

(No. 2184.)

“LADY DALHOUSIE” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 22nd and 23rd of May 1884, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains FORSTER and PATTISON, as Assessors, into the circumstances attending the stranding and loss of the steamship “LADY DALHOUSIE,” on one of the Manacles Rocks, on the 12th of April 1884,

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 and loss of the said vessel “Lady Dalhousie,” was due to her having been kept, after passing the Eddystone Lighthouse, on too northerly a course, which brought her into Falmouth Bay, and to her having, after the land was sighted and her head had been put to the southward, been kept too far to the westward, which brought her on to the Manacles Rocks; and that the principal blame for the said casualty rests with Thomas James Clancy, who was acting on board in the double capacity of second-mate and channel pilot. The Court is, however, of opinion that blame also attaches to Alexander Murchie, the master, for having left the navigation of the vessel in the hands of the said Thomas James Clancy without exercising a proper supervision over him; but in consideration of the said Alexander Murchie’s previous high character and long service in the same employ, it will not deal with his certificate.

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

Dated this 23rd day of May 1884.

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

We concur in the above report.

(Signed) GEORGE H. FORSTER, } Assessors.  
JOHN L. PATTISON, }

Annex to the Report.

This case was heard at Westminster on the 22nd and 23rd of May 1884, when Mr. Kenelm Digby appeared for the Board of Trade, Mr. Botterell for the master and chief officer, and Mr. Hall (from the firm of Messrs. Pritchard and Sons) for the owners of the “Lady Dalhousie.” Eleven witnesses having been produced by the Board of Trade and examined, Mr. Kenelm Digby handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Hall and Mr. Botterell then addressed the Court on behalf of their respective parties, and T. J. Clancy, the pilot, on his own behalf, and Mr. Kenelm Digby 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 “Lady Dalhousie” was an iron screw steamship, belonging to the Port of Greenock, of 1982 tons gross, and 1291 tons net register, and was fitted with engines of 235 horse power. She was built at Low Walker, in the county of Northumberland, in the year 1881, and at the time of her loss was the property of the “Lady Dalhousie” Steamship Company, Limited, Captain William Hamilton, of Greenock, being the manager. She left London at 1 p.m. of the 11th of April last with a crew of 26 hands all told, and in water ballast, bound to Newport, there to load a cargo of coal for Suez or Aden. It seems that the officer, who was to go in her as second mate was too ill to sail with them from London, and it was accordingly arranged that he should join her at Newport; and in his place the master engaged a person named Thomas James Clancy, who was to act

as second mate and channel pilot until their arrival at Newport. Nothing particular occurred during the early part of the voyage, and at 5.30 p.m. of the following day, the 12th, they passed the Start. It was the third mate’s watch that day from 6 to 8 p.m., and then the chief officer took charge, but Clancy seems to have been on the bridge during both the watches, acting as channel pilot, and directing the navigation of the vessel. At this time the weather was fine, the sea smooth with a light breeze from the east, and as the night closed in there was a slight haze on the water, but not sufficient in the opinion of the master to prevent the vessel going at full speed, making from 9 to 10 knots an hour. There is some slight discrepancy between the witnesses as to the courses steered from the Start, but they are all agreed that at about 8.20 p.m. they passed about 2 miles to the south of the Eddystone, and that the same or nearly the same course was kept from that time until about half past 10 or 11, when Clancy went below to get some warmer clothing, as he was about to keep the middle watch, leaving the chief officer alone on the bridge. Some little time afterwards the chief officer observed land ahead and on the starboard side, on which he at once ordered the helm to be put hard-a-starboard, and as the vessel was coming round he observed the lights on St. Anthony’s Point to the northward of them. The helm was kept astarboard until she had gone round to about S.S.E., when he ordered her to be brought back to about S.S.W. In the meantime the noise of the wheel chains brought the captain out of the chart room, and seeing St. Anthony’s Lights he ordered the chief officer to keep her on the same course, whilst he went down into the chart room to look at the chart. In about five minutes he returned, and at about the same time Clancy also came on the bridge, when some words passed between them, both the captain and chief officer blaming Clancy for having got them so far out of their course. Clancy, however, seems to have been allowed to resume the charge of the navigation, whilst the master and chief officer were looking out ahead, and in about a quarter of an hour or twenty minutes after the vessel’s head had been put to the southward rocks were observed ahead, upon which orders were at once given to reverse full speed, but before the vessel’s way could be taken off her she struck on the Manacles Rocks. The engines still continuing to reverse, in about five minutes she came off, and by keeping the engines going astern, her head paid off to starboard, when, finding that there was water in the fore peak, the master determined to go to Falmouth. Accordingly, the engines were again put on full speed ahead, and whilst she was straightening up, and before she had come completely round, she struck again, this time knocking a hole in her bottom, and letting the water into the fore hold. The engines were again put full speed astern, but as the tide was falling she became fast, and on a pilot boat coming up the chief officer was sent in her to Falmouth to obtain assistance. He returned at about 4 a.m. with two tugs, and was followed shortly afterwards by two others, and all four tugs then tried to get her off, but without avail. On the following day they proceeded to save all they could from her, but on the 14th, the vessel having fallen over, they were obliged to leave her, and she ultimately became a complete wreck.

