

(No. S. 140.)

“MALAPERT.”

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Town Hall, Hull, on the 9th and 10th days of November, 1897, before E. C. TWISS, Esq., Judge, assisted by Captain WARD, Commander BRAGG, R.N.R., and Mr. JOHN REED, into the circumstances attending the stranding of the British sailing ship “MALAPERT,” of Hull, early in the month of June last, off Heligoland.

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 said vessel was attributable to the skipper having attempted, without any chart, to take the vessel into an anchorage at Heligoland with the approaches to which he was unacquainted.

The Court finds the skipper, George Hairsine, alone in default, and suspends his certificate of competency as skipper, number 5637, for six calendar months from the date hereof, and the Court declines to accede to his application to recommend that a certificate as second hand be granted him during the period of such suspension.

Dated this Tenth day of November, 1897.

E. C. TWISS, Judge.

We concur in the above Report.

C. Y. WARD,  
J. THRELFALL BRAGG, } Assessors.  
JOHN REED,

Annex to the Report.

This Inquiry was held at the Town Hall, Hull, on the days above mentioned, when Mr. H. Saxelbye represented the Board of Trade, and, on the application of Mr. Aske, of the firm of Messrs. J. T. and H. Woodhouse, the Hull Steam Fishing and Ice Company, Limited, the owners of the vessel, for whom he appeared, were made a party to the inquiry. The skipper, George Hairsine, and the second hand, William Richards, who were also parties to the inquiry, appeared each in person, but were not professionally represented.

The “Malapert,” official number 85,026, is a British ketch rigged sailing vessel, built of wood, at Dartmouth, in the County of Devon, by Mr. R. Moore, in 1881. Her dimensions are as follows: Length, 75.3 feet; breadth, 20.0 feet; and depth of hold, from tonnage deck to ceiling at midships, 10.0 feet, her tonnage being 74.73 tons net register. She is the property of The Hull Steam Fishing and Ice Company, Limited, and is managed by Mr. Henry Toozes, of Hull, at which port she is registered.

On or about the 9th of April last the “Malapert” left Hull under the command of George Hairsine, who held a certificate of competency as skipper, No. 5637, with a crew of five hands all told, bound for a “fleeting” fishing cruise with the Red Cross Fleet in the North Sea.

The vessel was in good condition and well found—with the exception that there was no chart on board—and carried, according to the evidence of Mr. Richardson, the manager to the Company, a sufficient supply of fresh water for an ordinary “fleeting” trip, which usually lasts from eight to ten weeks.

There was on board one boat of the ordinary type for this class of vessel, and she was supplied with two compasses—one, a tell-tale compass in the skylight, by which the vessel was navigated, and a spare one below, and they were in good order and condition. Her draught of water on leaving was 11 feet aft and 7 feet forward.

In due course the “Malapert” joined the Great

Northern Fleet and fished with it for some time, and subsequently fell in with the Red Cross Fleet, and remained fishing with that fleet until about the latter end of May or the beginning of June last, when the fleet was on the fishing grounds about ten miles W.N.W. from Heligoland.

According to the evidence of the skipper and other witnesses from the “Malapert,” their supply of fresh water began to fall short about the 24th of May, and for several days thereafter they obtained fresh water from the respective steam cutters when they “boarded” their fish in the morning. On one morning, however, early in June, the second hand, upon returning from “boarding” the fish on the steam cutter “Australia,” informed his skipper that he had been unable to procure from her any fresh water that morning, and upon receiving this report the skipper determined, as he stated, to take the vessel into Heligoland for the purpose of procuring a supply.

It is to be observed that when the “Malapert” left Hull she carried one tank and three casks of water, but what were their respective sizes did not transpire; but, at any rate, on the day mentioned it was generally admitted that there was still half a caskful left on board.

It may be further observed that the manager to the owners informed the Court that skippers of fishing vessels were invariably instructed in the case of their fresh water falling short, to obtain what they wanted from the Company’s steam cutters, which attended the fleet each day, but that under no circumstances were they allowed to put into any foreign port, and he added, that in the event of a skipper being unable to obtain fresh water from the cutters, it would be his bounden duty to return to Hull.

Having determined to put into Heligoland, the skipper, about mid-day, left the fleet and steered for the island, which was then distant about 10 miles, and bearing about E.S.E. The weather was fine and clear, the sea smooth, and the wind light from N.E. by E., the vessel making about three knots an hour under all plain sail on the port tack. About 2 to 3 p.m. she passed to the northward of the Nathurn buoy at a distance of about 30 yards, and the course was then altered to S.E. by E.  $\frac{1}{2}$  E., and some five minutes later it was again altered to S.S.E., and about three minutes after that the vessel took the ground, bumping slightly, and remained fast. Soundings were taken abreast the mizzen rigging, when from two to two and a half fathoms were obtained. The tide was ebbing, and as it fell the vessel heeled over, and no attempt could be made to endeavour to get her off. A boat came off from the shore, and shortly afterwards the skipper and second hand went ashore, but what they did there was not elicited. It was stated that before they returned that evening the vessel had floated off, and later on she was brought to an anchor in the North Haven, about half a mile from the shore. The following day, at about 9 a.m., the skipper sent his second, third, and deck hands off in the boat for water, and they returned in about two hours. After that the skipper, with the rest of the hands, except the second hand, went ashore in consequence, as it was stated, of Lloyd’s agent having sent for him. He returned to his vessel again in the course of the afternoon, having obtained, as the Court was informed, two casks of water from Lloyd’s agent at a brewery. The “Malapert” remained that night at anchor in the North Haven, there not being sufficient wind, according to the evidence of the skipper, for her to proceed to sea. The day following, the skipper, second hand, and third hand again went ashore to have, as it was said, “a look round.” They visited a dance house and had some drink there, and did not return to their vessel until about 11 p.m. The third hand informed us that he sold some of his clothing to pay for the drink, and we were also informed that when they obtained the fresh water from Lloyd’s agent at the brewery they were treated to porter and cognac. The next day, at about 1 p.m., the skipper put to sea, and joined the Red Cross Fleet the following morning off the Sylt. After this he fished with the fleet for a few days, and then set sail for Hull, and arrived there on the 14th of June last, when he was discharged by the owners in consequence of, as the manager stated, his having made a bad trip. The skipper, however, alleged that he was dismissed on account of his having reported to the manager that he had been into Heligoland; that he had so reported, however, was entirely denied by the manager. It is to be noted that the skipper made no entry in his log of having taken the vessel into Heligoland or of her having been aground.

