

(No. 1684.)
" SAID " (S.S.)
AND
" WILLIAM."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster, on the 15th of February 1883, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains CASTLE and RONALDSON, and Captain KIDDLE, R.N., as Assessors, into the circumstances attending the loss of the sailing barge " WILLIAM," and the loss of the lives of her crew of two hands, through collision with the steamship " SAID," near Jenningsree Point, in the River Thames, on the 10th of January 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 said collision was due to the negligent navigation of the crew of the " William," in having suddenly and unexpectedly ported her helm, thus throwing her across the bows of the " Said," and rendering a collision inevitable, instead of keeping her on her course as it was their duty to do; and that no blame attaches to the pilot or to any one on board of the " Said," who did all in their power to avoid the said collision.

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

Dated this 15th day of February 1883.

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

We concur in the above report.

(Signed) JOHN S. CASTLE,
A. RONALDSON,
JAMES KIDDLE, } Assessors.
Captain R.N., }

Annex to the Report.

This case was heard at Westminster, on the 15th of February instant, when Mr. Danckwerts appeared for the Board of Trade, and Mr. Aspinall for the owners, master, and pilot of the " Said;" the owner of the " William" was present, but was not represented by either counsel or solicitor. Nine witnesses having been produced by the Board of Trade and examined, Mr. Danckwerts handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. A witness was then produced by the owner of the " William," and Mr. Aspinall having addressed the Court on behalf of his parties, and Mr. Danckwerts 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 " Said " is an iron screw steamship belonging to Newcastle, of 1,034 tons gross and 667 tons net register, and is fitted with engines of 120 horse power. She was built at Sunderland in the year 1870, and at the time of the casualty which forms the subject of the present inquiry she was the property of Mr. Adolphus Philip Harrison, of the Custom House Chambers, Newcastle-upon-Tyne, and others, Mr. Harrison being the managing owner. She left the Surrey Canal, in the River Thames, at about 1 p.m. of the 10th of January last for Newcastle, in ballast, with a crew of 18 hands all told, and in charge of a duly licensed Trinity House pilot, named John Row; and at about 2.40 p.m. the same day was in the lower part of Half-way Reach, keeping a little to the south of midchannel, and was nearing Jenningsree Point. The pilot and chief mate were on

the bridge, the second mate and an able seaman at the wheel, and there was another able seaman on the look out forward, the master having shortly before gone below to get his dinner. The wind at the time was strong from the east, the tide just past high water, the weather clear and fine, and the vessel was making from 6 to 7 knots over the ground, the engines going at half speed. At the same time there were two other steamers proceeding down the river, one a large steamer called the " Holland," which was a little on her port bow, and was keeping down mid-channel; and the other a steam tug called the " Rescue," which was on her starboard bow, and was close in shore. They continued in this order, the " Said " and " Holland " going about the same speed, whilst the " Rescue " was making a little more way. When abreast of Curtis' Powder Magazine, which is a little above Jenningsree Point, the look out man on board the " Said " reported a barge about a point on their starboard bow and coming up the river with the wind on her starboard quarter, upon which the pilot ordered the helm to be starboarded about 1/2 a point. The barge in question proved to be the " William," of Rochester, of about 37 tons, belonging to a Mr. James Flower, of the Royal Sovereign Road, Poplar, and which was proceeding up the river under sail, and in charge of two men, and when first seen was just rounding Jenningsree Point out of Erith Reach. The " Rescue," which was some distance ahead of the other two steamers, having passed inside the " William," the latter continued her course, apparently intending to pass to the south of the other two steamers, but when within 100 to 150 yards of the " Said " she suddenly ported her helm and shot across the " Said's " bow; and although the helm of the " Said " was put hard-a-starboard, and the engines were stopped and reversed full speed, it was too late to avoid a collision, and she struck the " William " just forward of the fore rigging on the port side, and the wind filling the foresail on the other side carried her round with her head up the river. In the meantime the two bargemen, after putting the helm hard-a-port, had attempted to get into their boat; in doing so, however, one of them fell overboard, and whilst the other was trying to save him the boat upset, and they both fell into the water. Without delay the jolly boat of the " Said " was lowered, and the second mate and an able seaman having jumped into her they pulled towards the spot, but not in time to save the two hands from the " William," who were both drowned, the barge shortly afterwards foundering. No damage was done to the " Said," and after remaining on the spot for about 20 minutes she proceeded on her voyage.

