

(No. 783.)

“ HANNAH.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the County Court, Holyhead, on the 8th day of November 1880, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear Admiral PICKARD, R.N., Captain PARRITT, and Captain HARLAND, as Assessors, into the circumstances attending the loss of the British sailing ship “ HANNAH,” of Carnarvon, and the loss of the lives of three of her crew, through collision with the British steam ship, “ SHAMROCK,” of Dublin, off Holyhead, on the 8th of October last.

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 “ Hannah ” did, on the night and morning of the collision, carry proper lights in compliance with the regulations for preventing collisions.
2. That at the time of the collision the lights of the “ Hannah ” were properly placed and were burning brightly.
3. That a sufficient and proper look out was being kept on board the “ Shamrock ” on the morning of the collision.
4. That the master of the “ Hannah ” ought under the circumstances to have exhibited a light or flare up to the “ Shamrock,” which was overtaking him.
5. That the “ Shamrock ” saw the “ Hannah ” as soon as she could, the latter not having exhibited a light or flare up astern.
6. That the master of the “ Hannah ” is to blame for the collision in not having exhibited a light or flare up astern, as he should have done.
7. That neither the master nor any person on board the “ Shamrock ” is to blame for the collision.

The Court is not asked to make any order as to costs.

Dated the 8th day of November 1880.

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

We concur in the above report.

(Signed) BENJAMIN S. PICKARD, R.N.,  
WILLIAM PARRITT,  
ROBERT HARLAND, } Assessors.

Annex to the Report.

This case was heard at Holyhead on the 8th of November instant, when Mr. Muir Mackenzie appeared for the Board of Trade, Mr. Hughes for the Bangor Mutual Ship Insurance Society, the insurers of the “ Hannah ;” Mr. Rees for the survivor and for the representatives of such of the crew as were drowned ; and Captain Dent, the Marine Superintendent of the Company, for the London and North Western Railway Company, the owners of the “ Shamrock.” Ten witnesses having been produced by the Board of Trade and examined, Mr. Muir Mackenzie asked the opinion of the Court upon the following questions :—

1. Did the “ Hannah ” carry, on the night and morning of the collision, proper lights, in compliance with the regulations for preventing collisions ?
2. Were the lights of the “ Hannah,” at the time of the collision, burning brightly and properly placed ?
3. Was a sufficient and proper look out kept on board the “ Shamrock ” on the morning of the collision ?
4. Ought, under the circumstances, the master of the “ Hannah ” to have shewn any stern light or lights, other than those which he actually did shew ?
5. Ought the “ Shamrock ” to have seen the “ Hannah ” sooner than she did ?
6. Was the master or any person on board the “ Hannah,” and if so, who, to blame for the collision ?

7. Is the master or any other person, and if so, who, on board the “ Shamrock ” to blame for the collision ?

All parties having stated that they had no further evidence to produce, and Mr. Hughes and Captain Dent having been heard on behalf of their respective parties, and Mr. Muir Mackenzie having replied, the Court proceeded to give judgment on the questions upon which its opinion had been asked. The circumstances of the case are as follow :—

The object of the present inquiry is to ascertain the circumstances under which a collision occurred between the schooner “ Hannah,” of Carnarvon, and the steam vessel “ Shamrock,” of Dublin, off Holyhead Harbour, on the morning of the 8th of October last.

The case of the “ Hannah ” is as follows :—She was a schooner of 82 tons register, built at Sunderland in the year 1864, and at the time of her loss was the property of Mr. Robert Newton, of Castle Square, Carnarvon, and others, Mr. Robert Newton being the managing owner. She left Runcorn on the 5th October last, with a cargo of 140 tons of salt, and arrived at Liverpool on the same day, which she left again on the following morning for Yarmouth, having a crew of four hands all told, namely the master, the mate, a lad named Scott, and another lad who had been picked up at Liverpool. Of these, three have been unfortunately drowned, and the only knowledge that we have of what subsequently occurred on board the “ Hannah ” is derived from Scott the survivor, who it should be stated, has given his evidence in a very clear and straightforward manner. It seems that early on the morning of the 8th October the “ Hannah ” had arrived off Holyhead Bay, the night being dark and stormy but clear, the wind strong from the eastward, and the vessel on the port tack under reefed mainsail, boom foresail, topsail, and standing jib. The master it seems was at the wheel, and the mate and Scott were engaged up to nearly the moment of the collision in furling the top gallant sails and in setting the boom foresail. They had just succeeded in setting the boom foresail, and Scott was hauling in the fore sheet, when the mate, who was standing by the boat amidships, suddenly called out, “ My God ! here is a ship upon us.” Scott turned round and observed the mast head and red light of a steamer on their starboard quarter, bearing about three points from right aft, and in an instant the steamer was upon them. They ran to get the boat out, but found it smashed, and almost immediately afterwards the vessel went down stern foremost. Scott was thrown into the water, and having first got hold of a cask, and then a plank, succeeded in keeping himself afloat until he heard voices, upon which he shouted, and was answered, and they then came and took him on board.

