

(No. S 97.)

"ISLE OF BUTE"

AND

"WALNEY" (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a formal Investigation held at the Town Hall, Whitehaven, on the twenty-seventh day of March 1895, before JAMES GIBSON DEES, Esquire, and WILLIAM HENRY KITCHIN, Esquire, Justices of the Peace, assisted by Captain WARD, Captain CUNINGHAME, and Mr. JOHN REED, Fishery Assessor, into the circumstances attending the loss of the British sailing ship "ISLE OF BUTE," of Whitehaven, through collision with the British steamship "WALNEY," of Whitehaven, off Saint Bees Head, Cumberland, on or about the 5th instant.

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 caused by a mistake of the man at the wheel of the "Walney," who had been improperly left in sole charge of the deck by the master. The Court finds John Greenlaw Hunter, the master of the "Walney," alone in default. The Court orders the said John Greenlaw Hunter to pay the sum of five pounds towards the costs of the investigation.

Dated this twenty-eighth day of March 1895.

(Signed) J. GIBSON DEES, } Justices of the
W. H. KITCHIN, } Peace for the
County of
Cumberland.

We concur in the above report.

(Signed) C. Y. WARD, } Assessors.
ANDW. CUNINGHAME, }
JOHN REED, Fishery Assessor.

Annex to the Report.

This inquiry was held at the Town Hall, Whitehaven, in the county of Cumberland, on the 27th day of March 1895, when Mr. Howson represented the Board of Trade and Mr. Webster represented John Greenlaw Hunter, the master of the "Walney" s.s.

The "Isle of Bute," official No. 67,139, was a smack built at Rothsay, in the Isle of Bute, in the year 1865, and registered at Whitehaven. Her length was 44.7 ft., breadth 13 ft., and depth of hold 5.7 ft. Her gross tonnage was 22.91. She was a smack-rigged sailing ship, and was owned by Joseph Greenop, of Workington, in the county of Cumberland, and was at the time of the casualty commanded by John Elliot, of Whitehaven. Her crew consisted of three hands all told, viz., John Elliott, a second hand, and a deck hand. John Elliott did not hold any certificate. The "Isle of Bute" left the Port of Workington on Monday the 4th March instant, at 4 p.m., for the fishing ground off Saint Bees Head, the tide at that time being about high water, and the weather fine and clear with a west or north wind. She carried ballast and fishing gear estimated at 12 tons, but no cargo. Her draught was about 6 ft. aft and about 4 ft. forward. The "Isle of Bute" was in good order, and had everything she needed, including a boat. The "Isle of Bute" spent Monday night trawling off Saint Bees Head. Tuesday, the 5th March, was fine and clear, and about noon of that day the skipper of the "Isle of Bute" was on the deck of his vessel, the other two men having gone below to sleep. The skipper estimated that he was then from 12 to 16 miles north and west of Saint Bees Head. The skipper remained on deck, and at about 1.30 p.m. saw a steamer coming from the westward. The "Isle of Bute"

was then heading towards Saint Bees Head from the Ross Light under main sail, jib, and foresail: the wind was very light and the trawl net was out, the vessel was therefore making very little headway. The skipper of the "Isle of Bute," seeing that the steamer continued to approach his vessel, shouted to those on board the steamer, but so far as he could see he did not succeed in attracting anyone's attention, he then called his own men, shouting to them to come up and save their lives. The other two men joined the skipper on deck, and a minute or two afterwards the "Isle of Bute" was struck on her starboard side abaft the rigging by the stem of the steamer and cut half-way through, in consequence of which she sunk immediately in 19 fathoms of water. The skipper and the other two men climbed into the rigging of the "Isle of Bute," and from there were assisted on to the fore-castle of the steamer. The skipper and crew of the "Isle of Bute" were unable to do anything to prevent the collision, the trawl being down acted as an anchor, and there was very little way on the boat. At the time of the collision the tide was about three hours flood, and the wind was south and west. The steamer was stopped, and the men on board gave every assistance to the men on board the "Isle of Bute." The skipper of the "Isle of Bute" was unable to see anyone on board the steamer before the collision, as the bow of the steamer was too high above the "Isle of Bute" to allow him to see anyone on deck. The "Isle of Bute" had a compass in the binnacle and another in a box in the cabin. The steamer which ran into the "Isle of Bute" proved to be the "Walney" s.s. The crew of the "Isle of Bute" were taken on board the "Walney" to Maryport.

The "Walney," official No. 74,757, is an iron screw steamer, built at Whitehaven in the year 1881, and registered at that port, her length being 130.2 ft.; breadth, 21.5 ft.; depth of hold, 9.05 ft.; length of engine-room, 26.5 ft. Her nett registered tonnage is 120.34; she is schooner-rigged and propelled by one pair of direct-acting compound condensing engines of 45 horse-power combined. She is managed by Mr. William Burnyeat, of 36, Lowther Street, Whitehaven; he being designated the person to whom the management of the vessel is entrusted by and on behalf of the owners, and at the time of the casualty she was commanded by John Greenlaw Hunter. Her crew consisted of seven hands all told, viz., John Greenlaw Hunter, the master, one mate, two able-bodied seamen, two engineers, and a fireman. Neither the master, the mate, nor either of the two engineers holds a certificate. The "Walney" left Drogheda for Maryport on the flood tide at about 1.30 a.m. on the 5th March instant, she then having neither cargo nor passengers on board. The vessel was drawing about three feet forward and about nine feet aft; there was a fair and very light wind from the west and the weather was fine and clear. The "Walney" was in good order and well found. By noon on the 5th March the "Walney" was abreast of the Point of Ayr, which bore south-east, about two miles distant by compass. The "Walney" carried two compasses, one a standard on the bridge, the other a spare compass in the cabin; the standard compass was adjusted in May last at Dublin. From the Point of Ayr the captain laid his course east by north, the engines being then worked at full speed and the vessel making about 8 knots an hour. At 2 p.m. the "Walney" had Saint Bees Head bearing south-east by south, and distant from 10 to 15 miles. It was at that time the mate's watch, his watch commencing at 10.30 a.m. and concluding at 2.30 p.m.; the mate's name is John Russell, and his watch was shared by an able-bodied seaman named Edward Anderson. About 1.40 p.m. the master of the "Walney" told the mate to go and get some dinner ready, and the master then himself took charge of the wheel. When the master took charge of the wheel he observed a small fishing smack in the distance right ahead, and he kept it in view until 2 p.m., when it was from three to four miles right ahead, or a little on the "Walney's" starboard bow. The master at 2 p.m. left the deck for the purpose of joining the mate at dinner in the cabin below; the wheel and sole charge of the deck being then left to the seaman, Edward Anderson. The captain, before going below, told Anderson to give the little smack a good berth, and Anderson replied, "All right, sir." It was at that time quite clear, the sea smooth, and the wind about S.W. The "Walney" had no canvas set.

