(No. 926.)

"NYMPHŒA." (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster, on the 15th of February 1881, before H. C. Rothery, Esquire, Wreck Commissioner, assisted by Vice-Admiral Powell, C.B., Captain Harris and Captain Ronaldson, as Assessors, into the circumstances attending the stranding of the British steamship "Nymphœa," of North Shields, on the Sunk Sand, on the 5th of January last, whilst on a voyage from North Shields to Athens.

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 of the said vessel is due to a course having been shaped from off Orfordness, without any allowance having been made for the set of the flood tide to the westward; and to her having been kept on a W. ½ N. course, from 11.15 p.m. until she struck, in the belief that she had been on the Four Mile Knolls, whereas she was at the time between the Long and Sunk Sands.

2. That a safe and proper course was not set and steered after passing Orfordness.

3. That proper alterations therein were not made from time to time thereafter, and that due and proper allowances were not made for the tide.

4. That the distance which the vessel had run at 11 p.m. of the 4th of January appears to have been properly estimated, but that proper measures were not then taken to ascertain and verify the vessel's position.

5. That the master was justified, when he got eight fathoms, in altering his course to N.N.E.

6. That, when the master found that he was not rapidly deepening his water, he was not justified in continuing her on a W. ½ N. course.

7. That the lead was not used with sufficient frequency.

8. That, after she had struck, every effort seems to have been made to get the vessel off.

9. That the vessel was not navigated with proper and seamanlike care.

10. That the master is alone to blame for the casualty.

For these wrongful acts and defaults, the Court orders the certificate of Robert Grimwade, the master, to be suspended for six months from this day, but recommends that during the period of its suspension he be allowed a first mate's certificate.

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

Dated the 15th day of February 1881.

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

We concur in the above report.

(Signed) R. Ashmore Powell, Hy. Harris, A. Ronaldson, } Assessors.

Annex to the Report.

This case was heard at Westminster on the 15th of February instant, when Mr. Mansel Jones and Mr. Snagge appeared for the Board of Trade, Mr. Baden Powell for the owners, and Mr. Dickens for the master of the "Nymphœa." Seven witnesses having been produced by the Board of Trade and examined, Mr. Mansel Jones asked for the opinion of the Court upon the following questions, viz:—

1. What was the cause of the stranding of the vessel?

2. Whether a safe and proper course was set and steered after passing Lowestoft?

3. Whether proper alterations were made therein from time to time thereafter, and whether due and proper allowance was made for the tide, currents, and leeway?

4. Whether the distance which the vessel had run at 11 p.m. of the 4th of January was properly estimated, and whether proper measures were then taken to ascertain and verify the position of the vessel?

5. Whether the master was then justified in altering the course to N.N.E.?

6. Whether he was justified in again altering it to W. ½ N., and whether due and proper allowance was then made for tide and currents?

7. Whether the lead was used with sufficient frequency?

8. Whether every effort was made to save the vessel after she struck the Sand?

9. Whether the vessel was navigated with proper and seamanlike care?

10. Whether the master and officers are, or either of them is, in default?

Mr. Mansel Jones also stated that the Board of Trade are of opinion that the certificate of the master should be dealt with.

