

(No. S 79.)

"PETREL."

The Merchant Shipping Acts, 1854 to 1887.

IN the matter of a formal Investigation held at the Town Hall, Great Yarmouth, on the 12th and 13th days of December 1893, before RICHARD MARTINS (Mayor), and WILLIAM BARNARD, Esquires, two of Her Majesty's Justices of the Peace for the Borough of Great Yarmouth, assisted by Captains ANDREW CUNINGHAME, EDMUND MILLER HUGHES, and HENRY TOOZES, into the circumstances attending the stranding of the British sailing ship "PETREL," of Yarmouth, on or near Hammond Knoll, North Sea, on the 5th November 1893.

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 and total loss of the said ship was due to the negligent navigation of William Mitchell, her skipper, and the Court suspends his certificate of service, No. 02,559, for twelve calendar months from this date.

Dated this 13th day of December 1893.

(Signed) RD. MARTINS, } Justices of the
WILLIAM BARNARD, } Peace for the
Borough of
Great Yarmouth.

We concur in the above report.

(Signed) ANDW. CUNINGHAME, } Assessors.
E. M. HUGHES, }
H. TOOZES, }

Annex to the Report.

The official investigation into the circumstances attending the stranding and subsequent loss of the British sailing ship "Petrel," was held at Great Yarmouth on the 12th and 13th days of December 1893.

The parties to the enquiry were the Board of Trade, represented by Mr. Wiltshire of Great Yarmouth, and William Mitchell the skipper, and William Henry Carter, the second hand, who were not represented by counsel but appeared in person.

The "Petrel" was a wooden ketch-rigged vessel built at Brixham, Devon, by Mr. J. Nowall in the year 1876, and was registered at the port of Great Yarmouth. Her length was 69'6 ft., breadth 17'9 ft., and depth 9'5 ft., her registered tonnage being 57⁴/₁₀₀ tons, and official number 71,873.

At the time of the casualty which forms the subject of this investigation, she was owned by Mr. Edward Jex, of 27, St. Mary-at-Hill, London, and managed by Mr. William Prentice, of 62, Blackfriars Road, Great Yarmouth, who estimated her value at 550*l.*, and stated that she was insured for 405*l.*, which sum, however, did not cover hawl-gear or boiler and engine.

On the 2nd November last the "Petrel" left Yarmouth on a fishing cruise with a crew of six hands all told, Mitchell, the skipper, having a certificate of service, No. 02559, which he stated to the Court was lost.

The "Petrel" appears to have had the usual equipment of a vessel of her class and employment. Her compasses, two in number, had previous to her leaving been in the hands of an optician, who stated that they were thoroughly overhauled and returned on board in perfect condition. The adjustment which was effected in November 1890, when the vessel was fitted with steam-gear, does not seem to have been since examined, but as no complaint was ever made of the behaviour of the compass by which the vessel was navigated, it would appear the deviation underwent no material change during the period which has elapsed since. Her

boat was also stated to have been a good one, and she had besides two iron pumps of which no complaint was made.

The skipper had orders to proceed first to the Silver Pits, but it appears he began to fish on the way, and at 3 p.m. on the 5th November shot his trawl in the vicinity of the Lemon and Ower, the wind at the time being from the westward, and the weather moderate.

On the morning of this day, it appears, when the vessel was lying over, the compass-bowl, in some way, which was not explained, got jammed, and the skipper shipped the spare compass which appears to have acted satisfactorily. From the time that the trawl was put down the evidence becomes very conflicting, the skipper's statements in many and important particulars being quite irreconcilable with those of the second and third hands, and also with the position in which he found himself when the vessel subsequently stranded.

The skipper stated that when the trawl was down he was standing to the south-eastward, while the second and third hands as confidently affirmed that it was to the south-west.

At 4 p.m. the second hand, who had previously taken several casts of the lead, when 15 fathoms were found, went below, and the skipper and third and fourth hands came on deck. At 8 p.m. the third hand reported a light, which proved to be the Lemon and Ower, to the skipper, who had temporarily gone below, and at 9 p.m. all hands were called and the trawl hove up, a cast of the lead immediately before giving 19 fathoms.

As soon as the trawl was secured the skipper took the tiller, and having determined to proceed to Smith's Knoll, bore up on a south-by-east course, taking his departure from the Lemon and Ower, bearing, as he stated, north-north-west, distant about two or two-and-a-half miles, while the other hands stated that it bore east-north-east. The Court can only come to the conclusion that the latter was the correct bearing, as otherwise it was impossible for the vessel to have stranded as she did about 11 p.m. on the Hammond Knoll.

The Court is the more inclined to disregard the skipper's evidence, because he acknowledged that he knew nothing whatever of the set of the tides nor of the use of a chart, in fact, he said he could not even read, and the Court feels, in view of his admitted deficiencies, that a great responsibility is incurred by those who entrust property and life to his care.

Between 10 and 11 p.m. the weather became squally and threatening, and the watch had just finished shortening sail when the vessel suddenly bumped, and so rapidly filled with water that the crew had barely time to launch and getaway in the boat, losing all their effects. After pulling into the Would they were picked up about 10 a.m. on the 6th by the steamer "Ituna," and ultimately landed at Hartlepool.

At the conclusion of the evidence Mr. Wiltshire submitted the following questions for the opinion of the Court:—

1. Was the vessel provided with proper compasses, and were they in good condition?
2. If the compasses were inaccurate why did the skipper fail to discover the inaccuracy?
3. Were proper measures taken to ascertain and verify the position of the vessel between 9 and 10 p.m. on the 5th November and thereafter?
4. Was a safe and proper alteration made in the course at or about 9 p.m. on the last-mentioned date, and was due and proper allowance made for tide, currents, and lee-way?
5. Was the lead used with sufficient frequency?
6. What was the cause of the stranding of the vessel?
7. Whether she was navigated with proper and seamanlike care? and, finally,
8. Whether the skipper and second hand are, or either of them is, in default?

After careful consideration of the case, the Court delivered its judgment in the form of the following answers to the questions put in.

1. The vessel was provided with proper compasses, and they were in good condition.

2. There is no evidence of the compasses being inaccurate. It appears, however, that on the morning of the day on which the casualty occurred, the compass-bowl jammed when the vessel heeled over, but the skipper immediately substituted the spare compass which acted satisfactorily.

3. Proper measures were not taken to ascertain and verify the position of the vessel between 9 and 10 p.m. of the 5th November and thereafter.

4. The alteration would have been safe and proper had the skipper been in the position he supposed himself to be. As the skipper acknowledged he knew nothing about the direction of the tide, he cannot be said to have made due and proper allowance for it.

5. The lead was not used with sufficient frequency.

6. The cause of the stranding of the vessel was the neglect of the skipper to take a proper departure from the Lemon and Over Lightship.

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

8. The skipper is alone in default, and the Court suspends his certificate of service, No. 02,559 (which he stated he had lost), for 12 calendar months from this date.

(Signed)

RD. MARTINS,
WILLIAM BARNARD,

Justices of the
Peace for the
Borough of
Great Yar-
mouth.

We concur in the above.

(Signed)

ANDW. CUNINGHAME,
E. M. HUGHES,
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Assessors.

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