

(No. 2372.)

"AMARANTH"

AND

"ST. JACQUES" (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 14th, 15th, and 21st days of November 1884, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains ANDERSON and KENNEDY, and Rear-Admiral MORESBY, as Assessors, into the circumstances attending the loss of the sailing ship "AMARANTH," of Padstow, and the loss of the lives of four of her crew, through collision with the French steamship "St. JACQUES," off Dungeness, on the 26th of October last, whilst on a voyage from Par, in Cornwall, to Dordt.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the collision was due to the "St. Jacques" not having seen the "Amaranth" in sufficient time to clear her, owing, partly to the want of a proper look out, and partly to the insufficiency of the "Amaranth's" lights; and that it would have been better, and might possibly have been the means of saving more of the lives, had the "St. Jacques," when she returned to the spot, lowered one of her boats, for the purpose of searching for the survivors from the "Amaranth."

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

Dated this 21st day of November 1884.

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

We concur in the above report.

(Signed) ABSM. ANDERSON, } Assessors.
H. C. KENNEDY, }
J. MORESBY, }

Annex to the Report.

This case was heard at Westminster, on the 14th, 15th, and 21st days of November instant, when Mr. Danckwerts and Mr. Loehnis appeared for the Board of Trade, Mr. Gibson for the owners and master of the "Amaranth," and Mr. Stokes for the owners of the "St. Jacques." Nine witnesses having been produced by the Board of Trade and examined, Mr. Loehnis handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. The master of the "St. Jacques" having been recalled by Mr. Stokes and examined, Mr. Gibson and Mr. Stokes then addressed the Court for their respective parties; and Mr. Loehnis having replied, the Court proceeded to give judgment upon the questions on which its opinion had been asked.

The case of the "Amaranth" is as follows:—She was a small three masted schooner belonging to the port of Padstow, of 153 tons gross, and 145 tons net register. She was built at Findhorn, in the county of Elgin, in the year 1873, and at the time of her loss was the property of Mr. William Cock Phillips, of Port Isaac, Cornwall, shipowner, and others, Mr. Phillips being the managing owner. She left Par, in Cornwall, on the 21st of October last, with a crew of six hands, all told, and a cargo of 256 tons of China clay, bound to Dordt; and at 2 a.m. of the 26th of the same month had arrived off Dungeness. The night, we are told, was dark but clear, the wind blowing a moderate gale from about W. by S. to W.S.W., and the vessel was under a jib, fore top-

mast staysail, stem staysail, mainsail and reefed mizen, and was making from 3 to 4 knots an hour. At 4 a.m. she was put upon the port tack with her head towards the land, it being the intention of the master to knock about until daylight, and then to take a pilot for Dordt. At about 4.30 a.m. all hands were on deck, the master being at the wheel, and two hands out on the jibboom taking in the jib, and the vessel was close hauled on the port tack, heading about N.W., Dungeness Light bearing west to W. by S., distant from 3½ to 4 miles. At this time the green and masthead lights of a steamer, which afterwards proved to be those of the "St. Jacques," were observed ahead or a little on the port bow, and about a quarter of a mile distant. The "Amaranth" continued her course, the lights drawing across her bows, until they had got about two points on the starboard bow, when the master of the "Amaranth" seeing, as he says, that a collision was inevitable, put the helm of the vessel hard a starboard, but not in sufficient time to clear her, for she struck with her stem and starboard bow the "St. Jacques" starboard quarter, the result being that the "Amaranth's" bowsprit and jibboom were carried away, and that a large hole was made in her starboard bow. The two men who were on the jibboom taking in the jib, not having had time to get on board, were knocked off, one of them going overboard and being drowned, and the other falling on the deck. Finding that the vessel, having lost her bowsprit and jibboom, had become unmanageable, the master ordered the port anchor to be got ready, and on its being let go, the vessel came up head to wind and sea. Up to that time she seems not to have been making much water, but as soon as the damaged bows were exposed to the sea, the water began to gain rapidly; upon which orders were given to get the boat out, and the remainder of the crew, five in number, got into her, but before they could clear her the vessel went down, carrying the boat and one of the hands with her, but the other four succeeded for a time in keeping themselves afloat on portions of the wreck. After being in the water for nearly two hours, the master and one of the hands were picked up at about 20 minutes after 6 by a smack called the "Favourite," of Dover, but the other two were drowned. That is the case set up by the "Amaranth."

