

(No. 378.)

“SCHIEHALLION.”

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal investigation held at Westminster on the 4th and 5th days of February 1879, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear-Admiral APLIN, R.N., and Captain CURLING, as Assessors, into the circumstances attending the stranding of the sailing ship “SCHIEHALLION,” of London, near Blackgang Chine, Isle of Wight, on the 13th day of January 1879, whereby the said ship was lost and two of the crew were drowned.

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 stranding and loss of the said ship was caused by the wrongful acts and defaults of John Levack, the master, in having continued the navigation of the ship for more than 24 hours after he had sight of Ushant without having taken any means to ascertain his true position, and without even taking a cast of the lead, although his point of departure was uncertain, and he saw no lights and no land to guide him.

(2.) That the stranding and loss of the said vessel was due in part to a fog hanging over the land, and which prevented those on board from seeing the beach and breakers until they were close upon them, whilst at the same time it was comparatively clear to seaward.

(3.) That it would not have been proper to have launched the boats, and that all the requisite steps were taken to save life after the casualty.

(4.) That it has not been proved that Henry Nott was to blame for not sounding the fog-horn at St. Catherine's on the morning of the 13th of January earlier, as it is probable that there may have been a fog in the bay to the west of St. Catherine's, which was not visible at the light-house.

For his wrongful acts and defaults the Court suspends the certificate of the said John Levack for six months from this day.

The Court makes no order as to costs.

Dated this 5th day of February 1879.

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

We concur in the above report.

(Signed) ELPHINSTONE APLIN, } Assessors.
Rear-Admiral,
" WILLM. CURLING, }

Reasons.

The Commissioner.—The “Schiehallion,” which was a barque of 602 tons register belonging to the Port of London, was built at Dundee in the year 1869, and at the time of her loss was the property of Mr. W. Savill and several other gentlemen, Mr. W. Savill being the principal owner, but a Mr. Charles Gibbs Petheridge, of 34, Leadenhall Street, being the manager. She left Auckland on the 21st of September last bound for London, having a crew of 16 hands, 13 passengers, and about 700 tons of cargo. She appears to have been in good condition, was classed A 1 at Lloyd's, and had three boats, which were amply sufficient for all the crew and passengers who were on board. She had two compasses in use, one immediately before the wheel raised some 3 feet above the deck, and another about 18 feet up the mizen mast, put there, I presume, with the intention of keeping it free from local attraction. For some reason, however, which has not been satisfactorily explained to us, the master appears to have disregarded almost entirely the pole compass, and to have laid his course and taken his bearings by the steering compass.

Nothing particular occurred until the evening of Saturday the 11th of January last, at which time they had sighted the lights of the Isle de Vierge, situate some 22 to 25 miles to the northward and eastward of Ushant. The wind was at this time from the north-east, and she was close hauled on the port tack heading for the French coast, and steering a course about E.S.E. She continued on that course until about half-past 7 p.m., when she was put

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upon the starboard tack with her head to the northward and westward. She was continued on that course until about 2.30 a.m. the following morning, when it fell calm, and so remained until about 6 o'clock a.m. At that hour a breeze sprang up at first from the north-west, afterwards changing to the south-west, and in obedience to the master's orders her head was laid, as we have been told, east by the standard compass. She was continued on that course from that time until 2 p.m. of the same day, when the course was altered to E. by S. by the standard compass. That course was continued till 10 p.m., when it was again altered further to the south, to E.S.E.; and she was continued on that course until about 5.30 a.m. of the 13th, when she ran stem on to the shore about a quarter of a mile to the east of Blackgang Chine, and between it and St. Catherine's Point.

It seems that on that morning it was the chief mate's watch from 4 to 8; and at a little before half-past 5, there being at the time two look-out men, the carpenter and another man, forward, the carpenter observed something light on the vessel's port bow, and called the attention of the other look-out man to it. Neither of them, however, being able to make out what it was, the carpenter went aft to the mate, and called his attention to it. The mate thereupon ordered the helm to be put hard down, but before the order could be carried out the vessel struck. At the moment of the stranding the master was below, but he at once came on deck, and ordered the sails to be furled and rockets to be sent up; he, however, did not think it advisable to launch any of the boats, being under the impression that it would not be safe to do so. At the time when the vessel took the ground it was low water, but as the tide rose the vessel began to break up, and in a short time she became full of water. She then seems to have slid down the beach, which at that place is extremely steep, and her starboard side, which was to seaward, got under water, her port side being towards the land.

