

(No. 417.)

“ EDINBURGH ” and “ SEVERN, ”  
(S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster on the 25th and 26th of March 1879, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear-Admiral APLIN, R.N., and Captain CASTLE, as Assessors, into the circumstances attending the loss of the sailing ship “ EDINBURGH, ” of London, through collision with the steamship “ SEVERN, ” of London, on the 14th of March 1879, whereby loss of life ensued.

Report of Court.

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

I. As regards the “ Edinburgh, ”—

- (1.) That she carried a bright light at the mast-head, but that she did not exhibit a flare-up every 15 minutes, as required by the 8th Article of the Regulations for Preventing Collisions at Sea.
- (2.) That there is no reason to suppose that there was not a good look-out kept on board her.
- (3.) That she continued her course, as she was bound, and ought to have done.

II. As regards the “ Severn, ”—

- (1.) That there was not a good and sufficient look-out kept on board her.
- (2.) That the helm should, under the circumstances, have been starboarded instead of being ported.
- (3.) That she should have slackened her speed, and stopped and reversed her engines.

The Court is of opinion that the casualty was due partly to the “ Edinburgh ” exhibiting only a single bright light at the mast-head, which would not indicate to an approaching vessel on what course she was; but more especially to Clement James Bateman, the second officer of the “ Severn, ” not having kept a good look-out, having ported instead of starboarding the helm, and having neglected to slacken the speed, and to stop and reverse the engines when approaching the “ Edinburgh. ”

For these wrongful acts and defaults the Court suspends the certificate of the said Clement James Bateman for six months.

The Court is also of opinion that the 8th Article of the Regulations for Preventing Collisions at Sea, which require sailing pilot vessels to exhibit a bright light at the mast-head, should be altered, and that they should be required to exhibit some light or lights which would distinguish them from ordinary sailing vessels, and at the same time indicate to approaching vessels the course which they were steering.

The Court makes no order as to costs.  
Dated the 26th day of March 1879.

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

We concur in the above report.

(Signed) ELPHINSTONE APLIN, } Assessors.  
Rear-Admiral, }  
JOHN S. CASTLE, }

MINUTES of PROCEEDINGS taken before HENRY CADOGAN ROTHERY, Esquire, Wreck Commissioner, with Admiral APLIN and Captain CASTLE, Assessors, on an inquiry into the circumstances attending the collision between the “ EDINBURGH ” and the “ SEVERN, ” at Westminster, Wednesday, 26th March 1879.

Mr. Bowen and Mr. Mackenzie appeared for the Board of Trade.

Mr. Cohen, Q.C., and Mr. Dixon appeared for the Trinity House.

Mr. Day, Q.C., and Mr. Clarkson appeared for the owners of the “ Severn. ”

Mr. Bowen was heard to open the case for the Board of Trade, and called evidence; and he then stated that the Board of Trade desired the opinion of the Court on the following questions:—

“ 1. Did the ‘ Edinburgh ’ at the time of the collision carry and exhibit proper and sufficient lights? ”

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“ 2. Was a sufficient and proper look-out kept on board the ‘ Edinburgh ’ on the night in question? ”

“ 3. Was a sufficient and proper look-out kept on board the ‘ Severn ’ on the night in question? ”

“ 4. Was the ‘ Edinburgh ’ being properly navigated when she sighted the ‘ Severn, ’ and after sighting the ‘ Severn ’ were proper measures taken by those in charge of the ‘ Edinburgh ’ to avoid a collision? ”

“ 5. Was the ‘ Severn ’ being properly navigated when she sighted the ‘ Edinburgh, ’ and after sighting the ‘ Edinburgh ’ did those in charge of the ‘ Severn ’ take proper measures to keep out of the way of the ‘ Edinburgh ’? ”

“ 6. Was the loss of the ‘ Edinburgh, ’ and the lives of 15 persons on board her due to any neglect or default of those on board the ‘ Edinburgh ’? ”

“ 7. Was it due to any neglect or default of the master and second officer of the ‘ Severn, ’ or either of them—

- “ (1.) In not keeping a good look-out? ”
- “ (2.) In porting the helm? ”
- “ (3.) In not slackening speed, stopping, and reversing, when approaching the ‘ Edinburgh ’ so as to involve risk of collision? ”

“ (4.) In not keeping out of the way of the ‘ Edinburgh. ’ ”  
The Board of Trade also state that in their opinion the certificates of the master and second officer of the ‘ Severn ’ should be dealt with.”