The case of the "St. Jacques" is as follows:—She is an iron screw steamship belonging to Messrs. Leroy and Company, of Havre, of 459 tons register, and with engines of about 80 horse power. She left Havre on the 25th of October last, with a crew of 18 hands all told, three passengers, and a general cargo, bound to Antwerp, and at 4 a.m. of the 26th was lying to in Dungeness Roads, head to wind and sea, for the purpose of taking a pilot on board. We are told that at 4.5 a.m. the pilot boarded them, and soon afterwards orders were given to go on ahead, and the vessel came round under her starboard helm until her head was E. by N., when she proceeded at full speed, making from 8½ to 9 knots an hour. At this time we are told that the master, the pilot, and the man at the wheel were on the lower bridge, the second officer was on the upper bridge, and there were two men forward, one on each bow, looking out. In about 20 or 25 minutes afterwards a dark object was observed about 4 or 5 points on the starboard bow, distant, we are told, about a quarter of a mile. Thinking that it was a vessel on the starboard tack, or going in the same direction as themselves, the steamer was kept on her course; but soon afterwards it was observed that she was on the port tack, and was heading towards them, upon which the helm was at once ordered to be put hard a-starboard, but too late to avoid a collision, for the "Amaranth" came into her, making a large hole in her starboard quarter, smashing in the captain's cabin, and blocking up one of the lady passengers in her cabin. The engines, we are told, were at once stopped, but some time was occupied in releasing the lady passenger, as it was feared that if the vessel took in any quantity of water through the hole in her quarter the lady passenger might be drowned in her cabin. After, however, this had been done, and finding the vessel was not making water, the two remaining boats—the lifeboat which was on the starboard quarter having been smashed—were swung out, and the vessel was brought round under a starboard helm, and proceeded under easy steam to return to the place where it was supposed the collision had occurred. They continued, it is said, cruising

about for an hour or so, but not seeing anything either of the vessel with which they had been collision, or of any of her crew, the "St. Jacques" head was put to the eastward, and she made for Dover Harbour, where she arrived at about 7 a.m. the same day.

Such being the cases set up by the respective parties, I will now proceed to answer the questions which have been put to us by the Board of Trade. And the first question which we are asked is, "What was the cause of the collision between the 'Amaranth' and 'St. Jacques' on the 26th of October 1884?" And first let me state that the case has been admirably well argued on both sides, and if the gentlemen who have appeared for the "Amaranth" and the "St. Jacques" have not succeeded in establishing their own cases, they have most effectually disposed of each other's cases. Taking the course of the "Amaranth" to have been N.W., and that of the "St. Jacques" E. by N., then, if the "Amaranth" saw the "St. Jacques" at the distance of a quarter of a mile ahead or even a little on her port bow, and that the "Amaranth" kept her course, and only starboarded her helm at the last moment, it is utterly impossible that there could have been any collision unless, indeed, the "St. Jacques" was at rest in the water, and in that case I don't see what right the "Amaranth" would have had to run into her. Again, if we take the case of the "St. Jacques," that she was going at $8\frac{1}{2}$ to 9 knots, I care not whether it was for only five or six minutes, as the pilot has said, or for twenty or thirty minutes, as the master and others of the crew have stated, then, if she saw the "Amaranth," which it is admitted was only going three or four knots, some four or five points on her starboard bow, and at a distance of a quarter of a mile, it is impossible that there could have been any collision, for the "St. Jacques" must have got clear out of the "Amaranth's" way long before the latter could have passed over the intervening distance. It is, however, well known that it is quite impossible to place any reliance on the estimates formed by the witnesses of time or distance in cases of this nature. As Mr. Stokes has truly observed, they magnify seconds into minutes and ship's lengths into miles. In our opinion the only way in which this collision could possibly have occurred is by assuming that neither vessel saw the other until they were very close, probably at not much more than a ship's length from one another. If this were so, then we can quite understand how the "Amaranth" seeing the "St. Jacques" ahead, or a little on the port bow, and the "St. Jacques" seeing the "Amaranth" 4 or 5 points on her starboard bow, the starboarding of the helms of both vessels would have brought the stem and starboard bow of the "Amaranth" in collision with the starboard quarter of the "St. Jacques;" and that, in our opinion, is the way in which the collision occurred.