Soon afterwards the cook swam ashore taking a line with him, and a communication was thus established between the ship and the shore. By means of that line the crew were enabled to reach the shore in safety, with the exception of the second mate, who, it seems, had hurt his hand, and who fell from the rope into the sea and was drowned. A boy also was unfortunately swept from the deck of the ship, and was also drowned. In the meantime the rocket apparatus had been brought up, and a communication having been established with the ship all the passengers were landed in safety. I should add that the captain and one of the seamen were the last persons to leave the ship. The vessel subsequently broke up and was entirely lost, together with everything on board.

Now the questions upon which our opinion has been asked by the Board of Trade are,—

“1. Whether the loss of the ‘Schiehallion’ and of two men on board her on the 13th of January last was caused by the wrongful acts and defaults of John Levack and James Lyall, or either of them, in not taking proper precautions to keep the vessel on a safe course after losing sight of Ushant, and by neglecting to take proper means to have the lead used, or have a proper look-out kept on approaching the land, or whether such loss was caused by any other and what causes?

“2. Whether proper steps were taken to launch the boats and to save life after the casualty to the ship?

“3. Whether there was any default or neglect in Henry Nott in not using the fog-horn at St. Catherine's earlier?”

And lastly it is said that “in the opinion of the Board of Trade the certificates of the said John Levack and James Lyall should be dealt with.”

Now in determining what amount of blame, if any, attaches to either of these gentlemen, the first point to be ascertained is in what way the casualty occurred.

The account given to us by the master is that at day-break of Sunday the 12th he obtained an observation of the sun, and from that time he ascertained that the total error for variation and deviation on an east course was about 3 points and a half, and upon an E.S.E. course 3 points and a quarter. And as the variation would be about 2 points, it follows that the deviation of the standard compass was 1 point and a half on an east course, and a point and a quarter on an east-south-east course. According therefore, to the evidence of the master, the courses steered from 6 a.m. to 2 p.m. of the 12th was E. by N. ½ N. magnetic; from 2 p.m. to 10 p.m. E. ½ N. magnetic; and from 10 p.m. until she struck E. ¾ S. magnetic. He also told us that he estimated the distance run on the first course to be 46 miles, on the second course 76 miles, and on the third and last course 55 miles, making a total of 177 miles.

I should observe that the charts, the log-book, and every

paper belonging to the ship seems to have been lost when the vessel went to pieces; but I desired the master to obtain a chart similar to that which he had had on board, and to lay down his course on it, and he accordingly did so. Now it seems that at 2.30 a.m. of the 12th he saw Ushant light just dipping, and bearing S.S.E. by standard compass, which he informed us was equivalent to about S. or S. $\frac{1}{2}$ E. magnetic. And as the high light of Ushant is visible at a distance of 24 miles, he took a point 24 miles N. to N. $\frac{1}{2}$ W. from the high light as his point of departure. From there he drew a line to represent 46 miles in an E. by N. $\frac{1}{2}$ N. direction, then 76 miles in an E. $\frac{1}{2}$ N. direction, and lastly 55 miles in an E. $\frac{3}{4}$ S. direction. This he said would place him in about mid-channel, and on a course which would take him some 24 miles to the south of St. Catherine's Point. As, however, he went ashore near St. Catherine's Point, it follows that at the time of the casualty he must in some way or other have got 24 miles to the northward of the place where he expected to be.

But this is not all. I have said that he estimated the total distance run from 2.30 a.m. of the 12th to the time when he struck at 5.30 a.m. of the 13th to be 177 miles. On looking, however, at the Channel Pilot's Book, I find that St. Catherine's light bears from Ushant light east by north three quarters north distant 197 miles. It is true, as Mr. Bucknill has observed, that the master's point of departure was not Ushant light, but, on consulting a chart, the place which the master gives as his point of departure would be as far, if not further, from St. Catherine's than Ushant; and as the distance from Ushant to St. Catherine's is, as I have said, 197 miles, whilst the distance which the master estimated that the vessel had run was only 177 miles, it follows that the vessel must, in addition to having got 24 miles to the northward of her supposed course, have also overrun her reckoning some 20 miles.

Now the only way in which the master accounts for the casualty is, by supposing that he had not made sufficient allowance for leeway. Leeway might perhaps account for his being so much further to the north than he expected to be, but it certainly would not account for his overrunning his distance. But first, is there any ground for supposing that this vessel did make any leeway? She was a vessel of 600 tons, and had a cargo of 700 tons on board; she was consequently not light. Moreover she had the wind from W. to S.W., and her course was E. to E.S.E., she would therefore have the wind well abaft the beam; and under these circumstances, the gentlemen by whom I am assisted are of opinion that she would make no leeway, or comparatively no leeway. Nor is there any current, of which we have any knowledge, which would be likely to carry her so far away to the northward in the time. And the only conclusion to which we can come is, that to get to where he is found it is impossible that the master can have steered the courses which he has told us he did.

