

(No. 2352.)

“EUROPA” (S.S.)

AND

“ROSEVILLE” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at Glasgow on the 30th and 31st of October 1884, before H. C. ROTHERY, Esq., Wreck Commissioner, assisted by Captain CASTLE, Captain PATTISON, and Captain KIDDLE, R.N., as Assessors, into the circumstances attending the loss of the steamship “EUROPA,” and the loss of the lives of five of her crew, through collision with the steamship “ROSEVILLE,” in the Firth of Clyde, on the 11th of October 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 said collision was due to the neglect and default, partly of the master of the “Europa” for not having kept out of the way of the “Roseville,” and for not having stopped and reversed full speed, as it was his duty to have done, and partly of the master of the “Roseville” for not having stopped and reversed his engines as soon as he saw the green light of the “Europa” on his port bow. Under the circumstances, however, the Court will not deal with the certificate of the master of the “Roseville,” and the master of the “Europa” was drowned.

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

Dated this 31st day of October 1884.

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

We concur in the above report.

(Signed) JOHN S. CASTLE,
JOHN L. PATTISON, } Assessors.
JAMES KIDDLE, }

Annex to the Report.

This case was heard at Glasgow on the 30th and 31st of October 1884, when Mr. Fyfe appeared for the Board of Trade, Mr. Roche for the owners, and Mr. Clark for the master of the “Roseville,” and Mr. Spens for the owners, and Mr. Gibson for the underwriters, of the “Europa.” Sixteen witnesses having been produced by the Board of Trade and examined, Mr. Fyfe handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Gibson then addressed the Court on behalf of the owners and underwriters of the “Europa,” and Mr. Roche on behalf of the owners and master of the “Roseville,” and Mr. Fyfe having replied for the Board of Trade, the Court proceeded to give judgment on the questions on which its opinion had been asked.

The “Europa” was an iron screw steamship, belonging to the Port of London, of 676 tons gross and 424 tons net register, and was fitted with engines of 90 horse power. She was built at Jarrow in the year 1862, and at the time of her loss was the property of Mr. Charles Palgrave, of No. 155, Fenchurch Street, in the city of London, shipowner. She left Glasgow at about 4.30 p.m. on the 10th of October instant, with a crew of 19 hands all told and a cargo of about 850 tons of general merchandize, bound to Malaga in Spain, and at 7 p.m. on the same day brought up at the Tail of the Bank. There the captain went on shore for the purpose of engaging a carpenter, the one who had agreed to go in the ship having failed to enter an appearance. He returned soon after 11, and at about

11.20 the anchor was got up and the ship proceeded on her voyage, and at about midnight she had got within about two miles or so of the Cloch Lighthouse. At this time the master was on the bridge directing the navigation; there was a man at the wheel on the bridge, another on the look-out forward, and the officers with some of the hands were engaged forward securing the anchor. The weather, we are told, was clear and fine, the tide was about half flood, and the vessel was proceeding at full speed, making about 8½ knots. Just then the lights of a steamer, which afterwards proved to be the “Roseville,” were observed on the port bow coming up the river, and very shortly after the two vessels, under circumstances which will presently be seen, came together, striking one another nearly end on.

And now as regards the “Roseville.” She was an iron screw steamship, belonging to the Port of Sunderland, of 1,683 tons gross and 1,085 tons net register, and was fitted with engines of 150 horse power. She was built at West Hartlepool in the year 1881, and at the time of the casualty which forms the subject of the present inquiry she was the property of Mr. Robert Shadworth, of Sunderland, shipowner, and others, Mr. Robert Shadworth being the managing owner. She left Taganrog on the 23rd September last, with a crew of 21 hands all told and a cargo of about 1,850 tons of barley, bound to Gibraltar for orders. On her arrival at Gibraltar she received orders to proceed to Glasgow, and at about midnight on the 10th of October following she had arrived off the Cloch Lighthouse in the Firth of Clyde. At this time the master and chief officer were on the upper bridge; there was a man at the wheel on the bridge, which was worked by steam, and there was a man on the look-out forward. The weather was fine and clear, the tide half flood, and the vessel was going at full speed of 8½ to 9 knots. At this time the masthead and afterwards the red light of a steamer, which proved to be the “Europa,” were seen about 2 points on the port bow; what followed we shall presently see, but in a few minutes afterwards the two vessels came together with such force that the “Europa” sank in about a couple of minutes, carrying with her five of her crew, the remaining 14 having, whilst the vessels were together, succeeded in getting on board the “Roseville;” whilst the “Roseville” herself was so seriously damaged that she had to be put ashore nearly opposite to the place of the collision, and a little below Lavan Point, where I understand she still lies.

