

(No. 2826.)

“ R I F L E M A N . ”

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at Westminster, on the 16th of February 1886, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captains RONALDSON and PARFITT and Rear-Admiral MORESBY, as Assessors, into the circumstances attending the loss of the sailing ship “ RIFLEMAN,” of Guernsey, and the loss of the lives of six of her crew, off Spurn Point, in the North Sea, on the 21st ultimo.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that when the said vessel sailed on her last voyage she was in a good and seaworthy condition, that she was not overladen, and had sufficient stability, and that her loss was probably due to her cargo of coal having shifted, owing to its not having been properly stowed, but that no blame attaches to the master or owner in respect thereof.

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

Dated this 16th day of February 1886.

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

We concur in the above report.

(Signed) A. RONALDSON, } Assessors. Wm. PARFITT, } J. MORESBY, }

Annex to the Report.

This case was held at Westminster on the 16th of February instant, when Mr. Gwynne James appeared for the Board of Trade, and Mr. Nelson for the owner and master of the “ Rifleman.” Ten witnesses having been produced by the Board of Trade and examined, Mr. Gwynne James 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 his parties, and Mr. Gwynne James having been heard in reply, the Court proceeded to give judgment on the questions upon which its opinion had been asked. The facts of the case are as follow:—

The “ Rifleman,” which was a wooden barquentine, belonging to the port of Guernsey, of 226 tons gross, and 213 tons net register, was built at Guernsey in the year 1865, and at the time of her loss was the property of Mr. Joseph Thoms, of No. 11, Mill Street, Guernsey, and others, Mr. Thoms being the managing owner. She left the Tyne at about 4 p.m. of the 20th of January last with a crew of 9 hands all told, and a cargo of about 400 tons of coal, bound to St. Servan in France; and the weather being fine and the wind moderate from the north, she was put under all plain sail except the mizen gaff topsail. At about 8 p.m. the same day the wind began to freshen, upon which the main gaff topsail and fore topgallant sail were taken in, and the mizen was reefed, and at midnight the wind having by that time increased considerably, further sail was taken in. At about 4 a.m. the next morning they were about 7 miles from Flamborough Head, bearing W.N.W. The wind was blowing a gale from about E.N.E. with a very heavy sea, and the vessel was heading about S.E. by S.  $\frac{1}{2}$  S. under reefed mizen, mainsail, main and middle staysails, foresail, upper and lower fore topsails, jib, and fore topmast staysail, when a heavy sea struck her, and throwing her over on her starboard side put her with her lee rail under water. The captain thereupon ordered the helm to be put hard down, which brought the ship up to the wind, and they then proceeded to take in all the sails, except the main and fore topmast staysails, and lower fore topsail, and having double

reefed the main and mizen, all hands were sent to the pumps, and she was kept close hauled to the wind on the port tack to wait for daylight. At about 7.30 a.m., finding that she had still a heavy list to starboard, and that the lee rail was still under water, the master determined to run for some port of safety, and with that object she was put with her head to the southward to make the Humber, which was the nearest port into which she could get. Between 8 and 9 o'clock a fishing smack, which afterwards proved to be the “ Corisande,” was sighted, upon which a signal of distress was hoisted, and the smack thereupon bore down to them. At about 9.30 when they were about 22 miles N.E. by N. of the Spurn Light, the wind at the time blowing very heavily from about E.N.E., the vessel suddenly turned over, throwing all hands into the water. The “ Corisande ” at this time was from 200 to 300 yards off, and seeing the “ Rifleman ” go over she at once proceeded to their assistance, and succeeded in saving the master and two of the hands, but the mate and the other five men were drowned. In the meantime the “ Rifleman ” had foundered, and the “ Corisande ” then proceeded to Grimsby, and there landed the survivors from the “ Rifleman.”

Before I proceed to deal with the questions which have been submitted to us by the Board of Trade, it may be well to state that an objection was in the first instance taken by Mr. Nelson that the vessel being a Guernsey vessel, and the crew resident in Guernsey, and actually there when the subpoenas were served upon them, we had no right to entertain the case, Guernsey being beyond the jurisdiction of this Court. And if that objection had been persisted in, I am not at all satisfied that the Court would have had any right to hear the case; but Mr. Nelson, having conferred with his client, withdrew his objection, and the case accordingly was allowed to proceed.

Now the first question upon which our opinion has been asked is, “ Whether, when the vessel last left the Tyne, she was in good and seaworthy condition, and whether proper measures existed on board whereby the companions, skylights, and other deck openings could be efficiently protected and secured?” It seems that last November the vessel had been run into by a Japanese steamer in the Prince’s Channel, in consequence of which she had to be put into dry dock at Rotherhithe, and was there repaired at a cost of between 300l. and 400l., in the course of which she was opened out extensively; and from the evidence of the shipwright, of Mr. Turner, the principal shipwright surveyor for wooden vessels to the Board of Trade, and others, who had then an opportunity of inspecting her, we are satisfied that she was then in a good sound condition, and that the repairs were executed in an efficient and satisfactory way. After the repairs were completed, she proceeded with chalk ballast to the Tyne, where she loaded the cargo of coals with which she left on her last voyage, and we have every reason to think that she was at that time in a perfectly good and seaworthy condition; nor is there anything to shew that the companions, skylights, and other deck openings were not efficiently protected and secured.

The second question which we are asked is, “ Whether the pumps were sufficient and in good order?” We were told that she had two fly wheel pumps, which it seems were working up to the time when the vessel turned over; and there is not a particle of evidence to show that they were not in perfectly good order.

