

(No. 2019.)

"HYMETTUS" (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Moot Hall, Newcastle-on-Tyne, on the 13th of December 1883, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains METHVEN and KENNEDY, as Assessors, into the circumstances attending the stranding of the steamship "HYMETTUS," on the coast of Holland, on the 18th of November 1883.

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 of the said vessel was due to her having got into the trough of the sea and become unmanageable, owing probably to her not having been sufficiently ballasted, but that no blame attaches to the master or officers, who did all in their power to get her under command and to prevent her going on shore. The Court is further of opinion that there is not the slightest foundation for supposing that either the master or the chief officer were the worse for drink; and it will therefore not deal with their certificates.

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

Dated this 13th day of December 1883.

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

We concur in the above report.

(Signed) R. METHVEN, } Assessors.
H. C. KENNEDY, }

Annex to the Report.

This case was heard at Newcastle-on-Tyne on the 13th of December 1883, when Mr. De Hamel appeared for the Board of Trade, and Mr. Roche for the owners and master of the "Hymettus." Nine witnesses having been produced by the Board of Trade and examined, Mr. De Hamel handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Roche then addressed the Court on behalf of his parties, and Mr. De Hamel 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 "Hymettus" is an iron screw steamship belonging to the Port of Sunderland, of 1,204 tons gross, and 776 tons net register, and is fitted with engines of 150 horse power. She was a new ship, having been built at Sunderland in the present year, and at the time of the casualty, which forms the subject of the present inquiry, she was the property of Mr. Thomas Kish, of Sunderland, and of others, Mr. Thomas Kish being the managing owner. She left Rotterdam for Bilbao at about 4 p.m. of the 17th of November last, in water ballast, drawing 8 feet forward and 10 feet 8 inches aft, with a crew of 17 hands all told, and in charge of a duly licensed pilot. At 6.30 p.m. they passed the bar, when the pilot left her, and she was then put upon a W. by S. course by the pole compass, which upon that course we are told was magnetic, the wind at the time blowing a fresh breeze from the south to S.S.E. At 9.30 the wind had increased considerably, and having got round to the west she was put head to wind, making about 4 knots an hour. At 10.30 the gale was blowing so strongly that she could make no way against it, and she then fell off into the trough of the sea. Every effort was thereupon made to get her head to the wind, they first set the main trysail, then took it in, and set the fore staysail, at the same time working the engines alternately full speed ahead and full

speed astern; then they stopped the engines, and tried to get her round by wearing her with her sails only; but all in vain, for they could not get her out of the trough of the sea, and she continued to drift before the wind until 3 a.m., when they sighted Goodereede Light bearing S.S.E. distant about 12 miles. At 3.30 a.m. broken water was seen ahead and on the port bow, upon which the engines were turned astern full speed, but the ship still continued to drift towards the shore. At length the light, which is placed on the end of the north pier at the entrance to the river leading up to Amsterdam, was observed bearing S.E. distant about 4 miles, upon which an attempt was made to get her into the river, but they were unable to get her before the wind, and she drove past the entrance of the harbour, and at about 8 a.m. went ashore about a mile to the northward of the pier. Two hours afterwards the tide having fallen, they were able to get out an anchor to prevent her driving further up the beach; and a lifeboat having come to their assistance, the master gave permission to those of the crew, who feared to stay in the ship to leave her, and 10 of them then got into the lifeboat, leaving the remaining 7, including the master, the mate, the boatswain or acting second mate, and 4 others on board. The same day, Sunday the 18th, the master sent a telegram to his owners, informing them of the position of the vessel; and on Monday the 19th, he engaged a tug to come out to her assistance, but there was too much sea to allow them to get alongside, and she was obliged to run into the harbour again for shelter. On the 21st the underwriter's agent came and took possession of the vessel, but the master has ever since, and until he was called away to attend this inquiry, been employed to assist in getting the vessel off, but we are told that she still lies on the beach. These being the facts of the case, the Board of Trade have put a number of questions to us, the first two of which are as follow: (1) "Whether, when the 'Hymettus' left Rotterdam, she was properly and sufficiently ballasted?" and (2) "What was the cause of the vessel falling off from her course and becoming unmanageable at about 10.30 p.m. on the 17th of November?" It seems that when the "Hymettus" left Rotterdam, she had all her water ballast tanks full, containing we are told 405 tons of water, in addition to which there were 170 tons of bunker coal, sufficient for the outward and homeward voyages, and with this she drew 8 feet forward and 10 feet 8 inches aft. We are told, however, that from the time she encountered this gale her engines were continually racing, and that she could make no way against it, although she had engines of 150 horse power, and the only way in which we can account for this is by supposing that she was not deep enough in the water and was insufficiently ballasted. We were told by Mr. Roche, who appeared for the owners, that it was well known to his parties that vessels in water ballast often found themselves in difficulties, when they encountered bad weather, from insufficient draft; and accordingly when they built this vessel, they arranged that she should have about 100 tons more water ballast than a sister ship of theirs called the "Croesus," which had only 300 tons; and that they thought that that would be enough; but he supposed, after the experience of this vessel, that in any future vessel which they might build, they would, if it could be conveniently managed, give her more water ballast. It seems therefore to be admitted that the vessel, when she left Rotterdam, was not sufficiently deep, and that this and this only was the reason why she fell off into the trough of the sea, and why, when once there, they were not able to get her out of it again. Had the vessel been deeper, and had the screw and rudder had a better grip of the water, they would no doubt have been able to keep her head to the sea, and to have got her out of the trough of the sea, when she fell into it.

