

(No. S 98.)

"DELIGHT" AND "BERLIN" (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a formal Investigation held at the Guildhall, Plymouth, on the 23rd and 24th days of April 1895, before JOSEPH ARTHUR BELLAMY and ANDREW SAUNDERS HARRIS, Esquires, Justices of the Peace, assisted by Captain RICHARD C. DYER, R.N., and Captains WILLIAM BARNETT BIGLEY and SAMUEL BROOKS, into the circumstances attending the loss of the British sailing ship "DELIGHT," of Plymouth, through collision with the British steamship "BERLIN," of Liverpool, off the Eddystone on or about the 21st March 1895, 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 loss of life was occasioned by the "Berlin" coming into collision with the "Delight," and, owing to the force of the blow, the two men who were on the fore part of the vessel at the time were probably crushed and killed, as nothing was seen or heard of them after the collision.

Dated this 24th day of April 1895.

(Signed) J. A. BELLAMY, }
A. S. HARRIS, } Justices.

We concur in the above report.

(Signed) RICH. C. DYER, }
WM. BARNETT BIGLEY, } Assessors.
SAMUEL BROOKS, }

Annex to the Report.

This inquiry was held at the Western Law Courts, Plymouth, on the days above mentioned, when Mr. Wolferstan represented the Board of Trade, Mr. Baden Powell the owners and officers of the steamship "Berlin," Mr. Percy T. Pearce the owner of the "Delight," and Mr. W. Earl watched the proceedings on behalf of the relations of the drowned men.

The "Delight," official number 97,480, was a ketch-rigged fishing vessel built of wood at Brixham in the year 1891 by Mr. R. Jackman of Brixham, and her dimensions were as follows:—Length, 66 ft. 8 in.; breadth, 18 ft. 5 in.; depth, 8 ft. 9 in.; and her tonnage 49.88 tons net register. She was owned and managed by Mr. J. C. Pease, of 27 Southside Street, Plymouth, and the vessel was mortgaged for 900*l.*

The "Delight" left Plymouth on March 21st 1895, at 9.30 a.m., on a fishing cruise under the command of Thomas Rowe with a crew of four hands all told. All went well, and she passed the Eddystone at 3 p.m. of the same day. The weather at this time was fine and clear with a light and variable breeze, steering S.S.W., which course was continued until 7 p.m., when the vessel was then 20 miles S.S.W. of the Eddystone. The trawl was then shot on the port side, the mainsail was set, masthead light put up, and she moved about one knot per hour. At 9 p.m. the weather became very thick, the trawl was taken in, masthead light taken down, and the side lights put in their respective positions, the large mainsail was lowered and a small one set in its place, the vessel lay on the port tack heading to the northward, but the wind was so light that she made but little or no headway, and the tiller was lashed amidships.

At 10 p.m. the skipper, Thomas Rowe, Hearson, second hand, Lucock, third hand, and James Rowe, fourth hand, were all on deck and commented upon the density of the fog. Shortly after 10 o'clock the skipper and Thomas Lucock, the third hand, went below leaving Hearson and James Rowe on deck. The skipper and second hand, Hearson, both stated in evidence that the foghorn at this time was sounding every two

minutes, but the skipper stated in his deposition that it was sounded every five minutes only.

At 10.45 p.m. the fourth hand, James Rowe, went below to get supper, leaving Hearson, the second hand, in charge of the deck. The skipper stated that soon after midnight he heard a cry from the deck, "Come up quickly," upon which they all rushed on deck and heard the whistle of a steamer close to. That he immediately took a red flare from the binnacle, and after burning this called for more, which were at once brought to him by the fourth hand, but that they had not time to use them. That after burning the flareup he heard the noise of a steamer coming through the water as she approached them, and then saw her mast-head and both side lights. That almost immediately the steamer crashed into them, striking them on the port side about amidships, cutting them clean in two. That at this time he and the fourth hand were on the after part of the vessel, and dropped along the star-board side of the "Berlin," passing astern.

The second and third hands were on the fore part of the "Delight," and passed down the port side of the "Berlin." Neither this portion of the vessel or the two men were seen again.

The skipper and fourth hand remained on the after part of the wreck up to their waists in water for about 20 minutes, when they were taken off by a boat sent from the "Berlin" in charge of the second officer. At this time, owing to the density of the fog, the boat on returning was unable to find the "Berlin," but hearing a steamer's whistle they proceeded in that direction, and on getting alongside found she was the steamer "Middlesborough," who at once took them on board and went in search of the "Berlin," which she shortly afterwards found, and the men were transferred to her. Such was the narrative of the master and fourth hand of the "Delight."

The "Berlin," formerly "City of Berlin," official number 70,913, was an iron screw-steamer built in the year 1875 at Greenock by Messrs. Caud and Company, and was owned by the International Navigation Company, Ltd.; Edward Taylor, of 22, Water Street, Liverpool, being appointed manager on June 22nd, 1894. She was schooner rigged, and her dimensions were as follows:—Length 488 ft. 6 in., breadth 44 ft. 2 in., depth 19 ft. 3 in., and 3,374.98 nett registered tonnage. She was fitted by Messrs. Laird Brothers, Birkenhead, in 1887, with three triple expansion inverted direct-acting engines of 1,000 horse-power combined.

She had 14 boats, and was fully equipped according to Board of Trade requirements.

The "Berlin" sailed from New York on the 13th March bound for Southampton with a general cargo, a crew consisting of 142 hands all told and 160 passengers. All went well until the 21st March, when the Lizard was sighted and passed at about 9 p.m., distant four miles. The weather at this time was fine, wind light, southerly, clear overhead, but banks of fog on the water.

