

(No. 5074.)

“CULMORE.”

The Merchant Shipping Acts, 1854 to 1887.

In the matter of a formal Investigation held at Glasgow, on the 16th, 17th, and 24th days of January 1895, before DAVID DAVIDSON BALFOUR, Sheriff-Substitute of Lanarkshire, assisted by Captains ALEXANDER WOOD and WILLIAM ERSKINE, into the circumstances attending the loss of the British sailing ship “CULMORE,” of Londonderry, in the North Sea, on or about the 14th November 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 casualty was due to the ballast shifting in a heavy gale of wind through not having been properly secured, and that this caused the vessel to turn over on her beam ends and sink; and that blame attaches to Captain Hawkins for not seeing that the ballast was properly secured before the ship left Hamburg, especially considering the quality of the ballast. The Court orders that Captain William Stevenson Hawkins, of Glasgow, marine superintendent, do pay to the solicitor to the Board of Trade the sum of fifty pounds, on account of the expenses of this investigation.

Dated this 24th day of January 1895.

(Signed) D. D. BALFOUR, Judge.

We concur in the above report.

(Signed) WILLIAM ERSKINE, } Assessors.  
A. WOOD, }

Annex to the Report.

This was an inquiry into the circumstances attending the loss of the British sailing ship “Culmore,” of Londonderry, in the North Sea, about 100 miles N.E. of Spurn Head, before Sheriff-Substitute Balfour, assisted by Captains Woods and Erskine, nautical assessors. Mr. C. D. Donald appeared for the Board of Trade, Mr. William Borland for the owners, Mr. T. A. Fyfe for the representatives of the master, and Mr. John A. Spens for the underwriters.

The “Culmore,” official No. 94,215, was a British sailing ship, built of steel by Messrs. Russell & Co., Port Glasgow, in 1890, and was of the following dimensions:—Length, 260·5 ft.; breadth, 38·2 ft.; and depth, 23·1 ft. Her registered tonnage, after deducting 81·19 for crew space, was 1638·93 tons. She had three boats, one of which (a lifeboat) was fitted up in accordance with the Board of Trade requirements, and was said to be sufficient to carry all hands. She had six life-buoys, which were on deck, and twenty-eight life-belts, which were kept in a room in the cabin. She was owned by the Sailing Ship “Culmore” Company, Limited, of 17, Royal Exchange Square, Glasgow, Mr. Robert Dickie, of 17, Royal Exchange Square, Glasgow, being designated the managing owner.

The “Culmore” discharged a cargo of nitrate at Hamburg in October last. While there she was joined by a new master, P. Halliday, aged 28, who had previously been in command of the “Polynesian,” which vessel was, as well as the “Culmore,” under the management of Messrs. Thomson, Dickie & Co. He was described to the Court by Captain Hawkins as being a careful, pushing, and energetic shipmaster. Mr. Dickie stated in evidence that formerly the masters of the ships under his management had a book of instructions issued to them for their guidance, but that some eighteen months previous to this inquiry these instructions fell into disuse and were superseded by letters of instruction to their masters at the beginning of each voyage. Neither this book nor any copy of the letter of instructions was produced in Court, as it was stated that