These being the facts of the case, the first question upon which our opinion has been asked is, “Whether safe and proper courses were set and steered after passing the Start Point and Eddystone Lighthouse, up to the time land was sighted about 11 p.m. on the 12th of April; and whether proper means were taken upon, or after passing the above mentioned places, to ascertain and verify the position of the vessel.” We are told that as they approached the Eddystone the chief officer took a four point bearing, which put them about two miles to the south of it; and that they passed the Start or rather Prawl Point at about the same distance; and there is no reason to think that the vessel’s position was not correctly ascertained at those places; and the question which we have now to consider is, what were the courses set and steered from those positions, and whether they were safe and proper ones. I should here observe that they were steering her from the upper bridge, and by the steam steering gear, so that the officer of the watch and the man at the wheel would be working with the same compass, namely, the

standard compass. Now, according to Clancy, the course steered from 6 p.m., when they were off Prawl Point, was W.N.W. northerly, until it was altered (but he does not tell us when), about a quarter to half a point to the southward, to W. by N.  $\frac{1}{4}$  N. And his evidence is very strongly confirmed, not only by that of the master and chief officer, but also by the men who were at the wheel from 8 to the time when the vessel stranded. First, then, the master tells us that he came on the bridge at about 8 p.m., as they were nearing the Eddystone, and that he remained on deck for about 20 minutes, and until after they had passed it; and he says that at that time she was on a N.W. by W.  $\frac{1}{4}$  W. course, which is the same as a W.N.W.  $\frac{1}{4}$  N. course, and that he left her on that course. The chief officer also told us that during his watch, and until he sighted the land, they were steering W.N.W.  $\frac{1}{4}$  N., but he does not appear to have been conscious of the alteration of the course of a  $\frac{1}{4}$  to  $\frac{1}{2}$  point to the south, spoken to by Clancy, which is perhaps not unnatural, seeing that the navigation appears to have been left entirely in Clancy's hands, the chief officer being occupied with the look out. Again Nelson, the man who was at the wheel from 8 to 10 p.m., tells us that during all that time he steered N.W. by W.  $\frac{1}{4}$  W., which would be the same as W.N.W.  $\frac{1}{4}$  N., or half a point more to the north than the master, the chief officer and Clancy say, and that he gave that course to Mabe, who relieved him; and Mabe says that he got that course from Nelson, and that the pilot almost immediately afterwards altered it to W. by N.  $\frac{1}{4}$  N., and that course he says he kept until they caught sight of the land. It is true that the 3rd mate, who had the watch from 6 to 8 p.m., says that they steered W. by N.  $\frac{1}{2}$  N. till 7, when they caught sight of the Eddystone, bearing 2 $\frac{1}{2}$  points on the starboard bow, upon which she was, by Clancy's orders, hauled up two points to the northward to N.W.  $\frac{1}{2}$  W., bringing the Eddystone half a point on his starboard bow, and that she was kept on that course until he gave up charge at 8 p.m. But this evidence is in direct conflict, not only with Clancy's but also with that of the master and chief officer, who tell us that, as they neared the Eddystone, the vessel was on a W.N.W.  $\frac{1}{4}$  N. course, and we can only suppose that the 3rd officer must have been occupied during his watch, as the chief officer was, more in looking out ahead than in attending to the course of the vessel. On the whole it appears to us that the fair result of the evidence is that from 6 p.m., when they were off Prawl Point, the vessel was kept on a W.N.W.  $\frac{1}{4}$  N. course until 10, when it was altered  $\frac{1}{2}$  point to the south, to W. by N.  $\frac{1}{4}$  N. This, then, being the course, as shewn by the standard compass, we have now to see to what course magnetic it corresponds. We were told that, after passing the Start, some complaint was made by Clancy that the compass was out, and thereupon an amplitude was taken by the 3rd mate, which he said gave 26° or about 2 $\frac{1}{2}$  points of deviation, and if so a W.N.W.  $\frac{1}{4}$  N. course would have been equivalent to about a west course magnetic, which would no doubt have been a very proper course to steer from 2 miles off Prawl Point, in order to pass the Lizard. But we have some difficulty in understanding how, if that course was steered, the vessel could have got to within 2 miles of the Eddystone, for a west course magnetic would have taken her something like 6 or 7 miles to the south of the Eddystone. If, however, the 25° or 26°, instead of being the deviation only, was the whole of the compass error, including both variation and deviation, we can easily account for the vessel getting, as she did, into Falmouth Bay; for taking the variation at 20°, and the deviation at about 5 $\frac{1}{2}$ ° or half a point, a W.N.W.  $\frac{1}{4}$  N. course by the standard compass would be equivalent to a W. by N.  $\frac{1}{4}$  N. course magnetic, and this, with the alteration of the helm at 10 p.m. of half a point to the southward, as stated by Clancy and Mabe, would take her into Falmouth Bay, about midway between St. Anthony's Point and the Manacles, and that is, in our opinion; how she got there. The courses, therefore, which were set and steered after passing the Start and the Eddystone were, in our opinion, neither safe nor proper ones, being from 1 $\frac{1}{2}$  to 1 $\frac{3}{4}$  points too much to the north, owing probably to the mistake of taking the whole of the compass error for deviation. We were told by the master that it was the practice on board the vessel to correct the deviation by amplitudes and azimuths on every possible occasion, and that the observations were entered in a book called a Deviation Book, but that book was not produced, it having, we were told, been put into one of the boats and got wet, which is to be regretted, as it prevented us from ascertaining, with