Mr. Dixon was heard to address the Court on behalf of the Trinity House.

Mr. Day was heard to address the Court on behalf of the owners of the “ Severn. ”

Mr. Mackenzie was heard in reply.

Judgment.

The Commissioner.—This is an inquiry into the circumstances attending a collision between the pilot cutter “ Edinburgh ” and the Royal Mail Packet Steamship “ Severn, ” which occurred early on the morning of the 14th of March instant off Dungeness, and which unhappily resulted in the loss of 15 lives. The facts of the case, so far as they relate to the questions which the Court will have to consider, are as follows:—

The “ Edinburgh, ” which was a pilot cutter of 62 tons, belonging to the Corporation of the Trinity House, left Dover on the 12th instant, for the purpose of proceeding to her cruising ground, having on board a crew of eight hands all told, and 12 pilots; and after cruising for a time between Sandgate and Folkestone she came to anchor in the bay, to the west of Dungeness Point. Between 10 and 10.30 p.m. of the 13th she again got under weigh, and was laid with her head off shore on the starboard tack, the wind blowing a nice breeze from the W.N.W., and the night being clear but dark; and in accordance with the regulations prescribed for pilot cutters she had a bright light at her mast-head. At 11.15 she was tacked with her head inshore. A few minutes after 12 there were on the “ Edinburgh’s ” deck the mate, or rather the acting mate, (the mate having been left on shore ill,) who had had the previous watch, and two seamen, Landall, an able seaman, and an apprentice named Muddell. Of these three, however, Landall alone was saved, and it is from him chiefly that we learn what was done on board the “ Edinburgh ” as the vessels neared one another. He tells us that he came up at about 10 minutes after 12 o’clock, and that he then found the mate aft on the deck, and Muddell, the apprentice, at the helm. He told us that the vessel was under a reefed mainsail, foresail, and jib, and that she was on the port tack, heading for Dungeness Light. He said that immediately on coming upon deck he observed the green light of the steamer one point on the starboard bow, and at a good distance off. Shortly afterwards the red light appeared, upon which the mate ordered him to go forward, and show a flare-up. He accordingly went into the fore-castle, and by his own account had time to light the flare-up, go up on deck again, and hold it up for two or three minutes over his head, when both the lights of the steamer suddenly appeared, heading directly for them. He thereupon threw down the torch and ran aft, and almost immediately afterwards the steamer ran into them, striking them nearly stem on, on the starboard bow.

No charge is made against the steamer’s people for not having used every endeavour to save life. The boats she had were lowered with great expedition, but unfortunately the “ Edinburgh ” sank so rapidly that out of the 20 hands who were on board only five were saved, namely, three of the crew and two pilots.

The story told by the “ Severn ” is as follows. She is an iron screw steamship, belonging to the Royal Mail Steam Packet Company, of 1,736 tons gross and 1,119 tons net register, and is fitted with engines of 220 horse-power,

She left Hamburgh on the 12th instant for Southampton, having on board a crew of 49 hands and five passengers. At about midnight of the 13th she was approaching Dungeness, and was steering south-west half west, the wind being from west to W.N.W., and the night dark but clear, so that lights could be seen at a considerable distance. It was the chief mate's watch that night from 8 to 12, but at midnight it was the duty of the second mate to come on deck. He tells us that he came up about seven minutes after 12, and immediately went to the upper bridge and relieved the chief mate. What passed between them before the chief mate left the bridge we do not know, for very unfortunately the chief mate has not been produced, and no question was asked the second mate on the subject. The chief mate, however, went below, leaving the second mate and a man named Strugnell, who is accustomed to pilot the company's vessels between Hamburgh and Southampton, on the upper bridge; there was a look-out man on the top-gallant fore-castle; the third mate was on the lower bridge conning the ship, and there were two men at the wheel which was amidships, one steering the other standing by. The captain also, we are told, was on the quarter deck aft taking bearings of Dungeness Light, intending, as soon as the light bore north true, to alter the vessel's course. Owing to the vessel having a very high fore-castle deck, the only persons who could see a light ahead would be the second mate and Strugnell, who were on the upper bridge, and the man on the look-out forward; the third officer and the two men who were on the lower bridge could not see ahead, nor of course could the captain. When it was that the "Edinburgh's" bright light was first seen by the second mate we do not know, all that we are told is that he came up on deck at seven minutes after 12, and that the collision occurred at 20 minutes after 12 o'clock, and that it was not until he had been on the bridge for some five or six minutes that he saw the light. When, however, he did see it, he tells us that he knew at once from its brilliancy that it must be the light of a pilot cutter. He said that he consulted with Strugnell as to how she was heading, and that they both, after looking at her for about a minute, came to the conclusion that she was on the starboard tack, heading about S.W.  $\frac{1}{2}$  S. He accordingly ordered the helm to be ported, and when he had brought the light on his port bow he observed that she was closing fast upon them, upon which he at once ordered the helm to be put hard-a-port and the engines to be stopped, but it was too late, for she struck the "Edinburgh" nearly at right angles on the starboard bow, with the results which I have already stated.