We do not mean to say that the master has deposed falsely, or that the courses which he says he steered were not those indicated by his standard compass; for although Arthur Coe stated very positively that from 2 to 4 p.m. of the 12th, when he was at the wheel, he steered E., whereas the master says that during that time the vessel's course by the standard compass was E. by S., we are inclined to think, looking at the rest of the evidence, and especially at the evidence of the men who preceded and succeeded Coe at the wheel, that Coe must have been mistaken. Admitting then that the master has correctly stated the courses as shown by the standard compass, the question which we have to consider is, whether he correctly estimated the amount of deviation on those courses, and whether he was right in allowing only a point and a half of deviation on an E. course, and a point and a quarter on an E.S.E. course; so that when the standard compass showed E., E. by S., and E.S.E., his magnetic course was E. by N. $\frac{1}{2}$ N., E. $\frac{1}{2}$ N., and E. $\frac{3}{4}$ S. respectively.

Now there is one fact which renders it in the highest degree improbable that he could have been steering E. $\frac{3}{4}$ S. magnetic from 10 p.m. of the 12th, that is, for about 7 $\frac{1}{2}$ hours before she grounded, and it is this, St. Catherine's Point bears E. $\frac{3}{4}$ S. from the Start Point; if then the vessel had been sailing on that course for 7 $\frac{1}{2}$ hours before stranding, she must during all that time have been coming straight from the Start Point, if not from inside of it, seeing that the tide during the greater part of that time would be setting her off the land, it being low water at the moment of her grounding. She must also have passed on that course very near the Portland lights, and if she had done so, there would seem to be no reason why she should not have seen them. It seems to us, therefore, quite impossible that for the 7 $\frac{1}{2}$ hours before she stranded she could have been on an E. $\frac{3}{4}$ S. course magnetic; she must have been steering a much more northerly course. Now I have already said

that we are quite prepared to believe the master when he tells us that during those 7 $\frac{1}{2}$ hours the standard compass indicated an E.S.E. course, and if so, the necessary inference must be that, in making an allowance of only 1 $\frac{1}{2}$ points on that course for deviation, he did not allow enough, so that when he thought he was steering E. $\frac{3}{4}$ S. magnetic, he was probably steering much more to the north. If indeed we admit an error in the master's allowance of deviation of only half a point, it would be amply sufficient to account for the vessel having got so far out of her course as she seems to have done, as I will now proceed to show.

And first it is to be observed that the master, in laying down his course upon the chart, takes his point of departure from where he says that he was at 2.30 a.m. of the 12th, with the N.W. light of Ushant dipping, that is to say, with Ushant light bearing S. by E. distant 24 miles; and it is from there that he lays his course to the east. But it must be remembered that there was no wind between 2.30 and 6 a.m., and that the vessel would therefore during that time be drifting in any direction in which the current might take her. Mr. Bucknill has argued that it does not necessarily follow that the vessel would during that time drift to the northward, but I am rather disposed to think that it does follow that she would drift during that time to the northward. In the first place, if she had drifted to the southward and westward Ushant light would have continued in sight, and in fact have become more visible, but we are told that it disappeared altogether. Again, there is a well-known current called Rennel's current, which sets from Ushant towards the Irish Channel, and which would carry the vessel during those three hours and a half whilst she was becalmed at the rate of about a knot an hour to the northward, so that her point of departure, when she got the wind from the westward and her head was laid to the east, would probably be some 3 or 4 miles further to the north than the master assumes. Then again an error of half a point in the deviation of her compass would, in a run of something like 200 miles, set her something like 20 miles further to the northward. These two corrections then would be sufficient to account for her being near St. Catherine's Point when the master thought that she was in mid-channel.

Of course it is not possible for us to say that the standard compass had this supposed error of half a point over and above what the master allowed for; but having before us the fact that the vessel got in some way or other about 24 miles to the northward of her supposed course, and rejecting as untenable the theories that it arose either from leeway or from a current, assuming too that the master has stated correctly the courses as shown by the standard compass, the necessary conclusion must be that he made an error in his estimate of the deviation. This then, in our opinion, is the only way in which we can account for the vessel having got some 24 miles to the northward of her course; in the first place the master makes no allowance for the drift of the vessel to the northward during the time that she was becalmed from 2.30 to 6 a.m., which we estimate at about 4 miles; and, secondly, he must have made an error of about half a point in estimating the deviation of his standard compass, which would give him another 20 miles to the north.