The story told by the “ Shamrock ” is as follows :—She is a paddle wheel steamer, belonging to Dublin, of 1177 tons gross, and 401 tons net register, and is fitted with engines of 650 horse power. She was built at Birkenhead in the year 1876, and is the property of the London and North Western Railway Company. She left Dublin at 8.12 p.m. of the 7th October last, with a crew of 42 hands all told, and 83 passengers, and at 1 a.m. of the following morning made the Stack Light. At 1.55 they sighted the Skerries, and very soon afterwards observed the light at the end of Holyhead breakwater. The night we are told was dark and stormy, but clear for seeing lights. The course steered from Dublin had been S.E. by E.  $\frac{1}{2}$  E., but according to the man at the helm, after sighting the light at the end of the breakwater, he steered by the light, keeping it a point on his starboard bow. At this time the master and second officer were upon the bridge, and there were two look out men on the bridge, one on the port, the other on the starboard side ; there was also a quarter-master standing by the wheel, the vessel being steered from amidships. Soon after 2 o’clock, the loom of the “ Hannah ” was observed a little on their port bow, but close to them ; the captain immediately rushed to the telegraph and stopped the engine, but before this could be done, and almost before the order could be given, they were into her. We are told that a boat was at once lowered with three men in her, and that they pulled in the direction of where the schooner was supposed to have disappeared ; and after searching for about half an hour without finding anything, they returned to the steamer and were hauling up the boat, when Scott’s cries were heard, upon which the boat was at once again lowered and he was picked up.

These then being the facts of the case, and there being practically no contradiction between the parties, we shall have no difficulty in answering the questions which have been put to us. Now the first question is,—“Did the ‘Hannah’ carry, on the night and morning of the collision, proper lights, in compliance with the regulations for preventing collisions;” and the second is,—“Were the lights of the ‘Hannah’ at the time of the collision burning brightly and properly placed?” That the “Hannah” on the morning in question was carrying the red and green side lights, which she is required by the regulations to carry, and that they were properly placed and were burning at the time of the collision appears to us to admit of no doubt whatever. Scott, the survivor, told us that it was the duty of the boy, whom they had taken on board at Liverpool, to trim the lamps, but that, as he was sick, the master had done it for him. He told us also that at seven o’clock the port light went out, but that the master took it down, retrimmed it, and put it up again, and that ten minutes before the collision, he, Scott, saw that both the lights were burning. His evidence also is confirmed by the master and mate of the tug boat, the “Rock Light,” of Liverpool, which was lying off the end of the breakwater, and who told us that they saw the green light of the “Hannah” just before the steamer struck her; and we have no reason to suppose that, if the green light was burning, the red light was not also. We have therefore no doubt that at the time of the collision the “Hannah” had her lights properly fixed and properly burning, in accordance with the regulations for preventing collisions.

The third question on which our opinion is asked is,—“Was a sufficient and proper look out kept on board the ‘Shamrock’ on the morning of the collision?” In our opinion there was a proper and sufficient look out being kept on board the “Shamrock.” The master and the second officer were on the bridge, and there were two men on the look out, one on the port side, and one on the starboard side of the bridge; in addition to which there was a quartermaster standing by the wheel, which was amidships, also engaged looking out. All these witnesses have been examined, and they have all told us that they were keeping a good look out, and there is no evidence to the contrary. It might be said that on such a dark night as that, it would have been proper to have stationed somebody forward, but it seems that this vessel had a flush deck running from end to end, which the witnesses called the bridge, and the look out men were stationed one on each side just before the paddle boxes, which would be a better place for keeping a look out than in the bows, over which the spray was breaking, there being a heavy head sea on that night.

