

(No. 5030.)

“NAWORTH CASTLE”

AND

“OTARAMA” (S.S.)

The Merchant Shipping Acts, 1854 to 1887.

In the matter of a formal Investigation held at the Lecture Hall, Greenwich, on the 21st, 22nd, and 24th days of November, and at Westminster Town Hall on the 26th of November 1894, before R. H. B. MARSHAM, Esquire, assisted by Admiral GRANT, C.B., and Captains RONALDSON and BROOKS, into the circumstances attending the damage sustained by the British sailing ship “NAWORTH CASTLE,” and the British steamship “OTARAMA,” through collision off Dungeness on the 29th September 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 cause of the collision was that none of the vessels sufficiently complied with Article 15 of the Regulations for Preventing Collisions at Sea, and that the “Otarama” did not comply with Article 18; and that the cause of the loss of life was that Patrick Driscoll, the donkeyman, and James Grace, a greaser, fell in the water from the force of the collision and were drowned.

Dated this seventh day of December 1894.

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

We concur in the above report.

(Signed) HENRY D. GRANT, } Assessors.  
A. RONALDSON, }  
EDWARD BROOKS, }

Annex to the Report.

This case was heard at the Lecture Hall, Greenwich, on the 21st, 22nd, and 24th, and at the Town Hall, Westminster, on the 26th, days of November 1894, before R. H. B. Marsham, Esquire, a magistrate of the metropolis, assisted by Admiral Henry Duncan Grant, C.B., Captain A. Ronaldson, and Captain Edward Brooks as nautical assessors.

Mr. Howard Smith appeared on behalf of the Board of Trade, whilst Mr. Butler Aspinall appeared for the master, mate, and owners of the “Naworth Castle,” Mr. Nelson for the master of the “Otarama,” and Mr. Balloch for the owners of the “Otarama.”

The “Naworth Castle,” official No. 99,421, is a British three-masted sailing ship of the Port of Liverpool, built of steel at Sunderland in 1892 by Messrs. William Pickersgill and Sons.

She measures:—Length, 264.8 ft.; breadth, 39.2 ft.; depth, 25.5 ft. Her gross tonnage is 1894.62 tons, and registered tonnage 1799.15 tons.

She carried four boats, two of which were lifeboats, secured from davits on to the skids; she had the proper complement of life-saving gear, and she is owned by The “Naworth Castle” Company, Limited, of Liverpool, Mr. Walter James Chambers, of 3, King Street, Liverpool, being the registered managing owner.

She was commanded by Mr. William Smith, who holds a master’s certificate of competency, No. 13,344, and had a crew of 26 hands all told, consisting of the master, two officers, boatswain, boatswain’s mate, carpenter, sailmaker, cook, steward, 14 A.B.’s, and three boys.

The “Otarama,” formerly the “Sea King,” official No. 98,081, is a British screw steamer of the Port of Plymouth, built of steel at Sunderland by Messrs. William Doxford and Sons in 1890.

She has two masts and is schooner rigged. Her dimensions are:—Length, 365 ft.; breadth, 44.2 ft.; and depth, 30.8 ft.; her gross tonnage being 3,808.05 tons, and her registered tonnage 2,460.04 tons.

She has three engines, triple-compound surface condensing, with cylinders of 72, 44, and 27 in. diameter, respectively, 48 in. stroke, and 450 combined nominal horse power, constructed by Messrs. Doxford and Sons.

She carried four boats, two of which are life-boats, and the life-saving appliances required by the Act.

She is owned by the New Zealand Shipping Company, Limited, Mr. Oliver R. Strickland, of 138, Leadenhall Street, London, being the registered managing owner.

She was commanded by Mr. Francis Canese, who holds a master’s certificate of competency, No. 91,783, and had a crew of 50 all told, including ten A.B.’s.

The “Oceana,” official No. 95,549, is a British screw steamer of the port of London, built of steel at Dundee in 1889 by Messrs. Gourlay Brothers & Co.

