

(No. 5519.)

“EMPRESS” (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a formal Investigation held at the Magistrate's Room, Dale Street, Liverpool, on the 13th, 14th, and 15th days of April 1897, before JOHN KINGHORN, Esquire, Deputy Stipendiary Magistrate, assisted by Captain PARISH and Captain WARD, into the circumstances attending the stranding of the British steamship “EMPRESS,” of Liverpool, on or near Black Rock, off Carnsore Point, county Wexford, at 6 p.m. on the 21st March last, whereby she became a total wreck.

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 stranding of the “Empress” was caused by the default of the master, James Craig Smith, in not having used the lead with sufficient care and frequency; but under all the circumstances the Court does not deal with his certificate.

Dated this 15th day of April 1897.

(Signed) JOHN KINGHORN, Judge.

We concur in the above report.

(Signed) ALFRED PARISH, } Assessors.
C. Y. WARD, }

Annex to the Report.

This Inquiry was held in the Magistrate's Room, Dale Street, Liverpool, on the 13th, 14th, and 15th days of April 1897, when Mr. Paxton appeared on behalf of the Board of Trade, and Mr. Finch (Hill, Dickinson & Co.) for the owners, and Mr. Miller (Miller & Williamson) for the master.

The “Empress,” official number 96,340, was a British screw steamer built of steel by the Grangemouth Dockyard Company, of Grangemouth, at Alloa, in the county of Clackmannan, in 1889, and registered at the port of Liverpool. Her length was 232 ft., her main breadth 34.95 ft., her depth of hold 16.4 ft.; she was schooner-rigged, and had one deck and two masts. She had three triple-expansion engines, made by Hutson & Corbett, of the Kelvingrove Engine Works, Glasgow, in 1889, of 140 horse-power (combined); her gross tonnage being 1314.87 tons, and her registered tonnage 851.85 tons, and she was owned by the New Biscay Steamship Company, Limited, having its principal place of business at 46, Drury Buildings, Water Street, Liverpool, in the county of Lancaster—William Curwin, who died 10th March 1897, having been appointed manager, and no fresh appointment being made since his death; mortgaged to Abraham E. Lloyd, of 22, Little Peter Street, Manchester, and registered 17th March 1897.

On the 14th March 1897, the “Empress” left Seville bound for Ayr, under the command of her master, James Craig Smith, with a crew of 19 hands all told, and a cargo of about 1690 tons of iron ore. There were three compasses on board, viz., one aft by the wheel, a pole compass above the bridge, and a standard compass on the upper bridge, by which she was steered and the courses set and the bearings taken, and these had all been adjusted a little over two years ago at Antwerp; she carried three boats—two of which were lifeboats, and life-belts and life-buoys; she was supplied with a general chart of the Irish and St. George's Channels, with sailing directions, by Imray & Sons, of 1889, which had not been corrected since that date.

After rounding St. Vincent the weather became thick, and no observations could be taken for the purpose of fixing her position, but at 7.30 a.m. of the 17th March the Burlings were sighted, the vessel being then 1½ miles outside them, and from there a departure was taken—the course from there being N. by E. ½ E. by compass (N.N.E. magnetic) till 2 p.m. of the 18th

March, when it was altered to N.N.E. by compass=N.E. by N. ½ N. magnetic, till 4 p.m. This course was then altered to N.E. by N. ½ N. by compass=N.E. ½ N. magnetic, and that course kept till 2 p.m. of the 20th March, when it was altered to N.N.E. by compass=N.E. by N. magnetic till 0.30 a.m. of the 21st March. Then the course was altered to N.E. by N. ½ N. by compass=N.E. ½ N. magnetic till 9.30 a.m. when it was altered to N.E. by N. by compass=N.E. magnetic, which course, if her assumed position was correct, would take the vessel eight miles E. of Tuskar. At 4 p.m. the sound of a whistle was heard on the starboard quarter, and then the sound of a siren from the N.W., when the vessel was stopped and a cast of the lead taken, which the second mate reported gave 40 fathoms, and then, after consulting the chart, the master came to the conclusion that he was 14 miles to the S.E. of the Coningbeg Lightship. The tide at this time was about one-third flood, and the stream was running W.N.W., though the master stated that he thought the stream was running to the east. From there the course was set N.E. by E. ½ E. by compass=E. by N. ½ N. magnetic, and this course was kept till 5.30 p.m., when noticing a change in the colour of the water a cast of the lead was taken which gave 15 fathoms, and then another which also gave 15 fathoms. Then, at 5.35 p.m., a gun was heard, about one point on the starboard bow—the vessel then heading E. ½ N.—which the master thought was the Tuskar fog signal (which sounds at intervals of five minutes). He stated that he timed it by his watch, and put the vessel on a S.E. course, and after an interval of ten minutes heard the gun again, and after another interval of ten minutes he again heard it. He was going to put the engines to half-speed ahead when he saw the rocks on the port bow, about 20 fathoms distant. The order was then given “Full speed astern,” and the helm “Hard-a-port,” and then, seeing that the vessel could not clear the rocks, “Full speed ahead,” when she cleared the rock which was above the water, but struck on a rock under water on Black Rock, off Carnsore Point, county Wexford, she then heading S. and a little to W., and remained fast. The boats were then got out and the crew got into them and left the vessel, at 6.40 p.m., by which time the sea was sweeping over her, and the water rising in the engine-room. They rowed all night, hearing the gun at intervals, and at 2.30 a.m. of the 22nd March the weather cleared, and they saw the Tuskar Light, and at 6 a.m. they landed at Carnsore Point. The master or crew never saw the vessel again, but the owner stated that she was now lying with 30 feet of water over her, and had become a total loss.