and there was nothing to prevent the man at the wheel from seeing the smack, and he did, in fact, see the smack clearly, and was perfectly well acquainted with the course which he ought to steer, viz., east and by north; but in a moment of thoughtlessness he ported the helm of the "Walney" when he intended to put the helm to starboard, and did not discover his mistake until it appeared to him to be too late to avoid a collision. He at once turned the wheel so as to put the helm as quickly as possible to starboard, and the captain and the mate, hearing a sudden jerk of the wheel, ran on deck and then found that the fishing smack was close beneath their bows, and that nothing could be done to avoid a collision. The mate went to the wheel and assisted Anderson to put the helm hard-a-starboard, and the captain rang the telegraphic bell which communicated with the engine-room, signalling the engineman to stop the engines, which order was instantly complied with by the engineman who was at the time in charge. The "Walney" struck the smack stem on, and the smack went down in about a minute. There were at the time three men on the deck of the "Walney," viz., the master, the mate, and Anderson. It did not appear to be the usual practice to leave the "Walney" with only one hand on deck. The "Walney" is engaged in the coasting trade, with runs of from 8 to 12 hours at the most, the general runs being from Cumberland ports to Liverpool, which is about a nine hours' voyage, so that the officers and crew are all on call, and are considered more or less on duty throughout each voyage. The "Walney" carried neither cook nor steward, and the men provided themselves with food. The seaman, Edward Anderson, who was at the wheel at the time when the collision took place, has had 35 years' experience at sea, and has acted in a mate's place on a coaster, and has also been a boatswain. He denied being either sleepy or tired, and stated that he could give no further account of the mistake which he had made. He is a Norwegian by birth, but perfectly understands the English language, and has been in British vessels during the whole of the time that he has been at sea.

Before the evidence was taken, the solicitor for the Board of Trade submitted the following questions to the Court, reserving to himself the right to vary or alter such questions as he might think proper upon the conclusion of the evidence, but no such alteration or variation was, in fact, made, except that he asked the Court to consider whether, in the event of their finding that the captain of the "Walney" was in default, they would make any order upon him with reference to the costs of the investigation:—

Questions.

1. Whether both vessels complied with the Regulations for Preventing Collisions at Sea, *i.e.*,
The "Walney," with Articles 17 and 18?
The "Isle of Bute," with Article 22?
2. Whether the "Walney" was properly and sufficiently manned?

3. Was it the practice on board the "Walney" to leave an A.B. at times in sole charge of the deck?

4. Was the master of the "Walney" justified in leaving Edward Anderson, A.B., in sole charge of the deck at or about 2 p.m. of the 5th March instant?

5. Whether a good and proper look-out was kept on board both vessels?

6. What was the cause of the collision?

7. Whether both vessels were navigated with proper and seamanlike care?

8. Whether the skipper of the "Isle of Bute" and master of the "Walney" are, or either of them is, in default?

Mr. Webster stated that the evidence having been given in a satisfactory manner he did not propose to address the Court on behalf of the master of the "Walney," and Mr. Howson having stated that he did not wish to reply on behalf of the Board of Trade, the Court proceeded to reply to the questions as follows:—

Replies.

1. The "Walney" did not comply with the Regulations for Preventing Collisions at Sea.

The "Isle of Bute" did comply with the Regulations.

2. Having regard to the length of the voyages usually made by the "Walney" and to the fact that the whole of the crew is virtually on duty throughout each voyage, the Court is of opinion that she was properly and sufficiently manned.

3. It was not the practice on board the "Walney" to leave an A.B. in sole charge of the deck.

4. The master was not justified in leaving Edward Anderson, A.B., in sole charge of the deck at or about 2 p.m. of the 5th March instant.

5. There was not a good and proper look-out on board the "Walney." There was a good and proper look-out on board the "Isle of Bute."

6. The collision was caused by a mistake made by Edward Anderson who was at the wheel of the "Walney," he having ported the helm when he thought he was starboarding, and not discovering his mistake until it was too late.

7. The "Walney" was not navigated with proper and seamanlike care.

The "Isle of Bute" was navigated with proper and seamanlike care.

8. The skipper of the "Isle of Bute" is not in default.

The master of the "Walney" is in default in having left the deck in sole charge of one seaman; had an officer been on deck in all probability the collision would have been avoided.

(Signed)

J. GIBSON DEES.

W. H. KITCHIN.

C. Y. WARD.

ANDW. CUNINGHAME.

JOHN REED.

Issued in London by the Board of Trade
on the 8th day of April 1895.

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