The second question which we are asked is, "Was a good and proper look out kept on the morning of October 26th 1884 on board (A) the 'Amaranth,' (B) the 'St. Jacques.'" And first as regards the "Amaranth"; there can be no question that the "St. Jacques" had her lights burning brightly at the time, for the pilot tells us that he saw them half an hour before he boarded her. They ought therefore to have been seen from the "Amaranth" at a considerable distance off, and the fact that they were not can only be due to there not having been a good look-out on board. Now it came out in the course of the inquiry that, as the two vessels were approaching one another, the "Amaranth" was taking in her jib, and it may well be that the crew were more occupied at the time with taking in the jib than in looking out, which would account for the "St. Jacques" lights not having been seen. Again, as regards the "St. Jacques" we were told that the master and pilot were on the lower bridge, the second officer on the upper bridge, and that there were two men forward, one on each bow, looking out. Clearly, then, the arrangements for a look-out on board this vessel were amply sufficient, but the question is, whether they were attending to their duties at the time? The excuse which the "St. Jacques" gives for not having seen the "Amaranth" sooner than she did, is that her lights were, or at all events the green light was, burning very dimly. Now, assuming that her lights were burning dimly, or even that the "Amaranth" had no lights at all exhibited, is that a sufficient reason for her not having seen the "Amaranth" in time to enable her to get out of the way? This is a question on which the Court itself can offer no opinion; but I am advised by

the assessors that, seeing that both sides describe the night as being dark but clear, the "Amaranth," light or no light, ought in their opinion to have been seen at a greater distance than she was; and the fact that she was not seen further off can only be due to there not having been a good or proper look-out kept on board the "St. Jacques."

The third question which we are asked is, "Did the 'Amaranth' carry her proper lights on the morning of October the 26th 1884." On this point we have the evidence of the captain of the "Amaranth" that her lights were trimmed at 4 o'clock, and that between that time and the time of the collision he saw from where he was, at the helm aft, the reflection of the red light upon the white paint; and that after the collision he saw the red light itself; but I did not understand him to say that he had seen the green light. We have also the cook, whose duty it was to trim the lights, and who tells us that he did trim them at 4 a.m., and that, finding that the green light was then burning dimly, owing to want of oil, he filled the lamp up. He told us that it was his practice to trim the lamps at 12 and at 4, and to fill them at 12, but that on this night he had not filled them until 4. This man's evidence must necessarily be received with some caution, for the responsibility for keeping these lamps in proper condition rested with him, and if they were not burning brightly he would be to blame. Unfortunately there could be no other evidence from the "Amaranth," the rest of the crew having been drowned. On the other hand we have the evidence of the whole of the crew of the "St. Jacques" that neither before nor after the collision did they see any lights on board the "Amaranth," and that if there had been one, they think they must have seen it. The pilot alone stated that he saw a green light, but that it was very dim and indistinct, and could only be seen at a very short distance, and just before the two vessels came together. Now we cannot, after the case of the "Arklow," decided in the Privy Council last year, reject altogether the evidence of the crew of the "St. Jacques," and especially that of the master, who said that he looked at her with his glasses, and could see no light. And although we should not be prepared, after the evidence of the pilot to say that she had no light at all, we think that her lights must have been burning dimly, and that they certainly were not of such a character as are required by the regulation, that is to say, "visible on a dark night with a clear atmosphere at a distance of at least two miles."

