

(No. 3539.)

"WEST AUSTRALIAN."

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of a formal Investigation held at the Lecture Hall, Greenwich, on the 25th day of May 1888, before R. H. B. MARSHAM, Esquire, assisted by Admiral POWELL, R.N., Captain HARLAND, and Captain COSENS, into the circumstances attending the casualty on board the British sailing ship "WEST AUSTRALIAN," resulting in the loss of four of her crew.

Report of Court.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, find, for the reasons stated in the annex hereto, that though they have no direct evidence on the subject, the probable cause of the casualty was that the uppermost man lost his hold, and in his fall from aloft carried overboard with him three of the four other men who were below him in the rigging; and the Court attach no blame to either the captain or the chief officer.

Dated this 26th day of May 1888.

(Signed) R. H. B. MARSHAM, Judge.

We concur in the above report.

(Signed) R. ASHMORE POWELL, } Assessors.
ROBERT HARLAND, }
WILLIAM COSENS, }

Annex to the Report.

The "West Australian," official number 72,455, is an iron ship, built in the year 1876 at Sunderland, and registered at the Port of London as of 596'4 gross and 572'19 net tonnage. She is barque rigged, and owned by the "Ship West Australian Co., Limited," Mr. Charles Bethell, of 110, Fenchurch Street, being the managing owner. She had three boats stowed on skids before the poop—one on either side on their keels under the davits, the third stowed amidships bottom up. They were all in good order and fully equipped. She also had two life buoys.

The vessel left Champion Bay, West Australia, on the 19th January last, bound to London, having a crew of seventeen hands all told. She had a cargo of 2,168 bales of wool, and there were on board two passengers—the wife and daughter of Edwin Broom, the master. Her draught was 13 feet 4 aft and 13 feet forward. Nothing of note occurred until the 30th April, when the ship, in about latitude 48 N. and longitude 17 W., was running on an easterly course, with a strong and increasing breeze from the W.S.W., carrying whole topsails, courses, and main top-gallant sail, going about 10½ knots.

The master, who had frequently visited the deck, went below at midnight, leaving the chief officer in charge.

About 1 a.m., the wind still increasing in rainy squalls, the chief officer clewed up the main top-gallant sail, and having braced the yard by, sent 5 hands aloft to furl it. They appear to have gone up in the following order: Chamberlain, an ordinary seaman, first; Brown, the boatswain, second; Cummings, an able seaman, third; Hans, the carpenter, fourth; and Covey, an able seaman, fifth.

Shortly after they left the deck, the chief officer, who was standing by the wheel, saw something roll down the main rigging, which for the moment he took for a pea jacket, but almost immediately afterwards it struck him that it was a man who had fallen overboard, and he exclaimed to the man at the wheel, "My God, there's a man overboard!" He ran to the companion to call

the captain, who was at the time coming up, and then he called to the watch below to hurry up as there was a man overboard. He next went up the main rigging, and found Hans, the carpenter, hanging on to the futtock shrouds in (as he describes it) a half-dazed state. Hans told him that he had been struck on the back of the neck by something falling from aloft, which he believed to be a man, and that it had also struck a man below him and knocked him overboard. The chief officer then went down on deck and reported this to the captain.

It is stated that the watch were from 12 to 15 minutes before they came on deck, during which time the captain had only the men at the wheel and the look-out man with him on deck, so that there was considerable delay before he could do anything with the ship. As soon, however, as he had the hands he shortened sail to lower topsails and foresail. The ship must have been by this time 5 or 6 miles from the scene of the casualty, and all hands agreed that no boat could have been of any service, even if she could have lived in such a sea. The chief officer once more went aloft to seek for any traces of the missing men, but he could see nothing of them. Again, on further examination at daylight, he found nothing carried away, or any indications as to how this sad accident occurred. The sheer-pole of the weather main rigging was slightly bent, which may have been caused by one of the men falling upon it. The only other evidence that we have besides that of the carpenter as to the fate of the four men who went aloft comes from the man at the wheel, George Bossy, who says that he heard a bump, and immediately afterwards a cry for help about 20 or 30 yards astern. The carpenter also states that just after he was struck, he heard a cry from the sea of "Come and help me."

These being the facts of the case, Mr. Davis, on behalf of the Board of Trade, put to the Court the following questions:—

1. Where were the men at the time the casualty took place; and if they, or any one of them, were on the top-gallant yard; was the sail properly clewed up and the yard braced by, and all the gear properly hauled up?
2. Was the sail properly laid for furling, and was the officer of the watch paying the necessary attention both to the steering of the ship and the condition of the sail?
3. What was the cause of the casualty, and was every possible effort made to get the watch below on deck and to save life?
4. Was the ship properly provided with life buoys, and were they fit and ready for use?
5. Whether the vessel was navigated with proper and seamanlike care?
6. Whether the master and chief officer are, or either of them is, in default?

And stated that in the opinion of the Board of Trade the certificate of the chief officer should be dealt with.

No one appeared on behalf of the master or the chief officer, and the Court gave judgment as follows:—

1. From the carpenter's evidence it appears that, Chamberlain, an ordinary seaman, Brown, the boatswain, and Cummings, an able seaman, were in the main topmast rigging; that Hans, the carpenter, was holding on to the futtock shrouds under the main-top, below him in the main rigging being Covey, an able seaman. The sail was properly clewed up and the yard braced by, and all the gear was properly hauled up.
2. The officer of the watch was paying the necessary attention both to the steering of the ship and the condition of the sail.
3. The probable cause of the casualty was the uppermost man losing his hold and striking the men underneath him in his fall, knocking them overboard, with the exception of the carpenter, who was struck on the back of his neck and half stunned, but managed to keep his hold, while the other four men falling overboard were drowned. The principal evidence on this point was that of the carpenter. Every possible effort was made to get the watch below on deck; but the Court are of opinion that the men did not come up as quickly as they ought to have done. Had they, how-

ever, come up immediately, the Court are of opinion that it would not have been possible to save life. No effort was made to save life; and the Court are of opinion that in the circumstances of the case nothing could possibly have been done with that object.

4. The Court are of opinion that the ship was not properly provided with life-buoys, having only two, and these not being in their proper place. But this is not in contravention of the Merchant Shipping Act (17 and 18 Vict. c. 104), nor the Passengers Act (15 and 16 Vict. c. 44.)

5. The vessel was navigated with proper and reasonable care.

6. Neither the master nor the chief officer is in default.

(Signed) R. H. B. MARSHAM, Judge.

We concur.

(Signed) R. ASHMORE POWELL.
ROBERT HARLAND.
WILLIAM COSENS.

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