certainty, whether the correction applied to the compass course was the whole error or merely the deviation; but we have no doubt that it was the whole error, and that it is to that cause that the vessel got so much to the northward of her course.

The second question, upon which our opinion has been asked, is, "Whether safe and proper alterations were made in the course of the vessel at and after the time when land was sighted about 11 p.m.?" and whether proper measures were taken to ascertain and verify her position? Whether she was navigated at too high a rate of speed before and after striking the rocks the first time; and whether proper measures were taken to ensure the safety of the vessel thereafter?" As soon as the mate discovered the land ahead, and on the starboard side, he did what was quite right, he starboarded the helm and put her on a S.S.W. course. The master was also quite right, when he saw the lower light of St. Anthony's, in telling the mate to keep her on a S.S.W. course, which would have taken her clear of the Manacles, for we are told at p. 68 of Part I. of the Channel Pilot that there is on St. Anthony's Point a fixed white light about 37 feet below the revolving light, which "is seen from seaward only between the bearings of N. by E. and N.N.E.  $\frac{1}{4}$  E., and that the western line of its visibility leads two cables to the eastward of the Manacles Rocks." By keeping the vessel, therefore, on a S.S.W. course with this lower light open astern, she would have gone clear to the eastward of the Manacles. It seems, however, that, for some reason or other, the pilot, Clancy, who had again assumed the control of the navigation, thought that they were to the southward of the Manacles, and he accordingly ordered the man at the wheel to port, with the view of bringing the vessel down towards the Lizard; after repeating the order twice, and finding that it was not obeyed, Clancy, we were told by the boatswain, took the wheel out of the man's hand and altered it 1 $\frac{1}{2}$  points to port. The master has told us that on that course the compass had a deviation of about 18°, or more than a point and a half, and if this was so, this alteration of the helm would merely have put her on a S.S.W. course magnetic, which would still have taken her outside the Bell Buoy and clear of the Manacles. But if, as we are disposed to think, the 18° was the whole compass error on that course, and not the deviation alone, an alteration of 1 $\frac{1}{2}$  points to the westward would be sufficient to take her inside the Bell Buoy and on to the Manacles, and this again confirms us in the belief that they mistook the whole compass error for the deviation. If so, the alteration of the helm of 1 $\frac{1}{2}$  points to the westward was neither a safe nor a proper alteration, as it would take the vessel to the westward of the line of visibility of the lower light. In reply to the further points raised in this question, we need only say that no measures were taken to ascertain and verify the position of the vessel, nor in our opinion were any necessary, seeing that they had the lower light of St. Anthony's astern, which was a sufficient guide to them for clearing the Manacles. Nor so long as she was kept on a S.S.W. course magnetic, with St. Anthony's Light astern, was there any reason why the speed should have been reduced, seeing that it was not so hazy as to make it improper to go at full speed.