Now the questions upon which the Board of Trade have asked for the opinion of the Court are substantially as follows:—As regards the "Edinburgh," whether she carried and exhibited proper and sufficient lights; whether she had a good look-out on board; and whether she was properly navigated. As regards the "Severn," whether there was a good look-out on board; whether she was justified in porting her helm; and whether she ought not to have slackened her speed, and stopped and reversed her engines. These appear to me to comprise all the questions on which our opinion has been asked.

And first, did the "Edinburgh" carry and exhibit proper and sufficient lights? By the 8th Article of the Regulations for Preventing Collisions at Sea, it is provided that "Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head, visible all round the horizon, and shall also exhibit a flare-up light every 15 minutes." So far as the light at the mast-head is concerned, the evidence is, in our opinion, conclusive that the light which the "Edinburgh" carried at her mast-head was a good light, and that it was burning brightly at the time. Pike, one of the seamen who was saved from the "Edinburgh," told us that he had taken down the light about 20 minutes or a quarter of an hour before 12 o'clock, that he retrimmed it and put it up again, and that it was then burning brilliantly. Landall also has told us that when he came on deck about 10 minutes after 12 he observed that the light was burning brilliantly. And Mr. Bateman, the second officer of the "Severn," said that as soon as he saw the light he knew it to be the light of a pilot cutter from its extraordinary brilliancy. There can, therefore, be no doubt that the first part of the article which requires sailing pilot vessels to carry a bright light at the mast-head has been complied with. And the next question which we have to consider is whether the latter part of the article, which says that they "shall also exhibit a flare-up light every 15 minutes," has been equally complied with.

It was contended by Mr. Dixon, who has appeared for the Trinity House, that this part of the article is not obligatory upon pilot cutters, but that it is permissive, its object being to provide a means by which they may indicate

to other vessels that they are prepared to supply them with pilots; but I confess that I do not so read the passage; and Mr. Mackenzie has pointed out that if that part of the article was to be regarded as merely permissive, we should have had some such words as those which we find at the end of the 9th article of the regulations, namely, that "Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient." I think, therefore, that the direction that a sailing pilot cutter "shall also exhibit a flare-up light every 15 minutes" is as obligatory upon her as the injunction that she shall carry a bright light at the mast-head and that an ordinary sailing vessel shall carry the coloured side lights. Let us see then whether the "Edinburgh" did or did not comply with the injunction that she should "exhibit a flare-up every 15 minutes."

It seems from the evidence of Mr. Hood, one of the pilots saved from the "Edinburgh," that it is not the practice for a pilot cutter, when she is not "serving," as it is called, that is to say, not supplying pilots to ships, to exhibit a flare-up every 15 minutes; and that it is only done when they wish to show to other vessels that they are ready to supply them with pilots. Mr. Hood told us also that at the time of the collision the "Edinburgh" occupied what is called the middle station, and that as a rule they would not exhibit a flare-up until after the pilot cutter, which had the more westerly station, and which was still supplying pilots, had done serving. He said that if they were to exhibit flare-ups before the more westerly cutter had done serving it would have the effect of drawing away vessels from the other pilot cutter, and would thus take them out of their course. This then being the practice on board the pilot cutters, which, as will be observed, is in direct conflict with the law on the subject, let us now see what was actually done on board the "Edinburgh."

We are told that it was the practice on board this vessel to retrim the mast-head light before every watch, and that on the light being taken down for that purpose the flare-up was usually exhibited. Pike, one of the men who was on deck from the time of her getting under weigh until midnight, told us that they exhibited the flare-up on getting under weigh; that it was exhibited again when he took down the lamp to retrim it, which was at about 20 minutes to 12; and that he exhibited it again at five minutes to 12, just before the watch was called. From this time, however, until just before the collision, when it is said to have been exhibited by Landall, and which it is admitted was at about 20 minutes after 12, the flare-up was not exhibited at all. Indeed, if we are to believe the evidence from the "Edinburgh," not only would there be no obligation to exhibit it, but it would not be proper to do so, as it might take vessels away from the pilot cutter, which was engaged in serving pilots. So long indeed as they saw the green light of the steamer they would think that she was going to pass clear astern of them, and it was only when the red light appeared that it became necessary in their opinion to show a flare-up. I think, therefore, that it is quite clear from the evidence that from five minutes before 12 until just before the collision, or for a space of about 25 minutes before the collision, there was no flare-up exhibited on board the "Edinburgh" and that so far they have violated the concluding paragraph of the 8th Article of the Regulations for Preventing Collisions at Sea.

