

(No. 2402.)

"BERENGARIA."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 18th day of December 1884, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains METHVEN and HARLAND, and Rear-Admiral MORESBY, as Assessors, into the circumstances attending the loss of the sailing ship "BERENGARIA," of Greenock, and the loss of the lives of 12 of her crew, through striking on the Galloper Sand on the 1st instant.

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 was due to her having been put upon a course to pass too close to the Galloper Sand, having regard to the wind and sea, and to the set of the tide, but that no blame attaches to the chief officer.

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

Dated this 18th day of December 1884.

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

We concur in the above report.

(Signed) R. METHVEN,
ROBERT HARLAND, } Assessors.
J. MORESBY,

Annex to the Report.

This case was heard at Westminster on the 18th day of December instant, when Mr. McConnell and Mr. Beaufort appeared for the Board of Trade, and Mr. Aspinall for the owners and officers of the "Berengaria." Nine 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 then addressed the Court on behalf of his parties, and Mr. Beaufort having replied for the Board of Trade, the Court proceeded to give judgment on the questions upon which its opinion had been asked. The circumstances of the case are as follows:—

The "Berengaria," which was an iron sailing vessel, belonging to the port of Greenock, of 1,393 tons gross, and 1,317 tons net register, was built at Glasgow in the year 1874, and at the time of her loss was the property of Mr. John Ferguson, of Glasgow, shipbuilder, and others; Mr. John Ferguson being the managing owner. She left Melbourne on the 9th of August last, with a crew of thirty hands all told, one passenger, and a cargo of wheat, bound to Falmouth for orders. On her arrival at Falmouth, the passenger and two of the crew left her, and having received orders to proceed to Sunderland, she sailed again on the 29th of November with a crew of twenty-eight hands, and having a Trinity House pilot on board; and between 1 and 2 p.m. of the 1st of December following passed the Gull Lightship, leaving it on the starboard hand, distant about one mile. From there we are told she was put on an E. by N. $\frac{1}{2}$ N. course, the wind at the time blowing strong from the S.S.E., the course of the vessel and the direction of the wind being taken from the steering compass on the starboard side. About 10 minutes or a quarter before 4 p.m. the lights of the Galloper Lightship were seen about four points on the port bow, and at about 4 they were abeam. The vessel, however, continued her course until the lights were well abaft the beam, when the pilot and the master went below for the purpose of pricking off the vessel's course, leaving the chief officer on deck with directions to keep her on her course. The

wind had by this time increased to a moderate gale, and the vessel, which was under three lower topsails, upper main topsail, fore sail, fore staysail, and inner jib, was making from eight to nine knots. In about five minutes afterwards, and whilst the master and pilot were still in the cabin, looking at the chart, the vessel struck; upon which the chief officer at once ordered the helm to be put hard down, which brought her up about a point nearer to the wind, and her yards were thereupon braced sharp up. The vessel continued to strike, and in about 25 minutes afterwards she was found to be making water, upon which all the pumps were set to work, and orders were given to prepare the boats. At about 7.30 she came off into deep water, when it was found that she had 12 feet of water in her hold, and she was then put before the wind to make the nearest land; but in about three quarters of an hour, the master, finding that she was fast settling down, brought her head to wind, and the pinnace was then lowered into the water and eleven hands got into her, but before another boat could be launched the vessel sank from under them, floating off one of the life boats with five men in her. The chief mate and carpenter then jumped overboard and were picked up by the pinnace, but all the rest of the hands, including the master and pilot were unfortunately drowned, only 17 out of a total of 29 hands having been saved. The pinnace ultimately succeeded in reaching Aldborough, and the life boat Southwold; and although the Harwich life boat, on hearing by telegraph of the disaster, subsequently went out in tow of a steam tug, nothing more was seen of any of the crew. The Sand on which the vessel struck was without the least doubt the Galloper, and we are told by counsel that she now lies with her topmasts out of water some 13 miles N.W. of the lightship.

These, then, being the facts of the case, the first question that we are asked is, "Whether a safe and proper course was set and steered from about 2 p.m. of the 1st of December, and whether due and proper allowance was made for tide and currents?" We were told by the chief officer that the course steered from the Gull Lightship was E. by N. $\frac{1}{2}$ N. by the after steering compass on the starboard side, but what deviation the compass had on that course he was not able to say, and, unfortunately, the master and pilot, the only persons who could have told us, are drowned. It could not, of course, have been E. by N. $\frac{1}{2}$ N. magnetic, for that would have taken her on to the North Goodwin, or, if they had escaped that, she would have gone far out into the North Sea. There must have been a deviation of a point and a half or two points, making the course N.E. by E., or N.E. $\frac{1}{2}$ E., either of which courses, if made good, would have taken them clear outside of the Galloper. But it must be remembered that it was blowing a moderate gale from S.S.E. by the after steering compass on the starboard side, or, allowing for the deviation, from about S.E. magnetic, which would have the effect of setting her to leeward of her course. Moreover, from the Gull she would have had the ebb tide, which, during a portion of the time at all events, sets to the N.W., and, therefore, in the same direction as the wind was. These two causes would tend to set her towards the Galloper, and for which due and proper allowance should have been made, but evidently it was not, or she would not have got on to the Sand.

