

(No. 4439.)

"DOMINION."

The Merchant Shipping Acts, 1854 to 1897.

In the matter of a formal Investigation held at Board Room of the Sunderland Union Offices, John Street, in the Borough of Sunderland, on the 4th, 5th, and 6th days of January 1892, before GEORGE ROBERT BOOTH and WILLIAM WILSON, Esquires, two of Her Majesty's Justices of the Peace acting in and for the said Borough, assisted by Captains METHVEN and COSENS, Nautical Assessors, into the circumstances attending the stranding of the British sailing ship "DOMINION," of Liverpool, on the coast near Blyth, Northumberland, on the 7th December 1891.

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 stranding was caused by men refusing duty; the wind increasing to a gale and backing to the northward, and the vessel missing stays. The Court does not find the master, William Meredith, in default for such stranding.

Dated this sixth day of January 1892.

(Signed) GEO. R. BOOTH, } Judges.
WM. WILSON, }

We concur in the above report.

(Signed) R. METHVEN, } Assessors.
WILLIAM COSENS, }

Annex to the Report.

The "Dominion" is a sailing ship built of steel at Sunderland in the County of Durham, in the year 1891, and registered at the port of Liverpool, her official number being 99,334. She is a four-masted barque, and her dimensions, as per register, are:—Length, 294 ft.; breadth, 43 ft.; and depth of hold, 24 ft., and being of the registered tonnage of 2,397-71 tons. She is owned by Mr. William Thomas, of 30 Brunswick Street, Liverpool, and was under the command of Mr. William Meredith, who holds a certificate of competency as master, numbered 019,112.

This is quite a new ship, and proceeded on her first voyage from Sunderland on the morning of the 7th December 1891, having on board a cargo consisting of 480 tons of steel rails, 20 tons of plates, and 2,358 tons of coke, bound for Port Pirie; her draught of water at the time of leaving Sunderland was 18' 3" forward, and 19 ft. 6 in. aft, leaving the Plimsoll mark well out of the water, and the ship was in good trim and condition, and well-supplied with boats, compasses and all necessities.

The crew engaged for the ship consisted of thirty hands all told, part of whom were engaged at Sunderland and sixteen at Liverpool, these latter being sent from Liverpool by the night train in charge of a Board of Trade officer, and arrived at Sunderland Station in the early morning, where they were met by the master and a local Board of Trade officer. After partaking of refreshments, cabs were procured, and twelve of them were taken down to the ship, two preferring to walk and two remaining with the baggage in charge of the local Board of Trade officer. The two men who said they would walk down evaded the Board of Trade officer and never turned up at the ship. As the men arrived at the dock the ship was moving out of the gates, the men were passed on board, but shortly afterwards two of them jumped ashore and deserted; shortly after this the men were mustered and ten were on board. The portion of the crew which had been shipped at Sunderland were all on board and at work, in addition to whom there were on board six seaman riggers who were there to assist in getting the ship to sea.

The crew's baggage arrived at the dock as the ship was going out, and the men who had joined the ship were informed that it was there and would be put on the ship as soon as the captain returned, he having gone in search of substitutes for the deserters; these not being obtainable quickly, the captain, after waiting as long as possible, engaged another steam tug to take him and the baggage and the two men with it on to the ship, where he arrived at about 11.30, the ship in the interval having adjusted her compasses and proceeded under staysails towards the E.N.E., being in tow of the tugs "Rescue" and "Cruiser," they being of the respective power of 45 and 34 horses.

When the ship left the dock the wind was light from the S.S.E. with passing showers of rain and sleet, the barometer standing at 29.55, at which, it is stated to the Court by the overlooker, it had stood on the preceding evening. By 9 a.m. the ship had been swung once round and observations for compass errors taken, but in consequence of the rising wind it was deemed imprudent to turn the ship a second time for a more complete correction of errors. The wind and sea increasing rapidly, the lower topsails were set and the ship proceeded with her head E.N.E. under tow of both tugs. Having attained what was considered by the pilot a safe position, the "Cruiser" tug was cast off and ordered to return to Sunderland for the captain. The ship then proceeded, in tow of the "Rescue" only, at a speed of one to one-and-a-half knots. The wind was increasing and backing to the N.-east, and it then became urgent to get square sail on the ship.

