

(No. 2032.)

“ST. ANDREW’S CASTLE”

AND

“GALATEA.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 19th and 20th of December 1883, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains HIGHT and RONALDSON, as Assessors, into the circumstances attending the collision between the sailing ships “ST. ANDREW’S CASTLE” and “GALATEA,” in the Bay of Biscay, on the 15th of November 1883, whereby both the said ships were lost.

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 “St. Andrew’s Castle,” which was close hauled on the port tack, not having kept out of the way of the “Galatea,” which was close hauled on the starboard tack, owing, no doubt, to there not having been a good look-out on board the former vessel, and that the blame thereof rests with Henry Mahon, the chief officer of the “St. Andrew’s Castle.” The Court is not asked to deal with his certificate or to make any order as to costs.

Dated this 20th day of December 1883.

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

We concur in the above report.

(Signed) EDWARD HIGHT, } Assessors.
A. RONALDSON, }

Annex to the Report.

This case was heard at Westminster on the 19th and 20th days of December 1883, when Mr. McConnell appeared for the Board of Trade, Mr. Baden Powell for the owners, master, and chief officer of the “St. Andrew’s Castle,” and Mr. Aspinall for the owners, master, and officers of the “Galatea.” Twelve 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. Aspinall and Mr. Baden Powell then addressed the Court on behalf of their respective parties, and Mr. McConnell having been heard in reply, the Court proceeded to give judgment on the questions upon which its opinion had been asked.

The story told by the witnesses from the “Galatea” is as follows:—She was an iron barque belonging to the port of Dundee, of 603 tons gross and 580 tons net register. She was built at Dundee in the year 1869, and at the time of her loss was the property of the Dundee Shipowners’ Company, Limited, Mr. Robert Vallentine Scroggie, of Dundee, shipowner, being the managing owner. She left Hull on the 31st of October last, with a crew of 15 hands, and a cargo of about 800 tons of railway iron, bound to Buenos Ayres, and at 4 a.m. of the 15th of November following she was about half way across the Bay of Biscay, and was standing close hauled on the port tack, heading about N.W. and making about 6 knots an hour, the wind being W.S.W. to W. by S., and the weather clear. The captain had gone below at about midnight, leaving orders that he should be called in case the wind got more to the westward. Accordingly, at about 5.30, the vessel having broken off to N.N.W., owing to the wind having gone to the west, the second officer, whose watch it was, went down to call the captain, who desired him

to turn out all hands and to haul up the main sail, preparatory to going about. Soon afterwards the captain came on deck, looked at the binnacle, and the main sail having been hauled up, he, at 5.50, ordered the vessel to be put about, and by 6 o’clock she had come round on to the starboard tack, upon which the crew were sent aft to set the mainsail. At 6.5 two vessels were seen and reported by the man on the fore-castle head, one, which afterwards proved to be the “Emma C.,” being about 2 points on the starboard bow, and the other, which proved to be the “St. Andrew’s Castle,” being about 2 points on the port bow. We are told that at that time they were from 2 to 4 miles off, and too far for their lights to be visible; but five minutes afterwards the green lights of both vessels appeared, shewing that they were close hauled on the port tack, upon which the captain ordered the man at the wheel to keep his luff, which he did. As the “Emma C.,” which was the foremost of the two vessels neared them she luffed up into the wind, but the “St. Andrew’s Castle,” which was on the port bow, continued her course; on seeing which the master of the “Galatea” went forward on to the fore-castle, and hailed the man at the wheel of the “Galatea” to keep her as close as she would go to the wind, and the “St. Andrew’s Castle” to keep away. The latter, however, still continued her course; and between 6.20 and 6.25 came into the “Galatea” striking her on the port bow, about midway between the stem and the collision bulkhead, making a large hole in her. She then rebounded and came into the “Galatea” again, striking her this time in the way of the collision bulkhead, and starting it. Such is the story that is told by the witnesses from the “Galatea.”

