

(No. 943.)

"POLLY PINKHAM."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster on the 3rd and 4th of March 1881, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain HARLAND and Captain CLARKE, as Assessors, into the circumstances attending the stranding and loss of the sailing ship "POLLY PINKHAM," of Plymouth, near Annewtown, County Waterford, on the 13th of February 1881, whereby five lives were lost.

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 was due to the master having, in ignorance of her true position, put her on too northerly a course.
2. That the position of the vessel was not properly estimated at noon of the 12th of February, and that no proper measures were taken thereafter to ascertain and verify her position from time to time.
3. That a safe and proper course was not set and steered from noon of the 12th of February, even on the assumption that she was in the position in which the master supposed her to be, much less so from the position in which she actually was.
4. That the lead was not used after 8 p.m. of the 12th of February, and that its neglect was not justifiable.
5. That the master was not on deck when the safety of his vessel required his presence there.
6. That there was not a good and proper look-out being kept on board.
7. That the vessel was not navigated with proper and seamanlike care and skill.
8. That the master and mate are both of them in default.

For his wrongful acts and defaults the Court orders the certificate of the master, Edward Bennett, 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 makes no order as to costs.

Dated the 4th day of March 1881.

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

We concur in the above report.

(Signed) R. T. CLARKE, }
ROBERT HARLAND, } Assessors.

Annex to the Report.

This case was heard at Westminster on the 3rd and 4th instant, when Mr. Ravenhill appeared for the Board of Trade, and Mr. Raikes for the master and mate of the "Polly Pinkham." Two witnesses having been produced by the Board of Trade and examined, Mr. Ravenhill asked the opinion of the Court upon the following questions:—

1. What was the cause of the stranding of the vessel?
2. Was the position of the vessel properly estimated at noon on the 12th of February, and were proper measures taken thereafter to ascertain and verify the position of the vessel from time to time?
3. Was a safe and proper course set at noon on the 12th of February, and steered then and thereafter, and due and proper allowances made for tide and currents?
4. Was the lead used after 8 p.m. on the 12th of February?—and if not, was the neglect of this justifiable?
5. Was the master on deck when the safety of his ship required his presence?
6. Was a good and proper look-out kept?

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7. Was the vessel navigated with proper and seamanlike care?

8. Was the master or mate in default?

Mr. Ravenhill also stated that the Board of Trade are of opinion that his or their certificate or certificates should be dealt with.

Mr. Raikes, having produced the owner and recalled the master, then addressed the Court on behalf of his parties, and Mr. Ravenhill having replied for the Board of Trade, the Court proceeded to give judgment on the questions on which its opinion had been asked. The circumstances of the case are as follows:—

The "Polly Pinkham," which was a schooner of 141 tons nett register, belonging to the Port of Plymouth, was built at Teignmouth, in the county of Devon, in the year 1878; and, at the time of her loss, was the property of Mr. William Pinkham, of Newton Abbott, in the county of Devon, who was also the managing owner. She left the Rio Grande on the 5th of December last for Liverpool, with a crew of seven hands all told, and a cargo of 225 tons of calcined bones and horns; and on the 10th of February following, was nearing the Irish coast, when, at about 8 a.m. of that day, she was struck by a heavy sea on the starboard side, which carried away some of the stanchions, bulwarks, and rails; and, I believe, the companion and wheel also. She lay-to from that time until noon of the 11th to repair damages, and then resumed her voyage, steering an easterly course. At noon of the 12th an observation was obtained, which, according to the master and mate, placed the vessel in latitude 50° 47' north, and longitude 7° 55' west; upon which the master altered the course to E. by N., thinking, as he has told us, that that course would take him midway between the Tuskar and the Smalls. Sometime between 2 and 4 p.m. the wind, which had till then been from the S.S.W., came away from the southward, and ultimately worked round to the S.S.E., blowing a hard gale. At 8 p.m. they took soundings, and obtained, we are told, 45 or 50 fathoms; and at midnight they landed in the patent log, which had been set at noon, and found that they had run 83 miles. It was the master's watch from 8 to 12 that night, but soon after 12 o'clock the mate came on deck, and the master then went below. The mate's watch, it seems, consisted of himself, an A.B., and a boy; and at a quarter to one a.m. the A.B. was at the wheel, the mate was at the pump, and the boy was forward on the look-out, when the loom of the land was suddenly observed on the port beam; upon which the mate hauled the ship up to the wind, and at once called to the master to come up. On the latter coming on deck he endeavoured to stay the vessel; but finding that she would not go about, and that there was no room to wear her, he ordered the port anchor to be dropped; but the chain parted at 15 fathoms, and they were in the act of getting out the starboard anchor, when the vessel struck. They then proceeded to launch the boat; but the sea, which was breaking over the vessel, immediately swept it away—the master, the mate, and two of the hands thereupon got into the main rigging, and the other three into the fore rigging. After a time the master, observing a life buoy on the companion, got down the main rigging, and had succeeded in securing it round his body, when he was swept off the deck; but fortunately reached the shore in safety. Shortly afterwards the mate, whilst trying to get from the main to the fore rigging, was washed off the deck, but he also succeeded in reaching the shore by swimming. The rest of the crew, five in number, were drowned, and the vessel, together with everything on board, was totally lost. The spot where the vessel took the ground was, we are told, in Dungarvan Bay, near a place called Annewtown.

