

(No. 1256.)

“ HANTOON ”

AND

“ ROTHESAY ” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at Westminster, on the 1st day of February 1882, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear - Admiral APLIN, and Captains FORSTER and HARLAND, as Assessors, into the circumstances attending the loss of the sailing ship “ HANTOON,” of Wexford, together with the lives of four of her crew, through collision with the steamship “ ROTHESAY,” of Liverpool, off the coast of Portugal, on the 27th of December last.

Report of Court.

The Court, having carefully inquired into the circumstances of the above - mentioned shipping casualty, finds, for the reasons annexed, that the collision between the said vessels “ Hantoon ” and “ Rothesay ” was due to the “ Rothesay,” when the green light of the “ Hantoon ” was reported ahead and a little on the port bow, having been kept on her course until the vessels had approached very near one another, when the helm of the “ Rothesay ” was ported instead of being starboarded, as it should have been, and that the “ Hantoon ” kept her course, as she was bound to do ; that no blame is attributable either to the master or chief officer of the “ Rothesay,” or to the mate of the “ Hantoon,” but that the whole blame of the casualty rests with the second officer of the “ Rothesay.”

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

Dated this 1st day of February 1882.

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

We concur in the above report.

(Signed) ELPHINSTONE APLIN, } Assessors.
GEORGE H. FORSTER, }
ROBERT HARLAND, }

Annex to the Report.

This case was heard at Westminster on the 1st day of February instant, when Mr. McConnell appeared for the Board of Trade, Mr. Pyke for the owners of the “ Rothesay,” Mr. Ince for the master thereof, and Mr. Nelson for the owners and mate of the “ Hantoon.” Eleven witnesses having been produced by the Board of Trade and examined, Mr. McConnell handed in a statement of the questions on which the Board of Trade desired the opinion of the Court. Mr. Nelson and Mr. Ince were then heard on behalf of their respective parties, and Mr. McConnell having replied for the Board of Trade, the Court proceeded to give judgment on the questions on which its opinion had been asked. The facts of the case are as follow:—

The “ Hantoon,” which was a barque belonging to the Port of Wexford, of 389 tons gross and 313 tons net register, was built at Rothesay in the year 1864, and at the time of her loss was the property of Mr. John Thomas Devereux, of Wexford, Mr. Patrick Joseph Doyle, of No. 31, North Main Street, Wexford, being the manager. She left Galatz for Queenstown on the 15th of November last, with a crew of 11 hands all told, and a cargo of 530 tons of maize. Shortly before midnight of the 26th of December following she had got about 50 miles to the north of Cape St. Vincent, and was standing to the northward under all sail, including studding sails, the weather being clear and starlight, and the wind moderate from E.S.E., and she

was making from 5½ to 6 knots an hour. At this time the green light of a steamer, which afterwards proved to be the “ Rothesay,” was observed approaching her, a little on her starboard bow, and distant from 2 to 3 miles. The “ Hantoon ” continued her course until the vessels had approached to within a short distance of one another, when suddenly all three lights of the steamer appeared, then the green light disappeared, and almost immediately afterwards the steamer ran into her, striking her on the starboard bow, just forward of the fore rigging, and cutting her down below the water’s edge. On finding that the vessel was sinking under them the crew of the “ Hantoon ” endeavoured to save their lives by getting on board the “ Rothesay.” Seven of them succeeded in doing so, but one was drowned in the attempt. The other three, including the master and two hands, remained on board the vessel, and went down with her when she sank, which she did in about two or three minutes after the collision.

The “ Rothesay ” is an iron screw steamship, belonging to the Port of Liverpool, of 2,109 tons gross and 1,381 tons net register, and was fitted with engines of 250 horse-power. She was built at Jarrow, in the county of Durham, in the year 1880, and at the time of the casualty, which forms the subject of the present inquiry, she was the property of the Caledonia Steamship Company (Limited), Mr. Robert Cook Macnaughtan, of 7, India Buildings, Fenwick Street, Liverpool, being the manager. She left Cardiff for Port Said on the 22nd of December last with a crew of 30 hands all told, and a cargo of 2,274 tons of coal, besides 880 tons in her bunkers. A little before midnight on the 26th she had arrived within 50 miles of Cape St. Vincent, and was heading to the south, her engines going full speed, and the vessel making about 10 knots an hour, when the green light of a vessel, which afterwards proved to be the “ Hantoon,” was observed ahead, and a little on the port bow. The light was duly reported by the look-out man forward, and the report was heard and answered by the second mate, who was the officer of the watch, and who was at the time on the bridge. No orders were, however, given, and the vessel continued her course until she had got within a short distance of the “ Hantoon,” when the order was given to port the helm, and, at the same time, for the engines to be reversed, but in a few seconds afterwards the steamer ran into the barque, striking her in the way which has been already stated. Immediately after the collision the captain, who had by that time come on deck, ordered the chief mate to go forward, to see what damage had been done. On going down into the fore peak the chief mate observed a large hole in the port bow, extending downwards to within about a foot of the water, and he at once went aft and told the master that he thought their vessel would founder. On hearing this the master immediately gave orders for all the boats to be swung out, but afterwards, finding that the vessel was not making water aft, he ordered the gig to be lowered into the water, and the second mate and four hands to go in her, taking with them a light, and to see if they could find any of the men who had been left in the “ Hantoon.” After searching for about an hour and a half or two hours, but without finding anything, they returned to the ship; upon which the master ordered the second mate to burn some blue lights over the stern, to indicate the position of the steamer to any who might still be afloat, and this was accordingly done. About three hours after the collision the second mate, who appeared to be in great distress of mind at what had occurred, on being sought for, could nowhere be found, but what became of him, or how he perished, there is nothing to shew, except some few pencil memoranda in his rough log-book, which would seem to lead to the conclusion that his death was not wholly accidental. The steamer remained about the spot until daylight, when, there being no appearance of any person about, a course was shaped for Lisbon, where she arrived the same day.