Now the account given by the witnesses from the “St. Andrew’s Castle” is as follows:—She was also an iron barque, belonging to the port of Sunderland, of 639 tons gross and register. She was built at Sunderland in the year 1865, and at the time of her loss was the property of Mr. Thomas Skinner, of 81, Gordon Street, Glasgow, and others, Mr. Thomas Skinner being the managing owner. She left Middlesbrough on the 3rd of November last with a crew of 17 hands all told, and a cargo of 915 tons of pig iron, bound also to Buenos Ayres. Being a faster ship than the “Galatea” she had by 4 a.m. of the 15th of November nearly overtaken her, and like her had got about half way across the Bay of Biscay, and was close hauled to the wind on the port tack, heading about N.W., and making about 8 knots, the wind and weather being the same for both. At about 6 o’clock the chief officer, whose watch it was, observed that the vessel had broken off to about N.N.W., upon which he went and called the captain, who told him to turn out all hands, and to haul up the mainsail, preparatory to going about. On coming on deck again the chief officer went forward on to the fore-castle, when he observed a vessel about a point to a point and a half on his lee or starboard bow, and distant, as he supposed, about half a mile. He accordingly told Lindquist, the man on the topgallant fore-castle, to keep a good look out, and he then went on to the main deck and commenced to haul up the mainsail. Whilst they were thus engaged Lindquist observed the red light of the vessel, which was on her lee bow, and immediately reported it, but getting no answer he jumped down to the main deck to look for the mate, and on finding him told him of the light. At this time they had just succeeded in hauling up the mainsail, and the mate, who was on the starboard side, on getting the report, at first answered, “All right,” but on looking round and seeing the red light close under the bow, he called out, “My God! hard down the helm.” Previous to this, however, the “Galatea’s” red light had been seen by the man at the helm, who thereupon called out that there was a vessel under their lee bow; and the master hearing it at once came out of his cabin, and on seeing the red light close under the bow he immediately ordered the helm to be put hard up, his order, as well as that of the chief mate to “Hard down the helm,” being given almost at the same moment. On hearing the master’s order to hard up the helm the man at the wheel immediately began to put the helm up, but he had only time to give her about a couple spokes when the collision occurred in the way in which it has been stated, viz., by the stem of the “St. Andrew’s Castle” striking the

"Galatea" on the port bow, and rebounding and striking her again further aft.

There is no dispute between the parties as to what subsequently took place. It seems that at the moment of the collision ten of the hands from the "Galatea" jumped on board the "St. Andrew's Castle," and that the mate and master were knocked overboard, but on being picked up and taken on board the "St. Andrew's Castle" the master immediately asked for a boat, and having obtained it he pulled to the "Galatea" for the purpose of rescuing the three men who had been left on board her. It was soon, however, discovered that both vessels had been so seriously damaged that they must inevitably sink, and accordingly all the boats of the "St. Andrew's Castle" were got out, and the crews of both vessels having got into them they were taken on board the "Emma C.," which had been lying by all the time. At about 11 a.m. the "St. Andrew's Castle" was seen to go down, and shortly afterwards the "Galatea" disappeared in a squall, and was not again seen; so that there can be no doubt that both vessels have foundered.

These being the facts of the case, the Board of Trade have put to us the following questions:—

1. When the "Galatea" tacked, was she at such a distance from the "St. Andrew's Castle" as to render that course prudent, so as to give the "St. Andrew's Castle" a fair opportunity to get out of the way?

2. As by Article 14 (b) of the Regulations for Preventing Collisions at Sea, the "St. Andrew's Castle" was bound to get out of the way of the "Galatea," a vessel close hauled on the starboard tack, were proper measures adopted for that purpose?

3. Whether a good and proper look-out was kept on board both vessels?

4. Whether both vessels were navigated with proper and seamanlike care.

5. Whether the master and officers of the "St. Andrew's Castle" and the master and officers of the "Galatea" are or either of them is in default.

And it is added that "the Board of Trade are of opinion that the certificates of the masters of both vessels should be dealt with."

Now if the "Galatea" was close hauled on the starboard tack, and the "St. Andrew's Castle" was upon the port tack, it would clearly be the duty of the "St. Andrew's Castle" under Article 14, Sub-section (b), of the Regulations for Preventing Collisions at Sea, to get out of the way, and of the "Galatea" to keep her course. Now it is not denied that at the moment of the collision the "Galatea" was close hauled on the starboard tack, or that she kept her course, and the reason which the "St. Andrew's Castle" gives for not keeping clear of her, is because the "Galatea" it is said tacked when close to her, and gave her no time to get out of the way. What therefore we have to ascertain is, when it was that the "Galatea" tacked, and at what distance the "St. Andrew's Castle" then was from her. Of course, if we are to believe the story told by the witnesses from the "Galatea" that she began to put about at 5.50; that at 6 she was round and close hauled to the wind on the starboard tack; that at 6.5 she first saw the "St. Andrew's Castle," and that she was then at a distance of some 3 or 4 miles, and two points on her port bow; that at 6.10 that vessel's green light became visible, and that the collision took place at about 6.20 to 6.25; if these facts may be relied on, then it is clear that the "St. Andrew's Castle" would have had ample time to have kept out of the "Galatea's" way, for the two vessels would have been approaching one another on opposite tacks for from 20 to 25 minutes before the collision, the "Galatea" with her red light towards the "St. Andrew's Castle," and the "St. Andrew's Castle" with her green light towards the "Galatea." And as it is not denied that both vessels had their lights brightly burning, if the green light of the "St. Andrew's Castle" was seen from the "Galatea" some 10 to 15 minutes before the collision (which is about the distance at which it would probably have been seen, the speed of the "Galatea" being about 6 knots, whilst that of the "St. Andrew's Castle" was about 8 knots, giving a joint speed of nearly 14 knots), there would be no reason why the red light of the "Galatea" should not have been seen by those on board the "St. Andrew's Castle" for the same length of time, which would have given her ample time to get out of the way. There is also one fact which was spoken to by some of the witnesses from the "St. Andrew's Castle," and which goes far to shew that the "Galatea" must have gone about some time

before the collision, for they stated that when the two vessels came together the "Galatea" had her mainsail set; and as it is admitted that to go about it was necessary for her to haul up her mainsail, it is clear that they must, after going about, have had time to set the mainsail again, which would be the last thing to be done, and would take some time to do.