In considering the questions, which have been submitted to us by the Board of Trade, it may be well to take the first three together. They are—

1. What was the cause of the stranding of the vessel?
2. Was the position of the vessel properly estimated at noon on the 12th of February?—and were proper measures taken then and thereafter to ascertain and verify the position of the vessel from time to time?
3. Was a safe and proper course set at noon on February the 12th, and steered then and thereafter, and due and proper allowances made for tide and currents?

We were told that at noon of the 12th February, observations were taken both by the master and by the mate, and that after comparing their calculations, they came to the conclusion that the vessel was then in latitude $50^{\circ} 47'$ north, and longitude $7^{\circ} 55'$ west. The master then stated that he went down into his cabin, examined his chart, and finding that an E. by N. course would take them midway between the Tuskar and the Smalls, he ordered that course to be steered. He was thereupon asked to lay down on the chart an E. by N. course from the place, where he supposed the vessel to have been at noon of the 12th; and having done so, was obliged to admit that it would take him directly on to the Smalls, and not as he had stated midway between the Tuskar and the Smalls. He could give no explanation of this, but the mate, when he came to be examined, volunteered the explanation, that in laying down the course the master had made an allowance of a point and a half of leeway, for the strong S.S.E. gale that was blowing. The master offered no such explanation; on the contrary he distinctly stated in answer to a question from the Court that in laying down his course he had made no allowance for leeway. Unfortunately too, for the mate's theory, it should be observed that at noon of the 12th, the wind was not from the S.S.E., but from the S.S.W., and as her course was E. by N., she would have the wind well upon the quarter, and being a laden vessel, would not make any leeway. The master therefore could hardly, in laying his course at noon, have made any allowance for leeway, for he could not then know that the wind would afterwards get more to the eastward. If then the position of the vessel was accurately determined at noon of the 12th, it is clear that an E. by N. course, which would take them directly on the Smalls, would not be a proper one. Nor indeed is it possible to account for the stranding of the vessel on the theory that she made leeway, seeing that from the place where she is stated to have been at noon of the 12th, it would be necessary for her to make good a N.E. $\frac{1}{2}$ N. course to go ashore where she did, or about $3\frac{1}{2}$ points to leeward of an E. by N. course.

Another theory was accordingly started, which was, that the chronometer might have become deranged when the sea struck her on the 10th, and we were told that an error of three minutes in the chronometer would be sufficient to put the vessel some 45 miles further west. They were quite certain that there had been no error in taking the latitude, but they thought that there might have been some mistake in the longitude, owing to an error in the chronometer. But here another difficulty presents itself. It appears that the patent log, which was set at noon of the 12th, shewed at midnight that a distance of 83 miles had been run; to which, however, according to the mate, would have to be added 5 per cent. for short reckoning, making the distance run to midnight to be about 87; and this practically agreed with the distance computed by dead reckoning, the speed of the vessel having, we are told, been from $7\frac{1}{2}$ to 8 knots till 8 p.m., and about 5 knots after that hour. Adding then 5 knots for the distance run from midnight to the time when she took the ground, we get a total of 92 to 93 knots, which is about the distance from the place where the vessel was supposed to have been at noon of the 12th to where she grounded. If, however, we move her some 45 miles further west, still keeping her on the same parallel of latitude, her course being E. by N., it is difficult to understand how she could have got over the additional 40 to 45 miles in the time required. Mr. Raikes stated that some allowance must be made for the tide, but seeing that it was not high water that morning at Waterford until 4.57 a.m., and that the vessel went ashore at about 12.45 a.m., it is clear that she would have had the flood tide with her for only a short time, whilst she had had the whole of the ebb tide against her. The tide, therefore, will not account for the additional 45 miles which she is supposed to have got over; nor is it very easy to understand how the vessel could have run ashore where she did on an E. by N. course, for to do so, she must have gone, if not over, at all events very near to Brattin Head and Mine Head, and must from noon of the previous day have been skirting along the Irish Coast, but which the witnesses appear not to have seen. On the whole, the conclusion to which we have come is that, in order to have struck the ground where she did, the vessel must, at noon of the 12th of February, have been further to the northward and westward; and that a more northerly course must have been steered than the master and mate have stated. This is the only way in which we can account for the casualty; and our answer, therefore, to the second

and third questions must be that the position of the vessel was not properly estimated at noon of the 12th of February; that no proper measures were thereafter taken to ascertain and verify the position; and that a safe and proper course was not set and steered then and thereafter.

