground, and has endeavoured to show us how very little effect the tide could have had in setting the vessel over towards the Coast of France. I do not quite know with what view these calculations were laid before us, unless it was to show how impossible it was that this vessel could have got over to the Coast of France, but as a matter of fact we know that somehow or other she did get there, and the question which we have to consider is in what way did it come to pass, and whether it was due to the tide or to the speed and courses of the vessel, points upon which Mr. Crofton has not given us any information.

Now I think that Mr. Crofton's very elaborate calculations do not differ very much from what we find laid down in the Admiralty charts, namely, that for two hours before and for four hours after it is high water at Dover the tide between Beachy Head and Dungeness sets to the eastward, or more strictly speaking E. by N., and during the remaining six hours to the westward, or about west and by south. On the night in question it was, according to the Admiralty tables, high water at Dover at 11.43 p.m. Consequently from soon after half-past 9 till the vessel stranded she had the easterly current setting her E. by N., and before half-past 9 she had a westerly current setting her about W. by S. The tides, too, it must be remembered, were spring tides, which we are told run three knots per hour at their greatest.

And now what was her speed? According to the master and mate she was going before 9.30 between two and three knots an hour through the water, after that hour she was going about three knots. On the other hand, the boatman, Pearson, who seemed to be anxious to make out that there was a hurricane blowing during the night, and that that in some way or other accounted for her having got ashore, told us that she must have been going through the water at the rate of six or seven knots an hour. And we have also to-day had the evidence of the boatswain, who was acting second mate, of the carpenter, who was at the wheel from 12 to 2, and of a seaman, named Foster, who was at the helm from 10 to 12 that night; and they all tell us that her speed through the water was from five to six knots an hour. Now to which of these statements are we to give the greatest credence? To that of the master and the mate, that she was going three knots? or to that of Pearson, and of the boatswain, the carpenter, and the seaman, that she was going from five to seven knots an hour? Now it must be remembered that when the captain went below at 9.30 the vessel was under all sail, and he gave orders that they were to take in sail if the wind freshened. As a matter of fact at 10 o'clock they did take in all the small sail, and consequently we may suppose that the wind had freshened considerably, for it has been distinctly stated by the witnesses that the fog

did not become worse after 9.30 than it had been before; and at 1.30 a.m., when the master came on deck, he ordered the main topgallant sail, which was the only upper sail then set, to be taken in, evidently because there was a good strong breeze blowing. Moreover, we have this difficulty to get over, that if the lights, the loom of which they saw ahead, when the ship was put about at midnight, were the lights of either Hastings or Rye, it would be simply impossible, if the vessel's speed was only three knots an hour, for her to have got over to the Coast of France in the required time, seeing that the tide was setting not directly over to the French Coast, but rather up Channel in an E. by N. direction. We are, therefore, disposed to place more reliance on the evidence of the boatswain, the carpenter, and the seaman, and even of the boatman, Pearson, as to the speed the vessel was going, and to think that she must have been going from soon after 9.30 p.m. at the rate of some six knots an hour, rather than on the evidence of the master and mate, who say that she was only going three. All the witnesses say that there was a good fresh breeze blowing, and that the sea was smooth; and the assessors are of opinion that under these circumstances there is no reason to doubt that she might have been going at the rate of six, and even seven knots an hour through the water.

How then stands the case? Before 9.30 p.m. the current would be setting her to the west, or more strictly speaking W. and by S. Her course was E. by N., or directly against the current. The wind, we are told, was very light from W. or W.S.W. We can, therefore, well understand how it was that during the 5½ hours, between 4 and 9.30, when she had the tide against her, she made only about four miles over the ground; indeed the boatman told us that at this time she could only just hold her own against the current. But from 9.30 p.m. the case was totally different; she then had the current setting her E. by N., directly on her course, whilst the ship herself was heading E.S.E. That this was the direction in which she was heading at that time is very strongly confirmed by the evidence of the witnesses, that when the bearings of the lightship were taken at 9.30 p.m., and at which time the lightship bore W. by N., it was not dead aft, but a little to starboard. If the vessel had at that time been heading E. by S., the lightship, which bore from them W. by N., would have been directly aft, and the fact that it was a little to starboard shows that the vessel's head must have been a little to the southward of E. by S., and as the witnesses say about E.S.E. She continued then on the port tack, heading about E.S.E., being all the time carried by the tide in an E. by N. direction, till 10.30, when she was tacked to the northward, heading N. by W., and she was continued on that course, being carried all the time by the tide in an E. and by N. direction until midnight, when the loom of the lights, which the boatman took to be the Hastings Lights, but which he now thinks might have been the Rye Lights, were seen ahead. Now if we lay down the vessel's course on a chart, assuming her speed to be about six or seven knots, her course about E.S.E. for the first hour, and N. by W. for the next hour and a half, the tide all the time setting her in an E. by N. direction, we shall find, taking our departure from four miles E. by S. of the lightship of the Royal Sovereign Shoal, that she would at midnight be well up into Rye Bay, heading nearly straight for Rye, and at no great distance from it. It is obvious, therefore, that the lights which were seen ahead at midnight were Rye Lights; by no possibility could they be Hastings Lights, which must at that time have been miles away to the westward.