She is rigged as a two-masted schooner, and measures as follows:—Length, 140 ft.; breadth, 22.7 ft.; and depth, 13.1 ft., her gross tonnage being 310.64 tons, and registered tonnage 17.45 tons. She is a twin screw with four engines, inverted compound, two of the cylinders being 19 in. and two 36 in., 27 in. stroke, and 160 horse-power combined, constructed by Messrs. Gourlay Brothers & Co., of Dundee. She had one boat.

She is owned by William Watkins, of 75, Mark Lane, London, who is also the registered managing owner.

She is commanded by Mr. Thomas A. Frost, who does not hold a certificate.

The “Naworth Castle” sailed from Bombay on the 6th May 1894, with a cargo of 3,000 tons of linseed, bound for Dunkirk. On the 28th of September, when in the vicinity of Portland in the English Channel, she fell in with the screw tug “Oceana,” by whom she was taken in tow at 5 p.m. of that date, and towed by an 11-in. Manilla hawser with a scope of 76 fathoms. All went well up to midnight of the 29th, when, steering E. by N. ½ N., they were off Dungeness, which bore N.N.E. 2½ to 3 miles, and at about 12.15 they observed the masthead and green light of a steamer nearly ahead, but a little on the starboard bow, distant about 1½ to 2 miles.

At this time Thomas Devonshire the mate was in charge of the tug “Oceana,” and Mr. Edwin Goudge, chief officer, in charge of the “Naworth Castle,” which was following the tug at from one half to a point on her port quarter.

The master of the tug, Thomas Frost, who had been relieved by Devonshire, was also on the bridge, and observing the green light remarked “We are all right, it is green to green,” and went into the chart-house. Almost at the same moment Devonshire noticed that the green light was shut in, and that the red light appeared right-ahead; he at once ordered the helm a-port, and blew one blast of the whistle. This brought the master, Thomas Frost, out on the bridge, and the mate having again ordered the helm to be ported, and the master, seeing the red light was on the port bow (the tug having under the port helm fallen off half a point), ordered the helm to be steadied, and shortly after, the steamer, which was the “Otarama,” approached so close that it appeared as if she was sheering into them. Frost then ordered Devonshire to stand by the tow-rope, and shouted to the “Otarama,” “Why don’t you port your helm; you can see by our lights that we have a ship in tow!” The “Otarama” passed the “Oceana” at a distance of about 70 ft., and collided with the “Naworth Castle,” the tow-rope at that time having been slipped.

The force of the collision had knocked the port anchor overboard, and the windlass being open, the cable had run out to the clinch, and she was thus brought up on the spot of the collision. The “Oceana” lowered her boat and sent it to pull round the “Naworth Castle” to see what injury she had sustained. Finding it was all above water, the anchor was weighed, and the “Oceana” taking her in tow again, they proceeded to Dunkirk, where they arrived the same day.

Shortly after the collision the cries of a man in the water were heard from the “Naworth Castle,” and he was seen under the bows. A life-buoy being lowered to

him, he was pulled on board, and he proved to be William Henry Edwards, A.B., of the "Otarama," who informed the Court that he believed he was knocked overboard by the fall of spars, but there were reasons for supposing that he jumped overboard.

The "Otarama," under the command of Mr. Canese, with a general cargo of 2,800 tons for New Zealand, left London at 1.30 p.m. on the 29th September. She discharged the pilot off Dover at 10 p.m., and at 12.15 a.m. of the 30th, Dungeness bearing N.W. by N. 2½ miles by 4 point bearing, course was altered from S.W. by W. to W. by S. ¼ S. magnetic, and at this time noticing a steam pilot cutter which was going in the same direction the helm was ported to give her more room, simultaneously the lights, viz., two masthead and side lights, of a tug were sighted by Mr. Noakes, the chief officer, and reported to the master. James Flanders, A.B., who was on the look-out, reporting also at about the same instant the lights by bell. The master taking the binocular glasses from Mr. Noakes, saying, "I see the lights," ordered the helm to be put hard-a-port. About a minute after Mr. Noakes said, "The tug has ported and shut out her green light," and while still watching her movements remarked to the master, "But where is the ship in tow? I can't see her lights." "No, more can I," he replied, and just then her green light suddenly shot up right ahead. The captain asked how the wheel was, and getting the reply "Hard-a-port," he called out, "Keep it there," at the same time feeling the indicator to make sure it was hard-a-port.