These being the facts of the case, the Board of Trade have asked our opinion on the following questions:—

- 1. Whether both vessels complied with the Regulations for Preventing Collisions at Sea?

2. Whether both vessels carried the lights prescribed by Articles 3 and 6 of the said Regulations respectively?

3. Whether a good and proper look-out was kept on board both vessels?

4. Whether every possible effort was made on board the steamer to keep out of the way of the "Hantoon" as required by Article 17 of the said Regulations?; and whether the "Hantoon" kept her course as required by Article 22 of the said Regulations?

5. Whether both vessels were navigated with proper and seamanlike care?

6. Whether prompt and proper measures were taken by those on board the steamer to save life?

7. Whether the master and mate of the "Rothesay," or the chief officer of the "Hantoon," are, or either of them is, in default?

The facts of the case are so simple that I do not propose to go categorically through all the questions, for on most of them there is no dispute. It is admitted that each vessel had her proper lights burning, and that each vessel had a good look-out, for each vessel saw the other in ample time to avoid a collision. Nor, indeed, does there seem to be much doubt as to which of the two vessels was to blame for the casualty. By the 17th and 22nd Articles of the Regulations for Preventing Collisions at Sea, it is provided that, "if two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship," and that the sailing ship "shall keep her course." It was, consequently, the duty of the "Hantoon" to keep her course, and of the "Rothesay" to keep out of her way. The "Hantoon," we are told, seeing the green light of the "Rothesay" a little on her starboard bow, did keep her course until the "Rothesay" struck her on the starboard bow, and she therefore complied with the Regulations. On the other hand, the "Rothesay," seeing the green light of the "Hantoon" ahead, or a little on her port bow, it was her duty to have starboarded her helm and gone astern of her, instead of which she continued her course until she had got very near to her, when, instead of starboarding, she ported her helm and ran into the barque. The "Rothesay," therefore, clearly violated the 17th Regulation. How the order to port came to be given instead of the order to starboard we have no information; possibly, he may have held on his course too long, hoping to pass ahead of her, and then put the helm to port, but too late to avoid a collision.

The question also has been asked "Whether prompt and proper measures were taken by those on board the steamer to save life?" It seems that the chief mate, on reporting to the master that there was a large hole in the vessel's bow, stated that in his opinion she would probably founder. The master, therefore, was fully justified in ordering all the boats to be swung out with a view to the saving of the lives of those on board the "Rothesay," before sending away any of the boats to the assistance of those who had been left in the "Hantoon." As soon, however, as the boats were all swung out, and about quarter of an hour after the collision, he ordered the gig to be lowered, and the second mate and four hands to go and see if any of them were still floating in the water. In acting as he did, we think that no blame attaches to the master, and that he was quite right, under the circumstances, to order that all the boats should first be got ready, and that no improper delay occurred in sending off a boat to the assistance of those who had been left on board the "Hantoon."

In answer also to the last question, we are clearly of opinion that no blame whatever attaches either to the master or mate of the "Rothesay," or to the chief officer of the "Hantoon." As to the poor man, by whose unfortunate mistake the casualty was brought about, the Court will say nothing which will add to the sorrow of those whom he has left behind. If he erred in judgment when the two vessels were approaching one another, he has shewn at any rate by his death that he felt very deeply the unfortunate mistake which he had made. I am told that the book containing his last pencil memoranda has not been shewn to his widow. I doubt how far this is wise. There is nothing in these notes to throw any slur on his character, or to shew that he was other than a person of perhaps too sensitive a nature, and it will be a consolation to the poor widow to know that his last thoughts were of her.

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

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

We concur.

(Signed) ELPHINSTONE APLIN,
GEORGE H. FORSTER, } Assessors.
ROBERT HARLAND, }

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