

(No. S 136.)

"ANDES."

The Merchant Shipping Act, 1894.

In the matter of a formal Investigation held at the Town Hall, Hull, on the 3rd and 4th days of June instant, before E. C. TWISS, Esquire, assisted by Captain WILLIAM BARNETT BIGLEY, Captain T. TOLSON EDWARDS, and GEORGE JEFFS, Esquire, into the circumstances attending the casualty which happened on the 10th day of May last, on board the British sailing ship "ANDES," of Hull, about 80 miles E.S.E. of Spurn, 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 said casualty was due to an accident which occurred on board the said vessel whilst the crew were engaged aft in stowing the fishing gear, whereby her skipper, Mr. John H. Garton, was carried overboard and drowned. The Court further finds that one at least of the two life-buoys which were on board the vessel was not efficient for the purpose for which it was intended, and that every effort was made to rescue the skipper.

Dated this 4th day of June 1897.

(Signed) E. C. TWISS, Judge.

We concur in the above report.

(Signed) WM. BARNETT BIGLEY, } Assessors.
T. TOLSON EDWARDS, }
GEO. JEFFS, }

Annex to the Report.

This Inquiry was held at the Town Hall on the 3rd and 4th days of June instant, when Mr. H. Saxelbye represented the Board of Trade, and Mr. E. A. Laverack appeared on behalf of Mr. Henry Higgins, the manager of the vessel.

The "Andes," official number 93,120, is a ketch-rigged fishing vessel, built of wood, at Rostock in 1887, by builders unknown, and her respective dimensions are as follows:—Length 88'5 ft., breadth 21 ft., and depth of hold 10'6 ft., her registered tonnage being 95'03 tons. She is owned by Mrs. Cook of Hull, and is managed on her behalf by Mr. Henry Higgins of the same port, which is also her port of registry.

The "Andes" left Hull on the 2nd day of March last, bound for a "fleeting" fishing trip in the North Sea, under the command of John H. Garton, and with a crew of five hands all told.

On leaving port she had on board two life-buoys but no life-jackets. It was stated that the life-buoys were recovered with canvas some time during the summer of 1896, but that they were not painted at the time, nor had they been since.

After reaching the fishing grounds the vessel fell in with the Hull Steam Fishing and Ice Company's fleet, commonly called the Red Cross fleet, about 250 miles N.E. by N. from Spurn, on the N.E. of the Dogger Bank, and determined to join and fish with it.

On commencing fishing operations one life-buoy was placed in the boat, and lashed by a line to the stern ring, whilst the second was stowed away in the fish-room below. The "Andes" remained fishing with the Red Cross fleet until the 8th day of May last, when sail was set for the Humber, the position of the vessel at this time being off Sylt Island, about 280 miles E. from Spurn.

On the morning of the 10th at about 11.30 a.m., the wind being moderate from W.S.W., the "Andes" was heading N.W. by W. on the port tack, under all plain sail, making a rate of about three knots, Spurn bearing

at this time W.N.W., distant about 80 miles. The skipper was at the tiller, and the second, third, and deck hands were engaged aft, stowing the fishing gear, and, whilst this operation was being carried on, some difficulty arose with the trawl beam. The skipper, noticing this, lashed the tiller and went to their assistance, and at the same, procuring a handspike, he placed it over the port rail and underneath the trawl beam, and then proceeded to rest his full weight on the end of the handspike, with the view of lifting the beam, and, whilst in this position, he called out to the hands at the winch to slacken the messenger. This order was in the act of being carried out, when the vessel took a heavy lurch to port or windward, and the trawl beam dropping down suddenly at the same time, such a jerk was caused on the handspike that the skipper was instantly thrown clear over the rail and beam into the sea.

The third hand at once ran forward to the boat, cut the line by which the life-buoy was attached to the stern ring, and threw the life-buoy overboard in the direction of where the skipper was seen struggling in the water on the port quarter, and it fell, we were told, within a few yards of him. In the meantime the second hand had unlashed the tiller, put it hard-a-starboard, and brought the vessel into the wind, at the same time ordering the foresail to be lowered and the jib sheets slacked off. This order was carried out as promptly as possible, and all hands then went to launch the boat, which was put out in some seven or eight minutes after the casualty.

Just as they were launching it they saw, as they said, the life-buoy side up in the water, as if someone were hanging on to it from below, and they—that is to say the second and third hands—immediately pulled off in the direction of it. On arriving at the spot, however, nothing was to be seen of the skipper or life-buoy. They rowed about in the vicinity for an hour or an hour and a half, but finding that it was useless to remain longer they returned to their smack, and having sailed about for some time they set sail for Hull, where they arrived on the following Friday, the 14th ult. The Court was informed that the life-buoy which was thrown to the skipper was somewhat heavy and floated badly, which was attributed to the fact that it had been lying in the open boat for about ten weeks and had of necessity been exposed to a great amount of rain and water. On returning to Hull the second life-buoy, which, as has been before stated, was kept below in the fish-room, was at the request of Mr. Lipscombe, assistant superintendent to the Board of Trade at Hull handed to him for the purpose of being tested. It was first tested with a 28 lb. weight being attached to it sideways, with the result that it did float, but with the top of the buoy only just out of the water. It was next tried with the same weight suspended from the centre, and under these conditions it just floated, the upper part of it being slightly above the water.