The third question which we are asked is, "Whether the master was justified in not using the lead?" Seeing St. Anthony's Lights, there was no necessity to take a cast of the lead, as those lights would indicate to him his position much better than any cast of the lead.

The fourth question which we are asked is, "Whether a good and proper look-out was kept?" So far as the master and officers are concerned, a good look-out seems to have been kept. The officer of the watch was on the bridge looking out, and there was a man stationed forward on the top gallant fore-castle. The man on the look-out forward told us that he saw the rocks ahead 10 minutes before the vessel struck, but that he did not report them, because he said he believed that Clancy saw them. It is a strange reason to give, but the master and officers are not to blame for the man not reporting them.

The fifth question which we are asked is, "In what capacity was Clancy acting? Was the employment of Clancy, he not holding any certificate as pilot, justifiable; and if not, who is responsible for his employment?" The master engaged Clancy, partly in the capacity of second mate, partly in that of channel pilot; and he takes upon himself the whole responsibility for having done so. The fact, however, that Clancy kept no regular watch like the first and third officers, but was on

deck attending those officers, we speak of him as duties on board mate, and that he gate the vessel pilotage certificate it is not unusual assist them, with their vessels. should not have time it did not attending to the should have kept he seems to have

I think that question 10, "casualty?" have been the Eddystone, on her into Falmouth Anthony's Point land was sighted S.S.W. course other, that the northward of point and a half inside the Bell other rocks on coming off by paid-off to the shore, but before put on full speed of straightening the master then became a total

I will now give "master and" "in default, a" and it is added "Trade the course" "should be clear" blame for this the navigation. According to on a W.N.W. that course to whereas, if he Lizard, he would he ought, the Eddystone the north of his point the southward until 10 p.m., to the south, once by looking magnetic course what he had miles south of Falmouth Bay again, after the head put to altered the course before he had southward of we do not see saw that the which was the master after might therefore and he was allowed vessel to Clancy. As regards the very greatly tion of the incompetent

deck attending to the navigation of the vessel in both those officers' watches, and the way in which the men speak of him as the pilot, sufficiently shew that his duties on board were rather those of pilot than of second mate, and that he was there to assist the master to navigate the vessel to Newport. The man it seems had no pilotage certificate, and I am told by the assessors that it is not unusual for masters to engage such men to assist them, with their local knowledge in navigating their vessels. There was no reason then why the master should not have engaged Clancy's services; at the same time it did not relieve him from the responsibility of attending to the navigation of the vessel, which he should have kept in his own hands, and not have left, as he seems to have done, entirely to this man Clancy.

I think that it will now be more convenient to take question 10, namely, "What was the cause of the casualty?" The cause of the casualty appears to have been that the vessel was kept, after passing the Eddystone, on too northerly a course, which brought her into Falmouth Bay, about midway between St. Anthony's Point and the Manacles; and then, when the land was sighted and the vessel had been put upon a S.S.W. course, Clancy, believing, for some reason or other, that they were to the southward instead of to the northward of the Manacles, altered the course about a point and a half to the westward, which brought her inside the Bell Buoy and on the Vase or one of the other rocks on the northern edge of the Manacles. On coming off by keeping the engines still going astern she paid-off to the northward with her head towards the shore, but before she was quite round the engines were put on full speed ahead, and whilst she was in the act of straightening up, she struck on another rock, which the master thinks was the Maentenoweth, where she became a total wreck.