The master, the holder of a certificate of competency, numbered 014,863, who had acted as master for six years, and had joined the “Empress” in 1894, stated that he had deviation cards and a compass book, in which he entered the observations which he took from time to time to test the compasses, and that though he had no opportunity of doing so on this voyage he had made observations on the previous one on N.E. courses, and knew and applied the errors on these courses. The weather after rounding St. Vincent till the stranding had been thick and foggy throughout, with dense fog and light breeze W. to S.W. on 21st March. At 8 p.m. on the 20th March a cast of the lead had been taken, which gave no bottom at 35 fathoms, and at midnight another cast gave no bottom at 55 fathoms. No soundings were taken on the Sunday, 21st March, until 4 p.m., but as he had seen outward-bound vessels passing on both sides of him, he said he thought that he was in the fairway, and that it was clear enough to avoid getting on to anything. He thought at 12.30 a.m. on the 21st March that he had passed Scilly, and that the course set from his assumed position from the soundings would take him eight miles E. of Tuskar. At 4 p.m. of the 21st March, when the siren on the Coningbeg Lightship was heard abaft the port beam, a cast of the lead was taken by the second mate (the ship being stopped for that purpose); he reported 40 fathoms with fine sand at bottom (though two of the crew alleged that it was 35 fathoms), and he, the second mate, alleged that he carefully took off the number of fathoms, and could not have made any mistake. But the sounding was obviously incorrect, as the vessel could not then have been in a position when such a depth of water could have been obtained. No more

soundings were taken till 5.30 p.m., when two successive casts of the lead taken by the second mate gave 15 fathoms, and orders were given to go on sounding till deeper water was got, and then at 5.35 a gun was heard, repeated 10 minutes later, about one point on the starboard bow, or as described by the mate "it seemed to be S.E.," the vessel then heading E. $\frac{1}{2}$ N., which was assumed to be the fog-signal on the Tuskar (which is sounded at intervals of five minutes), but as it was not heard again up to the time when the vessel struck, was probably not that signal, but the sound of two danger signals fired at 5.35 p.m. and 5.40 p.m. from the Barrels Rock Lightship on the 21st March, as appears from the log kept there. The fog-gong on the Barrels Rock Lightship, which appears to have been sounding during the whole of 21st March was, it was alleged, never heard by any of the crew at any time, and the master stated that he did not think he had passed the Barrels Lightship, though he must have passed close to it. According to the second engineer, when he went on watch at 4 p.m. (by the engine-room time, which was slower than the deck time), on the 21st March, the indicator was standing at "Full Speed" = 60 revolutions, though it would go up to 65 to 70 revolutions. At 5.15 p.m. the order was "Stop," then at 5.20 p.m. "Go ahead slow," next at about 10 minutes before she struck "Full speed astern," and then "Go ahead slow," and "Full speed ahead," when she struck at 5.45 p.m. by the engine-room time.

John Glass, who went on the look-out at 4 p.m. on the 21st from the fore-castle head, had left the look-out to assist in the casts of the lead at 4 p.m. and 5.30 p.m., and at five minutes to 6 p.m. had again left to put out the side-lights, and about ten minutes after his return to the look-out the vessel got on to the ledge of rock. The whistle the master alleged was kept going at intervals from noon to 4 p.m. on the 21st March, and from that time to 5.30 p.m. he estimated that he was making about 7 knots an hour, her previous speed having been $7\frac{1}{2}$ knots.

