

(No. 5482.)

“ORONSAY.”

The Merchant Shipping Act, 1894.

In the matter of a formal Investigation held at Westminster Town Hall, on the 22nd and 24th days of February 1897, before R. H. B. MARSHAM, Esquire, assisted by Captains PARFITT and WARD, into the circumstances attending the abandonment of the British sailing vessel “ORONSAY” on the 25th January 1897, in latitude 48° 36' N., longitude 20° 50' W.

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 said vessel being abandoned was her having lost her rudder and become unmanageable. And the Court being of opinion that such abandonment was premature, finds the master, Mr. Thomas J. Cook, in default, and reprimands him.

Dated this first day of March 1897.

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

We concur in the above report.

(Signed) C. Y. WARD, } Assessors.
WM. PARFITT, }

Annex to the Report.

This inquiry was held at the Town Hall, Westminster, on the 22nd and 24th February 1897, when Mr. Israel Davis appeared on behalf of the Board of Trade, the owners of the “Oronsay” being represented by Mr. Gibson, and the master of that vessel by Mr. Nelson.

The “Oronsay,” formerly the “Slieve Donard,” was a ship-rigged sailing vessel built of iron at Liverpool, in 1859. Her length was 235.9 ft., breadth 37.5 ft., and depth in hold 22.3 ft., her registered tonnage being 1569.29 tons. She was registered at the port of London, her official number being 21,473. She was owned by Mr. John W. Penn and others, her managing owner being Mr. William John Stutchbury, of Jeffrey Square, St. Mary Axe, London, E.C. She was purchased in November 1882 for (including outfit) 14,000l., and on her last voyage—which is the subject of this inquiry—she was insured for 6000l., being valued in the policy at 8000l. Her homeward freight amounted in value to 2567l., and was insured for 2550l.

In February 1896, after undergoing repairs at a cost of 296l., she passed Lloyd’s No. 2 Survey. On this occasion the rudder was lifted and the pintles were re-bushed, in addition to other repairs.

On February 24th, 1896, the vessel left the Thames for Melbourne with a general cargo, and, with the exception of one of the port fore-chain plates carrying away, nothing occurred during the passage, the vessel duly arriving at Melbourne on the 28th May.

During August and September a general cargo, including 302 tons of old steel rails and 634 cases of gelignite (or dynamite) weighing about 14 tons, was taken on board. The dynamite was stowed in a specially-built magazine on the ’tween deck under the main hatchway, under the inspection of the Government Explosives Inspector and the underwriters’ surveyor. With this cargo on board her draught was 19 ft. 3 ins. forward, and 19 ft. 4½ ins. aft.

The “Oronsay” left Melbourne at midnight of the 20th–21st September, bound for London. She was under the command of Mr. Thomas J. Cook, who holds a master’s certificate of competency, and her crew consisted of 28 hands inclusive. She had four boats, two of which were lifeboats, and she was supplied with all life-saving apparatus as required by the statute; and at the time of leaving she appears to have been in good condition. The voyage from the commencement and throughout seems to have been a disastrous one, a

series of gales and consequent damage being experienced. On the 23rd and 24th September a gale with a heavy cross sea was experienced, when the inner jib was split.

On the 28th September a fresh gale was blowing with a high cross sea, the vessel rolling and lurching heavily and shipping water on deck fore and aft, when the starboard fore royal back-stay was broken.

On the 2nd October, weather being fine, while bracing up the fore yards the fore topsail (chain) tie broke, the upper topsail yard falling upon the lower topsail yard, breaking the crane and standard and causing it to fall on to the collar of the fore stay, doing much damage to the gear. This damage was repaired on the following day.

On the 11th October a gale from the south with hail and snow squalls and a high mountainous sea was encountered, the sea breaking on board, the vessel lurching and straining very much, when the sling of the lower main topsail yard carried away, the yard falling on the mainstay and causing much damage. This damage was not repaired until the 13th in consequence of the bad weather.

Moderate weather was now experienced until the end of December. On the 4th of November the vessel rounded Cape Horn, and on the 5th, when crossing the Birdwood Bank, the vessel rolled and strained considerably in a confused cross sea. On the 31st December the main royal yard carried away.

On the 18th January 1897 a N.E. gale set in with a high sea, causing the vessel to roll and lurch in an alarming manner and ship large quantities of water. The gale continued, having shifted to east, and on the 19th the rudder post was found to be broken in two. Sail was reduced to lower topsails and the vessel hauled to the wind on the starboard tack. Every effort was made to secure the rudder but without effect, the vessel rolling and lurching violently in a heavy sea.

On the 20th one of the main chain plates broke. On the 21st the wind and sea moderated, and the vessel was kept to the wind by means of hawsers towing astern. Endeavours were now made to rig a jury rudder of spars, but all attempts failed.

On the 22nd the steamship “Gerona” passed within hail and the master of the “Oronsay” requested her master to report that her rudder was damaged, but he did not ask for any assistance.

On the 23rd a signal of distress was made to two passing steamers, but no notice was taken of it; probably the signal was not seen.

On the 24th a signal of distress was made to a sailing vessel, with a similar result.

The master now appears to have consulted with his officers as to the advisability of abandoning the vessel, and all seem to have thought that it was advisable to do so, and on the 24th the crew went to the master asking him to leave the vessel, as they thought nothing more could be done to rig a temporary rudder, and the ship was unmanageable.