When the men from Liverpool went on board the vessel they all went into the fore-castle. Breakfast, consisting of a hot stew and with coffee or tea, was prepared ready for them, and it was taken into the fore-castle to them, but they said they could not eat it, not being provided with spoons and knives, &c., to eat it with, their own utensils being with their baggage which had not yet arrived on the ship. Complaint was made to the overlooker and he ordered these requisites to be supplied to the men.

Sufficient time being given for breakfast and it becoming urgent that square sail should be set, the men were urged to come to duty, this they declined to do, stating that the crew was not complete and adding, as a further reason, that they had not their sea clothes; the chief officer, the overlooker and the Trinity House pilot, who was now in charge, urged and entreated the men to assist in making sail, but they still refused. With the hands who were working, assisted by the riggers, the three lower topsails and upper main topsail had been got on the ship, the ship was breaking off and heading to the north-north-east. Five of the riggers left the ship, with the compass adjuster, in the tug which had brought off the captain and seamen; considering the circumstances under which the ship was then labouring, the Court is at a loss to understand why efforts were not made to retain the services of these men.

On the captain arriving on board at 11.30 with the baggage and the two men, he, perceiving the importance, owing to the increasing and backing of the wind, that more sail should be set, went himself to the fore-castle and ordered the men to duty; they still refused on the plea that the crew was not complete. The men were then mustered on deck, and individually asked by the master to turn to duty, but they refused, and the Board of Trade officer commenced to read the articles, but the men walked forward, stating that they knew all about it, and refused to listen or go on duty. After some considerable delay, and the captain having given an undertaking not to proceed on the voyage until the crew was filled up, the men at last consented to assist in making sail; it was now blowing a gale, and the position of the ship was such that she required to be tacked off shore immediately under the sail then being carried. An attempt to tack the ship was then made with the assistance of the tug, but owing to want of canvas and the inability of the tug to tow her round, owing to the sea and the force of the wind which was now blowing a gale, the manœuvre failed, the ship fell off, and there not being sufficient sea room either to wear or make a second endeavour to tack, the master, in consultation with the pilot, took the only available course open for him, that was to run his ship for Blyth Harbour, then on his port bow, although he knew from

the state of the tide the vessel must ground, he succeeded in getting within the longer pier and the ship came to the ground a little to one side of the fairway, the tide commenced to make, and the ship, with the gale on her broadside and the sails still set, buried further on to the lee shore. The crew were taken off by the rocket apparatus, there being too heavy a sea around the ship to enable boats to be used. The master and officers remained on board. The ship continued stranded, and part of her cargo (about 200 tons of coke) having been jettisoned, she was towed off on the following Thursday, the 10th December, and brought round to Sunderland, where she now lies for repairs, having sustained material damage.

While ashore the ship rolled her topmasts over the side, and is stated at this time to be making about three inches of water per day.

At the conclusion of the evidence, the solicitor, acting for the Board of Trade, desired the opinion of the Court on the following questions:—

1. Why does it appear in the agreement that 25 hands all told are to be considered the ship's full complement when the master had authority from the owner to engage 30 hands?

Ans.—This clause is a customary precaution of ship masters, and is inserted in the articles; the object being that in case of a deficiency of hands by desertion or otherwise at the last moment, before proceeding to sea, either at home or at a foreign port, and this number 25 being, in the opinion of the captain, a sufficient crew for the safe navigation of the vessel.

2. What was the necessity for engaging 16 hands at Liverpool, and for sending them by the night train from that port to Sunderland?

Ans.—This was a matter of convenience to the owners.

3. Was the vessel in a fit state to proceed to sea when she left that port?

Ans.—Yes, in all respects.