The third question which we are asked is, “ Whether the vessel was overladen?” It seems that she had on board at the time of the casualty about 400 tons of coal, which we are told was her usual cargo, and was less than she had sometimes carried, having had on one occasion as much as 435 tons of coal. She has carried these cargoes for a great many years, and there is nothing to shew that she was on this occasion in any degree overladen.

The fourth question which we are asked is, “ Whether she had sufficient freeboard?” We were told by Mr. Colvin, shipwright surveyor to the Board of Trade in the Tyne, that in the year 1881 he had measured her side, and found her to be drawing 14 feet 2 inches forward and 14 feet 3 inches aft, giving her a mean of 14 feet 2  $\frac{1}{2}$  inches, and that with this she had a freeboard of 2 feet 6 inches. It seems, however, that on

the present occasion she drew, when she left the Howden Dock, only 13 feet 11 inches forward and 14 feet aft, which would give her a mean of 13 feet 11½ inches, or 3 inches less than when Mr. Colvin measured her, and a freeboard therefore of 2 feet 9, the water, we are told, being at the time about two inches below the centre of the disc. What her freeboard should be by Lloyds' last rules we were not told, but seeing that she had a freeboard of 2 feet 9, and that she would rise somewhat on getting into salt water, we are of opinion that she had quite sufficient freeboard.

The fifth question which we are asked is, "Whether, as laden, the vessel had sufficient stability?" We were told by the captain that she could be moved without any ballast in her, which would seem to shew that she had a fair amount of stability; and there is not a particle of evidence that, as laden, she had not the proper amount of stability.

I will take the sixth and seventh questions together; they are (6) "Whether the cargo was properly stowed and secured from shifting?" and (7) "What was the cause of the vessel going over on her beam ends on the morning of the 21st of January?" It seems that after having been thrown on her side she never again righted herself, but continued to have a heavy permanent list to starboard, which was due no doubt to an excess of weight on that side. That the list was caused by an accumulation of water in the hold is very improbable; for we were told that the pumps were tried before and after tea, and at 8 and 12 o'clock, and that there was found to be very little water in her; and there is nothing to shew that she made any water between midnight and 4 a.m. The captain is of opinion that when she fell over on her side the cargo shifted, and that in our opinion is the only way in which the permanent list can be accounted for. It was suggested that the pitching and rolling of the vessel may have caused the cargo to settle down in the hold to such an extent that when the vessel fell over on her side the cargo would shift; but the assessors think that if it had been properly trimmed it could not, in the short space of time that she had been exposed to bad weather, have settled down to such an extent. They are disposed to think that the cargo could not have been properly trimmed into the wings, and that this was the cause of its shifting. It was said that she should have been fitted with shifting boards, and that in that case the cargo could not have shifted. No doubt this would be so, but the assessors tell me that these small coasters are rarely, if ever, provided with shifting boards; and that if the cargo had been properly trimmed they would not have been necessary.

The eighth question which we are asked is, "What was the cause of the vessel making water after 4 a.m. on the 21st day of January, and whether, having regard to her condition at that time, the master took proper measures to secure the companions, skylight, and other deck openings?" It is impossible for us to say what caused the vessel to make water after 4 a.m., but it was probably due to some leak or other. The master told us that he went down into the fore-castle, and there found some three to four feet of water, and that there was also water in the bottom of the chain locker in the after peak, but

he could not discover where the water came from. The vessel was lying over with her lee rail under water, and with a large quantity of water on deck coming up to the hatchways, and occasionally washing over them; in such a position she would be very likely to strain herself, and might make water either through the deck, or the sides, or in the bottom. It does not, however, appear to us that the master neglected to take all proper measures to prevent the water coming in through the companions, skylight, or other deck openings.

The ninth question which we are asked is, "Whether every possible effort was made to save the vessel, and whether proper and sufficient measures were taken to ensure the safety of the lives of the crew?" It appears to us that the master took all proper measures to ensure, as far as he could, the safety of the vessel and of those on board. He was right, when he saw the dangerous condition of the vessel, and that her lee rail was under water, in running for the Humber, which was the nearest port into which he could get; and he was right to signal to the fishing smack to stand by them, and it was most fortunate that he did so, for otherwise they would probably all have been lost.

The tenth question which we are asked is, "What was the cause of the loss of life?" The cause of the loss of life was that the vessel turned over on her broadside and threw them all into the water.

The eleventh question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care?" In our opinion she was. The wind being moderate on leaving, the master was justified in setting all plain sail; but as soon as it came on to blow he took in sail. We think, too, that he acted quite rightly when he found that the vessel had a list to starboard, in waiting for daylight, and, on finding that the list continued, in afterwards running for a port. We can see nothing in what the master did which was otherwise than proper and seamanlike.

The twelfth question which we are asked is, "Whether the master is in default?" In our opinion the master was in no respect in default.

Although no question has in this case been asked us as to the cost of the vessel, and the amount in which she was insured, we think that we are bound, in justice to the owner, to mention certain facts which came out in the course of the inquiry. It seems that she had originally cost 4,500*l.*, and that she was at one time insured for 2,500*l.* The insurance, however, had been gradually reduced year by year until at the time of her loss she was insured for only 1,300*l.*, which, in the opinion of the assessors, is not in excess of what she was worth; it was also less by 100*l.* than what she had been insured for in the previous year. I may add that there were no insurances on either freight, commission, premiums, outfit, or anything else.

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

We concur.

(Signed) A. RONALDSON, }  
WM. PARFITT, } Assessors.  
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