These being the admitted facts of the case, I will now proceed to deal with the questions which the Board of Trade have asked us, not exactly in the order in which they have been put to us, but I will endeavour in the observations which I am about to make to deal substantially with them all.

The following are the questions which have been submitted to us:—

1. Whether both vessels were properly and sufficiently manned, and whether a good and proper look-out was kept on board them?
2. Whether, when approaching the Cloch Light, both vessels were steering safe and proper courses?
3. Whether, when approaching each other on opposite courses, each of the vessels altered her course to starboard in sufficient time to permit of each passing on the port side of the other; whether either subsequently altered her course; and whether such alteration was justifiable?
4. Whether, when risk of collision arose, the speed of either vessel was slackened, or the engines stopped and reversed in sufficient time?
5. What was the cause of the “Europa” foundering so rapidly after the collision?
6. What was the cause of the loss of life, and whether every possible effort was made to avoid it?
7. Whether the chief officer of the “Europa,” or the master and officers of the “Roseville” are, or any of them is, in default? And it is added that the Board of Trade are of opinion that the certificates of the master of the “Roseville” and the chief officer of the “Europa” ought to be dealt with?

And first let us endeavour to ascertain how and under what circumstances it was that these two vessels came together. I have stated that the captain of the

"Europa" was at the time on the bridge directing the navigation of the vessel, but he was unfortunately drowned, so that we have lost the benefit of his evidence. The chief mate, however, Mr. Ross, has given us his account of the casualty; he told us that as they were nearing the Cloch Lighthouse he was forward with the second officer and some of the hands engaged securing the anchor, but hearing that the captain wished to speak to him he went aft, and when about half-way from the fore-castle to the bridge he heard the look-out man report the lights of a steamer. He said that they had not been reported before. On reaching the break of the bridge the look-out man reported them a second time, and he then said to the captain, "The look-out man has reported a ship's lights ahead, sir." He then heard the man at the wheel say something to the captain about a ship's lights, upon which he went over to the starboard side, looked forward, and saw the red light of the "Roseville" about a point on their starboard bow. Immediately afterwards the captain ordered the helm to be put hard-a-port, and at the same time ran and gave a hand to the man at the wheel. The captain, he said, then telegraphed to the engine room, and almost immediately afterwards the vessels came together, the stem of the one striking the starboard bow of the other. The next witness is Mr. Reilly, the second officer. He told us that he was engaged on the fore-castle securing the anchor when he heard the chief officer sing out, "Look out, look out!" He looked up, saw the red light of the "Roseville" 3° to 4° on his starboard bow, and not more than fifty or sixty yards off, and the collision took place almost immediately afterwards. George Woodall, one of the men, gives a very similar account of the transaction; he says that he was on the main deck just at the break of the fore-castle coiling up some of the ropes, when he heard a shout from the fore-castle, and on looking over the fore-castle head he saw the "Roseville" right ahead and close to them; he said that he could not see her hull on account of the fore-castle, but he saw her yards, that she was right ahead, and that he had hardly time to shut his mouth when she was into them. The next witness is Archibald O'Drien, the man at the wheel. He said that the first he saw of the vessel was her three lights nearly right ahead, and he said to the captain, "Do you see that steamer coming up, sir." The captain, he said, gave no answer, and the vessel was kept on her course. Presently, seeing that the vessel was getting very near to them, he called the captain's attention a second time to her, saying, "She is getting close, sir!" She was still shewing her three lights, and was nearly right ahead, or a little on the starboard bow. Upon this, he said, the captain ordered the helm to be ported, and ran himself and gave him a hand, and almost immediately afterwards the two vessels came together. Then we have the look-out man, John McIntosh, who tells us that he sighted the "Roseville" as she rounded the Cloch Point; he says that he first saw her green and mast head lights about two points on his port bow, that he watched her and saw her round the Light, and that she then opened her red light, and came on showing all three lights nearly right ahead. He says that at this time the vessel was about half a mile distant, that he did not immediately report her, but that, when she was within about a quarter of a mile of them, he asked the captain whether he saw that steam boat coming down upon them. The captain, he said, made no reply, but shortly afterwards he heard the order given to hard-a-port, and almost immediately afterwards the two vessels came together. Lastly, we have the evidence of a man named John Glennie, a fireman on board the "Europa," who told us that at the time of the collision he was in the stoke hole, that the engines were then going full speed, and that, as he ran up the ladder, he heard the telegraph ring, but he does not know what order was given.

