

(No. 2583.)

“CHAMOIS” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 29th day of June 1885, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains CURLING and PARFITT, as Assessors, into the circumstances attending the stranding and loss of the steam ship “CHAMOIS,” of West Hartlepool, near Cape Villano, on the 23rd of May last, whilst on a voyage from Newport to Savona.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the stranding and loss of the said vessel was due to the wrongful acts and defaults of Thomas Bunn Metcalf, the master, and of John Henry Burdon, the second officer, and it accordingly suspends their certificates for three months.

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

Dated this 29th day of June 1885.

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

We concur in the above report.

(Signed) WILLM. CURLING, } Assessors.  
WM. PARFITT, }

Annex to the Report.

This case was heard at Westminster on the 29th of June 1885, when Mr. Radcliffe appeared for the Board of Trade, Mr. Ince for the owners, and Mr. Botterell for the master of the “Chamois.” The second officer of the “Chamois” was present, but was not represented by either counsel or solicitor. Ten witnesses having been produced by the Board of Trade and examined, Mr. Radcliffe handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Ince and Mr. Botterell then addressed the Court on behalf of their respective parties, and the second officer having been heard on his own behalf, and Mr. Radcliffe 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 “Chamois” was an iron screw steamship, belonging to the port of West Hartlepool, of 1,381 tons gross, and 883 tons net register, and was fitted with engines of 130 horse-power. She was built at Hartlepool in the year 1878, and at the time of her loss was the property of Mr. Walter Jackson, of No. 6, Crosby Square, London, and others, Mr. Walter Jackson being the managing owner. She left Penarth at about 11 a.m. of the 19th of May last, with a crew of 20 hands all told, and a cargo of 1,470 tons of coal, besides 280 tons or thereabout in her bunkers, bound to Savona. At first the weather was bad, the wind blowing a strong breeze from S.W. to W.N.W., coming back again to S.W., but on the 22nd it cleared up, and at half-past 9 a.m. and at noon observations were taken, which placed the vessel in latitude 44° 46' north, and longitude 9° 16' west, her longitude by dead reckoning being 9° 10' west. Finding then that they had got some 6 miles to the westward of their position by dead reckoning, the captain thought that he might safely put her head a little more to the southward, and accordingly the course was altered, according to the captain, from S.W. to S.W. ½ S. magnetic, and that course was kept from noon to 8 p.m. of the 22nd, when it was altered half a point more to the southward to S.W. by S. magnetic. After proceeding on this course till a little after half-past 2, the lookout man suddenly observed breakers ahead, and on the

second mate's attention being called to it, he at once ordered the helm to be put hard-a-port, and the engines to be reversed full speed; but before they had had time to act, the vessel struck on the rocks, and became fast. A boat was thereupon lowered, and two of the firemen having got into her, cast off the tackles, and sent her adrift, but succeeded ultimately in landing on a sandy beach about a quarter of a mile from the ship. At this time, we are told, it was so thick, whether from fog, mist, or rain, that it was not possible to see any distance; and it was only after a time that they discovered that they were so close to the land, that they could reach it by a ladder put over the bows of the vessel. This was accordingly done, and they all reached the shore in safety; but shortly afterwards the ship began to break up, and became, together with the cargo, a total wreck. The place where she struck was about a mile or rather more to the eastward of Cape Villano Lighthouse.

These then being the facts of the case, the first question upon which our opinion has been asked is, “Were proper measures taken at noon of the 22nd May and thereafter to ascertain and verify the position of the vessel?” We are told that up to the 22nd they had got no observation, but that on that day the master took two observations, one at half-past 9 a.m. for longitude, and another at noon for latitude, which he said put him some six miles to the westward of his position by dead reckoning. And although his observations had led him to think that he had got out of his course, and there was nothing to prevent him, he does not take a second observation in the afternoon, which would probably have shown him whether his former observations were correct. We are, therefore, not prepared to say that the vessel's position was correctly ascertained at noon on the 22nd of May, or that proper measures were then and thereafter taken to ascertain and verify the position of the vessel.