At the conclusion of the evidence the following questions were submitted to the Court on behalf of the Board of Trade:—

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when and by whom were they last adjusted?

2. Did the master ascertain the deviation of his compasses from time to time, were the errors correctly ascertained and the proper corrections to the courses applied?

3. Was the master supplied with proper and sufficient charts and sailing directions for the voyage?

4. Were proper and sufficient measures taken to ascertain and verify the position of the vessel at 4 p.m. on the 21st March last?

5. Was a safe and proper alteration made in the course at or about 4 p.m. on the 21st March, and was due and proper allowance made for tide and currents?

6. Was the fog-signal from the Barrels Lightship heard by anyone on board the vessel?

7. Was the lead used with sufficient frequency after noon on the 21st March?

8. Whether, at or about 5.30 p.m., a safe and proper alteration was made in the course, and were prompt and proper measures taken to prevent the stranding of the vessel?

9. Whether a good and proper look-out was kept?

10. Whether the vessel was navigated with proper and seamanlike care?

11. What was the cause of the stranding of the vessel?

12. Was the loss of the "Empress" caused by the wrongful act or default of the master and second officer, or either of them?

And Mr. Miller having spoken on behalf of the master, the Court afterwards delivered judgment as follows:—

1. The vessel had three compasses, the pole above the bridge, the standard on the upper bridge by which the courses were set and steered, and one aft. They were in good order, and sufficient for the safe naviga-

tion of the ship. They were last adjusted at Antwerp about two years ago, by Van de Root.

2. The master stated that he had ascertained the deviation of his compasses from time to time, but had not had any opportunity for doing so on the voyage in question. That on the previous voyage, about six weeks before the casualty, he had ascertained the errors on the north-eastern courses. That the errors were correctly ascertained, and the proper corrections applied to the courses.

3. The master was supplied with a general chart by Imray, of the Irish and St. George's Channel, dated 1889, and no corrections from that date. In the opinion of the Court, this was not a proper and sufficient chart for the safe navigation of the vessel on the voyage in question. The sailing directions were by Imray, and sufficient.

4. At 4 p.m. on the 21st March last, the syren of the Coningbeg Light-vessel was heard, and at or about the same time, one cast of the lead was taken. This was a proper measure, but under the circumstances was not, in the opinion of the Court, sufficient. The soundings were reported by the second mate to the master as 40 fathoms. Obviously this sounding was incorrectly taken, and this tended to mislead as to the position of the vessel.

5. The alteration made in the course at or about 4 p.m. on the 21st March was not safe and proper, but would have been so had the vessel then been in the position assumed by the master, from the 40 fathoms reported to him, and the apparent direction of the syren. In the opinion of the Court, the master was not justified in acting upon that assumption without taking further casts of the lead. Due and proper allowance was not made for tide and currents.

6. At or about 5.30 p.m., a fog-signal was heard by those on board the vessel, and again heard about five or ten minutes afterwards. These fog-signals were assumed to be from the Tuskar Lighthouse, but from the log of the Barrels Light-vessel, which was put in, it appears that two danger signals were fired at or about those times as a warning to a steamer standing inshore. These were doubtless the fog-signals heard by those on board the "Empress."

7. The lead was not used with sufficient care and frequency after noon on the 21st March.

8. At or about 5.30 p.m., the vessel's head was brought round to S.E. This alteration of the course was in the right direction, but not sufficient prompt and proper measures were taken when the position of the vessel was realised, but it was then too late to prevent the stranding.

9. A good and proper look-out was not kept, inasmuch as the look-out man was taken from his post to help to heave the lead, and to put out the side-lights.

10. The vessel was not navigated with proper and seamanlike care.

11. The stranding of the vessel was caused through the lead not having been used with sufficient care and frequency.

12. The loss of the "Empress" was caused by the default of the master, but looking to the fact that he was misled by the incorrect sounding reported to him at or about 4 p.m., the Court does not deal with his certificate, but desires strongly to impress upon him the necessity for the careful and frequent use of the lead in foggy weather, so emphatically laid down in the Admiralty sailing directions whilst approaching the Irish coast in foggy weather. The Court considers the second mate much to blame for not having exercised greater care in taking the sounding at 4 p.m., which was obviously incorrect, but does not deal with his certificate.

(Signed) JOHN KINGHORN, Judge.

We concur in the above Report.

(Signed) ALFRED PARISH, } Assessors.
C. Y. WARD, }

Liverpool, April 15th, 1897.

(Issued in London by the Board of Trade on the 6th day of May 1897.)

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