4. Was there any undue haste in despatching her, and, if so, what was the necessity for it?

Ans.—There was no undue haste in despatching the ship, it was desirable to save the tide and to get the compasses adjusted as early in the day as possible.

5. Were the men shipped at Liverpool fit for their work when they boarded the vessel?

Ans.—As far as the evidence shews, the men were fit for work when they boarded the vessel, except that they had not got their sea clothing.

6. Was the master and overlooker, both, or either of them, justified in sending the vessel to sea from Sunderland with the crew she had on board at the time she left?

Ans.—Inasmuch as the greater portion of the crew were on board, and to make up for the four men short (two of whom had deserted as the ship was hauling off the quay, and two who had not joined, but for whom the captain was waiting) there were six seaman riggers to assist in swinging the ship for adjusting compasses, and afterwards to make sail, the master and overlooker were justified in sending the ship to sea.

7. Whether, when the master and two hands subsequently boarded the vessel, the men who shipped at Liverpool were justified in refusing duty?

Ans.—The men were not justified in refusing duty.

8. Was every possible effort then made by the master to obtain additional hands?

Ans.—Every possible effort was made by the master to obtain additional hands.

9. Were proper and sufficient measures taken by the master and officers to prevent the stranding of the vessel?

Ans.—Under the circumstances the master and officers made every effort to prevent the stranding of the vessel.

10. What was the cause of the stranding of the vessel?

Ans.—The cause of stranding was the refusal of the men to do duty when ordered, which prevented sufficient sail being set. The wind having increased to a gale, and backing more and more to the northward. The ship missing stays in consequence of not having sufficient canvas set, and the inability of the tug to tow her round.

11. Whether the master and officers are, or either of them is, in default, and whether blame attaches to the owner and his overlooker, or either of them?

Ans.—Neither the master or officers are in default. No blame attaches to the owner or his overlooker.

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WILLIAM COBENS, }

Mr. Augustus Blaney, a farmer, living close to, was the first on the spot to render assistance, he being followed by Mr. William Butler, chief officer of the coast-guard station, who with several others assisted the crew in landing on the rocks, and conducted them up the cliff. Mr. Butler's arrival had been slightly delayed by his sending for rockets and summoning his men to the spot.

The master and chief officer remained on the vessel for some little time. The former, who was suffering from fatigue and exposure, poured out and drank half a tumblerful of whiskey. The chief officer then called him, saying that the people on shore wished him to land. All the lights were thereupon put out; and the chief officer lowered himself over the side on to the rocks. The master attempted to follow him; a sea swept him off the rope on to the rocks head first into a gully, from which he was dragged out by the heels by the chief and second officer, assisted by Mr. Blaney.

The crew then proceeded to Mr. Blaney's house, and on mustering there it was found that Charles Taylor, the donkey-man, was missing.

Shortly after the vessel struck, he was seen by the boatswain attempting to lower himself on to the rocks, and was twice told by him to remain on board; but when the vessel struck, Alexander Calder, an A.B., saw him lower himself over the side with a rope, and shortly afterwards heard a cry; but nothing more was seen or heard of him.

The ship struck near the Gull Rocks, about 9 miles eastward of Falmouth, and became a total wreck.

At the conclusion of the evidence, Dr. Raikes handed in a report from the keeper of the Lizard Lighthouse, which showed the force of the wind to have been twelve, and there can be little doubt that the ship in her then state was too light to contend with it, owing to the small quantity of cargo on board, to the water ballast having been reduced from 203 to 173 tons, and to nearly the whole of the coal having been burnt.

The Court considers that great credit is due to Mr. Blaney, of Port Loe, for the promptitude with which he came to the aid of the vessel, the assistance he rendered, and the hospitable kindness with which he received the whole of the shipwrecked crew.