These are the facts as they have been proved before us, not only by the evidence from the " Said," but by two very intelligent witnesses who were in a barge called the " Rose," which was lying alongside the wharf at Curtis' Powder Magazine, and who saw the collision. And the only evidence on the other side is that of a man, named Charles Myner, who was in a barge called the " Argus," which was some distance down Erith Reach, and close to the south shore, and who pretends to have seen the collision (which, however, he could hardly have done, if the rest of the witnesses are to be believed), and who told us that the " Said " was so close to the south shore that she had to starboard to save herself going ashore, but in our opinion his evidence is not to be believed.

These then being the facts, the first question upon which our opinion has been asked is, " Whether the ' William ' complied with rule 25 of the rules and bye-laws for the regulation of the navigation of the River Thames, sanctioned by Order in Council, dated March 18th, 1880?" That rule says that, " Where by the above " rules one of two vessels is to keep out of the way, the " other shall keep her course." Now the " Said " being a steamer, and the " William " a sailing barge, it was, by the 21st rule, the duty of the " Said " to keep out of the way of the " William," and it was consequently the duty of the " William " to keep her course, and this she did not do.

The next question which we are asked is, " Whether the ' Said ' was navigated with care and caution, and at a speed and in a manner not to endanger the safety of other vessels, as required by bye-laws 3 and 14 of the bye-laws sanctioned by Order in Council, dated 18th March 1880?" The speed of the " Said " at the time was, as we have seen, between 6 and 7 knots, and as it

was just past the flood and the water was slack, that would be her speed over the ground. Now was that a proper and reasonable speed under the circumstances? And in our opinion it was. The weather was perfectly clear, and it was full daylight; moreover, as the learned counsel for the Board of Trade has pointed out, article 15 of the rules seems to indicate seven miles as the proper speed for vessels navigating this part of the Thames, for it says that "steam vessels navigating the river between Barking Creek and London Bridge shall never exceed a speed of seven statute miles per hour over the ground, whether with or against the tide." It appears to us, therefore, that the "Said" was being navigated with proper care and caution, and at such a speed as not to endanger other passing vessels, and that in stopping and reversing full speed, as soon as she saw that a collision was inevitable, she complied with rule 14 of the regulations for the navigation of the Thames.

The third question which we are asked is, "Whether every possible effort was made by the master and pilot of the 'Said' to keep out of the way of the 'William,' as required by rule 21 of the last-mentioned bye-laws?" The 21st rule directs that, "if a sailing vessel and a steam vessel are proceeding in such a direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel." It was consequently the duty of the "Said" to keep out of the way of the "William," and this she would have done, passing to the northward of her, had not the "William" suddenly and unexpectedly thrown herself across the "Said's" bows, and thus rendered a collision inevitable.

The fourth question which we are asked is, "Whether a good and proper look out was kept on board both vessels?" There is no question that there was a good and proper look out on board the "Said," for there were the pilot and chief officer on the bridge and a look-out man stationed on the topgallant forecastle forward, who duly reported the "William," and for which the "Said's" helm was starboarded half a point. As

regards the "William" herself, there is no reason to think that there was not a proper look out on board that vessel, but both hands having been drowned we have no evidence on the point.

The fifth question that we are asked is, "Whether both vessels were navigated with proper and seamanlike care?" In our opinion the "Said" was navigated with proper and seamanlike care. Seeing the "William" about a point on her starboard bow, she first starboarded half a point to give her more room, and when a collision became inevitable, owing to the unexpected porting of the "William's" helm, she hard-a-starboarded, and stopped and reversed full speed. Not so, however, the "William," which had no right to put her helm down and throw herself across the "Said's" bows; her duty was to keep her course.

The sixth question which we are asked is, "What was the cause of the casualty?" The sole cause of the casualty was the sudden porting of the "William's" helm; whether seeing these three steamers coming down the river the man at the "William's" helm became flurried and put his helm hard down, and thus threw himself up into the wind, it is impossible to say, but that is the only explanation that occurs to us for so unseamanlike an act.

The seventh question which we are asked is, "Is any blame for the casualty to be imputed to John Row, the pilot?" In our opinion no blame whatever is imputable to Row, the pilot; the whole blame for the casualty rests with the crew of the "William."

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

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

We concur.
(Signed) JOHN S. CASTLE,
A. RONALDSON,
JAMES KIDDLE, } Assessors.
Captain R.N., }