The fourth question upon which our opinion is asked is, "Was the lead used after 8 o'clock of February 12th?—and if not, was the neglect of this justifiable?" It is admitted that the lead was not used after 8 p.m. Now, if there is one duty more incumbent upon the master of a vessel when approaching the Irish Channel than another, it is the use of the deep sea lead. At the beginning of the "Sailing Directions for the Coast of Ireland" we find the following remarks:—"Ships approaching the coast of Ireland from the westward, must, during thick weather, or when their true position has not been recently well ascertained, make early use of the deep sea lead, and endeavour to obtain soundings on the outer edge of the bank." And then, after explaining how a master can, by the use of the deep sea lead, at any time determine his position, it proceeds as follows:—"In thick weather, it may be well to run on a parallel of 51° north, until the vessel gets into 65 fathoms, or less water, then steer E. by N., or E.N.E., keeping the lead going, and be careful not to advance into less than 50 fathoms, until on the meridian of the Old Head of Kinsale, when the land may be approached to 40 fathoms water. An E. $\frac{1}{4}$ S. course may now be steered, having constant recourse to the deep sea lead. By proceeding in this manner it is probable that, if not seen before, the land will be made in the vicinity of Waterford, or about Saltee Islands; but no vessel should attempt to run up the Irish Channel without having first seen the land." The captain, however, instead of following these directions, with which he admitted that he was well acquainted, and verifying his position from time to time by a frequent use of the lead, is content to take one cast at 8 p.m. which he tells us gave him 45 or 50 fathoms (he does not know which); and he then lays his vessel, as he tells us, on an E. by N. course, being at the time, no doubt, much nearer in to the land than he supposed, and runs ashore in Dungarvan Bay to the west of the entrance to Waterford Bay. The neglect to use the lead in this case was, in our opinion, quite unpardonable, for it would have shewn him that he was running into danger some hours before he took the ground.

The fifth question which we are asked is, "Was the master on deck when the safety of his ship required his presence?" In our opinion, the master was not justified in going below when he did. He knew, or ought to have known, that if his position had not been accurately determined on the previous day, as in fact it was not, he might be running his vessel into danger. It was his duty, therefore to have remained on deck until he had accurately determined his position by sighting the Coningbeg or Saltees, or the Tuskar Lights. Instead of which he puts her on a course, as it turned out, heading directly for the land, without having taken the trouble to ascertain his position even by a cast of the lead, and leaves the ship in charge of the mate, who, from the very flippant way in which he gave his evidence, would seem hardly to be deserving of the confidence which the master placed in him. In our opinion, the master ought not to have gone below when he did.

The sixth question which we are asked is, "Was a good and proper look-out kept?" We are told that when the land was first seen the mate was at the pump and a boy was forward on the look-out. It certainly seems strange that this time should have been chosen by the mate to pump the vessel, when it was all important that he should, as officer of the watch, have had his attention directed to the navigation of the vessel, and to keeping a look-out for any light which would indicate to him the position of the vessel. We are not therefore satisfied that there was a good and proper look-out being kept at the time.

The seventh question which we are asked is, "Was the vessel navigated with proper and seamanlike care?" In our opinion she was not. According to his own account the master had an opportunity of obtaining an observation at noon on the 12th, but he does it so carelessly that he supposes his vessel to be where it is clear she could not have been. He then steers a course which, if his position had been rightly computed, would be an improper one, as it would have taken him on to the Smalls, but which, as a fact, took him on the Irish Coast some 55 miles to leeward of the course which he

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says he was steering. And, above all, he neglected the most important duty of a master when approaching land in thick weather, and, in ignorance of his position, he neglected to verify his position by the use of the lead.

The eighth question which we are asked is, "Was the master or the mate in default?" and if so, we are told that the Board of Trade are of opinion that their certificates should be dealt with. As regards the master, with whom the whole responsibility for the proper navigation of the vessel rested, it has been shewn that by his neglect and misconduct in not taking proper steps to determine the position of his vessel, in not steering a proper course, in not verifying his position from time to time by the use of the lead, and in not being on deck when it was his duty to be there, he has lost the vessel and her cargo, together with the lives of five of the crew. The owner, indeed, has given him a very good character, and has told us that he had been master of this vessel for the last 5 years, and that on one occasion he brought her back to this country under jury masts from the other side of the Atlantic, she having been dismasted when only 5 days out from Rio Grande. No doubt he is entitled to very great credit for his conduct on that occasion, but it will not be sufficient to acquit him of the very grave charges which have been proved against him in this case. Seeing the very high character which he has received and the long service he has had

in this vessel we shall suspend his certificate for only six months, which is a more lenient sentence than we should, under other circumstances, have been disposed to pass upon him. As regards the mate, although no doubt he was not discharging his proper duty as officer of the watch when the ship took the ground, it is not certain that the casualty would have been avoided had he at the time been keeping a good look-out. Although therefore we think that he is in default it is not proved that his neglect of duty on this occasion contributed to the loss of the vessel, and we have, therefore, no power to deal with his certificate. The real causes of the casualty were the mistake in calculating the vessel's position, the wrong course steered, and the neglect to use the lead, for all of which the master is alone responsible.

As Mr. Raikes has asked that the master should, during the suspension of his certificate, be allowed a first mate's certificate, we shall recommend to the Board of Trade that that be done; but there will, of course, be no order as to costs.

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

We concur.

(Signed) R. T. CLARKE, }
ROBERT HARLAND, } Assessors.