

(No. 2055.)

“SOUTH OF IRELAND” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at the Sessions House, Westminster, on the 18th of January 1884, before H. C. ROTHERY, Esq., Wreck Commissioner, assisted by Captains COMYN and HARLAND, as Assessors, into the circumstances attending the stranding of the steamship “SOUTH OF IRELAND,” near Warborrow Head, in the English Channel, on the 25th of December 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 ship was due to the wrongful act and default of William Thomas Pearn, the master, in having kept her going at full speed, although the weather was so thick that they could not see more than about half the length of the ship, and without having taken any steps to ascertain his true position either by a cast of the lead or by consulting his patent log. The Court accordingly suspends his certificate for three months, but recommends that during the period of such suspension he be allowed a first mate's certificate.

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

Dated this 18th day of January 1884.

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

We concur in the above report.

(Signed) D. R. COMYN, ROBERT HARLAND, } Assessors.

Annex to the Report.

This case was heard at Westminster, on the 18th of January 1884, when Mr. Macdonell appeared for the Board of Trade, Mr. Kennedy for the owners, and Mr. Nelson for the master of the “South of Ireland.” Seven witnesses having been produced by the Board of Trade, and examined, Mr. Macdonell handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Nelson then addressed the Court on behalf of the master, and Mr. Macdonell 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 “South of Ireland” was an iron paddle-wheel steamer, belonging to the Port of Milford, of 502 tons gross and 214 tons net register, and was fitted with engines of 200 horse power. She was built at Renfrew in the year 1867, and at the time of her loss was the property of the Great Western Railway Company, Captain Lecky being the managing owner. She left Cherbourg at 7.25 p.m. of the 24th of December last for Weymouth, with a crew of 23 hands all told, one passenger, and 58 tons of general merchandize, and drawing 7 feet 6 inches forward, and 8 feet 6 inches aft. The weather at the time was fine and clear, the wind very light from the N.W., and the tide about half ebb. On clearing the breakwater she was put upon a N. 3/4 W. course magnetic, and was kept on that course, with the engines going at full speed, until about 11.40 p.m., when the weather having become foggy, the engines were put at half speed, and at the same time the course of the vessel was altered half a point to the west to N. by W. 1/4 W. magnetic. We are told by the master that at 12.40 the weather had somewhat cleared up, and she again proceeded at full speed, but in a quarter of an hour afterwards they were again put at half speed, the weather having become more foggy. At 1.5 the fog we are told lifted, and the engines were again put

at full speed, and in about ten minutes afterwards the captain and second officer, who were on the bridge, observed something on the starboard bow, which they took to be a bank of fog, but in about 3 minutes they made it out to be land, upon which the captain at once ordered the helm to be put hard-a-port, and the engines to be reversed full speed, but before the engineer had had time to reverse the engines, the vessel struck. Every effort seems to have been made to get the vessel off, but without avail, and the boats having been put over the side, one of them was sent to Weymouth to get assistance; but at about half past seven the same morning the vessel broke in the middle; and although about 80 per cent. of the cargo was subsequently saved, the vessel herself became a total wreck. The place where the vessel took the ground was a little to the eastward of Warborrow Head, and immediately under Gad Cliff.

These being the facts of the case, the Board of Trade have put to us a number of questions, and I think that it will be more convenient if we take the first three together. They are as follow:—

1. “Whether safe and proper courses were set and steered after leaving Cherbourg?”
2. “Whether proper measures were taken to ascertain and verify the position of the vessel when Cape La Hague was seen about 9.30 p.m.?”
3. “Whether a safe and proper alteration was made in the course at or about 11.40 p.m., and whether due and proper allowance was made for tide and currents?”

The course steered on leaving Cherbourg Breakwater was, as I have stated, N. 3/4 W. magnetic, and that course was continued until 11.40, when it was altered 1/2 a point to the west, not because the master expected that he was being set too much to the east, but to allow for the drifting of the vessel, the flood tide having then begun to make, in case he should, owing to the foggy state of the weather, have to take a cast of the lead, but which unhappily he never did do. Now it will be seen on looking at a chart that a N. 3/4 W. course magnetic from Cherbourg would, if it had been made good, have taken the vessel, not as the master told us to St. Alban's Head, but direct for the Shambles Lightship, close to which the master told us it was his intention to pass, and which would have been his proper course. What then the master seems to have done was to lay the vessel on a course for the Shambles Lightship, regardless of the set of the tide, trusting that the ebb tide would carry him to the westward, about as much as the flood tide, when it made, would take him to the eastward, the vessel having left Cherbourg at about half ebb, and the run from Cherbourg to Weymouth in such weather being ordinarily a little under 7 hours. It was a haphazard way of navigating this vessel, and unfortunately for him his estimate of the tide seems to have been wrong, for the flood tide took him, as the master has admitted, some 8 miles to the eastward of the Shambles Lightship, and of his proper course. We are therefore not prepared to say that the courses steered were safe or proper courses, sufficient allowance not having been made for the set of the flood tide to the eastward. We are told that they sighted Cape La Hague Light at 9.30 p.m., no measures, however, were then taken to ascertain and verify the position of the vessel, but the assessors are not prepared to say that the master was to blame on that account, as they had so recently left Cherbourg, and she may not at that time have got out of her course.