The second question which we are asked is, “Were safe and proper courses then and thereafter set and steered; and were due and proper allowances made for tide and currents?” Whether indeed the position of the vessel was or was not accurately determined at noon of the 22nd, and whatever course may have been steered from that time (for upon this the master and mates are somewhat at issue), it is clear that they were not safe and proper courses; for if they had been, the ship would not have gone ashore where she did, some mile or more to the eastward of Cape Villano Light. Nor indeed is it to be wondered at that the ship did get ashore where she did, for the master has told us that in laying his course he made no allowance for the North Atlantic Current, commonly known as Rennell's Current, which sets to the eastward past Cape Ortegal; indeed, the captain stated that he had never heard of it, and that on the contrary he had generally found the current set him in the opposite direction. This being so, it may be well to call his attention to page 4 of the Sailing Directions for the West Coast of France, Spain, and Portugal, where it is said, “The easterly current from the North Atlantic Ocean strikes the land near Cape Ortegal in Spain, and then appears to divide into two branches; the northern (Rennell Current) flowing eastward along the coast of Spain, then north along the west coast of France, where it is felt at 30 or 40 miles off shore, and is 15 or 20 miles across.” And at the bottom of the page we find these words—“Caution.—The mariner will perceive that caution is necessary in crossing the bay, and that due allowance should be made both for the outset and indraft, but especially the latter, when standing to the southward during thick weather for a position westward of Cape Finisterre.” Again, if we turn to page 224 of the same directions, we find the following passage:—“Caution.—The coast between Capes Ortegal and Finisterre is dangerous to approach at night, especially in the winter season, or in thick foggy weather, which is frequent here, for not only does a powerful current at times set towards the land from the north-west, but the streams of flood and ebb often draw vessels out of their computed position.” With these passages before us it is difficult to deny the existence of this easterly current, more especially after a westerly wind such as had been blowing for some days; or the necessity of exercising the greatest caution in approaching this coast, lest the vessel

should be set to the eastward of her course. Indeed the chief officer told us that he had been caught that way, as he expressed it, on his two previous voyages, when he was in a vessel called the "Ibex," belonging to the same owners, and that they had found themselves set by the current, not only to the eastward of Cape Finisterre, but to the eastward even of Cape Ortegal. It does not appear that the mate ever informed Captain Metcalf that he had been so set to the eastward of Cape Ortegal, but the existence of this current is so well known to navigators, that Captain Metcalf ought to have known of it, and to have made due allowance for it; and not having done so it is clear to us that the courses set and steered were neither safe nor proper.

The third question which we are asked is, "Whether the master was on deck at a time when the safety of the ship required his personal supervision?" Admitting even that the master had accurately determined his position at noon of the 22nd, but of which we are by no means satisfied, he would then have been between 80 and 90 miles from the nearest land, so that if by any chance he had got set to the westward of his course, he might after he had run that distance, have gone ashore. Now we were told that, although when the vessel had strong head winds to contend against, she would only make about 6 knots, she would, when the wind fell, as it did on the evening of the 22nd, increase her speed to 7 or 8 knots, and even more; and as we are told that the wind fell towards the evening, in about 12 hours at the outside they might be making the land. Under these circumstances the master should, instead of giving directions, as he seems to have done, that he should be called at 4 a.m. the next morning, have told them to call him at midnight, and he ought not to have left the deck until he had sighted the Light of Cape Finisterre, and thus accurately fixed his position. The assessors tell me that it is the duty of the master always to be on deck when he expects to make land, and that it was more especially the master's duty in this case, seeing the very dangerous character of the coast that he was approaching, and the chances that there were of his being set to the eastward of his course and thus getting ashore. We think that the master was not on deck at a time when the safety of the ship required his personal supervision.

The fourth question which we are asked is, "Whether the weather became thick on the morning of the 23rd of May; and if so, whether the second officer was justified in neglecting to reduce the speed of the vessel, and to inform the master?" According to the second mate the weather remained about the same from the time when he relieved the chief officer until the ship went ashore; but in this he is distinctly contradicted, not only by the chief officer, but by almost every other witness. The chief engineer told us that he went up on deck about half an hour after midnight, and that the weather then was clear, and very different to what it was afterwards when the ship got ashore. The third engineer also stated that about ten minutes before 2 he went on deck and shut one of the skylights because it was raining heavily, and the water was falling on to the engine. We have also the fact that when the vessel took the ground the weather was so thick, whether with fog, or with mist, or with rain, that the land could hardly be seen, and that the light of Cape Villano, which they must have passed at a distance of something like a mile, had not been seen by them; whereas at the beginning of that watch lights could be seen, we were told, at a distance of some 3 or 4 miles at least. Upon the whole we have no doubt whatever that the weather did become much worse after the second officer took charge, and it was therefore his duty to have informed the master of the fact, who would then have had an opportunity of taking the requisite steps to prevent the vessel getting ashore.