All parties having stated that they had no further evidence to produce, and Mr. Dickens having addressed the Court on behalf of the master, and Mr. Mansel Jones having replied for the Board of Trade, 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 "Nymphœa" was an iron screw steamship, belonging to the port of North Shields, of 1,137 tons gross, and 737 tons nett register, and was fitted with engines of 98 horse-power. She was built at Sunderland in the year 1871, and at the time of her loss was the property of Mr. Joseph Robinson, of No. 106, Howard Street, North Shields, and others, Mr. Joseph Robinson being the managing owner. She left North Shields at about 1 p.m. of the 3rd of January last for Athens, with a crew of 19 hands all told, and 1,580 tons of coals, including those in the bunkers. At 1.40 p.m. of the following day, the 4th, she passed the Newarp Light Ship, whence a S. ¾ W. course was steered, until they were abreast of the East Cross Sand buoy, when the course was altered to S.S.W. ¼ W. At 4.15 p.m. Lowestoft Lights bore W.N.W., distant about 4½ miles. The same course was continued, S.S.W. ¼ W., until 8 p.m., when the weather having become very thick, the vessel was hove to, and a cast of the lead was taken, which gave 14 fathoms, upon which the course was altered to S.S.W. southerly. Up to 8 p.m. the vessel had been going at full speed, making about 8 or 9 knots an hour, but the engines were then put at half speed. At 9 and 10 p.m. the vessel was again hove to, and casts taken, which gave respectively 14 and 13 fathoms. Accordingly, at 10, the course was altered to S. by W. ½ W. westerly, and that course was continued until 11 p.m., when, the fog being still very thick, another cast was taken, which gave only 8 fathoms; upon which the course was altered to N.N.E., and the engines were put at dead slow. At 11.15 another cast was taken, which gave 6 to 6½ fathoms; upon which the master, believing that she was on the Four Mile Knolls to the south of the Galloper, altered the course to W. ½ N.; and that course was continued until midnight, when another cast was taken, which gave 10 fathoms. Upon this, the master, feeling, as he says, convinced that the vessel had been on the Four Mile Knolls, continued her on a W. ½ N. course, the engines all the time going dead slow, until between 12.15 and 12.30, when she suddenly struck; the weather at the time being so foggy that they could see but a very short distance off. Shortly afterwards the wind and sea began to increase, and the vessel fell off broadside to the sand. Rockets were then sent up, and blue lights burnt, and efforts were made to get the vessel off, until about 3 a.m., when the tide having begun to fall, it was found that the vessel was fast. In the meantime the fog had cleared off, and they then perceived that they were on the east side of the Northern Spit of the Sunk Sand, the Sunk Light bearing N.E., and the Gunfleet N.W. At 8 a.m. of the 5th it was found that the vessel was beginning to make water, there being 6 inches in the ballast-tanks; the steam pumps were accordingly set on, but the water continued to gain upon them. At 10 a.m. three of the boats, the life boat and the two quarter boats, were stove; but at 11 a.m. they succeeded in launching the long boat, and all hands having got into her, they left

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the ship at 12.30; and having fallen in with a steamer, which was lying at anchor between the Swin and the Maplin, they got on board, and were landed on the following day at Gravesend. The vessel herself became a total wreck, and was lost with everything on board.

The first question on which our opinion has been asked is, "What was the cause of the stranding of the vessel?" but to enable us to answer this question it will be necessary first to consider the 2nd and 3rd questions, namely, "Whether a safe and proper course was set and steered from Lowestoft," and "Whether proper alterations were made therein from time to time thereafter, and whether due and proper allowance was made for tide, currents, and leeway?" We are told that the course steered from 4.15 p.m., when they passed Lowestoft, till 8 p.m. was S.S.W. ¼ W.; from 8 to 10 p.m., the course was S.S.W. southerly; and from 10 to 11 p.m., when she got 8 fathoms, the course was S. by W. ½ W. westerly. There can be no doubt that if these courses could have been made good they would have taken the vessel some 2 to 3 miles clear to the eastward of the Kentish Knock Light Ship, and that they would therefore have been safe and proper courses to steer. But we are told in the Sailing Directions that, in shaping a course from Orfordness to pass between the Knock and the Galloper, allowance should always be made for the tide streams. The master of the "Nymphœa," however, told us that he had made no allowance for the tide; he had steered the same course which he had done on a previous occasion, and he thought that he might safely do so, although he was not able to say what had been the state of the tide on that occasion. It may be well, therefore, to see how the tide sets between Orfordness and the Knock, and what was its condition on the night of the 4th of January last when the vessel took the ground. It appears from the Admiralty Tide Tables and from the Channel Pilot that at Orfordness the flood tide sets to the W.S.W., and that as you approach the Kentish Knock it gradually veers to W. by S. and W., until it ceases. Now, on the 4th of January last the tide began to make off Orfordness at about 8 p.m., at which time the "Nymphœa" would have passed Orfordness, so that from about 8 p.m. she must have had the flood tide setting her to the W.S.W. That tide, too, we are told, at the highest spring tides runs at the rate of 3 knots, and although on the 4th the tides were not at their highest, they were still strong, and it can therefore readily be understood how, during the three hours between 8 and 11 p.m., the vessel, whose course had been shaped, without reference to the tide, to pass some 2 to 3 miles to the eastward of the Knock Light Ship, might be set by the flood tide so far to the westward as to find herself, as she no doubt was at that time, to the westward of the Long Sand. In our opinion, therefore, the courses steered after passing Orfordness were not safe and proper courses, no allowance having been made for the set of the flood tide to the W.S.W. from about 8 p.m., and that it is to this, no doubt, that the casualty is mainly due.