Taking again our departure from off Rye when the vessel was upon the port tack heading from S.E. to E.S.E., and the tide still setting her in an E. by N. direction, we shall find that in about 3 hours and 45 minutes it would take her over to the Coast of France, and would land her as nearly as possible at the spot where we find her stranded, two or three miles to the southward of Cape Grisnez. This then, no doubt, was the way in which the vessel was stranded; she was kept upon an E.S.E. course, going all the time at the rate of some six or seven knots an hour, and being at the same time carried to the eastward by the tide, so that there was time enough for her to be taken right across the Channel, and to be landed under Cape Grisnez. Thus we believe to have been the true cause of the casualty.

Let us now proceed to consider the questions on which our opinion has been asked by the Board of Trade.

The first of these is, whether the ship was placed in the charge and under the direction of an unfit person? No doubt the master whilst he remained on deck retained the charge of the ship in his own hands, availing himself of the boatman's local knowledge, as Mr. Digby admits that he was fully entitled to do. But at 9.30 p.m., when he went below, it is abundantly clear from the evidence of all

the witnesses, including that of Pearson, the boatman, that the vessel was placed under Pearson's sole charge, and that from that time, and until the master came on deck again at 1.30 a.m., she was being navigated by this man only. And this applies to the times not only when the boatswain was the officer of the watch, but also when the first mate had the watch on deck. It is clear, therefore, in our opinion, that the vessel was left, to use the words of the question, "in the charge and under the direction" of this man Pearson, and the question is, was he, or was he not, an unfit person to be entrusted with the management of the ship? And, in our opinion, he was a most unfit person. Let me give a few instances of his utter unfitness for the post.

Take first the case of the supposed lightship, which, according to him was passed not very long before the vessel stranded. He thought at the time, and so told the captain, that it was a lightship placed over a wreck which was sunk some six miles off Fairlight. Now he has told us that at midnight, when he tacked the ship to the southward and eastward, he thought the lights which he saw ahead were Hastings Lights, and that they were within four or five miles of them. He told us also that he thought the vessel was going through the water at the rate of six or seven knots an hour. Did he then think that, after running for between two and three hours in an E.S.E. direction, he would see the lightship, which was stationed some six miles off Fairlight, right ahead of him? That is fact number one as showing his utter incompetency.

The second fact is, that he should have mistaken Cape Grisnez Light for Dungeness Light. Let us see what the distinction between these two lights is. At Dungeness there are two lights, a higher and a lower light. It is no doubt possible that in the foggy state of the atmosphere the lower light might have been obscured by the fog, and the upper have been alone visible, but then they are both of them fixed lights. Now what is the character of the Cape Grisnez Light? According to the description given in the Channel Pilot it is, "a white revolving light, the eclipses of which succeed each other every half minute. The light is electric of the first order, and visible in clear weather 25 miles. The eclipses are not total in ordinary weather within the distance of 12 miles. In-shore a fainter light will be visible." The fact that the light continued always visible to them was therefore no proof and ought not to have been taken as any proof that it was not a revolving light. The carpenter, who gave his evidence in a very clear straightforward way, told us that when the pilot spoke to him on the subject and told him that he believed it to be Dungeness, he thought in his own mind it was not, because he could see distinctly that it was a revolving light, and he knew that Dungeness Light was not a revolving one; and if the master and the boatman had looked as carefully at this light as the carpenter did, they also no doubt would have seen that it was a revolving light. Moreover, that a man should imagine after taking his departure from off Hastings, where he thought he was at midnight, and after standing for about three hours and a half on an E.S.E. course, that he could make Dungeness Light a little on his port bow, is so inconceivable that we can only suppose that he must have been somewhat in the same state in which he appeared to be yesterday when giving his evidence. Unfortunately he was not examined until after dinner, and at that time his head was not quite so clear as it might have been at an earlier part of the day. At any rate, whether this be so or not the fact that under the circumstances he mistook Cape Grisnez Light for Dungeness Light shows him to have been utterly unfit to take charge of this ship.