I will take the fifth and sixth questions together; they are as follow: "5. What was the number of seamen for each watch, and whether, under the circumstances, the watch was sufficient to keep a good look out, and to heave the lead, and do other things necessary for the safe navigation of the ship?" and "6. Whether the ship was properly and sufficiently manned; and whether the watches on deck were sufficient to enable the deep sea lead to be passed along and watched at any time without calling up the watch below?" We are told that, besides the captain, she had two mates, a boatswain, and five able seamen, which constituted the whole of the hands available for service on deck. This would furnish an officer and three able seamen for one watch, and an

officer, two able seamen, and the boatswain, who we are told did duty at night in bad weather, for the other watch. We are well aware that, especially of late years, vessels of a gross tonnage of some 1,300 or 1,400 tons do frequently go to sea with crews not larger than this vessel had, giving at the outside an officer and three hands for a watch, but the assessors are of opinion that this was not sufficient for her. It might indeed be sufficient for a vessel bound coastwise, which would be for only a short time out of port, and the whole of whose crew might without inconvenience remain on deck through the night; but with a vessel such as this, bound across the seas, it did not give a sufficient number of hands to take a cast of the deep sea lead without taking either the look out man or the helmsman from his post; and in case of accident to the vessel or to any of the crew, it left the vessel without sufficient hands to work her. In the opinion of the assessors she had not a sufficient number of deck hands, and should have had two more able seamen.

The seventh question which we are asked is, "Whether in the circumstances the neglect of the lead was justifiable?" If the master had been where he thought he was, he would have had between 1,000 and 2,000 fathoms of water, and a cast of the lead would have been useless; and indeed at the place where he struck he would have had very deep water until he got close in. We do not think therefore that the master was to blame for not having ordered a cast of the lead to be taken.

The eighth question which we are asked is, "Whether a good and proper look-out was kept?" It seems that about half-past 1 or 2 o'clock the look-out man, who had until then been stationed on the bridge, owing to the water which was breaking over the bows, was sent on to the topgallant forecastle by the 2nd mate, the sea having by that time gone down considerably. There is no evidence indeed to shew that they were not keeping a good and proper look-out; but if they were, it only shews how very thick the weather must have been to prevent their seeing the land until they were close to it.

The ninth and the tenth questions I will take together; they are, "9. Whether the vessel was navigated with proper and seamanlike care;" and, "10. What was the cause of the casualty?" The cause of the casualty seems to have been that the master laid his course without making any allowance for the easterly current, which is well known to prevail in these parts, and which has a tendency, as we have seen, to set vessels bound south to the eastward of their proper courses when nearing Cape Finisterre. And, under these circumstances, we are of opinion that she was not navigated with proper and seamanlike care.

The eleventh question which we are asked is, "Whether the master and officers are, or either of them is, in default?" In our opinion the master is in default; first, for having put the vessel on a course which, if continued, would have taken her ashore; for not having made any allowance for the easterly set of the current; and for not having been on deck at the time when he was nearing the land, and when the safety of the vessel required his personal supervision. We think also that the second officer is greatly to blame for not having, when the weather became thick, called the captain and acquainted him with the state of the case.

Lastly, it is said that "the Board of Trade are of opinion that the certificates of the master and of the second officer should be dealt with." This case is very similar to that of the "Eldorado," which came before the Court in the month of March last, and in which the Court suspended the certificates of the master for six months, and of the 2nd and 3rd officers for three months each. In the present case the conduct of the master does not seem to have been quite so reckless as was that of the master of the "Eldorado"; he has, however, been guilty of a wrongful act and default in putting the vessel upon a dangerous course, and leaving her in the sole charge of such a person as the second officer. And under all the circumstances of the case the assessors are of opinion that the certificates both of the master and of the second mate should be suspended for three months.

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

We concur.

(Signed) WILLM. CURLING,  
R.N.R., } Assessors.  
WM. PARFITT,