This then being so, we have been asked to say whether, on a review of all the circumstances, this portion of the article does not require to be altered; and in our opinion it certainly does. It seems to us that a bright light at the mast-head was wholly insufficient to indicate to the approaching vessel the course on which the cutter was. We are not prepared to say what lights sailing pilot cutters should carry; it would be necessary for us to have a great deal more evidence before we could come to any satisfactory conclusion upon the subject. This, however, we may say, that if the "Edinburgh" had been fitted with the ordinary coloured lights the green light on the starboard side would have shown the second mate of the "Severn" that she had her starboard side towards them; and instead of porting he would of course at once have starboarded his helm and gone astern of her. It seems to us then that this article does require to be altered, and that it is a matter of very great importance that these pilot cutters should be fitted with some distinctive lights, which would show not only that they were pilot cutters, but also the course they were steering.

The next question is, whether the "Edinburgh" had a sufficient and proper look-out on board on the night in question? Owing to the fact that only one of the watch was saved, and he the last of the three who went on deck, it is of course very difficult to say positively that there was a proper and sufficient look-out being kept on board this vessel. The evidence, however, is in our opinion clear

that the green light before the collision began to show to go forward our opinion to the effect of a look-out.

The next question is whether the "Edinburgh" sighted the "Severn" prior to the collision. The "Severn" was first sighted heading about the time she had come round the point. But it is now a matter of some uncertainty whatever for the port tack apprentice, who was lost, and Landall coming on deck, the certainty was with the helm and the collision there is nothing to all events it as was at first to the port tack.

We now come to the first question there was or this vessel? were in a position man on the "Edinburgh" Strugnell, who height of the the lower bridge the evidence seven minutes of the "Edinburgh" upper bridge collision took saw the light collision; this or seven minutes bridge and his us to-day a look-out man given us a went on the relieved a man to him the then right a reported it to chief officer, v midnight. S light had been officer, who until he observed paying off to brought on to almost immediately if the evidence know why it "Edinburgh" before the seen have been seen the upper bridge seen by him certainly very this inquiry who could have him before the second mate could also have the second mate have been a v contradict St. quite uncontr

The fact, however, mate only a v rest on St. A of the witness is the evidence that he was Dungeness L course of the pass move. go, that this a bridge, but h the collision

that the green light of the "Severn" was seen sometime before the collision, and that it was only when the steamer began to show her red light that the mate ordered Landall to go forward and show the flare-up. There is nothing in our opinion to show that there was not a proper and sufficient look-out being kept on board this vessel.

The next question for our consideration is, whether the "Edinburgh" was being properly navigated when she sighted the "Severn," and whether after sighting the "Severn" proper measures were taken by those in charge of her to avoid the collision? Both the second mate of the "Severn" and Strugnell, the pilot, stated that when they first saw her light she was on the starboard tack, heading about S.W.  $\frac{1}{2}$  S., but that before the collision she had come round on to the port tack, and had her sails full. But it is now admitted by Mr. Day that there is no ground whatever for this statement, and that she was all along on the port tack. As the acting mate and Muddell, the apprentice, who was at the helm, have unfortunately been lost, and Landall was engaged almost from the time of his coming on deck with the flare-up, we cannot say with certainty what was done, or whether anything was done with the helm between the time of sighting the "Severn" and the collision. It was her duty to keep her course, and there is nothing whatever to show that she not do so; at all events it is quite certain that she did not come round, as was at first attempted to be proved, from the starboard to the port tack, or through some 11 or 12 points.