The captain stated in evidence that he could occasionally see from three to four miles, and therefore did not consider it necessary to reduce speed. The course was then set E. $\frac{1}{2}$ S. magnetic, and she proceeded up channel at a speed of 12 $\frac{1}{2}$ knots.

At midnight a cast of the lead was taken showing 35 fathoms, the Eddystone being then about 12 miles E. by N. magnetic. The fog had become dense; three men were on the look-out on the fore-castle, and one at the whistle, which was blown every minute. At 15 minutes a.m. of the 22nd the captain went to the chart-room to consult his chart, and before leaving the bridge took a good look round, but could not see more than two or three hundred yards, and there was nothing to be seen or heard. About 10 seconds after he left the bridge he heard the second officer, whom he had left in charge of the deck, call out "Captain!" upon which he rushed on to the bridge and saw a flare-up close under the bow, then crashed into the vessel, which passed by on our port side, her mast tearing away a portion of the upper deck-rail and fore-top sail-brace.

The second officer stated that directly after the captain left the bridge he suddenly saw a flare-up light under the bows, and they immediately crashed into a vessel as he gave the orders "hard-a-port" and stopped the engines.

After the vessel had cleared the propeller, the captain ordered the engines to be reversed full speed.

Two boats were at once lowered and sent away in charge of the second and third officers respectively.

The second officer's boat was successful in finding the after part of the wreck from which they rescued two men. These proved to be the skipper of the ketch "Delight," and the fourth hand, John Rowe.

As before stated they, with the assistance of the steamer "Middleboro," found the s.s. "Berlin." The rescued men were then taken on to Southampton by the "Berlin," receiving every care and attention on the way.

Such was the narrative given by the captain and crew of the s.s. "Berlin."

At the conclusion of the evidence Mr. Wolferstan submitted the following questions, upon which the Board of Trade desired the opinion of the Court, and stated that in the opinion of the Board the certificates of the master and second officer of the "Berlin," and of the master of the "Delight" should be dealt with:—

1. Whether both vessels carried the life-saving appliances required by the Statute?
2. Whether both vessels complied with Articles 12 and 13 of the Regulations for Preventing Collisions at Sea?
3. Whether the "Berlin" complied with Articles 17 and 18, and whether the "Delight" complied with Article 22 of the said Regulations?
4. Whether a good and proper look-out was kept on board both vessels?
5. Whether both vessels were navigated with proper and seamanlike care?
6. What was the cause of the loss of life, and whether every possible effort was made by those on board the "Berlin" to render assistance?
7. Whether the master of the "Delight" and master and second officer of the "Berlin" are, or either of them is, in default?

Mr. Baden Powell then addressed the Court on behalf of the owner, master, and officers of the "Berlin," and Mr. Wolferstan having replied on the part of the Board of Trade, the Court answered the questions as follows:—

1. Both vessels carried the life-saving appliances required by the Statute, but the Court recommends that the Board of Trade should take steps to compel all fishing vessels to carry a life-belt for each member of the crew.
2. Both vessels complied with Article 12, but with reference to Article 13 the steamship "Berlin" did not comply therewith. The "Delight" does not come under the rule, as she had no steerage way.
3. The "Berlin" did not comply with Article 17, inasmuch as by reason of her speed and the state of the weather at the time she was unable to do so. With regard to Article 18, she did comply with it, but too late to avoid a collision.

The "Delight" being almost becalmed and not under command, the Court does not consider she comes under Article 22.

4. The "Berlin" kept a good and proper look-out. The "Delight" had only one man on deck, which appears to be the practice amongst the fishing fleet of the port, but the Court considers it would be more prudent in foggy weather to have two men on deck.

5. The "Berlin" was not navigated with proper and seamanlike care, inasmuch as she was going at too high a speed in foggy weather, more especially as it must have been known to those in charge she was passing in the vicinity of a fishing station. The "Delight" being hove to, almost becalmed, and with helm lashed amidships, could do nothing but blow her foghorn. The Court is of opinion that the foghorn was not blown at intervals of two minutes, in accordance with the Regulations. She, however, showed a flare-up immediately those on board became aware of the approach of the "Berlin."

6. The loss of life was caused by the "Berlin" coming into collision with the "Delight," and owing to the force of the blow the two men who were on the fore part of the vessel at the time were probably crushed and killed, as nothing was seen or heard of them after the collision. Every possible effort was made on board the "Berlin" to save life.

7. The master of the "Delight" and the master of the "Berlin" are in default. As regards the master of the "Delight," if he had complied with the regulations and sounded the foghorn at intervals of two minutes it is possible the collision might have been avoided. On the other hand, the master of the "Berlin" was certainly in default in maintaining the ship's high rate of speed in the way he did. The Court, however, taking into consideration the past record of the master of the "Berlin," and his prompt and praiseworthy efforts after the collision to save life, does not deal with his certificate, but severely censures him and admonishes him to be more careful in future. The master of the "Delight" is also censured, and the Court is astonished that a man who has been so many years engaged in fishing, and who possesses a certificate of competency as skipper, should, as appears by his sworn deposition, have been entirely ignorant of the Regulations as regards fog-signals.

The second officer of the "Berlin," having been under the direct orders of the master up to the time of the collision, was not in default.

(Signed) J. A. BELLAMY, }
A. S. HARRIS, } Justices.

RICHD. C. DYER, }
WM. BARNETT BIGLEY, } Assessors.
SAMUEL BROOKS, }

Issued in London by the Board of Trade on the
12th of May 1895.

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