The tug by this time was three or four points on the port bow, distant about half their ship's length; the two ships came into collision, the bluff of the port-bow of the "Otarama" and the stem and port-bow of the "Naworth Castle" striking each other, and grazing past the side of the "Naworth Castle," the "Otarama," who had stopped her engines only at the moment of impending collision, came to a stop. The fore topmast and topsail yard were carried away, and the main topmast fell on the deck and jammed the helm, which was hard-a-port. A boat was lowered, and, under the command of Mr. Edward J. Toswill, third officer, pulled about the scene of the collision for three-quarters of an hour, but nothing was seen or heard of the two men who were missing.

These men, Patrick Driscoll, donkeyman, and James Grace, a greaser, were reported by the chief engineer to the master shortly after the collision as missing, but no evidence was forthcoming as to how these men got out of the ship. In the case of James Grace it was stated that he was in his bunk, which was crushed in by the collision, and it was conjectured that he fell through the aperture thus caused. It was stated that Patrick Driscoll had been seen on the deck after the collision by one of the greasers.

On the return of the boat, finding that the damage received in the collision was serious, the "Otarama" was steered for Dover, and subsequently proceeded to London, where she was docked at about 2.30 p.m. of the 30th.

The story as thus told by both sides substantially agreeing, the Court had to consider to whom the fault of the collision was attributable.

The master of the "Otarama," by his solicitor, accepted the full responsibility for what had happened, and desired to exonerate his officers. Mr. Nelson did not attempt any explanation of the failure on the part of the master and chief officer to observe the lights of the "Naworth Castle," and considering the estimated distance at which the lights of the tug were first seen, viz., 1½ to 2 miles, on an admittedly fine night for seeing lights, the Court could only arrive at a conclusion that the look-out on the bridge of the "Otarama" was defective, and most probably the attention of the officers was distracted by the vicinity of the pilot boat; when, however, the master of the "Otarama" became aware of the proximity of the approaching tug, he does not seem to have acted with that promptitude and care which was reasonably to be expected from him.

The lights of the tug were right ahead and close, and although he stated that he put the helm hard-a-port, yet it would not appear that she answered her helm very readily, as the lights of the tug did not broaden much on the bow until she had passed, and then the starboard light of the "Naworth Castle" suddenly comes in view, and it is only then that the engines of the "Otarama" are stopped, but not reversed.

The Court, for these reasons, found that the collision was primarily due to

1. The inefficient look-out on board the "Otarama."

2. The neglect of the master of the "Otarama" to port her helm sufficiently when the tug's lights were first seen right ahead.

3. The neglect of the master of the "Otarama" to observe Article 18 of the Regulations.

They, however, while severely censuring Mr. Canese for those acts, took into consideration his long and faithful services in the company, and did not deal with his certificate.

The contributory cause of the collision, by the handling of the tug "Oceana," was due to improper action of her master, Mr. Thomas Frost, countermanding the order of the mate, Thomas Devonshire, who had ported his helm to the lights of the "Otarama," and also countermanded his further orders to port, and although he was clear of the "Otarama" when he did so, he apparently did not take into his calculation the position of his tow, the "Naworth Castle," and assist the movements of the "Otarama" by keeping his helm hard-a-port. Had this been done, it is most probable that there would have been no collision.

The Court also considered that Mr. E. Goude, mate of the "Naworth Castle," should have directed the tug to have towed him more to port, and not to have let go the tow rope, besides not porting his own helm sufficiently.