The second question which we are asked is, "What was the position of the vessel at 4 p.m. of the 1st of December, and whether the chief officer took proper measures to ascertain the position of the vessel at that time, and whether he subsequently took the bearings of the Galloper Lights from time to time, so as to satisfy himself that the vessel was making good her course?" It seems that about 4 p.m. they were abreast of the Galloper Lightship, and at a distance, variously estimated by the witnesses, of from 3 to 5 miles; but this is simply impossible, for if they had been at that distance they could not by any possibility, except by altering their course, which it is not pretended they did, have got upon the Galloper Sand. It is abundantly clear to us that they must have passed much nearer to the Galloper, in fact, very close to, if not inside, the buoy on the south end of it, having been set down towards it by the wind and tide, and that in the blinding showers of sleet and snow they miscalculated their distance from the lightship. But whatever

the distance was, it appears to us that it was no part of the chief officer's duty to ascertain the position of the vessel at that time, or to take the bearings of the Galloper Lights, for the master and pilot were on deck until about 5 minutes before she struck, and any measures that it might have been necessary to take should have been taken by them. The chief officer's duty was simply to see that the vessel was kept on her course during the short time they were in the cabin consulting the chart, and that he seems to have done.

The third question which we are asked is, "Whether the omission to use the lead was justifiable?" The Galloper Lights were first seen some four points on the port bow, and were in sight until the vessel struck, by which time they had got well abaft the beam, and very nearly astern. Now these lights, if they had been carefully watched, would have shewn them where they were, and it would hardly have been prudent, with the wind and tide setting them towards the Sand, to have stopped the vessel to take a cast of the lead; nor, indeed, would the soundings have shewn them so well as the lights would how far they were from the light-ship.

The fourth question which we are asked is, "Whether a good and proper look-out was kept?" There seems no reason to think that there was not a good and proper look-out, for until about 5 minutes before she struck, the master and pilot were on deck looking out; and when she actually struck the chief officer was on deck, and there was a man forward looking out. It is, however, not a question of looking out, but of steering her on a course too near the Sand.

The fifth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" The weather was admittedly misty, with falling sleet and snow, rendering it extremely difficult to determine distances with accuracy; and it was therefore incumbent on those, who were in charge of the ship, to have taken measures when they saw the Galloper Lights, to ascertain their distance from them accurately, and which they might easily have done, seeing that those lights were first seen when about 4 points on the port bow, and were still visible when they had got nearly astern, and until the vessel struck. This was the more necessary, seeing that both the wind and tide were setting the vessel directly down towards the Sand. Under these circumstances it appears to us that she was not navigated with proper and seamanlike care.

The sixth question which we are asked is, "What was the cause of the loss of life, and whether every possible means were taken to prevent such loss?" We were told that when the vessel came off the Sand, she had about 12 feet of water in her hold; that she was then put before the wind, and was kept heading

for the shore for about three quarters of an hour or an hour, when, finding that she was fast settling down, the master brought her up to the wind to get the boats out, but they had only time to lower the pinnace when she sank from under them. It is possible that, if the ship had been brought to sooner, and if steps had been taken at an earlier period to get the boats over the side, that there would not have been so large a loss of life; but the Court is loth to blame men for holding on to the last in the hope of getting the vessel into a place of safety.

The seventh question which we are asked is, "What was the cause of the casualty?" The casualty was no doubt due to the vessel having been put upon a course to pass too close to the Galloper, having regard to the direction of the wind and tide. We were told by the steward, a very intelligent young man, that he was present in the cabin holding the chart when the master and pilot were laying down the vessel's course; that they had the deviation cards before them, and that the master asked the pilot whether it would not be better to give her half a point more, but the pilot said that that course would take her clear of the Galloper. Unfortunately, however, it did not, and it would certainly have been better if the master's advice had been taken.

The eighth question which we are asked is, "Whether the chief officer is in default?" and, it is added, that "the Board of Trade are of opinion that the certificate of the chief officer should be dealt with." We do not understand that the Board of Trade press for a suspension of the chief officer's certificate, but that the question has been put simply with the view of enabling the Court to pronounce an opinion upon it. As, however, in our opinion, no blame whatever attaches to the chief officer, we shall not deal with his certificate. The blame for this casualty is due to one or other of the two unfortunate men who were drowned, to the master or the pilot; and if the evidence of the steward can be relied on, and I see no reason why it should not, the greater blame would seem to belong to the pilot for rejecting the master's advice to give her half a point more, which would have taken them well clear of the Galloper.

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

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

We concur in the above report.

(Signed) R. METHVEN,
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