This, then, is the whole of the evidence from the "Europa;" and taking this evidence alone, how stands the case of the "Europa?" According to the evidence of the first and second officers, the red light of the "Roseville," when first seen by them, was on their starboard bow, so that the vessels were then crossing vessels, crossing in such a direction as to involve risk of collision; and under these circumstances it would be the duty of the "Europa," which had the other on her own starboard side, to keep out of the way, and the readiest mode of doing so, if the vessel had then been sufficiently far away, would have been by porting her helm. Again, if we take the evidence of the look-out

man, and the man at the helm, that the "Roseville" was approaching from nearly right ahead, shewing all her three lights, then they would be meeting vessels, and it would again be the duty of the "Europa" to port her helm. Supposing, however, that the "Roseville" was so close that it would not have been possible for the "Europa" to have avoided her by either porting or starboarding her helm, it would then have been her duty to stop and reverse full speed. Upon the evidence, then, of the witnesses from the "Europa" alone, it appears to us that she was clearly to blame; if the "Roseville's" red light was on the "Europa's" starboard bow, it was the duty of the latter to get out of the way; if all the "Roseville's" lights were shewing ahead, it was the "Europa's" duty to port; and under any circumstances it was her duty, under Article 18 of the Regulations, the two vessels approaching one another so as to involve risk of collision, to stop and reverse full speed. Whether, according to the evidence from the "Roseville," the "Europa" did or did not starboard her helm shortly before the collision matters not; from the evidence of her own crew it is clear that the "Europa" took no steps to get out of the way until it was too late; whether, according to Mr. Gibson, the master was hesitating as to which side of the "Roseville" he should go, it is clear that his attention was twice called to the approaching vessel before he gave the order to port, and the collision occurred almost immediately afterwards, and that the order to reverse was not given until the vessels were almost if not actually in contact.

And now let us see what was done on board the "Roseville." According to Captain Dove, as they were nearing the Cloch Lighthouse, and whilst the vessel was still on a N.E. $\frac{1}{2}$ E. course, he observed the mast-head and then the red light of the "Europa" at a distance of some two or three miles, and about 2 points upon his starboard bow. On coming abreast of the Cloch Lighthouse he ordered the helm to be ported, and then steadied her at E.N.E., but almost immediately afterwards he again ordered the helm to be ported, and finally steadied her E. $\frac{1}{2}$ N., which brought the red light of the "Europa" about a point on his port bow. He said that the two vessels continued to approach one another red light to red light, when all of a sudden the red light of the "Europa" was shut in, and the green light appeared. Thinking that she was probably a steam tug or steam lighter, and that she might be going inside of him, he continued his course, until he saw the green light come on his starboard bow, upon which he ordered the helm to be starboarded, but that the helmsman had only given her three or four spokes, when he observed that she was bearing down upon them, upon which he at once ordered the helm to be put hard-a-port, and directed the engines to be stopped. He then gave three blasts of the steam whistle, jumped to the telegraph and ordered the engines to be reversed full speed; but before either the helm or the engines had had time to act, the two vessels came together. Captain Dove was subjected to a very severe cross-examination. He was asked whether he could state positively, within a minute or two, when the collision occurred, and when he was abreast of the Cloch Lighthouse; but as he said, and very fairly, he had not his watch in his hand, and that as to defining the exact time when he was abreast of the Cloch Lighthouse, it was not possible to do so, for the alteration of the helm from N.E. by E. to E. $\frac{1}{2}$ N. would alter the bearing of the lighthouse; and if the light was abeam when he altered his helm, the alteration of the helm would bring the light again forward of the beam, and that the light might very well by the alteration of the helm have been kept abeam for some time. On the whole it appeared to us that Captain Dove bore the severe cross-examination to which he was subjected very well, and that his evidence was not shaken in the least; and it was fully confirmed in every respect by the rest of the crew. But now let us see to what it amounts, and how the "Roseville's" case stands upon the evidence from the vessel herself. According to them the two vessels were passing clear of one another, port side to port side, and red light to red light, the "Europa" being so far on his port bow that it was not necessary for him to port to give her more room. Suddenly, however, the red light is shut in and the green light appears, but still on his port bow. What, then, does Captain Dove do? Nothing. He continues his course, although he sees that the other vessel is preparing to cross his bows, and it is only when he sees the green light on his starboard bow that he

gives the order time to give her the "Europa" them, and the stops and reverse immediately the engines himself and duty, as soon appear, not in his helm, but as he must being on his ing in such It appears from its own the other side not having g having stopp "Roseville" long, and not have done.

We have no questions that three other called, and we we are asked sufficiently had a crew of two mates, s two engineers man. The namely, a ma a steward, a firemen, and each had six question had either vessel and no sugg the learned a proposed to manned, and so, and that properly an cumstances question.