And now what evidence is there on the other side. First we are told by the chief officer of the "St. Andrew's Castle" that when he went forward, after calling the captain and before he went to haul up the mainsail, he saw a vessel, which he believed to be the "Galatea," about half a mile ahead and a little on his lee bow, but not shewing any lights, and he therefore concluded that she was on the same tack with him. Mr. Aspinall contended that the vessel which the chief officer then saw was not the "Galatea" at all, but was either some other vessel or probably the "Emma C.," which we know was about that distance ahead of her and upon the same tack. Knowing too, as we do, how deceptive distance is at sea, and more especially at night, it may be that the vessel which the chief officer saw ahead before he went to haul up the mainsail, may have been at a greater distance than he supposed her to be, and if he was engaged for some 10 or 15 minutes or so hauling up the mainsail, before the collision occurred, it may well be that the vessel may have been the "Galatea," but that she was then too far off for her side lights to be visible, just as we are told that the "St. Andrew's Castle" was seen from the "Galatea" some minutes before her green light became visible to them. There is nothing therefore in the evidence of the chief officer of the "St. Andrew's Castle" to show that the two vessels may not have been approaching one another on opposite tacks for some 10 or 15 minutes before the collision, and in that case the "St. Andrew's Castle" would have had ample time to get out of the way. Then as to Lindquist, the man who was stationed on the topgallant forecastle for the purpose of keeping a lookout forward. We saw this man in the witness box, and he certainly did not impress us as being a very bright or intelligent man, or one who would be likely to keep a very vigilant look out. Now he has told us that it was his duty when they went about to attend to the head sheets, and that he had been told to be ready to go about. It is therefore not unreasonable to conclude that, instead of looking out ahead, he may have been watching the men hauling up the mainsail expecting every moment for the order to go about when he would have to attend to the head sheets. There were also two of the witnesses who said that very shortly before the vessels came together, they saw the green light of the "Galatea," and that it was then shut out, and the red light appeared; and it was argued by Mr. Baden Powell that this is just what would have occurred when the vessel went about, for that she would first fall off, thus bringing the green light in view, and as she came up to the wind, she would shut out the green light, and shew only the red light; but it is difficult to reconcile this with the fact, spoken to by the witnesses from the "St. Andrew's Castle," that at the moment of the collision the "Galatea" had her mainsail set. Moreover, if we are to hold that the "Galatea" tacked, when she was just ahead of the "St. Andrew's Castle," and that the latter had no opportunity to get out of the way, we can only do so by supposing that all the witnesses from the "Galatea" have wilfully deposed falsely, and that the story of her having gone round, and of her having been close hauled on the starboard tack some 20 to 25 minutes before the collision is a pure invention. We however prefer to think that the mate of the "St. Andrew's Castle" made a mistake as to the vessel which he saw ahead, or as to her having been only half a mile off; that the two men also made a mistake, when they supposed that the light they saw was a green light, which they might easily do in the excitement of the moment; and that the look-out man was more intent in looking at the men, who were hauling up the mainsail, and in attending to the head sheets, preparatory to going about, than in keeping a good look out ahead.

The conclusion then to which we have come is that the "Galatea" tacked when the vessels were yet at a considerable distance from one another, giving the "St. Andrew's Castle" ample time to keep out of her way, and that the reason why the latter did not do so was because there was no look-out, the man stationed on the topgallant forecastle being at the time engaged attending to the head sheets, and the mate, who was the officer in charge, superintending the hauling up of the

mainsail. We think that the look-out man should be dealt with properly; being kept his vessel safe. And as regards the

mainsail. We think also that the "Galatea" was handled with proper and seamanlike care, and that the blame for the collision rests with the chief officer and the look-out man on board the "St. Andrew's Castle." The Board of Trade, however, have not asked us to deal with the chief officer's certificate, but they have asked that the certificates of the masters of both the vessels should be dealt with. It appears to us however that neither of the masters is in any way to blame. The master of the "Galatea" did what was quite right and proper; being close hauled on the starboard tack he kept his vessel as near to the wind as she would go. And as regards the master of the "St. Andrew's Castle,"

he was not on deck until immediately before the collision, and the order which he then gave to hard up the helm was a proper one, and if it had been given a little earlier might have taken the vessels clear of one another.

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

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

We concur.

(Signed) EDWARD HIGHT, }
A. RONALDSON, } Assessors.

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