I will now go to question 9, which is, "Whether the master and officers are, or any, and which of them is in default, and whether any blame attaches to Clancy?" and it is added that "in the opinion of the Board of Trade the certificates of the master and chief officer should be dealt with." The person who is chiefly to blame for this casualty is, of course, Clancy, to whom the navigation had unfortunately been entrusted. According to his own account he kept her from 6 p.m. on a W.N.W. course northerly until about 10 p.m., and that course took him within two miles of the Eddystone; whereas, if he had been on the proper course to pass the Lizard, he would have passed some 6 or 7 miles from it; he ought, therefore, when he found on passing the Eddystone that he had got some 4 or 5 miles to the north of his proper course, to have at once altered it to the southward, instead of, as he admits, continuing it until 10 p.m., when he altered it only about half a point to the south, to W. by N.  $\frac{3}{4}$  N.; for it will be seen at once by looking at a chart that a W. by N.  $\frac{3}{4}$  N. magnetic course from off Prawl Point, which is about what he had been making, would take him about 2 miles south of the Eddystone, and, if continued, into Falmouth Bay to the north of the Manacles. Then, again, after the land had been sighted, and the vessel's head put to the S.S.W., he had no business to have altered the course a point and a half to the westward before he had satisfied himself that he had got to the southward of the Manacles. As regards the chief officer, we do not see that any blame is attributable to him; he saw that the vessel was kept on a W.N.W.  $\frac{1}{4}$  W. course, which was the course on which she was left by the master after passing the Eddystone, and which he might therefore fairly consider to be the correct course; and he was also justified in leaving the navigation of the vessel to Clancy, seeing that the master had done so. As regards the master, however, we think that he is very greatly to blame, first for having left the navigation of the vessel so entirely in the hands of an incompetent man like Clancy, without apparently

exercising any supervision over him. The master was on deck, as they approached the Eddystone, and he knew, when they got abreast of it, that it was only two miles off; this should have shewn him that she was getting too far to the northward of her course, and yet he allowed her to continue on the same course, and goes into the chart room and lies down. Then, after he had found that Clancy had got her into Falmouth Bay and between St. Anthony's Point and the Manacles, he still allows him to direct the navigation, and to alter the course a point and a half to the westward, whilst he and the chief officer are looking out ahead. We think, therefore, that the master is very greatly to blame in this case; at the same time, looking at the very high character which he has received from the owner, Captain Hamilton, in whose employ he has been for the last 17 years, during which time he has conducted himself, we are told, in a most exemplary manner, and has never before met with any casualty, the assessors are disposed to take a lenient view of the case, and they will therefore not deal with his certificate.

I will now take the 6th and 7th questions together; they are as follow:—6. "What was the cost of the vessel to the owner?" and, 7. "What was the insurance on the vessel, and how was that sum made up?" The vessel, we are told, cost 32,000*l.* independently of above 2,000*l.* for her outfit, and she was insured at the time of the loss in the sum of 32,000*l.* on the hull, machinery, and equipments by a time policy, entered into in September last, for one year. In addition to this, the outward freight on the cargo of coal about to be shipped at Newport was insured for 2,100*l.*, the gross amount of that freight being something under that amount. I ought, however, to add that she had a charter to bring home a cargo from Kurrachee, the freight on which would have been about 4,400*l.*, but which was not insured at all.

The eighth question which we are asked is, "What, in the opinion of the Court, was the value of the vessel at the time she sailed on her last voyage?" It was suggested by Mr. Kenelm Digby that there should be a deduction of about 6 per cent. per annum from the original cost price on account of depreciation; but the owner told us that she had been always well kept up, and that since they had had her they had spent between 3,000*l.* and 4,000*l.* upon her, and that she was as good when she left on her last voyage as when launched in 1881; at the same time he admitted that owing to the recent heavy fall in the price of shipping she might perhaps have been worth only 30,000*l.* when she left on her last voyage, but that she had provisions on board both for the out and for the home voyages. It is always difficult to say what is the value of a ship to her owners, for it is not the sum which might be obtained for her in the open market under a forced sale that we must take, but we must look at her with her engagements. Here then was a vessel with advantageous charters for the voyage out and home, amounting to a gross total of 6,500*l.*, but out of which the expenses would of course have to be paid. She had cost 32,000*l.* in 1881, had been since well kept up, the owners having spent between 3,000*l.* and 4,000*l.* upon her during these two to three years. Looking at all the facts of the case, we are disposed to think that the owner has not over-rated the value of the vessel when she left on her last voyage in putting it at 30,000*l.*, which is the question that we are asked.

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

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

We concur.

(Signed) GEORGE H. FORSTER, }  
JOHN L. PATTISON, } Assessors.