The fourth question which we are asked is, "Whether the distance that the vessel had run at 11 p.m. on the 4th January was properly estimated; and whether proper measures were then taken to ascertain and verify the position of the vessel?" The master told us that the log was set at 4.15 p.m., when they were off Lowestoft, and that at 11 p.m. it showed 45 knots; to which, however, would have to be added 7 per cent. for short allowance, or about three knots additional, making altogether 48 knots from off Lowestoft; and as at that time they were on the west side of the Long Sand, and apparently at a distance of about 48 miles from Lowestoft, there is no reason to think that the distance run was not properly estimated. It does not, however, appear that any steps were then taken to ascertain or verify the vessel's position.

The fifth question which we are asked is, "Whether the master was then justified in altering the course to N.N.E.?" Finding himself at 11 p.m. in only 8 fathoms of water, we think he was justified in laying her upon a N.N.E. course, with the object of retracing his steps, which would seem to have been the best course under the circumstances, the master being quite ignorant of his position, and the weather intensely foggy.

The sixth question which we are asked is, "Whether he was justified in again altering it to W. ½ N.; and whether due and proper allowance was then made for the tide and currents?" Finding at 11.15 that he had, by steering a N.N.E. course, got into 6 to 6½ fathoms, and believing that he was then on the Four Mile Knolls, he, no doubt, took the right course in putting her head W. ½ N., so as to bring her back into her proper course between the Kentish Knock and the Galloper. After, however, keeping on that course for about three-quarters of an hour, and getting only 10 fathoms water, he was not justified in continuing it; for the Four Mile Knolls, which form the north-east end of the Falls, is only a narrow ridge, not above a ¼ of a mile broad at any part of it, and with a depth of water of from 20 to 24 within a short distance on either side. Finding, therefore, after standing on a W. ½ N. course for ¾ of an hour, from 11.15 to 12 p.m., that he had only deepened his water to 10 fathoms, he ought to have known that he could not have been on the Four Mile Knolls, but must have got in between the Sands; and that a W. ½ N. course must inevitably land him on one of them.

The seventh question which we are asked is, "Whether the lead was used with sufficient frequency?" According to the master, they saw nothing after passing Lowestoft; and there was a dense fog prevailing from 8 p.m. till she struck. At 9 and 10 p.m. he got 14 and 13 fathoms respectively, which should have shown him that he was even then too far to the westward of his course; for, had he been in his proper course, he would have got somewhat deeper soundings. When too, at 11 p.m., he got 8 fathoms, and at 11.15 only 6 to 6½ fathoms, knowing, as he tells us, from his log that he had then run 48 miles, and, that if the flood tide had set him to the westward, he would be amongst the Sands, and not knowing his true position, he should have felt his way, with the lead constantly over the side, and if necessary have come to anchor.

The eighth question which we are asked is, "Whether every effort was made to save the vessel after she struck the Sands?" After the vessel struck, the master and crew appear to us to have done everything in their power to get her off; but when the wind and sea began to make, nothing that they could have done would have saved her.

The ninth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" In our opinion two very grave mistakes were made. In the first place, the course was laid without reference to the tide, which from eight o'clock would be setting her strongly to the westward. In the next place, when at twelve, after having been for three-quarters of an hour on a W. ½ N. course, they found themselves in only ten fathoms water, they ought to have known that she could not have been in her proper course between the Galloper and the Knock, but must have been between some of the Sands further to the westward. In our opinion she was not navigated with proper and seamanlike care.

The tenth question which we are asked is, "Whether the master and officers are, or either of them is, in default?" It is admitted that the master had sole charge of the vessel, and that the blame, if any, for the casualty, rests with him. And under these circumstances, counsel for the Board of Trade have asked that his certificate should be dealt with. We were told that he had been for thirteen years in the employ of the owners of the ship, and that he has commanded this vessel for the last fourteen months; and Mr. Dickens has asked us to regard his conduct as the result rather of an error of judgment than as a wilful act or default. The fact, however, of his shaping a course from Orfordness without making any allowance for the tide, and of continuing a W. ½ N. course, when he ought to have known that he was amongst the Sands, amounts, in our opinion, to more than a mere error of judgment. The assessors are of opinion that his certificate should be suspended for six months, and in that opinion I concur. We shall, however, recommend that during the suspension of his master's certificate he be allowed a first mate's.

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

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

We concur.

(Signed) R. Ashmore Powell,
Hy. Harris,
A. Ronaldson,
} Assessors.