The third instance of his utter incompetency is in continuing this vessel on an E.S.E. course for nearly four hours heading direct for the French Coast, going all the time, as he admitted he thought she was, at the rate of some six or seven knots an hour, and with the tide setting him in an E. by N. direction. If he had thought at all about it he must have known that such a course would have taken him on to the Coast of France; an additional proof, if such were needed, of his utter unfitness for his position.

The second question on which our opinion is asked is, whether proper and sufficient means were taken either by properly using the lead, observation of lights, or otherwise for ascertaining the position of the said ship during the 12 hours preceding the casualty? It is not indeed pretended that the lead was ever used. Nor does it appear that any steps were taken to ascertain the true position of the vessel

after 9.30 p.m., when the bearings of the lightship off the Royal Sovereign Shoal were taken.

It was suggested by Mr. Crofton, and assented to by Mr. Digby, that the next three questions might be more conveniently taken together; and that they amounted in effect to this: Did the captain lay such courses, making due allowances for the tidal drift, as a skilful seaman should have done? On this point we have already fully stated our opinion. We have no doubt whatever that the master did not lay such courses, making due allowance for the tidal drift, as a skilful seaman should have done. A course E.S.E., no doubt, was as near as he could lie with the wind as it was, but to have continued on that course for nearly four hours was certainly not a proper course. It may perhaps be said that that course was laid by the so-called pilot or boatman, but this will not excuse the master, who admitted that he knew when the vessel was put about, both at 10.30 p.m., and at midnight, and that he spoke to the pilot from his cabin, and again at half-past 1 o'clock when he came on deck, he knew that she was then heading to the southward and eastward, and he ought to have known that such a course would, if continued, carry him on to the French Coast. If it was his intention to have got into Dungeness Roads, he should have tacked her two hours before, or in fact soon after he had come on deck.

The sixth question on which our opinion has been asked is, whether in reference to all, and which of the above-mentioned matters the said casualty was caused by the wrongful acts and default of the master, James Isles, or of the first mate, James Crammond, or of either and which of them? As regards the mate, although it was his watch from 8 to 12 o'clock, it seems that the master was on deck till half-past 9 o'clock; it was only, therefore, from half-past 9 till 12 o'clock that he may be said to have been in actual charge of the deck. And even then it is clear that the master made him subordinate to Pearson, so far as the navigation of the vessel was concerned. But whether this be so or not, we are not aware that during that time anything was done on board this vessel that ought not to have been done. She was put about at half-past 10 o'clock and was again put about at 12 o'clock, when nearing the English Coast. Both these measures appear to have been very proper measures, and if the whole responsibility for the navigation of the vessel rested with the mate down to 12 o'clock we can see nothing for which he is to be blamed. And at midnight he went off duty, and did not come on deck again until after the vessel grounded. But with the master it is different. So long as he remained on deck he was responsible for the navigation of this vessel. Mr. Crofton told us that he consulted his chart and book of directions; if so he made but little use of them, for his chart and book of directions would have shown him that by continuing on an E.S.E. course, with the tide as it then was, he would inevitably get on to the French Coast.

The last question is, whether the master was justified in giving up the charge or direction of the vessel to Charles Pearson without ascertaining his qualifications to act as pilot? It is quite clear that the master knew nothing about Charles Pearson before; I mean nothing of his qualifications, and that he took no trouble to ascertain whether he was a competent man or not, before he gave up the charge of the vessel to him, when he went below at 9.30 p.m. From that time to 1.30 a.m., a period of four hours, the master gave up the charge of the vessel to this man, whom he did not know, and who turned out to be an utterly unfit person to have charge of this vessel, and in our opinion he was not justified in doing so.

The Board of Trade have stated that in their opinion the certificate of the master should be dealt with, and in that opinion we entirely concur. We think that we should not be doing our duty unless we marked our sense of the misconduct of this master by suspending his certificate for six months from this day, and we are only sorry that we have no power to punish Charles Pearson, through whose gross ignorance and misconduct chiefly this vessel was run ashore. We shall recommend to the Board of Trade that during the suspension of his certificate the master be allowed a first mate's certificate. (To Mr. Digby.) You do not ask for any costs?

Mr. Digby.—No, sir.
(Signed) H. C. ROTHERY,
Wreck Commissioner.

We concur.
(Signed) BENJN. S. PICKARD, R.N., } Assessors.
" THOS. BEASLEY, }