I will now take the three next questions together; they are as follow:—(3) "Whether every possible effort was made to get the vessel to her course; whether proper measures were taken for that purpose; and whether, when the master found the vessel unmanageable, he was justified in neglecting any attempt to let go the anchor?" (4) "Whether every possible effort was made to prevent the vessel stranding?" and (5) "Whether the vessel was navigated with proper

and seamanlike care?" We think that there can be no doubt that the measures taken by the captain to get her out of the trough of the sea and to prevent her from going ashore were proper, and that he could have done no more. It is suggested, indeed, that he might have let go an anchor; but we have the evidence of the master and of the chief officer, and of Mr. Strickland, the boatswain and acting second officer, that in their opinion it would not have been possible to do so, for that the men would probably either have been washed overboard or have been seriously injured. It seems that Mr. Strickland, who gave his evidence in a very clear and intelligent manner, hearing the men pass the word along that an anchor was to be let go, went forward to get on the fore-castle; but that when at the top of the ladder he was nearly washed off it by the heavy seas that were breaking over the vessel both fore and aft. One of the witnesses, I think it was one of the firemen, said that he thought they might have let an anchor go, but the evidence of such a witness, even if there was nothing else against him, could hardly weigh for much against the evidence of the master and the two officers. Mr. De Hamel stated that if an anchor had been let go it would have brought the vessel up and prevented her going ashore, but we have some doubts whether, even if an anchor had been let go, it would have brought the vessel up in the face of such a gale. We think no blame attaches to the master for not having let go an anchor under the circumstances.

