

(No. 3801.)

“EUGENIE” AND “ERNE.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of a formal investigation held at St. George's Hall, Liverpool, on the 28th, 29th, and 30th days of May 1889, before THOS. STAMFORD RAFFLES, Esquire, Stipendiary Magistrate, assisted by Captains WARD, DAVIES, and KIDDLE, R.N., Nautical Assessors, into the circumstances attending the loss of the British sailing ship “EUGENIE,” of Barrow, through collision with the British sailing ship “ERNE,” of London, in the Irish Sea, on the 30th August last, whereby loss of life ensued.

*Report of Court.*

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the annex hereto, that the said casualty was caused by the “Erne” starboarding her helm, and the “Eugenie” not having ported in sufficient time.

Dated this 30th day of May 1889.

(Signed) T. S. RAFFLES, Judge.

We concur in the above report.

(Signed) C. Y. WARD,  
THOMAS DAVIES, } Assessors.  
JAMES KIDDLE, }

*Annex to the Report.*

This was an inquiry into the circumstances attending the loss of the British sailing ship “Eugenie,” of Barrow, through collision with the British sailing ship “Erne,” of London, in the Irish Sea, on the 30th day of August last, whereby loss of life ensued. Mr. Paxton conducted the case for the Board of Trade; Mr. Carver was counsel for the owners of the “Eugenie;” and Mr. Tobin was counsel for the owners, master, and second mate of the “Erne.”

The “Eugenie” was a schooner, built of wood, at Whitehaven, in 1863, of 141 tons, registered at Barrow, the property of Mr. James Ashcroft and others; Mr. William Bell, of Barrow, being appointed managing owner. The “Erne” is a sailing ship, built of iron, at Greenock, in 1886, of 1,692'44 tons, registered in London, and owned by Mr. James Nourse, of London, who managed her.

The “Eugenie,” under the command of Mr. Patrick Higgins, who holds a certificate of competency as only mate, No. 06,413, left Waterford at 10 a.m. on the 30th of August 1888, with a cargo of 222 tons of scrap iron, bound to Garston in the river Mersey. Her crew, in addition to the master, consisted of Michael Flynn, mate; John Mountain, A.B.; John Manning, O.S.; and Thomas Pendle, O.S. She passed Tuskar, according to the master, at 7.45 p.m., midway between Tuskar and the Irish coast, the wind being N.N.W., a fresh breeze, and carrying all plain sail, the vessel close hauled on the port tack, heading N.E. At 8 p.m. the master relieved the mate, who went below, and steered till 10 p.m. At 9.30 p.m. they were abreast of the Lucifer Light, two or three miles distant, bearing N.W. At 10 p.m. it bore W. by S. The master was relieved at that time from the wheel, Blackwater Light being then N.E. by N., about one point on the port bow, and the vessel going 6 knots. The night was clear, and both lights were burning brightly. Manning was on the look-out. The master was walking on the port side. About 10.30 p.m. the master saw a ship's sails one and a half points on the port bow, and then the hull and sails about a quarter of a mile off, and the look-out on the starboard bow also saw the vessel, though not so soon as the master. The master said he saw no lights. The vessel was on the starboard tack. The master sang out three times “Hard a port,” the vessel being then about 200 yards off. He noticed

the “Erne” coming round on the starboard helm, and he told Manning to call the other man, who was below, while he called the mate. The vessel struck her on the port bow, between the cathead and the fore rigging, and went 14 or 15 feet into her. The “Eugenie” began to sink immediately, and the master and mate went forward and clambered up into the “Erne,” as also did Manning. They heard Mountain calling for help out of the water, but they could not save him. The other man, Pendle, it is supposed, went down with the ship, for they never saw or heard anything of him.