Captain Halliday had never seen the book, and that he had got no letter of instructions at Hamburg because the management there was directly represented by Captain Hawkins, the marine superintendent of the Company, who managed the “Culmore,” and who was the acknowledged superior of the master at Hamburg. Four days after the “Culmore” had commenced to discharge her inward cargo of nitrate Captain Hawkins arrived at Hamburg to control the vessel’s expenses, supervise the work necessary for getting the vessel despatched to sea, and to attend to the other duties of a marine superintendent. On 17th October Captain Hawkins left Hamburg for Barry. He stated to the Court that before leaving he gave instructions to the master to put up shifting boards in the main hold, and to take in 500 tons of sand in order to ballast the ship for going into the dry dock. Before leaving Hamburg Captain Hawkins had contracted for this ballast to be supplied by Mr. Guttery, ballast contractor. According to the deposition of Wilhelm Von Rehn (sole partner of the firm of E. P. Guttery), made before H.M. Consul, Hamburg, this ballast was of the usual quality supplied to shipping at that port. It is obtained by dredging the Elbe, and the usual price of it is one shilling per ton. A sample of this sand was produced in court, which Wilhelm Von Rehn deponed was exactly the same as the ballast supplied to the “Culmore.” This sample, in the condition it was presented, seemed a dangerous quality of ballast unless properly secured. It ran, as described by some of the witnesses who handled it, like quicksilver. Neither Captain Hawkins nor any of the other witnesses could identify the sand in the sample to be of the same quality as the sand used for ballasting the “Culmore.” The “Culmore’s” ballast was described generally to be darker in colour, to have more cohesion among its grains, and to be altogether a better class of ballast than the sample. The discrepancy here, however, was considerably removed when the Court found that by slightly damping a portion of the sample it became much darker in colour, and its co-efficient of friction was increased from being about  $\frac{1}{4}$  in the dry sand to at least  $\frac{3}{4}$  when the sand was but slightly damped. On 25th October Captain Hawkins returned to Hamburg, and found that the ballast had been taken in and was standing in a cone under the main hatch. He stated to the Court that he was under the impression that shifting boards had been put up in the lower hold, but he was not certain about this. With regard to this matter the Court is impressed with the fact that, had sufficient shifting boards been put up for some 800 tons of ballast, these shifting boards would have been conspicuously visible after 500 tons of ballast was on board, and that Captain Hawkins should have no doubt as to whether they were there or not, considering that he was especially responsible for the vessel’s seaworthiness, and in view of his statement to the Court that he had given the master specific orders to have shifting boards put up. All the other witnesses who had seen the sand in the vessel’s hold at Hamburg, at Cuxhaven, or in the North Sea, when trying to trim the ship upright, had not seen or heard anything whatever of these shifting boards. Wilhelm Von Rehn has stated in his second deposition that neither he nor his men when trimming the ballast at Hamburg saw any shifting boards, but he accounts for this by the darkness, and further says that he is of opinion, from his past experience of Captain Hawkins, that shifting boards were put up. The Court is not prepared to accept these statements, for if the men could see to trim ballast they must have seen these shifting boards, and Captain Hawkins stated in evidence that in his own experience at sea he never used shifting boards for ballast. On the 26th October the discharging of the inward cargo was finished. The vessel was then placed in dry dock, and underwent her No. I. survey. After she came out of dry dock Captain Hawkins arranged with Mr. Guttery, ballast contractor, to complete ballasting the ship to 850 tons. After this arrangement was made he received a letter from Messrs. Thomson, Dickie & Co. in the following terms: “Lay days not to begin to 20th November, but we have tried to get earlier days without success. There is, therefore, now no hurry to tow ship, so you will please give her sufficient ballast to beat down.” On receipt of this letter Captain Hawkins made a

further arrangement with Mr. Guttery for 50 tons more ballast, which, when on board, completed the "Culmore's" ballast to 920 tons, being 20 tons more than was actually ordered. It was also part of M. Guttery's contract to trim and level this ballast down. The weight when on board was to be checked by the ship's draft of water and her displacement scale. This was done to the satisfaction of both parties concerned. About 160 tons of this ballast was put down the quarter-hatch, and the remainder down the main-hatch. No shifting boards were put in with this portion of the ballast. The vessel's draft on leaving Hamburg was 12 ft. 6 in. forward and 13 ft. aft. The water there being brackish, it was estimated the vessel would rise three inches when she got into sea water. About 6.30 a.m. on the 4th November the vessel left Hamburg and was towed down the river. Her crew were as follows:—

	Nationality.	Age.
P. Halliday, Master	Glasgow	28
G. H. Paton, Mate	Blank on the Articles	—
D. H. Smith, 2nd Mate	Arbroath	23
K. M'Kenzie, 3rd Mate	Glasgow	22
T. Salveson, Steward	Norway	19
H. Hainala, Carpenter	Finland	45
H. Harms, Sailmaker	Hamburg	25
A. Elm, A.B.	Riga	37
V. Candorf, A.B.	Canada	30
W. Strandman, A.B.	Finland	20
H. Johanson, A.B.	Sweden	23
A. Norberg, A.B.	"	27
C. Dhal, A.B.	Norway	36
F. Hellestrom, A.B.	Sweden	22
T. Taspion, A.B.	Sweden	22
A. Vila, A.B.	Spain	28
F. Castillo, A.B.	Puerto Rico	26
E. Dalbrozo, A.B.	Austria	23
John Peters, A.B.	Baltimore	36
W. Tramoff, A.B.	Finland	22
E. Anderson, A.B.	Sweden	23
G. Ericsson, A.B.	"	24
George Petzel, Cook	Bavaria	19
E. F. Alder Prew, Apprentice	Glasgow	15
Joseph Gew, Apprentice	London	15