On the vessel's return to Hull she was not overhauled, and on the 30th June last she proceeded again on a fishing cruise in the North Sea, under the charge of a fresh skipper and crew, and returned to port on the 27th of August, when her skipper reported her as leaking badly. In consequence of this she was placed on "the hard," when about six or seven feet of her keel, some 30 feet from the sternpost, were found all splintered, with the bolts broken, and the damage appeared to have been of some standing, inasmuch as there was weed growing upon it. The Court was informed that the water had only been kept out by the cement in the vessel's bottom having held good and that in the event of her having had to encounter heavy weather the consequences, without doubt, would have been most serious. She was then placed in dry dock, when 30 feet of new keel were put into her, and her bits and seams thoroughly caulked, at a cost altogether of about £80.

The manager said that prior to his first seeing the damaged keel he had never heard of the vessel having been taken into Heligoland, or of her having been aground.

The skipper of the "Malapert" fixed the position of the stranding at a distance of some three cables' lengths S.E. by E. from the Nathurn buoy, which would place him in nine fathoms at low water; but having regard to the evidence as a whole, the Court is of opinion that the place where the vessel actually stranded was about the distance named southward of the buoy, on or near the Repulse rock.

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. When and under what circumstances did the skipper put into Heligoland?
2. Was the skipper justified in proceeding into Heligoland?
3. Was he acquainted with the soundings in the vicinity, and did he consult a chart in order to ascertain the position of his vessel when approaching the island?
4. Was the lead used, and, if so, was proper attention paid to the soundings obtained?
5. Were proper courses set and steered, and were proper measures taken to navigate the vessel into Heligoland?
6. Where did the vessel strand, and what was the cause of the casualty?
7. Whether serious damage to the "Malapert" was caused by the wrongful act or default of the skipper and second hand, or either of them?

Mr. Aske having addressed the Court on behalf of the owners of the vessel, Mr. Saxelbye replied on the part of the Board of Trade, and the Court gave the following replies to the several questions:—

1. Early in the month of June last the "Malapert" was fishing with the Red Cross Fleet, distant about 10 miles W.N.W. from Heligoland, and, according to the evidence of the skipper, second, third, and deck hands, she was at that time falling short of fresh water.

One morning, about the time mentioned, though the exact date could not be given, the fish was "boarded" in the ordinary way on the steam cutter "Australia," which was in attendance upon the fleet; and it having been reported to the skipper by the second hand on his return in the boat that he had been unable to obtain from the cutter any supply of water, the skipper determined to put into Heligoland for that purpose, and he forthwith left the fleet and proceeded for the island.

2. In the opinion of the Court the skipper was not justified in putting into Heligoland.

3. The skipper was not acquainted with the soundings in the vicinity, and there was no chart on board the vessel to enable him to ascertain the position of his vessel when approaching the island.

4. There has been a grave conflict of evidence as to whether the lead was or was not used. The skipper stated that no cast of the lead was taken until after the vessel had stranded, whereas the second, third, and deck hands maintained that soundings were continuously taken whilst approaching the island, and that the results were from time to time reported to the skipper, who was walking the deck. Assuming, however, that the lead was used as alleged, the Court still fails to see what advantage soundings could have been to the skipper, having regard to the fact that there was no chart on board the vessel, and that he personally was unacquainted with the approaches to the anchorage.

5. Proper courses were not set and steered, and in the absence of a chart, or a personal knowledge of the locality, no proper measures could have been taken to navigate the vessel into Heligoland.

6. There is no direct evidence to show the position where the vessel actually stranded, but the Court, having regard to all the circumstances, is of opinion that she stranded in the vicinity of the Repulse rock, at a distance of about three cables' lengths S. by E. of the Nathurn buoy. The cause of the casualty was attributable to the skipper having attempted without any chart to take the vessel into an anchorage with the approaches to which he was unacquainted, and this, in the opinion of the Court, amounted to reckless navigation on his part.

7. The Court finds that serious damage to the "Malapert" was caused by the stranding, and that the skipper alone is in default, and the Court suspends his certificate for six calendar months from the date hereof.

(Signed) E. C. TWISS, Judge.

We concur.

C. Y. WARD,  
J. THRELFALL BRAGG, } Assessors.  
JOHN REED,

(Issued in London by the Board of Trade on the 2nd day of December 1897.)

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