A question arose in the course of this inquiry as to the obligation of a tug and her tow to avoid collision. It is clear that a tug and her tow are hampered in their movements, and the Court is of opinion that it is most desirable some precise rule should be laid down governing the approach of steamers and tugs towing, so as to throw upon the steamer the duty of exercising additional caution.

These were the facts of the case, and on the conclusion of the evidence, Mr. Howard Smith, on behalf of the Board of Trade, put to the Court the following questions:—

1. Whether the "Oceana" and "Naworth Castle" complied with Article 16 of the Regulations for Preventing Collisions at Sea, and, if so, did the "Otarama" comply with Article 22 of the said Regulations?
2. Did the "Oceana," "Naworth Castle," and "Otarama" comply with Article 15 of the said Regulations?
3. Whether a good and proper look-out was kept on board the "Oceana," "Naworth Castle," and "Otarama"?
4. What was the cause of the loss of life from the "Otarama," and was every effort made by the masters of both vessels to stand by and render assistance?
5. What was the cause of the collision?
6. Whether the "Oceana," "Naworth Castle," and "Otarama" were navigated with proper and seaman-like care?
7. Whether the master and mate of the "Naworth Castle" and the master and officers of the "Otarama" are, or either of them is, in default, and whether blame attaches to the master and mate of the "Oceana"?

Mr. Butler Aspinall and Mr. Nelson having respectively addressed the Court, judgment was given as follows:—

1. Article 16 of The Regulations for Preventing Collisions at Sea does not apply, as the "Oceana" and "Naworth Castle" were not crossing the "Otarama."
2. The "Oceana," the "Naworth Castle," and the "Otarama" did partly comply with Article 15, inasmuch as they ported their helms, but not sufficiently.
3. A good and proper look-out was kept on board the "Oceana" and the "Naworth Castle," but not on board the "Otarama."
4. The cause of the loss of life was that a collision having taken place between the "Naworth Castle" and the "Otarama," Patrick Driscoll, the donkeyman, and James Grace, a greaser, from the force of the collision fell in the water and were drowned.  
There was no evidence how they got in the water; nor were they seen there, and no cries were heard.  
Every effort was made by the masters of both vessels to stand by and render assistance.  
One man, William Henry Edwards, was picked up by the "Naworth Castle," a life buoy being thrown to him.
5. The cause of the collision was that none of the vessels sufficiently complied with Article 15 of the Regulations, and that the "Otarama" did not comply with Article 18.

6. The "Oceana," "Otarama," were navigated with seaman-like care.

7. No blame attaches to the "Oceana" and "Naworth Castle."

The mate of the "Oceana" was not porting his helm sufficiently when the lights of the "Otarama" were first seen right ahead, and the master of the "Oceana" was not porting his own helm sufficiently.

The master of the "Naworth Castle," and the mate of the "Naworth Castle," should have directed the tug to have towed him more to port, and not to have let go the tow rope, besides not porting his own helm sufficiently.

6. The "Oceana," the "Naworth Castle," and the "Otarama," were not navigated with proper and seamanlike care.

7. No blame attaches to the master of the "Naworth Castle."

The mate of the "Naworth Castle" was to blame for not porting his helm sufficiently when the red-light of the "Otarama" came into view ahead, and for not giving instructions to the tug.

The master of the "Otarama" is in default, inasmuch as he failed to observe the lights of the "Naworth Castle," and, not having seen them, did not take prompt measures to avoid the collision.

The master of the "Oceana" was to blame in having

steadied his helm when the "Otarama" was rapidly approaching.

No blame whatever attaches to the mate of the "Oceana."

The Court severely censures the master of the "Otarama," and censures the mate of the "Naworth Castle."

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

We concur.

(Signed) HENRY D. GRANT, }  
A. RONALDSON, } ASSESSORS.  
EDWARD BROOKS, }