The fourth question that we are asked is, "Were the 'St. Jacques' and 'Amaranth' respectively navigated with seamanlike skill and care after either sighted the other?" Of course it was the duty of the "St. Jacques," being a steamer, to keep out of the way of the "Amaranth," and her master told us that, if he had seen her sooner, he could easily have done so by starboarding his helm; and we have already stated that in our opinion she ought to have seen the "Amaranth" sooner. As regards the "Amaranth," being a sailing vessel and close hauled, it was her duty to keep her course, and even had she seen the "St. Jacques" sooner than she did, she would have had no right to alter her course, except to avoid immediate danger. But after they had sighted one another it appears to us that both these vessels were properly navigated. The only way for the "St. Jacques" to avoid a collision was to starboard her helm and keep her engines going at full speed, and the only course for the "Amaranth" was to starboard her helm and throw herself up into the wind; and that was what each of them did.

The fifth question which we are asked is, "Did the 'St. Jacques' and her master afford such assistance as was in their power for saving the lives of the crew of the 'Amaranth,' and was any neglect attributable to the 'St. Jacques' in this respect?" Some time was necessarily occupied in releasing the lady passenger from the dangerous position in which she was placed, and in ascertaining the extent of the damage which the vessel had sustained. But when this had been done, and the two remaining boats swung out, no time seems to have been lost in turning the vessel round for the purpose of returning to the spot, where the collision had occurred. That he was not able to discover any portion of the wreck or any of the crew of the "Amaranth," is perhaps hardly to be wondered at, seeing that the night was dark, and that there was a gale blowing from the southward and westward. They seem, however, to have cruised about for nearly an hour, and finding nothing, to have then made for Dover Harbour. It was said that they ought to have lowered one of their boats.

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The master's answer was that the life boat on the starboard quarter had been smashed by the collision, and that the two remaining boats, namely, a whale boat on the port quarter, and a small gig amidships were not fit to put into the water in such weather and on such a night. The whale boat seems to have been from 22 to 24 feet long, and with a beam of about 6 feet, and in the opinion of the assessors it might have been lowered into the water, and sent off to search for the survivors; for it was truly said by Mr. Stokes that it would not be so easy from the steamer's deck to see persons in the water, and that the noise of the screw and of the engines would prevent their cries being heard. We think therefore that it is to be regretted that the boat was not lowered, at the same time we entirely acquit the master of having intentionally run away and abandoned the poor men to their fate.

The sixth question which we are asked is, "What was the cause of the loss of life?" It was suggested by Mr. Stokes that it was an improper act on the part of the master of the "Amaranth" to anchor the vessel, as that brought the damaged bow to the sea, and that it was not until after she was anchored that she began to make water seriously. The master of the "Amaranth," however, told us that, having lost his

bowsprit and jibboom, he found that his vessel was unmanageable, and that under the circumstances, and being in a crowded roadstead, he had no option but to come to anchor, and in that opinion the assessors are disposed to concur. They think that, being ignorant of the extent of the damage and his vessel being quite unmanageable, the most prudent course was to anchor, and that the master of the "Amaranth" is not to blame on that account. As regards the "St. Jacques," it is possible that if a boat had been lowered and search made for the survivors, one or two more of the "Amaranth's" crew might have been saved, but we are not prepared to say that they would have been. On the whole we think that it would have been better to have lowered a boat, but we cannot say that the neglect to lower one caused the loss of any of the lives.

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

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

We concur.

(Signed) ABM. ANDERSON, }
H. C. KENNEDY, } Assessors.
J. MORESBY, }