These were the facts of the case, and on the conclusion of the evidence, Mr. Ravenhill put to the Court the following questions:—

1. What number of compasses had she on board, where were they placed, and were they in good order and sufficient for the safe navigation of the ship?
2. Did the master ascertain the deviation of his compasses by observation from time to time? Were the errors of the compasses correctly ascertained, and the proper correction to the courses applied?
3. Whether when the vessel last left St. Michael's she was sufficiently ballasted, having regard to the voyage she was about to undertake, and whether she had at that time a sufficient supply of coal on board?
4. What was the cause of the vessel running short of coal, and whether at noon of the 8th March the master took proper measures to make for the nearest port?
5. Whether proper measures were taken to ascertain and verify the position of the vessel at or about 9.30 p.m. of the 8th March?
6. Whether a safe and proper course was set at 9.30 p.m. of the 8th March, and whether due and proper allowance was made for tide, currents, and leeway?
7. Whether safe and proper alterations were made in the course from time to time after 9.30 p.m., and whether due and proper allowance was made for tide, currents, and leeway?
8. What was the cause of the vessel becoming unmanageable about 5 p.m. of the 9th March?
9. Whether, when the land was seen, prompt and proper measures were taken to keep the vessel off it?
10. What was the cause of the casualty?
11. What were the circumstances in which the donkeyman lost his life, and was every possible effort made to save him?
12. Whether a good and proper look-out was kept?
13. Whether the total neglect of the lead was justifiable?

14. Whether at any time during the voyage, or shortly after the casualty, the master was under the influence of drink?

15. Whether the vessel was navigated with proper and seamanlike care?

16. Whether the master and officers are, or either of them is, in default?

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

Dr. Raikes and Mr. Ravenhill then addressed the Court, and judgment was given as follows:—

1. She had two compasses, one for steering by, and a standard compass, both on the bridge. They appear to have been in good condition, and they were sufficient for the safe navigation of the vessel.

2. The master stated that he had taken observations from time to time to ascertain the deviation of his compasses, and that he had found them to agree with the deviation card, according to which the last adjustment was, he believed, in 1885. The proper corrections appear to have been applied to the courses.

3. Taking into consideration the season of the year, the Court is of opinion that the vessel had not sufficient ballast when she left St. Michael's. The quantity of coal was sufficient for the passage to England.

4. The vessel, after leaving St. Michael's, experienced continuous head winds, and was in consequence delayed on her voyage, thus causing her to run short of coal. At noon on the 8th of March, the master decided to make for an English port, and took proper measures to do so. The weather being then moderate he was justified in steering direct for Plymouth, although Brest was the nearest port.

5. Proper measures appear to have been taken at 9.30 p.m. of the 8th March, to ascertain and verify the position of the vessel.

6. A safe and proper course was set at 9.30 p.m. of the 8th March, and due allowance was made for leeway.

7. Safe and proper alterations were made in the course from time to time after 9.30 p.m., due allowance being made for leeway, until the ship became unmanageable by the force of the wind.

8. The cause of the vessel becoming unmanageable about 5 p.m. of the 9th March, was the extremely light draught of water of the vessel in a gale of unusual force, and in a heavy sea.

9. The short time the land was seen before the vessel stranded made it impossible to take any measures to keep the vessel off it.

10. The cause of the casualty was that the vessel became unmanageable and drifted on a lee shore, in consequence of her extremely light draught and of the unusual force of the gale.

11. The donkey-engine man, named Charles Taylor, who unfortunately lost his life, appears to have left the vessel contrary to orders in the endeavour to save himself. The circumstances under which he tried to get on shore were unknown, and no measures were possible to have been taken to save him.

12. A good and proper look-out appears to have been kept.

13. The total neglect of the lead was not justifiable.

14. There was no evidence that at any time during the voyage the master was under the influence of drink. He admitted that after the casualty occurred, and when all the crew had been landed, he did take a half-tumblerful of whiskey, when he was suffering from intense cold and exposure.

15. The vessel was not navigated with proper and seamanlike care.

16. The master is in default for having left St. Michael's with such a light draught of water; but taking into consideration the unusual force of the gale, the Court does not deal with his certificate.

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

We concur.

(Signed) JOHN S. CASTLE,
A. RONALDSON, } Assessors.
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