The fourth question which we are asked is, “Whether the weather was thick, and, if so, whether the speed of the vessel was properly and sufficiently reduced?” The master has told us that from 11.40 p.m. it was thick for about an hour, so that he deemed it prudent to put the engines at half speed; that it then cleared up for about 1/4 of an hour, during which she was going at full speed; that it then again was foggy for about 10 minutes, after which the fog, he said, lifted, and they proceeded again at full speed, and continued going at that speed until within half a minute of their striking. The crew, on the other hand, stated that from 11.40 until they struck, it was so thick that they could not see more than half the length of the ship. Whether, however, this be so or not, it is clear, from the fact that they struck the shore within half a minute of their making

it out, that it must have been very thick at that time, too thick, indeed, for the vessel to be going at full speed.

The fifth question which we are asked is, "Whether proper measures were taken to ascertain and verify the distance the vessel had run after leaving Cherbourg, and her position from time to time?" It seems that the patent log was set on leaving Cherbourg, but the master told us that he did not look at it till after the vessel had struck. All that he did to ascertain the distance run was to inquire of the chief engineer how many revolutions the engines had made, but this, the assessors tell me, was not the proper course, seeing that he had the patent log to refer to; and that it was in proper working order is proved by the fact that it showed, when the vessel struck, 59½ miles, the distance from Cherbourg to the place where she took the ground being, we are told, about 61 miles.

The sixth question which we are asked is, "Whether the neglect to use the lead, and to consult the patent log was justifiable?" In our opinion there was no justification for the master not having used the lead, and not consulted his patent log. The patent log was set, and had he consulted it, it would have shewn him approximately the distance run. But it was to the neglect of the lead that this casualty was mainly due, for the chart shews that, had the vessel been on her right course, heading for the Shambles Lightship, she would have had 20 fathoms of water until she got within a mile and a half of it; whereas on the course on which she must have been to have struck where she did, she would have been within the 20 fathom line of soundings for about 8½ miles before she grounded. One cast of the lead therefore during the last hour before she struck would have shewn him that she was out of her course. There was therefore no justification whatever for not using the lead.

The next question which we are asked is, "Whether a good and proper look-out was kept?" There is no reason to think that a good and proper look-out was not being kept. There was a look-out man stationed forward, and the captain and second mate were on the bridge. But according to the captain and second officer they did not see the land, so as to make it out, until about half a minute, and according to the look-out man only a second or two, before the vessel struck. The fact, however, that only so short a time elapsed between their seeing the land and her striking, is a proof, not that there was not a good and proper look-out, but that the fog was, as the crew say, extremely dense at the time.

The eighth question which we are asked is, "How did it happen that the fog-horn of the Shambles Lightship was not heard by the master and officers of the 'South of Ireland?'" The master of the Shambles Lightship has told us that the fog-horn or syren was kept continually going from 3 p.m. of the 24th to 6.15 a.m. of the 26th, giving during the whole of that time two blasts in quick succession every two minutes; and that from midnight of the 24th to 2 a.m. of the

25th it was calm with a thick fog. The reason, however, why the syren was not heard by the master and officers of the "South of Ireland," was owing to the fact that instead of passing, as they should have done, near to the Shambles Lightship, they went, as the master has admitted, some 8 miles to the east of it, and consequently beyond the range of the sound of the syren.

The ninth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" To proceed at full speed, which the master has told us was about 11 knots an hour, in a fog so thick that it was not possible to see more than half the ship's length, without knowing the vessel's true position, and without taking any steps, either by consulting the patent log or by a cast of the lead, to ascertain and verify her position, was neither proper nor seamanlike conduct.

The tenth question which we are asked is, "What was the cause of the casualty?" It appears to us that the casualty was due to the master not having made sufficient allowance for the flood tide, which set her some 8 miles to the eastward of her course.

The eleventh question which we are asked is, "Whether the master and officers are, or either of them is, in default?" and it is added that "the Board of Trade are of opinion that the certificate of the master should be dealt with." Mr. Nelson has not attempted to justify the conduct of the master, but he contends that it amounts only to an error of judgment. To navigate, however, a vessel at the rate of 11 knots an hour in a thick fog, without knowing her position, and without taking any steps to verify it, appears to us to be more than a mere error of judgment, it is a wrongful act and default, and for which, in our opinion, there is no justification. We were told that this gentleman has been in the service of the Company for sixteen years, during the last 5 of which he has commanded their vessels on this station, running almost daily between Cherbourg and Weymouth; and Mr. Nelson has told us that it is the old story of familiarity breeding contempt; that, however, is no justification for the master having neglected all the ordinary and proper precautions. At the same time the master has given his evidence in a straightforward way, and has admitted his fault, and under the circumstances the assessors are of opinion that the justice of the case will be met by suspending his certificate for three months. We shall therefore suspend it for that period, and shall recommend to the Board of Trade that during the time of the suspension of his master's certificate, he should be allowed a first mate's.

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

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

We concur.

(Signed) D. R. COMYN, } Assessors.
ROBERT HARLAND, }

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