

(No. 1805.)

“BELTED WILL.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at the Sessions House, Westminster, on the 24th of May 1883, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain HYDE and Captain PATTISON, as Assessors, into the circumstances attending the damage sustained by the sailing ship “BELTED WILL,” through striking on a rock off St. Catherine’s Point, Island of Ascension, on the 24th of November 1882.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the damage sustained by the said ship was due to her having been kept by the master, Philip Ahier, on a course too close to the shore, and to his having mistaken the inner for the outer beacon at the entrance to Clarence Bay, his chart, which was dated 1872, shewing only the outer beacon. Although the Court is of opinion that the master has been guilty of negligence in the navigation of his vessel, it will not under the circumstances deal with his certificate.

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

Dated this 24th day of May 1883.

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

We concur in the above report.

(Signed) GEORGE HYDE, } Assessors.
JOHN L. PATTISON, }

Annex to the Report.

This case was heard at the Sessions House, Westminster, on the 24th day of May 1883, when Mr. McConnell appeared for the Board of Trade, and Mr. Williams for the master of the “Belted Will.” Seven witnesses having been produced by the Board of Trade, and examined, Mr. McConnell handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Williams then produced a witness, and having addressed the Court on behalf of the master, and Mr. McConnell having been heard in reply, the Court proceeded to give judgment on the questions on which its opinion had been asked. The circumstances of the case are as follow:—

The “Belted Will,” which is a wooden ship, belonging to the port of Workington, of 812 tons gross and 773 tons nett register, was built at Workington in the year 1863, and at the time of the casualty which forms the subject of the present inquiry she was the property of Messrs. Bushby and others, Mr. John Henry Bushby, of No. 9, Fenchurch Street, in the City of London, being the manager. She left Manilla on the 27th of August last for London, with a crew of 21 hands all told, and a general cargo of about 900 tons; and at about 6 a.m. of the 24th of November following sighted the Island of Ascension. It seems that on the day before, the pipe leading to the port tank had got damaged, and as they had only enough water for a week’s consumption in the starboard tank, the master determined to call at the island to obtain a fresh supply; and with that view he put her upon the starboard tack, intending to pass to windward of the island along the east side, and to approach Clarence Bay from the northward, in accordance with the directions contained in Horsburgh’s Work, which was the only one that he had on board. About an hour afterwards the fore topgallant sail blew away, upon which the master determined to go to leeward of the island, and he accordingly put her on the port tack to pass round the west side, and thus approach Clarence Bay from the south. At

about 1 p.m. they were abreast of St. Catherine’s Point, distant, as he supposed, about 1½ miles; and soon afterwards, seeing a beacon ahead, he took it for the beacon at the western extremity of the reef of rocks which runs out from Port Thornton, and he accordingly kept it about two points on his starboard bow. After they had been on this course for about 10 to 15 minutes the vessel suddenly struck, upon which orders were at once given to starboard the helm and to back the main topsail, and in about 8 or 10 minutes afterwards she came off, but it was then found that she was making water fast. They succeeded in getting her into Clarence Bay, and anchored her in 12 fathoms, but by that time there was a good deal of water in her. Assistance, however, having been obtained from the shore they were able to clear her, but it was deemed expedient to take out about 500 tons of the cargo, and to forward it to its destination in other vessels. On subsequently examining the bottom with the help of a diver, it was found that there was a hole on the port side not far from the keel, with a piece of the rock sticking in it, and that a quantity of copper had been rubbed off the bottom. After temporarily repairing her sufficient to navigate her within the tropics, they proceeded to Martinique, where she was put into dry dock, the damages repaired, and the remainder of the cargo having been re-shipped, she continued her voyage, arriving in this country on the 26th of April last.

These being the facts of the case, the first question upon which our opinion has been asked is, “Whether the vessel was provided with proper and sufficient charts, and whether the owner took proper measures to ascertain that the charts on board were proper and sufficient for the voyage, and that they contained the latest corrections?” It seems that the master had to supply his own charts, and that the owner had nothing to do with them. This I am told is the usual arrangement on board vessels of this class, and Mr. Hall told us that it was the practice in all their vessels. According to the master, the only chart of these parts, which he had on board, was Imray’s Chart of the South Atlantic, corrected to 1872, and the 7th edition of Horsburgh’s Book of Instructions. The chart was one which the master had purchased on obtaining his certificate as a master in 1872, and was, therefore, ten years old. In one respect it was defective, for it shewed only one beacon to mark the reef of rocks running out from Fort Thornton, whereas there are two, one at the distance of ¾ths of a mile from Fort Thornton to indicate the western end of the reef, and another at about ¼ of a mile off to mark its eastern end. In other respects the chart seems to have been a good one, and would have been quite sufficient, if examined carefully in conjunction with the book of instructions, to have enabled him to steer clear of the reef on which he struck.