The master's wife was also on board. The "Culmore" was abreast of Cuxhaven at about 6.30 p.m. on the 4th November. A strong head-wind being then blowing, the vessel was brought to an anchor off that port, where she remained two days. While there the second mate and carpenter, with some of the crew, were employed levelling the ballast and laying boards over the top of it. These boards were tommed down from the 'tween-deck beams. By 3 p.m. on the 6th November the weather had moderated. The vessel was got under weigh, but by the time she got towed as far as the lightship, the weather had become so foggy that the anchor was again let go. The weather had cleared by 5 o'clock next morning. The anchor was then hove up and the vessel towed outside of Heligoland. Sail was set on the ship, and the tow-boat left her there at 7 o'clock on the evening of the 7th. The wind being moderate from S.W., the "Culmore" stood off the land on the port tack under her topsails and courses. During the succeeding five days the wind continued moderate from the south-westward, and the ship remained beating to windward in the North Sea. The hands were employed during this time in lashing up shifting boards in the 'tween decks in readiness for the coal cargo that was to be loaded in Barry. On the 12th November the weather began to turn bad, blowing from west and backing into S.W. with a heavy sea. At midnight on the 12th the three upper topsails were made fast. The gale steadily increased. By midnight of the 13th the only sail the vessel had set was her main lower topsail. About 6 a.m. on the 14th the man on the look-out reported to the second mate that the anchor was coming adrift, and was knocking against the bow. The second mate informed the master, who had been on deck all night, of this. The master ordered all hands on deck to secure the anchors. While at work securing the anchors they found the vessel taking a heavy list to starboard, and realised that the ballast was shifting. Hands were at once sent into the hold to trim the ballast to windward. The lower

main topsail was cut away and endeavours made to get the ship before the wind, but it was found she was unmanageable. As the vessel was now going over fast, attempts were made to get the topmasts out of the ship. With this object in view, one of the witnesses who appeared in Court went aloft with an axe to break the screws of the topmast rigging. His efforts were unsuccessful. He did not succeed in breaking any of them, and there was not sufficient time to unscrew them. The vessel was now almost on her beam ends. The efforts of the hands in the hold were of no avail with the ballast, as the ship was throwing it to leeward faster than they could shovel it to windward. They were called up, and the hatch battened down. An attempt was then made to get out the forward lifeboat. This boat was smashed by the sea as soon as it was lifted off the chocks. It was found impossible to do anything with the starboard lifeboat as the vessel had too much of a list. By this time the vessel was on her beam ends, and all hands had to get out on the port side of the ship. A few had on lifebelts, viz., the master, master's wife, the second mate, and two A.B. seamen. So few of the crew having got lifebelts is probably due to the whole of their energies being directed to preventing the vessel from capsizing until lifebelts could only be obtained from the cabin at great risk. The difficulty of obtaining them was probably accentuated (to judge from the witnesses who appeared in Court) by the imperfect knowledge some of the crew had of the English language, which would prevent them, from excitement under the circumstances, from readily informing themselves where the lifebelts were to be obtained. The chief mate and two of the seamen assisted to keep the master's wife in a position on the side of the vessel. About 7 a.m., when the "Culmore" began to list heavily, the "Pelican," of Grimsby, a small screw steamer employed in the fish-carrying trade, came under her stern and lay by her for two hours till she sank. Owing to the strength of the gale, and the condition of the sea, the "Pelican" was unable to take anyone off the wreck. Just before the "Culmore" sank, the "Swift," a Grimsby steam trawler, also came close to her. The master of this vessel made most energetic measures to rescue the crew of the "Culmore" from their perilous position. He kept his vessel close to the "Culmore's" stern, and as soon as she sank he steamed over the top of where she went down and was successful in rescuing four seamen, viz., August Elm, Arthur Norberg, and Konstantine Ivanoff, A.B.'s, who appeared as witnesses, and another seaman who, through injuries he received, is at present in the infirmary at Hull. His name did not transpire in Court. The master and the master's wife were also rescued. They were both alive when got on board the "Swift," but died shortly afterwards from injuries they had received in the water. The "Swift" remained near the scene of the casualty till the hope of saving any other of the crew was gone. The master of the "Swift" then shaped a course for the Humber, and in due course arrived at Hull, where the survivors from the "Culmore" were landed, and also the bodies of the master and his wife.