After this 4 lbs. more were added, and when the 32 lbs. were suspended from the side the life-buoy sank bodily, and on the same test being applied from the centre the same result ensued. The Court was informed that a life-buoy in an efficient condition should float a weight of 32 lbs. for 24 hours in order to meet the regulation or requirements.

In the course of the Inquiry the attention of the Court has been drawn to the fact that there appears to be no obligation upon fishing vessels generally to carry life-buoys.

Section 375 of the Merchant Shipping Act, 1894, enacts as follows:

(1.) A fishing boat entered in the fishing boat register, whether used for profit or not, shall not proceed to sea from any port in the United Kingdom

(a) if she is decked, unless she is provided according to her tonnage with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than is in that behalf specified in the Fifteenth Schedule to this Act for the class to which the fishing boat belongs; and

(b) if she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys, and provided either with a lifeboat furnished with all requisites for use, or has one of her boats rendered buoyant after the manner of a lifeboat;

and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

From this section it is clear that there is no obligation for any fishing vessel to carry life-buoys unless she has passengers on board, and then exceeding ten in number.

The Court ventures to submit that all fishing vessels, steam trawlers, and steam carriers should be required by statute, whether carrying passengers or not, to have on board at least two life-buoys and a life-jacket for each member of the crew, and that such life-buoys and life-jackets should be kept so as to be at all times fit and ready for use.

The Court has elicited from the witnesses during the Inquiry that it does not appear to be the practice amongst owners or skippers of fishing vessels to test from time to time, if ever, the efficiency of the life-buoys on board. It is true that it has been stated that at the annual survey by the Insurance Clubs the production of life-buoys is required, and that they are inspected, but, as far as the Court gathers, only superficially, and not subjected to any test whatever as to their buoyant power.

We have further been informed that when a life-buoy is supplied to a vessel it is supplied as any other ordinary article of a ship's stores—no guarantee is given as to its power of buoyancy, no question is asked as to the same, and the probability, therefore, is that a life-buoy is never tested until some unfortunate casualty occurs which calls it into use. The Court would suggest that each and every life-buoy should be duly tested, and bear an official mark or stamp to the effect that it is efficient for the purposes for which it is intended before it can be supplied to a vessel.

At the conclusion of the evidence Mr. Saxelbye submitted the following questions upon which the Board of Trade desired the opinion of the Court:—

1. Whether when the vessel left Hull she was supplied with two life-buoys?
2. Were any measures taken to test the life-buoys from time to time with a view to ascertain their condition?
3. Were the life-buoys in good condition were they efficient for the purpose for which they were intended, and were they kept so as at all times to be fit and ready for use?
4. What was the cause of the casualty which happened to the vessel on the 10th May last, whereby loss of life ensued?
5. Was the boat promptly launched, and was every possible effort made by the second hand and crew to rescue the skipper?

Mr. Saxelbye having addressed the Court on the part of the Board of Trade, the Court replied to the several questions as follows:—

1. When the vessel left Hull she was supplied with two life-buoys.

2. The evidence goes to show that no measures were taken to test the life-buoys from time to time with a view to ascertain their condition.

3. With regard to one of the life-buoys in question, which was thrown overboard at the time of the casualty and never recovered, it is impossible for the Court to say in what condition it actually was. From the evidence of the witnesses, however, it would appear that this life-buoy had been kept in the boat ever since the vessel commenced fishing on this particular trip, and that it was in consequence somewhat heavy through long exposure to rain and water. The second life-buoy, which was brought back to port and afterwards duly tested, is said to have been chafed in places, mildewed, and dirty, and on being subjected to the test it was found to fall short of the recognised requirements. The Court, therefore, is of opinion that this life-buoy was not efficient for the purpose for which it was intended. Of the life-buoys referred to, one was kept in the fish-room below, and the other in the boat on deck, fastened by a line to the stern ring of the boat, and under these circumstances it cannot be said that both life-buoys were so kept as to be at all times fit and ready for use.

4. The casualty whereby loss of life ensued was due to an accident which occurred on the 10th of May last, whilst the crew were engaged aft in stowing the fishing gear. Some difficulty appears to have arisen in lifting the trawl beam, and, upon observing this, the skipper, who was at the tiller, at once lashed it, and having taken a handspike he placed it across the rail and beneath the trawl beam, and then leant upon it with all his weight in his endeavour to lift the beam. Whilst in this position he gave orders for the messenger to be slackened, and, as this order was being carried out, the vessel took a heavy lurch to windward, causing the trawl beam suddenly to drop, by the jerk from which the skipper was instantly thrown clear over the vessel's side into the water.

5. The boat was launched as promptly as circumstances would allow, and every possible effort was made by the second hand and crew to rescue the skipper.

(Signed) E. C. Twiss, Judge.

We concur.

(Signed) WM. BARNETT BIGLEY,
T. TOLSON EDWARDS, } Assessors.
GEO. JEFFS,

(Issued in London by the Board of Trade on the 17th day of June 1897.)

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