As regards the distance overrun Mr. Bowen very justly observed that the master throughout seems to have estimated the speed of the vessel at less than any of the other witnesses have done; which would satisfactorily account for her being ahead of her reckoning.

But whether these be or be not the true causes of the vessel having got so far out of her proper course, what explanation has the master to offer for not taking any steps during the whole run from Ushant to ascertain his true position? Literally none. Here we have a vessel which is becalmed for about three hours and a half, during which she is left to drift the master does not know in what direction. She then gets the wind from the westward, and her head is turned to the eastward, and without knowing with certainty her point of departure, she sails ahead for 24 hours, without ever obtaining an observation, without seeing any lights or land, and without even taking a single cast of the lead. His position must have been very uncertain, and yet he gives as his reason for not having taken a cast of the lead, that he felt so perfectly confident that he was in mid-channel that he did not think it was necessary to do so. Now I do not think that I can do better than read a passage as to the absolute necessity of using the lead, which will be found at page 1 of Part I. of the Channel Pilot. It is as follows: "It should ever be borne in mind, when approaching the Channel, that even under the most favourable circumstances a frequent use of the lead is desirable; but when from the state of the weather and the consequent absence of celestial observations, a ship's

" position is dependent upon dead reckoning, the lead becomes of primary importance, and its constant use indispensable to safe navigation." Then, after referring to the numerous casualties which have occurred on the coast, it goes on as follows: " Such disasters are all the more lamentable when, humanly speaking, they might have been averted by simply using the lead, and obtaining a continuous line of soundings. It must not, however, be supposed that an occasional cast of the lead is all that is required when, from the state of the weather or other causes, there is doubt respecting the exact position of the ship, for, as will be seen hereafter, an occasional cast only may possibly be a fruitful source of danger." It appears to us then that this casualty was due mainly to the neglect of the master to take a cast of the lead. He was necessarily ignorant of his position, and under these circumstances it was his bounden duty to have taken a cast of the lead.

Another question upon which our opinion is asked is whether a proper look-out was kept on approaching the land. The vessel it is admitted was almost touching the shore before the land or the breakers were observed; and whether they ought to have been seen sooner must in a great measure depend upon the state of the weather on the morning in question. There has been no doubt a great deal of contradictory evidence on this point; but on the whole we are disposed to think that at the time this vessel was nearing the coast there was a fog hanging over the land which rendered it impossible for them to see it until they were close upon it, whilst at the same time it was comparatively clear out at sea. I am told by the assessors that it is not at all unusual to see a fog over the land and obscuring it, so as to render it invisible at even a short distance, whilst at the same time it is clear out at sea. It is certainly not very easy to reconcile the evidence of the men from the lighthouse with that of the coastguardsmen, except upon the supposition that in the immediate neighbourhood of the lighthouse the weather was clear, while at the same time in the bay to the west of St. Catherine's Point, where the vessel was, there was a thick fog. There is also some discrepancy between the witnesses from the shore as to the time when the fog came on; but on the whole we think that we must come to the conclusion that at the time when this vessel ran on shore the land was obscured by a fog, which rendered it impossible for her crew to see it until they were close upon it. And I should not be disposed, without much stronger evidence than we have in this case, to hold that the crew of this vessel were not keeping a look-out at the time when she went ashore.

We are also asked whether in our opinion proper steps were taken to launch the boats and to save life after the casualty. After the evidence which has been given to-day we can have no doubt that it would not have been safe under the circumstances to have launched the boats, and that had they done so, they would most probably have been stove. Moreover we have the fact that the cook swam through the surf with a line in order to effect a communication with the shore. Now if it had been possible to launch the boats at that time, is it to be supposed that the cook would have swam through that surf to the shore. The fact that he did so is a pretty clear proof that in his opinion, and in the opinion of the master and crew, it was not safe to launch the boats. The measures too which the master took after the casualty with a view to save the lives of the crew and passengers, appear to us to have been proper and judicious. He was the last man except one of the seamen to leave the ship, and he seems to have taken care that all the passengers and crew were landed before he was.