At midnight of the 24th–25th a rocket was sent up, which was answered by a vessel to the westward, and towards daylight on the 25th the sailing ship “Port Douglas” came near. The crew of the “Oronsay” were then asked by the master what were their intentions, whereon they replied that they wished to leave the vessel.

The mate of the “Oronsay” was sent to the “Port Douglas” to ask the master if he would take on board the crew of the “Oronsay,” as it was the intention of the master to abandon the vessel, and to this the master of the “Port Douglas” assented. He was not asked to “stand by” the “Oronsay” in case of an opportunity arising of her being towed to a place of safety.

At the same time the mate of the “Port Douglas” was sent to the “Oronsay,” to whom the same question was put, “Whether the master of the ‘Port Douglas’ would consent to take off the crew of the ‘Oronsay’?” Being answered in the affirmative the master decided on abandonment, and ordered the discharge pipes of the two waterclosets to be cut that the vessel might fill and founder, so as not to be a danger to navigation; and also ordered the word “Dynamite” to be painted on both sides of the vessel to warn persons who might board her of the dangerous nature of the cargo.

Between 6 and 7 a.m. the crew of the “Oronsay” left her and went on board the “Port Douglas,” taking with them most of their effects, and were taken to Queequeenstown.

At the time of the abandonment the weather was fine, the barometer high and rising, and the sea smooth, and had been moderate since the 22nd January. There was no water in the vessel, the hull being quite tight.

On the 19th January, the day on which the rudder was broken, the vessel was in latitude 46° N., longitude 17° W., and when abandoned was in latitude 48° 36' N., longitude 20° 50' W., distant about 450 miles from the coast of Ireland.

At noon on the 25th January the sailing ship "Annasouen" passed close to the "Oronsay," and the mate was sent to her to see what was the matter with her, and on approaching her he saw "Dynamite" painted on her sides, on which he returned to his vessel. He noticed that the "Oronsay" was floating high out of the water. Since that time no report has been received as to her being seen.

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

1. Whether, when the vessel left Melbourne on the 21st September last, she was in good and seaworthy condition, and was her rigging properly set up?
2. What was the cause of the damage to the fore, upper, and lower topsail yards on or about the 23rd September last, and was the damage properly repaired?
3. What was the cause of the crane and standard of the lower main topsail yard carrying away on or about the 11th October last, and was the damage thereby caused to the rigging properly repaired? What was the cause of the fore royal backstay chain-plate and other chain plates carrying away thereafter?
4. What was the cause of the rudder breaking on or about the 19th January; and were proper and seaman-like efforts made to steer the vessel thereafter?
5. Was proper attention paid to the rigging from time to time? Was it kept properly set up? What was the cause of its working loose on or about the 20th January last, and thereafter?
6. Whether the master of the "Oronsay," before or after leaving the vessel, ought to have requested the master of the "Port Douglas" to stand by the "Oronsay" in case of an opportunity arising of her being towed to a place of safety?
7. Whether, having regard to the condition and position of the vessel on the 25th January last, she was prematurely abandoned?
8. Whether the abandonment of the "Oronsay" was caused by the wrongful act or default of the master and chief officer, or of either of them?

Mr. Gibson and Mr. Nelson then addressed the Court on behalf of their respective clients, and Mr. Davis having replied on behalf of the Board of Trade, judgment was given as follows:—

1. When the vessel left Melbourne on the 21st September last she was in good and seaworthy condition, and her rigging was properly set up.

2. The cause of the damage to the fore, upper, and lower topsail yards on the 2nd October last was that whilst bracing up the fore topsail yards the tie of the upper topsail yard parted, causing that yard to fall on to the lower topsail yard, doing the damage, which was repaired as well as the available appliances and the circumstances allowed.

3. The cause of the crane and standard of the lower main topsail yard carrying away on the 11th October last, was that the vessel was caught in a sudden violent squall. The damage to the rigging was repaired as well as it could be by the crew.

The cause of the carrying away of the fore royal backstay chain-plate and other chain plates—which were thirty-eight years old—was strain from the ship's excessive rolling in bad weather.

4. The cause of the rudder breaking on the 19th January last was probably its being struck by a heavy sea during the rolling and lurching of the vessel in a heavy gale.

Several efforts were made to secure the rudder, which were, however, ineffectual, from the difficulty of obtaining a grip on the round rudder post. Several efforts were also made to steer the vessel afterwards, which were also ineffectual.

As far as the Court can judge from the evidence these efforts appear to have been proper and seaman-like.

5. Proper attention appears to have been paid to the rigging from time to time. The cause of its working loose was the excessive rolling of the vessel in a heavy sea.

6. The master of the "Oronsay" before leaving the vessel ought to have requested the master of the "Port Douglas" to stand by the "Oronsay."

7. Considering the weather was fine, the barometer high and rising at the time, and that the master of the "Oronsay" made no proposal to the master of the "Port Douglas" to stand by, the Court is of opinion that the "Oronsay" was prematurely abandoned.

8. The abandonment of the "Oronsay" was caused by the default of the master, but taking into consideration the serious damage the vessel had sustained during the voyage, and her being unmanageable from the loss of her rudder, the Court abstains from dealing with the master's certificate, but severely reprimands him.

The chief officer is not in default.

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

We concur.

(Signed) C. Y. WARD, }
WM. PARFITT, } Assessors.

(Issued in London by the Board of Trade on the 11th day of March 1897.)

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