During the course of this investigation grave reflections were cast upon the conduct of those on board the "Pelican" by various witnesses, for not making sufficient efforts to save the lives of those on board the "Culmore." In summing up the evidence, the united testimony of these witnesses on this point was of such a serious nature that the Court found it necessary, in the interests of justice, to have evidence from the "Pelican" regarding this matter. For this purpose the Court was adjourned till the 24th inst. The master of the "Pelican" did not then appear in Court, as it was stated this would have caused serious inconvenience and loss to his employers. The second hand, C. Lambert, who holds a skipper's certificate of competency, No. 41, however, appeared and stated that while on a passage from Gravesend to join the fishing fleet, at about 8.30 a.m. on 14th November, during a strong gale from the S.W. a large vessel was sighted on the port bow, under bare poles, heading N.N.W., with her main topsail blown away. At this time they were on the Dogger Bank. After steaming round the vessel they saw three men on her deck, and hailed them to cut away their masts and let go their anchor. It appears from the evidence of the survivors from the "Culmore" that they could not make out what was said. It also appears from their evidence that after the main topsail was cut away and efforts made to trim the ballast, the ship went over so quickly that there was no time left for doing anything

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further to save the vessel. Shortly after this, the steam trawler "Swift" came close to, and the master of the "Pelican" hailed the master of the "Swift" and asked him to stand by and lend a hand to save the crew as his boat was not fit for use through a crack in one of the planks 2½ feet long. All the evidence, however, is to the effect that the storm was such that it was impossible to use a boat. He also stated that both the "Pelican" and the "Swift" remained by the scene of the wreck for an hour after the "Culmore" sank, and that both vessels steamed away from the place at the same time.

The vessel was insured for the voyage from Hamburg via Barry to Rio Janeiro with coals for £20,000, and the freight was also insured for £2,100.

At the conclusion of the evidence, the following questions were submitted on behalf of the Board of Trade; Mr. Barland and Mr. Fyfe addressed the Court for their respective clients, and Mr. Donald replied:—

1. Whether the "Culmore" was provided with shifting boards, planks, and toms, or shores for the purpose of securing the sand ballast?
2. Whether having regard to the quantity of ballast, the vessel had sufficient stability for a voyage from Hamburg to Barry?
3. Whether Captain Hawkins took proper and sufficient measures to ensure that the ballast was properly secured before the vessel left Hamburg?
4. Was the ballast carried in bags, was it planked over and tommed down, or was it otherwise properly secured from shifting before the vessel left Hamburg?
5. What was the cause of the casualty and loss of life?
6. Whether blame attaches to Captain Hawkins and to Mr. Dickie, or either of them?

To which the Court replied:—

1. The "Culmore" was provided with sufficient shifting boards, planks, and toms for securing the said ballast.
2. With regard to the quantity of ballast, the vessel had 920 tons of ballast on board, which gave her sufficient stability for a voyage from Hamburg to Barry.
3. Captain Hawkins did not take proper and sufficient measures to ensure that the ballast was properly secured before the vessel left Hamburg in respect that he failed to fit up shifting boards in the holds to prevent the shifting of the ballast, or to see that such shifting boards were fitted up.

4. There was no ballast carried in bags, it being all in bulk. When the vessel left Hamburg there was nothing done towards securing the ballast further than levelling it down. While the "Culmore" was lying windbound at Cuxhaven, boards were placed over the ballast, and these were tommed down from the 'tween deck beams; but the ballast had not been properly secured with shifting boards, at least towards the upper part, which part would be most liable to shift in a sea-way. With reference to the fitting up of shifting boards at the lower part of the ballast, the Court is of opinion that there is no proof of such boards having been fitted up.

5. The casualty was due to the ballast shifting in a heavy gale of wind through not having been properly secured, and this caused the vessel to turn over on her beam ends and sink.

The loss of life was due to the suddenness of the casualty and the extreme violence of the storm at the time, which prevented those on board the "Culmore" from making use of their own boats, while at the same time it prevented the masters of the steam vessels "Swift" and "Pelican" from sending boats to their rescue. The "Swift" rendered meritorious services after the "Culmore" sank by waiting on for about two and a half hours, and rescuing four of the crew and the captain and his wife; but, unfortunately, the captain and his wife died immediately after being rescued.

Certain of the witnesses were disposed to blame the "Pelican" for not rendering sufficient assistance in saving life, but from the evidence of the mate of the "Pelican" it would appear that the "Pelican" remained on the spot for an hour after the disaster, but did not succeed in saving any of the crew.

6. The Court is of opinion that blame attaches to Captain Hawkins for not seeing that the ballast was properly secured before the ship left Hamburg, especially considering the quality of the ballast. The Court is further of opinion that no blame attaches to Mr. Robert Dickie, as he appointed a responsible and experienced superintendent and provided all necessary materials for the equipment of the ship.

The Court marks its sense of the gravity of Captain Hawkins' fault by ordering him to pay the sum of 50*l.* towards defraying the expenses of this inquiry, and the Court orders accordingly.

(Signed) D. D. BALFOUR, Judge.

We concur.

(Signed) WILLIAM ERSKINE, } Assessors.  
A. WOOD, }