Our opinion is also asked as to whether Henry Nott, the man in charge of the lighthouse, has been guilty of any fault or neglect for not sounding the fog-horn at St. Catherine's sooner than he did. The evidence is that the fog-horn was not sounded until about 7 o'clock, more than an hour after the ship had gone ashore; and it was said that, if it had been sounded as soon as the weather became foggy, this casualty would probably not have occurred. Nott's evidence was that although the weather at 6 o'clock was " overcast, misty, and drizzly," it was not such as to necessitate the use of the fog-horn, the light being then distinctly visible at the distance of 5 or 6 miles. He admitted that shortly before 6 o'clock there was a very heavy blinding fall of rain, but he did not think that it was sufficient to require them to sound the fog-horn. He said that it was not until about 7 o'clock that the fog really set in, and that thereupon he immediately took steps to put the fog-horn in operation. The suggestion that they were out of coal at the time, and could not therefore set it going, was shown to be quite unfounded, it being satisfactorily proved that they had from 13 to 14 cwt. of coke on hand

at the time, and the average consumption is not more than about 20 lbs. an hour. As I have already said, it was quite possible that there might have been a fog in the western bay, where this vessel was, without its being seen from the lighthouse. And we are inclined to think that the evidence is not sufficient to show that Nott did not sound the fog-horn as soon as he ought to have done.

It only remains for us to say what ought to be our decision as to the certificates of the master and the first mate. As regards the master we regret to say that previous to the casualty there seems to have been a want of vigilance and of that care in the navigation of the vessel which we might have looked for from him. For instance, when the Ushant lights were reported he does not appear to have gone up on deck to verify their position for himself; he seems not to have seen them at all, and not to have gone on deck for that purpose until the lights were on the point of dipping. Surely the master of a vessel bound up the Channel, on being told that the Ushant lights were in sight, and knowing that it was from them he would take his departure, would have taken care to verify for himself the exact position and bearing of those lights. Again, we think that he showed a want of care in going below at 4 a.m. of the 13th, when, according to his own account, he expected to make some light, for he seems to have told the mate to look out for one, probably the St. Catherine's light; although how he could have hoped to see it if he had been, as he says he thought he was, at a distance of 24 miles from it, is to us inexplicable; and yet there is no other light that he could have seen at about that time. We think that a more careful master would have remained on deck until daylight, or until he had sighted the light which he expected to make, when, having ascertained the exact position of the vessel, he could have laid her on a safe course up Channel. For some cause also which we do not understand he had taken the steering compass, which only stood about 3 feet above the deck, for his standard compass, in lieu of that which certainly must have been intended to be his standard compass, namely, the compass which was on the mizen mast. Knowing all this, knowing too, as he has told us, that his compasses only worked fairly well, he is nevertheless so confident of his position that he continues his course up Channel, without having had any certain point of departure, without seeing any lights or land, and without even taking a single cast of the lead.

We think that the master is greatly to blame. We are told that he has been for 32 years at sea, and for 17 years as master, and that he has never met with any casualty before. He has also no doubt sustained a serious loss, being a part owner of this vessel, and having moreover lost all his effects. But the fault which he has committed cannot be regarded as a mere error of judgment; it is a disregard of one of the most important duties which belong to a master, that of determining accurately his position before he attempts to run up the Channel, and which he could have done with the greatest ease. We think, therefore, that a mere reprimand would not be sufficient, and we shall suspend his certificate for six months.

As regards the mate, the evidence leads us to think that there may have been and probably was a thick fog upon the coast at the time when the vessel was approaching it, which prevented it being seen, whilst out at sea it was comparatively clear; we cannot therefore say that he was not keeping a good look-out. The management of the vessel too appears to have been entirely in the hands of the master, and all that the mate says that he had to do was to obey orders, and that he seems to have done. We shall not therefore touch his certificate. At the same time we cannot altogether approve of the view which he seemed to take of the duties of a chief officer, that all that he had to do was to obey orders. We do not think that that is the only duty of a chief mate holding, as this gentleman does, a master's certificate. In our opinion it was his duty, when left in charge of the deck, to do everything that might be required for the safe navigation of the vessel, and if he thought that the vessel was running into danger, or that a cast of the lead was necessary, or that some light which should have been seen was not seen, either to have acted at once himself, or at any rate to have called the master's attention to it. We do not, however, think that this gentleman has been guilty of any offence which would justify us in dealing with his certificate, and it will therefore be returned to him.

(To Mr. Bowen.) Do you ask for any costs?
 (Mr. Bowen.) No, Sir.
 (Signed) H. C. ROTHERY,
 Wreck Commissioner.

We concur,
 (Signed) ELPHINSTONE APLIN, }
 Rear-Admiral, } Assessors.
 ,, WILLM. CURLING. }