We now come to the case of the "Severn," and the first question which we shall have to consider is, whether there was or was not a good look-out being kept on board this vessel? As I have already stated, the only persons who were in a position to see anything ahead were the look-out man on the topgallant forecastle, and the second mate and Strugnell, who were on the upper bridge. Owing to the height of the topgallant forecastle, the men who were on the lower bridge could not see ahead. Now according to the evidence of the second mate, he had been some six or seven minutes on the upper bridge before he saw the light of the "Edinburgh," for he tells us that he went on to the upper bridge at about seven minutes after 12, that the collision took place at 20 minutes after 12, and that he saw the light for about six or seven minutes before the collision; this would make it, as I have said, some six or seven minutes between the time of his going on the bridge and his seeing the light. But we have had before us to-day a witness named Louis St. Ange, who was the look-out man at the time of the collision, and who has given us a very different account. He told us that he went on the look-out at seven minutes after 12, and relieved a man named Joe, and that Joe then pointed out to him the bright light of the "Edinburgh," which was then right ahead, and said to him that he had already reported it to the officer of the watch; that would be to the chief officer, who had been the officer of the watch before midnight. St. Ange also said that, as he found that the light had been reported, he did not report it to the second officer, who had then come on duty, and that it was not until he observed that the head of the "Severn" was paying off to starboard, and when the light had been brought on the port bow, that he reported it, and that almost immediately afterwards the collision occurred. Now if the evidence of St. Ange is to be believed, and I do not know why it should not be, it is clear that the light of the "Edinburgh" was seen and reported to the chief officer before the second officer came on deck; that it ought to have been seen by the second officer as soon as he got on the upper bridge, but that as a matter of fact it was not seen by him until a short time before the collision. It is certainly very unfortunate that neither of the parties to this inquiry has thought proper to produce the chief officer, who could have told us whether the light was reported to him before he left the bridge, and whether or not he called the second mate's attention to it, and if not why not. He could also have told us what passed between himself and the second mate when he was relieved. Joe, too, would have been a very important witness either to confirm or to contradict St. Ange. As it is St. Ange's evidence stands quite uncontradicted, and we are bound to accept it.

The fact, however, that the light was seen by the second mate only a very short time before the collision does not rest on St. Ange's evidence only but is proved by several of the witnesses from the "Severn" herself. First, there is the evidence of the master, Captain Lawson, who told us that he was at the binnacle aft, taking the bearings of Dungeness Light, and that he first observed that the course of the vessel was being altered by seeing the compass move. He said that he then heard the telegraph bell go, that this alarmed him, and that he turned to go to the bridge, but he had hardly got clear of the binnacle before the collision occurred. Then we have the evidence of

Frederick Young, the man who was at the helm, and who tells us that the order which he received was first to port and then "hard-a-port," and that both orders were nearly in one, the collision taking place almost immediately afterwards. Charles Watson, the stand-by at the helm, tells us that he heard the orders to port and then hard-a-port, and that they came quickly one after the other. But the strongest evidence on the subject is that given to-day by the carpenter, John Crockett, who was produced on behalf of the owners of the "Severn," and who told us that the orders he heard were "port, hard-a-port, for God's sake hard-a-port," all given as quickly as possible one after the other. William Cross, another witness produced by the owners of the "Severn," told us that the orders he heard were "port" and then "hard-a-port for God's sake." The expressions spoken to by these witnesses show the urgency of the orders, and lead to the belief that they must have got very near the vessel before they saw her. Indeed, the evidence of the second mate himself shows that only a very short time elapsed between the order to port and to hard-a-port, and if the collision occurred almost immediately after the order to hard-a-port was given the "Edinburgh" must have been very close when he first saw her. The conclusion then to which we are compelled to come is that only a very short time elapsed between the vessel being seen by the second mate and the collision, and as by his own admission the light which the "Edinburgh" carried was extraordinarily brilliant, and was in fact seen by others on board the vessel long before it was seen by him, it is obvious that he could not have been keeping a good look-out, or he must have seen it much sooner.

The next question which we have to consider is, whether the second mate did right in ordering the helm to be ported? He tells us that after watching the light for a minute he thought, or fancied he thought, that it was moving from starboard to port, and he thought, therefore, that she was on the starboard tack. Strugnell, too, said that he thought that she was on the starboard tack; not indeed that he would go the length of saying that he thought the light was moving from starboard to port, but his reason for supposing the vessel to be on the starboard tack was because she was so near the shore, and he thought that she would naturally be standing out to cross the track of incoming vessels. On the other hand, Louis St. Ange, who went on the look-out at seven minutes after 12 o'clock, tells us that the light was then right ahead. If then, as the second mate tells us, it was one point on the starboard bow when he saw it, it must have moved from port to starboard between the time of the second mate going on deck and his seeing the light, and if he had been keeping a good look-out he would have seen that it was going from port to starboard, and not from starboard to port; and he ought, therefore, to have starboarded and not ported his helm.