I now come to the sixth and last question, which is, "Whether there is any foundation for the allegation of drunkenness made by some of the crew against the master and chief officer, or either of them?" And, it is added, that "if the Court find John Smith, the master, and George M. Taylor, the mate, or either of them, in default, their or his certificates or certificate should, in the opinion of the Board of Trade, be dealt with." The charge of drunkenness which is preferred against the master and chief officer rests on the evidence of an able seaman named Gustavson, of John Davis, the engineer's servant, and of two firemen named Henry Montague and John Jordan; and it will be well to see who these witnesses are, and what amount of credence it would be proper to give to their statements. Gustavson, the able seaman, admits that when he went on board he was the worse for liquor, so much so, indeed, that at midnight, when he had to go on deck to take his watch, he was too unwell to do so, and it was only when he was turned out at 2 a.m. by Strickland to go to the wheel that he came out of the fore-castle. On going then to the wheel the chief mate told him to go aft to help to take in the main trysail, and he was engaged doing so for an hour or more. Whether when he came on the bridge the mate saw that the man was still unfit to take his turn at the wheel, and therefore sent him to help to take in the main trysail, we do not know, but at all events just recovering, if indeed he had recovered, from drunkenness, Gustavson was a very unfit person to speak to the sobriety of the officers. Then there is John Davis, the engineer's steward, who had told us as evidence that the master was drunk, that instead of telegraphing his orders to the engine-room, he on one occasion went on to the lower bridge and shouted down the skylight to back her astern. Beyond this he does not appear to have heard either the master or the chief officer say anything, and surely this is very insufficient evidence on which to found a charge of drunkenness against these gentlemen. Then we have the evidence of the two firemen, Henry Montague and John Jordan. Henry Montague told us that he was on duty from midnight to 4 a.m., and that during that time he was required every five minutes to open and close the smoke-box doors; no doubt it was irksome to him, and he admitted that it annoyed him;

but if it was necessary to turn the engines alternately ahead and astern, we can hardly see how it was possible to have saved Mr. Montague from the performance of those exceedingly onerous duties. He also told us that during his watch he was told by the acting engineer, Mr. Fletcher, to go on deck and ask the officer of the watch what he was doing with the ship. On going on deck he found the chief officer there, and on putting the question to him, the chief officer said to him, "Who is it wants to know?" Montague replied, "the engineer on watch," upon which the chief officer said, "I'll speak to the engineer myself." No doubt the chief officer thought that it was rather an impertinent question to come to him from the engine-room; but we have it on the evidence of Mr. Fletcher that the chief officer did speak to him, and that he observed no appearance of drunkenness in him. Then there is the other fireman, John Jordan, who does not appear to have heard either the master or the chief officer say anything, as indeed how should he, his proper station being, as was that of Montague, down in the stokehole, and not on deck, until they were called up, when the vessel was driving ashore. Now against this we have the evidence of the master, the chief officer, and all the other witnesses, including Strickland, the 2nd mate, Oswald, the 2nd engineer, and Fletcher, the acting engineer, and all of them repudiate in the strongest terms the charge which has been made against the two former by the seamen and firemen, to whose evidence I have already referred; I rely, however, more particularly on the evidence of Strickland, the 2nd mate, who is a total abstainer, and who would therefore be very sensitive on the subject, and would be likely to regard any the slightest appearance of drunkenness in his superior officers as a very grave dereliction of duty. But the case does not rest here. The four men, who have spoken of the master and chief officer having been drunk, were amongst the ten who left the ship almost immediately after she went ashore, and on Montague being asked by the Court why he had left her, he said that he had asked the 2nd officer what they were to do, and that the 2nd officer had replied that he would advise him to go on shore, but that he had no authority to tell them to do so. I accordingly directed Mr. Strickland to be recalled, and he gave a direct negative to Montague's statement, saying that it was utterly untrue, and that he had never said anything of the kind; and on this point we are much more disposed to believe Mr. Strickland than Mr. Montague. We have therefore no option but to say that the charges preferred by these men against the master and chief officer are utterly unworthy of credit, and that no Court could believe their evidence for one moment. We are very sorry that it is not in our power to punish Montague, who seems to have been the concoctor of this falsehood. If we had the power, we should have been glad to have exercised it. We do not know what power the Board of Trade have of refusing to pay these men their detention money, but if they have any, we should be glad to hear that they have exercised it, so far at any rate as Montague is concerned. In our opinion, both Captain Smith and Captain Taylor leave the Court without the slightest reflection on their characters, and this being so the Court will of course not deal with their certificates.

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

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

We concur.

(Signed) R. METHVEN, } Assessors.
H. C. KENNEDY, }

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The Merchant

In the matter of the
Sessions House
December 1883
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and RONALDSON
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"FULMAR," of
Boulogne Har
Middlesbrough

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the circumstances
certificate.

The Court is
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Dated the 15th

(Signed)

We concur in

(Signed)

This case was
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Mr. Israel Davis
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