

(No. 5045.)

"LILY AND MAY"
AND
"OSWALD" (S.S.)

The Merchant Shipping Acts, 1854 to 1887.

In the matter of a formal Investigation held at Cardiff on the 21st, 22nd, and 24th days of December 1894, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Admiral GRANT, C.B., Captain CASTLE and Captain BROOKS, as Nautical Assessors, into the circumstances attending the loss of the British sailing ship "LILY AND MAY," of Cardiff, through collision with the British steamship "OSWALD," of Whitby, on the 6th October 1894, 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 collision was caused by an error of judgment on the part of the mate, Mr. William Henry Morrison, which, in the opinion of the Court, did not amount to a default.

Dated this 24th day of December 1894.

(Signed) T. W. LEWIS, Judge.

We concur in the above report.

(Signed) HENRY D. GRANT,
JOHN S. CASTLE, } Assessors.
EDWARD BROOKS, }

Annex to the Report.

This case was held at the Town Hall, Cardiff, before Thomas William Lewis, Esq., Stipendiary Magistrate, assisted by Admiral Grant, C.B., Captain Castle, and Captain Brooks, on the 21st, 22nd, and 24th days of December 1894.

Mr. Vachell appeared as solicitor for the Board of Trade, Mr. Ingledew for the master and second officer of the "Oswald," and Mr. Vaughan for the owners.

The "Oswald" is a British screw steamship, official No. 96,554, and registered at the port of Whitby. She was built of steel at Whitby in 1890, her length being 285.5 ft., breadth 37.2 ft., depth of hold 18.1 ft.

She has three engines, triple expansion direct acting vertical inverted cylinders of 170 horse-power nominal, her gross tonnage being 1835.40 tons, and her registered tonnage 1157.15 tons, and she was rigged as a schooner.

She is owned by Mr. Thomas Turnbull and others, Mr. John Turnbull, of Whitehall Dockyard, Whitby, being managing owner.

The "Oswald" left Temruik, Sea of Azov, on the 14th of September 1894, under the command of Mr. Frederick John Lewer, who holds a master's certificate of competency, No. 011,280, bound to Bristol with 11,000 quarters of barley in bulk.

All went well until 8.20 p.m. on the 6th of October, the vessel being then in the Bristol Channel. At that time a bright light was reported two points on the port bow about two miles distant, which afterwards turned out to be the masthead light of the Cardiff pilot cutter "Lily and May," of 19 tons register, which left Cardiff at 1.30 p.m. on the 6th October, under the command of Mr. David Francis, pilot, who was also the owner, with a crew of three hands all told, bound down Channel seeking.

The "Oswald" was then in charge of the second officer, William Henry Morrison, who holds an only mate's certificate, and was upon an E. by S. $\frac{1}{4}$ S. course, and was going at full speed, making about 8 knots. The weather was fine with a light E.N.E. breeze; the night was dark and cloudy but clear.

The "Lily and May" was upon a W. by N. course with the wind on the starboard quarter, and was making about 2 $\frac{1}{2}$ knots through the water, the tide being about half flood.

She was in charge of the mate, who states that she was kept upon her course until a collision was inevitable, when he put the helm hard-a-port. The second officer of the "Oswald" judged the cutter to be upon the port tack, and when about half a mile distant the helm was put to starboard with the idea of passing under the pilot cutter's stern.

At 8.26, seeing that he was closing upon the cutter, and that there was a risk of collision, the engines were stopped, and put full speed astern. The collision took place by the "Oswald" striking the cutter just abaft the port beam nearly a right angle blow directed forward. The cutter hung under the "Oswald" bow for a few seconds and foundered.

The men had been called on deck and managed to get on to the "Oswald's" anchor with the exception of one man, Lewis Phillips, who was not seen afterwards, nor was any cry heard. The master of the "Lily and May" endeavoured to turn his punt out, but found that she was damaged in the collision.

The "Oswald" promptly lowered a boat, and after a careful search of half an hour failed to find any traces of the missing man.

The collision took place in the Bristol Channel about five miles S.S.W. of the Nash Lights.

The following questions were submitted to the Court for their consideration:—

1. Whether both vessels complied with the Regulations for Preventing Collisions at Sea?
2. Whether a good and proper look-out was kept on board both vessels?
3. What was the cause of the casualty and loss of life, and whether every possible effort was made by those on board the "Oswald" to render assistance?
4. Whether both vessels were navigated with proper and seamanlike care?
5. Whether the master and mate of the "Lily and May" and the master and officers of the "Oswald" are, or either of them is, in default?

And the Board of Trade asked that the certificate of the second mate, Mr. William H. Morrison, of the "Oswald" be dealt with.

The following are the answers given to the foregoing questions:—

1. The "Lily and May" complied, but the "Oswald" did not comply, with the Regulations for Preventing Collisions at Sea. When the vessels were approaching so as to involve risk of collision the "Oswald" did not slacken her speed when necessary, and thereby she infringed Article 18 of the Regulations.

The risk of collision was, however, not duly appreciated by the second mate in charge of the "Oswald," and the omission to comply with Article 18 was therefore, in the opinion of the Court, not a default, but an error of judgment.

2. Both vessels kept a good and proper look-out.
3. The primary cause of the casualty was an error of judgment committed by the second mate of the "Oswald." This officer, when the two vessels were about half a mile apart, erroneously formed the opinion that the "Lily and May" was on the port tack, and would cross the bows of the "Oswald." Thereupon he starboarded his helm with the view of passing under the stern of the "Lily and May"—which was in fact on the starboard tack—but struck her a blow at a right angle, directed forward, just abaft the port beam, which caused her to sink, carrying down with her Lewis Phillips, one of her crew. Every possible effort to render assistance was made by those on board the "Oswald."

4 and 5. The "Lily and May" was navigated with proper and seamanlike care, and neither of its officers is in default.

The second officer, Mr. William Henry Morrison, of the "Oswald," as above stated, committed two serious errors of judgment, but inasmuch as he honestly, and to the best of his ability, exercised and gave effect to his judgment, although with such disastrous consequences, the Court cannot find him in default, nor pronounce the navigation of the "Oswald" to have been wanting in proper and seamanlike care.

(Signed) T. W. LEWIS.

We concur.

(Signed) HENRY D. GRANT,
JOHN S. CASTLE, } Assessors.
EDWARD BROOKS, }