But apart from this, both Strugnell and the second mate tell us that they thought that the course of the cutter was S.W.  $\frac{1}{2}$  S.; and as the course of the "Severn" was S.W.  $\frac{1}{2}$  W., it is obvious that, by starboarding the helm only one point, it would have brought the "Severn" on a course parallel to that which they believed the "Edinburgh" to be on; and would at the same time have brought her two points on their starboard bow. It was clearly, therefore, under the circumstances the proper course to starboard, and not to port the helm; for if the cutter had been, as she proved to be, on the port tack, she would by starboarding her helm pass under the cutter's stern; on the other hand, if she was, as they supposed her to be, on the starboard tack, the starboarding the helm only one point would have brought them on a course parallel to that of the cutter. It was clearly, therefore, a great error of judgment, under the circumstances, to port the helm.

The next question which we have to consider is, whether the "Severn" ought not to have slackened speed, and stopped and reversed her engines when approaching the "Edinburgh"? When the second mate saw the light of the "Edinburgh" one point on his starboard bow, and was unable to make out on what course she was, his first duty should have been to have either slackened his speed or stopped his vessel, until he had made out her course. Had he done so no collision would probably have occurred, for before he could have got to her she would have passed clear away to starboard of him, and he might then have continued his course with safety. But his great fault was for not having stopped and reversed his engines full speed, when he found out that she was crossing his course. Mr. Strugnell has told us that had he been in command of the vessel he should not have reversed the engines; I can only say that if Mr. Strugnell is brought before this Court for having run down and sunk some vessel,

and it is shown that he might have avoided her by stopping and reversing his engines, Mr. Strugnell will stand a very good chance of having his certificate either cancelled or suspended. Mr. Strugnell does not seem to be able to draw a distinction between reversing the engines to avoid a collision, and reversing them when you have struck her. No doubt it is a very proper thing, when you have run into a vessel not at once to back out of the cut, as you may thus increase the disastrous consequences of the collision; but it is a very different thing to reversing engines in order to stop the vessel's way, and thus either avoid striking her altogether, or diminish very considerably the force of the blow.

Lastly, the Board of Trade state that in their opinion the certificates of the master and the second officer of the "Severn" should be dealt with. As regards the master we cannot see that any blame is imputable to him, he was at the time aft engaged in taking the bearings of Dungeness Light, a very proper proceeding on his part, seeing that when Dungeness Light bore north he would have to alter his course, and of course whilst so engaged it would be quite impossible for him to be looking ahead. But with the second mate it is different, he was on the bridge and it was his duty to be keeping a good look-out ahead. If indeed it had been simply a question whether he ought not to have starboarded instead of porting his helm we should have been disposed to say that it was a mere error of judgment which he had committed; but when to this is added that from some cause or other he was not keeping a good look-out, that he omitted to stop or to slacken the speed of the vessel when he first saw the light a point on this starboard bow, and did not know which way she was going, and above all, that he neglected to reverse the engines, when he found that she was crossing his bows,—when all these things are taken into consideration we must hold that he has been guilty of very great negligence, negligence which

has resulted in the loss of 15 valuable lives, and we shall therefore suspend his certificate for six months. It is not for us to determine the civil liabilities of the parties, or to say what may be the effect thereon of the "Edinburgh" not having shown a flare-up in accordance with the regulations. We have only to say how the casualty occurred, and whether anyone, and if so, who was responsible for it. (To Mr. Mackenzie.) Do you ask for costs?

Mr. Mackenzie.—No, sir, not on the part of the Board of Trade.

Mr. Dixon.—I do not know, sir, whether I am in a position to ask for costs against the owners of the "Severn." If I am I do ask for them.

The Commissioner (To Mr. Day).—Have you anything to say?

Mr. Day.—My learned friend Mr. Clarkson wishes, I think, to make some observations.

Mr. Clarkson.—I can only say that my learned friend is making an application which I have often made myself unsuccessfully, and he is making it for the owners of a vessel which has been found to have been delinquent in not having shown proper lights.

The Commissioner.—That is exactly the view which I take of the matter. There may be cases in which it may be proper to give costs; but certainly in a case like this, in which Mr. Dixon's parties have not complied with the Regulations for Preventing Collisions at Sea, they are not entitled to their costs. There will therefore be no order as to costs.

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

We concur.  
(Signed)

ELPHINSTONE APLIN, } Assessors.  
Rear-Admiral, }  
JOHN S. CASTLE, }

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