

(No. 2425.)

"JOHN AND MARGARET"

AND

"OXENHOLME" (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of a formal Investigation held at St. George's Hall, Liverpool, on the 12th, 13th, and 14th days of January 1885, before THOS. STAMFORD RAFFLES, Esquire, Stipendiary Magistrate, assisted by Captains PARISH and PARFITT and Rear-Admiral PICKARD, Nautical Assessors, into the circumstances attending the loss of the British sailing ship "JOHN AND MARGARET," of Cork, through collision with the British steamship "OXENHOLME," of Liverpool, in Queenstown Harbour, on the 23rd December last, whereby loss of life ensued.

*Report of the Court.*

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the annex hereto, that the loss of the said vessel was owing to the default of the pilot in charge of the "Oxenholme." The Court found that the fishing vessel exhibited no light.

Dated this 14th day of January 1885.

(Signed) T. S. RAFFLES, Judge.

We concur in the above report.

(Signed) ALFRED PARISH, }  
WM. PARFITT, } Assessors.  
BENJ. S. PICKARD, }

*Annex to the Report.*

This was an inquiry into the circumstances attending the loss of the British sailing ship "John and Margaret," of Cork, through collision with the British steamship "Oxenholme." The "Oxenholme" is an iron screw steamer, built at Southampton in 1865, of 2720.58 tons gross and of 1755.57 tons registered. She is the property of the Steamship Oxenholme Co. (Limited); and Mr. George Roddick, of Liverpool, was manager. She had two vertical inverted direct-acting compound engines, and was of 350 horse-power combined.

The "John and Margaret" was a "hooker," or fishing vessel, of 11 tons, registered at Cork, and owned and commanded by Michael Olden, of that city.

The "Oxenholme" left New York on the 7th December last, with cattle and a general cargo, under the command of Mr. William George Williams, who holds a certificate of competency, No. 17,034, dated 22nd November 1860, and with a crew of 42 hands all told, and two cattle men. She arrived off Queenstown on the 21st, and went into the harbour to get some stiffening. She took a licensed pilot named Horrigan outside, who took them in, and they left Monkstown again on the 23rd in his charge about 4.15 p.m. He was on the bridge with the master and third mate, the chief officer being forward on the look-out. The night was clear, but dark, and they had all the regulation lights burning well. The flood tide was running, and they were going about 7 knots. There was a light breeze from E. Just before 5 p.m., after having passed the Bar Rock Buoy, the chief mate reported, "Small craft on starboard bow under sail—no lights." He considered that she was from 400 to 500 yards off, and he thought that she was on the port tack. The master and pilot saw her about the same time, but the pilot after looking through the glass, thought she was on the starboard tack. The chief mate in another minute reported her again, adding, "Crossing on our bows," and again, in another minute, a third

time. The steamer was just approaching on her port helm the Fairway Buoys, between which they intended to pass, and the pilot said that he meant to cross her to the westward, and ordered the helm hard-a-port for that purpose. Upon this, the master said, "You have not room," and he ran and telegraphed "stop engines," but immediately the collision occurred, the steamer running into the fishing vessel well on her port quarter. The master at once gave orders to the men in the pilot boat, which was towing on the steamer's starboard side, to let go, and told the three men in her to go and pick the men up. After waiting from fifteen to twenty minutes, they concluded that the boat had picked the men up, and taken them to Queenstown, and they proceeded on their voyage, landing the pilot at Roche's Point. Two of the boatmen who were in the pilot's boat, said, that immediately the order was given from the steamer to pick up the men from the "hooker," they slipped their rope and dropped astern in the direction of the cries which they heard from the water. They picked up one man, Bartholomew Shea, and after searching in vain for 7 or 8 minutes for the other men, they put him on board another fishing vessel to be conveyed home. The body of one of the other two men was afterwards found by a diver, entangled among the ropes of the sunken "hooker."

Upon the close of the evidence Mr. Paxton put in the following questions:—

1. Did both vessels carry and exhibit the lights required by the Bye-laws of the Cork Harbour Commissioners?
  2. Was a good and proper look-out kept on both vessels?
  3. Was the fishing boat seen from the steamer in time to avoid the collision?
  4. Did those in charge of the steamer use all reasonable efforts to keep out of the way of the fishing boat, if not, who was responsible for the failure to comply with Bye-law 84?
  5. Did the fishing boat keep her course after she first sighted the steamer, if not, was she justified in altering it?
  6. Was every reasonable effort made by the master of the "Oxenholme" to render any assistance to, and save the lives of the crew of the fishing boat?
  7. Were the master and chief officer of the steamer and the pilot, or either of them, in default in regard to any of the above matters?
  8. Was the master of the fishing boat in default in regard to any of the above matters?
- And he stated that, in the opinion of the Board of Trade, the master's and chief officer's certificates should be dealt with.

Mr. Collins, Mr. Cameron, and Mr. Simpson addressed the Court for their respective clients.

The Court gave judgment as follows:—

1. The steamer carried all the usual regulation lights. According to the evidence of all the witnesses, the fishing vessel shewed no lights at any time.
2. A good and proper look-out was kept on board the steamer. There was no evidence from the fishing vessel. The sole survivor from the wreck was detained at home, ill in bed, and a medical certificate to that effect was produced to the Court.
3. The Court were of opinion that the fishing boat was seen from the steamer in time to avoid the collision.
4. Those in charge of the steamer did not use all reasonable efforts to keep out of the way of the fishing boat, and the Court considered that the pilot, who was in charge of the navigation of the vessel, was responsible for the failure to comply with Bye-law No. 84.
5. With the exception of the pilot, all the witnesses concurred in saying that the fishing boat kept her course from the time she was first seen to the time of the collision.
6. The Court thought that the master took the readiest way of saving life by immediately sending off the pilot's boat, which was being towed alongside the steamer, in search of the men in the water. A life-buoy was also thrown over aft. The master might certainly

have lowered one of his own boats, but it seemed to the Court that the boat already in search of the crew of the fishing vessel was quite sufficient for the purpose of saving life in an area so limited.

7. The Court acquitted the master and chief officer of default. The master, who was unacquainted with the locality, took a licensed pilot on board, which was the usual and best course to pursue, and entrusted him with the navigation of his ship, and all the pilot's orders were apparently carried out at once. When the fishing vessel was first seen, the master was not aware that it was impossible, from the nature of the ground, for the steamer to pass, leaving the fishing vessel on the star-board hand. So soon, however, as he heard the pilot give the order to "hard-a-port," and found that he was attempting to leave her on the port hand, he at once interfered, and ordered the engines to be stopped. The chief officer performed his duty on the look-out. But

the Court were of opinion that when the fishing vessel was first seen, the pilot should have at once elected to pass to the westward of her, or failing that course, so long as there was any danger of collision, he should have ordered the engines to have been stopped and reversed, and by so doing, it would certainly have been avoided.

8. The master of the fishing vessel was in default for not exhibiting a light.

(Signed) T. S. RAFFLES, Judge.

We concur in this report.

(Signed) ALFRED PARISH,  
WM. PARFITT, } Assessors.  
BENJ. S. PICKARD, }

Liverpool, 14th January 1885.