The fourth question which we are asked is,—“Ought, under the circumstances, the master of the ‘Hannah’ to have shewn any stern light or lights, other than those which she actually did shew?” Had we been dealing with this case under the former regulations, we should have felt ourselves bound, after the decisions which have been pronounced on the subject in the Courts of Law, to say that there was no obligation on the “Hannah” to shew a light to the “Shamrock,” which was approaching her astern, but I apprehend that we have to deal with this case under the regulations which came into operation on the 1st of September last, and the 11th Article of those regulations is in these words,—“A ship, which is being overtaken by another, shall shew from her stern to such last mentioned ship, a white light, or flare up light.” Now it is clear from the evidence of Scott, the survivor from the “Hannah,” that the “Shamrock” was approaching

her from about 3 points from right aft, or 5 points abaft the beam; and as the “Hannah’s” side lights are required to be, and no doubt were screened from 2 points abaft the beam, they would not be visible to those on board the “Shamrock.” It was therefore incumbent on the “Hannah” which was the overtaken ship, to have shewn a white light or a flare up astern to the “Shamrock,” which was the overtaking ship; but it is not pretended that she did so, and she is therefore to blame. The master of the “Hannah” too, must have known that he would at that time be crossing the track of vessels entering Holyhead Harbour; and it was therefore the more incumbent upon him to be keeping a good look out to see that none of these steamers were approaching him from astern. He neglected to do so, and the poor man has answered for his negligence with his life. It was apparently exactly to meet such a case as this that the 11th Regulation was enacted.

The fifth question which we are asked is,—“Ought the ‘Shamrock’ to have seen the ‘Hannah’ sooner than she did?” In our opinion the “Shamrock” saw the “Hannah” as soon as she well could have done so. The night we are told, was dark and stormy, but clear for seeing lights; a good look out was being kept on board her, and she might naturally expect that on such a night vessels would carry and exhibit the lights which they are required by the regulations to carry and to exhibit; and that, if they were approaching a vessel from astern, that vessel would, in accordance with the 11th Article of the new regulations, have exhibited a white light, or a flare up light to her. Mr. Muir Mackenzie has called our attention to the 20th Article of the new regulations, which says:—“Notwithstanding anything contained in any preceding article, every ship, whether a sailing ship or a steam ship, overtaking another, shall keep out of the way of the overtaken ship.” No doubt she is to do so if she can see her, and if the overtaken vessel does not do or neglect to do something, which renders it impossible for the overtaking vessel to see her. Here the “Shamrock” had a good look out; she was going at the rate of 11 knots an hour, which was not too great a speed, considering that the night was clear, though dark, and that a light could be seen at a sufficient distance to avoid a collision. No doubt if the “Hannah” had shewn a light, as she was bound to do, astern, the “Shamrock” would have seen it, and have been able to avoid her; but we do not think that, as it was, the “Shamrock” could have seen her sooner than she did.

The sixth question which we are asked is,—“Was the master or any person on board the ‘Hannah’ and if so, who, to blame for the collision?” We have stated that in our opinion the master of the “Hannah” was to blame for not having exhibited a light astern, as he should have done, in accordance with Article 11 of the new regulations.

The seventh question is,—“Is the master or any other person, and if so, who, on board the ‘Shamrock’ to blame for the collision?” In our opinion neither the master nor any other person on board the “Shamrock” is in any way to blame for the collision.

Mr. Mackenzie has not asked that the certificates of any of the officers of the “Shamrock” should be dealt with, nor has he asked for costs, and in our opinion he has been quite right not to do so.

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

We concur.

(Signed) BENJAMIN S. PICKARD, B.N., }  
WILLIAM PARFITT, } Assessors.  
ROBERT HARLAND, }

“ (

The

In the ma

Chanc

the 11

Esquir

FORSTE

circum

British

Liverp

The Cou

stances of t

for the rea

1. That t

order and

managing o

fixed at 3 f

of the deck

2. That t

3. That t

be said to

such deep l

either the

owner.

4. That t

not sufficien

5. That t

having, wh

severe gale

perhaps ha

laden.

The Cou

order as to

Dated the

(S

(S

This case

November

Board of Tr

was present

or solicitor.

the Board o

of eight wi

at Portland

asked the

questions:—

“1. Was

“the ship’s

“order or

“managing

“2. Was

“3. Was

“laden w

“managing

“4. Had

“winter vo

“5. Wha

“probable

Mr. Paxt

of Trade, th

the question

The circum

The “Co

1,107 tons g

built at Su

William De

time of he

Thomas, N

number of

the managin

L 367.