To come now to the other ship. They left Liverpool on the 29th of August at 4 p.m., having on board Mr. Daniel Sullivan, a Trinity House pilot, with a cargo of 2,300 tons of salt, and with a crew of 27 hands all told, and well-found, bound to Calcutta. On the 30th, according to the master, between 9 and 9.30 p.m., they were in the vicinity of the Arklow Bank and nearing Blackwater Light, close hauled on the starboard tack, heading S.W. magnetic. The wind was N.W. The master went below about 9.30 p.m., leaving the pilot, Sullivan, in charge. The second mate was with him in charge of the watch, and there was a man on the look-out. The night was fine. At 10.50 p.m. the Lucifer Light bore N.W., and the ship came up to S.W. by W., the wind being N.W. by W. About 11.5 p.m. the look-out man reported “A light ahead,” upon which the pilot went forward and saw Tuskar Light and another light, which seemed level with the water about half a point on her port bow. He thought the lights were 4 or 5 miles off. In a few minutes he sent the second mate forward, and he came back and said he saw two lights he believed, but he would not be quite certain if he saw one or two lights. The pilot sent him forward a second time to know how the lights stood, and he immediately called out “Hard-a-starboard” three times. As soon as they got her helm up, came the crash of collision. On going forward, the pilot saw no sign of the colliding vessel, except some wreckage which was hanging to the bow of the “Erne.” The master found that the “Erne” had sustained no damage, and she made no water. The vessel was in some confusion for 10 or 12 minutes. The master heard the crash in his cabin and came up immediately. He at once threw a patent lifebuoy, lighted with Holme's light, over to save any life there might be in the water and to throw light upon the scene, and ordered them to prepare the two lifeboats for lowering. After the boats had been got ready, the master came to the conclusion that it was of no use to lower them, and in about a quarter of an hour the vessel was on her course again. The master found the master of the “Eugenie” on the deck. He said he was quarrelling with the pilot about the direction of the wind, and he ordered him off the poop. All the witnesses from the “Erne” said that both their lights were burning brightly, while the master and mate of the “Eugenie” said that the red light was very dim. The three men were transferred to a fishing boat and landed at Dun-garvon with the pilot. The “Erne” proceeded on her voyage, and has now returned to Liverpool.

On the close of the evidence, Mr. Paxton put in the following questions:—

1. Did both vessels comply with Article 6 of the Regulations for Preventing Collisions at Sea?
2. Did both vessels keep a good and proper look-out?
3. Did the master of the “Eugenie” use his best endeavours to comply with Article 14 of the above Regulations?
4. Was the person in charge of the “Erne” justified in starboarding her helm?
5. Did the master of the “Erne” use all reasonable means to save the lives of the crew of the “Eugenie”?
6. What was the cause of the collision?
7. Were the master, second mate, and the pilot of the “Erne,” and master of the “Eugenie,” or either of them, in default in regard to any of the above matters?

And he stated that the Board of Trade were of opinion that the certificates of the master and second mate of the “Erne” and the master of the “Eugenie” should be dealt with.

The Court gave judgment as follows:—

1. Both vessels complied with Article 6 of the Regulations for Preventing Collisions at Sea. The

master of the "Eugenie" said the red light of the "Erne" was dim, but there was ample evidence that all the lights were burning brightly on both vessels.

2. It was stated in evidence that a look-out was duly placed on both vessels, and the "Eugenie" was certainly reported in good time by the look-out man on the "Erne," but it did seem strange that the "Eugenie" did not see the lights of the other vessel.

3. The master of the "Eugenie" attempted to comply with Article 14, but not in sufficient time to avoid the collision.

4. The pilot, who was the person in charge of the "Erne," was not justified in starboarding her helm, but under the circumstances the Court thought that he acted for the best in the emergency, not being able himself to see the positions of the two vessels, and the second mate in giving the decided order to starboard three times over, acted according to the best of his judgment.

5. The Court regretted to say that they could not find that the master of the "Erne" did use all reasonable means to save the lives of the crew of the "Eugenie."

The master of the "Erne" threw over the lighted life buoy and did nothing further, and he was sailing away from the scene of the disaster till he went on his course. The Court thought that he should have hove to and lowered a boat to search for the men in the water.

6. The cause of the collision was the act of the "Erne" in starboarding when she would probably have gone clear had she continued her course. The Court

considered that the "Eugenie" contributed materially to the casualty by not porting much earlier.

7. The master of the "Erne" was not in default for the collision, he being below at the time, nor was the pilot, who acted in accordance with the peremptory call of the second mate, whom he had sent forward to see the positions of the vessels, and who erred in judgment in giving the order to starboard. The master of the "Eugenie" committed an error in judgment only in not having ported sooner.

In regard to the loss of life, the Court found some difficulty in dealing with the case. As already stated, the Court found that the master of the "Erne" should have hove to and lowered a boat. His excuse for not doing so, was that he thought it was useless, but whether he thought so or not, he should have put a boat into the water, but he did not for some time ascertain that his own vessel was in safety, and the Court hesitated to punish him under all the circumstances of doubt and panic as to whether the "Erne" was sinking or not, which certainly existed on board. In this state of things, they contented themselves with a severe reprimand.

(Signed) T. S. RAFFLES, Judge.

We concur.

(Signed) C. Y. WARD,  
THOMAS DAVIES, } Assessors.  
JAMES KIDDLE, }

Liverpool, 30th May 1889.