The second question that we are asked is, “Whether, having regard to the chart and the sailing instructions on board the vessel, the master was justified in trying to navigate her into the harbour of Ascension from the southward?” The master has told us that he had intended to approach Clarence Bay from the northward, in accordance with Horsburgh’s Instructions; but that, having lost his fore topgallant sail, and the weather being very puffy, he thought it better to go to leeward of the island, and we are not prepared to say that he was not justified in taking that course. At the same time, if he chose to approach Clarence Bay from the southward, it was incumbent upon him to take every precaution to steer clear of the reef of rocks, which he would then have to pass, and which his instructions tell him extends for some three-quarters of a mile in a W.N.W. direction from Fort Thornton.

The third question upon which our opinion has been asked is, “Whether a good and proper look-out was kept?” It seems that the captain and the third mate were on the poop looking out, the chief officer was directing the taking in of the sails, and the second officer was getting the chains ready to bring up. There was, however, no look-out man stationed forward, and I am told by the assessors that this would not be usual, it being daylight, and the captain and the third officer on the poop aft keeping a look-out. The rest of the hands were engaged, some taking in sails, some getting ready the anchor to let go, so that in the opinion of the assessors the master was not to blame for not having had a look-out man forward at the time.

The fourth question which we are asked is, "Whether the neglect of the lead was justifiable?" We are told that it was a showery morning, rendering it extremely difficult to judge distances; if so, it would have been proper for him to have taken a cast of the lead, as the safety of the ship depended on his being at a sufficient distance from the shore. He told us that he thought he had passed a mile and a half outside St. Catherine's Point, but as a matter of fact he must have been within half a mile of it when he passed it; and if the atmosphere was so deceptive, he ought to have taken a cast of the lead to satisfy himself of his correct distance from the shore.

The fifth question which we are asked is, "What was the cause of the casualty?" It seems that the master being, as I have said, within half a mile of St. Catherine's Point, saw a beacon a little on his starboard bow, and believing it to be the outer beacon marking the western extremity of the reef, which is at a distance of 3/4ths of a mile from Fort Thornton, he continued his course, keeping the beacon about two points on his starboard bow. As a fact, however, it was the inner beacon, which is only about a quarter of a mile from Fort Thornton, and marks the eastern end of the reef. The result was that he ran on the reef midway between the two beacons, which seems to have been the sole cause of the casualty.

The sixth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" To keep the vessel within half a mile of the shore, when his chart and his sailing directions shew him that there is a reef running out some three quarters of a mile from it, and to continue his course under these circumstances without taking any steps to ascertain his exact distance from the shore, mistaking a beacon which was only a 1/4 of a mile from Fort Thornton for one which he was told was from 3/4 to 1/2 of a mile off it, was neither proper nor seamanlike conduct.

The last question that we are asked is, "Whether the master and officers are, or either of them is, in default; and whether blame attaches to the managing owner; and whether, in the opinion of the Court, it is the duty of all owners to ascertain that their vessels are supplied with proper and sufficient charts, and that such charts contain the latest corrections?" And it is added that "the Board of Trade are of opinion that the certificate of the master

"should be dealt with." And first as regards the managing owner: Seeing that the Legislature has not thought fit to make it obligatory upon owners to supply their masters with charts, it is not possible for us to say that the managing owner is to blame in this case. I am, however, informed by the assessors that it is the practice in all the large steam companies for the owners to supply charts to their masters, but that in the smaller class of vessels they do not do so, the masters supplying them themselves. This is no doubt to be regretted, for whilst the masters of large vessels, being generally gentlemen of position and means, might fairly be trusted to supply themselves with the newest and best charts, masters of smaller vessels, with less instruction and often with very insufficient means, could hardly be expected to do so. The assessors think that it would be well if owners were always required, before sending their vessels to sea, to ascertain that they were supplied with proper charts for the voyage; but that is not the law at present. As regards the blame for this casualty, it of course rests with the master, who had the sole charge of the navigation, the officers being otherwise engaged. No doubt it was an act of very great negligence on his part to keep his vessel within half a mile of the shore, when he knew or ought to have known that there was a reef of rocks in his way running some 3/4ths of a mile out to sea, and to mistake a beacon at only a 1/4 of a mile from the shore for one which was some 3/4ths of a mile from it. On the other hand, the master had been on deck from the time the island was sighted with his chart opened out before him directing the navigation of the vessel, and he seems to have been misled by the incorrect chart which he had on board; and under these circumstances the assessors are disposed to take a lenient view of the case, and they will therefore not deal with his certificate, trusting that he will be more cautious in future.

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

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

We concur.

(Signed) GEORGE HYDE,
JOHN L. PATTISON, } Assessors.

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