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gives the order to starboard, but the helmsman has only time to give her three or four spokes, when he sees that the "Europa" has ported her helm, and is coming into them, and then he at once orders the helm to port, and stops and reverses full speed, not, however, in time to avoid a collision, for the two vessels come together almost immediately afterwards, and before either the helm or the engines have had time to act. Now it appears to myself and the assessors that it was Captain Dove's duty, as soon as he saw the green light of the "Europa" appear, not indeed to have either ported or starboarded his helm, but to have stopped and reversed full speed, as he must have known, the "Europa's" green light being on his port bow, that the vessel's were approaching in such a direction as to involve risk of collision. It appears to us, therefore, that each party has shewn from its own evidence, and without any evidence from the other side, that it is to blame—the "Europa" for not having got out of the way or ported, and for not having stopped and reversed in proper time; and the "Roseville" for having continued on her course too long, and not stopped and reversed as soon as she should have done.

We have now, I think, answered the more important questions that have been put to us, but there are two or three other points to which our attention has been called, and with which I will now proceed to deal. Thus we are asked whether the vessels were properly and sufficiently manned. It appears that the "Europa" had a crew of nineteen hands all told, namely, a master, two mates, six A.B.'s, a carpenter, a steward, a boy, two engineers, three firemen, a trimmer, and a donkey-man. The "Roseville" had a crew of 21 hands, namely, a master, two mates, a boatswain, a carpenter, a steward, a cook, six A.B.'s, three engineers, four firemen, and a donkey-man. It will thus be seen that each had six A.B.'s, three for each watch, and as no question had been put to any of the witnesses from either vessel as to whether they were sufficiently manned, and no suggestion made that they were not, I asked the learned advocate for the Board of Trade whether he proposed to argue that either vessel was insufficiently manned, and his reply was that he did not intend to do so, and that in the opinion of the Board they were both properly and sufficiently manned. Under these circumstances I do not see why the Court is asked this question.

Another point which we are asked is, whether a good and proper look-out was kept on board the vessels. So far as appears from the evidence, there was a good and proper look-out on board both. The look-out man on the "Europa" says that he saw the "Roseville" before she had rounded the Cloch Light-house, and when she must have been from 2 to 3 miles off; whilst the look-out man from the "Roseville," as well as the master of that vessel, say that they saw the "Europa" when she was about off Kanpoch Point, and some three miles off. Each, therefore, saw the other in ample time to have avoided a collision had the proper measures been adopted.

We are also asked whether every possible effort was made to save life; and on this point we have no doubt

whatever. It appears to us that Captain Dove acted with great judgment and skill when he ordered the engines to be kept going easy ahead after the collision, so as to keep the vessels together and to give the crew of the "Europa" an opportunity of getting on board his vessel, by which means some fourteen of the "Europa's" crew were saved. Something was said about the "Roseville's" boats not having been in a proper condition for lowering, but it does not appear that there is the slightest ground for this charge, one of the boats having been lowered and sent away without delay to pick up any that might be in the water, although the "Roseville" herself was in a sinking state and had to be run ashore. In our opinion everything was done that could be done to save the lives of the five unfortunate men who were drowned.

Lastly, we are asked, "Whether the chief officer of the 'Europa' or the master and officers of the 'Roseville' are, or whether any of them is, in default?" And it is added that "the Board of Trade are of opinion that the certificate of the master of the 'Roseville' and that of the chief officer of the 'Europa' ought to be dealt with." Now, as regards the chief officer of the "Europa," he had literally nothing whatever to do with the casualty. He was forward securing the anchor, when he was called aft to speak to the captain; and he never saw the vessel till she was close to them. The blame, if any, rests with the master of the "Europa," who, as Mr. Gibson has contended, was probably in doubt whether he should go inside or outside the "Roseville." It must be remembered that it was then about half flood, and, if he had gone inside of her, he would have avoided the strength of the flood tide; whereas by going outside of her he would have the full force of the tide against him. It is possible that under these circumstances he may, as the witnesses from the "Roseville" say, have starboarded his helm to go inside, and thus brought his green light in view; but whether he did so or not matters not, so far as his responsibility extends; it was his duty to get out of the way of the "Roseville," and to stop and reverse his engines, and he did neither in time. As regards the "Roseville," her master is also to blame for not having stopped and reversed so quickly as he should have done. He was placed by the conduct of the "Europa" in some difficulty, but the 18th Article of the Regulations made it obligatory upon him to stop and reverse full speed as soon as he saw the green light of the "Europa" appear on his port bow, shewing that she was approaching him in such a direction as to involve a risk of collision. Under these circumstances, however, the Court would not think of dealing with his certificate.

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

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

We concur.

(Signed) JOHN S. CASTLE, }
JOHN L. PATTISON, } Assessors.
JAMES KIDDLE, }