

(No. 5646.)

"ESPARTO" (S.S.) & "NOEL" (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a formal investigation, held at Edinburgh, on the 21st, 22nd, 23rd, 24th, and 29th days of December, 1897, before ANDREW RUTHERFORD, Esq., Sheriff of the Lothians and Peebles, assisted by Captain R. C. DYER, R.N., Captain WILLIAM ERSKINE, and Captain SAMUEL BROOKS, into the circumstances attending the collision of the s.s. "ESPARTO" and "NOEL" in the English Channel, off the Royal Sovereign lightship, on the 28th of November, 1897.

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 collision was caused by neither of the vessels having kept her course; by the action of the mate of the "Esparto" in sounding her whistle, and going full-speed astern without necessity for doing so; and by the "Noel" not having reduced her speed sooner than she did, and having ported her helm to the "Esparto's" green light.

Dated this 29th day of December, 1897.

ANDREW RUTHERFORD, Judge.

We concur in the above report.

RICHD. C. DYER,
WILLIAM ERSKINE, } Assessors.
SAMUEL BROOKS,

Annex to Report.

This inquiry was held at the Sheriff Court House, Edinburgh, on the 21st, 22nd, 23rd, 24th, and 29th days of December, 1897, when Mr. Henry Smith, for David Turnbull, Esq., W. S., appeared on behalf of the Board of Trade; Mr. Salvesen, Advocate, on behalf of the master and mate of the "Esparto"; Mr. Aitken, Advocate, watched the proceedings on behalf of the master and owner of the "Noel"; and Mr. A. Williamson, Advocate, on behalf of the representatives of the chief engineer of the "Esparto."

The "Esparto," official No. 82014, was a British screw steamer, built of iron, at Leith, by S. & H. Morton & Co. She was schooner-rigged, and had three vertical triple-expansion engines of 107 nominal horse-power combined. Her dimensions were as follows: Length, 241.2 ft.; breadth, 33.1 ft.; depth, 15.8 ft.; her register tonnage being 771.5. The vessel was registered at the Port of Leith in 1880, and was owned by the London and Edinburgh Shipping Company, of which Mr. Thomas Aitken, of 9, Commercial Street, Leith, was manager.

The "Esparto," having loaded a cargo of coal at Bo'ness, of about 1,225 tons, drawing 15.10 ft. forward, and 18.1 ft. aft, left Bo'ness for Barcelona on Thursday, the 25th November last, at 2 o'clock p.m. She was commanded by Captain Thomas Parrott, who had a certificate of competency as master, 08601, and had a crew of 19 hands all told, with one passenger, the Reverend Mr. Barlow. She was well found and equipped in every respect. She carried the necessary appliances for saving life required by the Statute, including two life-boats, hanging in davits and resting on chocks amidships; she had also a working-boat in davits on the quarter, which was 16.2 ft. long by 5.3 ft. beam. She had two compasses, one of which, on the upper bridge, was by Sir Wm. Thompson—the other, in the wheelhouse, by David Stalker, of Leith, and they were last adjusted in the summer of this year, in Leith Roads, by Sir Wm. Thompson. She was steered by both hand and steam, the latter being used only when going in and out of harbour.

After leaving Bo'ness she experienced moderate weather, with occasional drizzly rain. All went well until her arrival off Dungeness, about midnight of the 27th, the weather at this time being clear and the wind S.W., which eventually shifted to the W.N.W. A course

was then shaped from off Dungeness—W. by S. (magnetic)—the Ness being about two miles distant. At 3.20 a.m. of the 28th November the master went below, leaving the second officer in charge, with instructions to pass the Royal Sovereign lightship (it being then four or five miles distant) at one mile off. At 4 a.m. the chief officer relieved the second officer, and received orders from the master through the speaking tube to alter the ship's course to west when abreast of the lightship, and to call him when off Beachy Head for a further alteration of course. At this time it was dark but clear, and lights could be seen seven or eight miles off. There had been a rough sea, but it subsided, and there was no broken water, only a ground awell remaining, with a moderate breeze from the W.N.W. The "Esparto's" engine was going full speed, the ship making 6½ miles an hour. The watch was composed of the mate in charge; Jas. McMillan, A.B., at the wheel; Neil Johnson, A.B., on the lower bridge; and a boy, George Stoddart, on the upper bridge with the mate, on the look-out, it being stated in evidence there was too much sea to place him on the fore-castle head.

According to the evidence of those on board the "Esparto," a few minutes after 4 o'clock a.m. the white and red lights of a steamer were seen half a point on the port bow, about 2 to 2½ miles off. The red light remained in sight about four minutes, and the mate ordered the helm to be ported, with the intention of passing on her port side. About 4.15 the approaching vessel opened her green light, and the mate, after waiting for a few minutes, gave the order to starboard, with the intention to pass on the starboard side. This green light remained on her starboard bow for about five or six minutes, when the other vessel suddenly opened out her red light. The mate, after waiting 1½ minutes to see what she would do, gave three blasts of the steam whistle in rapid succession, and ordered the engines to be put full speed astern, the distance between the two vessels being stated in evidence to be then about ¼th of a mile. This order was promptly obeyed, but the other vessel, without reducing her speed and still showing the red light, came on, and struck the "Esparto" on the starboard side immediately abaft the fore rigging, cutting into No. 2 hatch to a depth of about 30 feet, and at nearly a right angle. She remained wedged in the "Esparto" for three or four minutes, when she backed out. The master, on hearing the telegraph chains rattling over his head when the order was given to go astern, and also the whistle blowing, rushed on deck, and saw a steamer a few yards off on the starboard side apparently in the act of colliding. He hailed the approaching steamer, shouting out "Go full speed astern!" but the collision occurred as before described. He ordered the engines to be stopped and the engineer to come on deck, went to the chart room, got an axe, and commenced cutting away the lashings of the life-boats, but there was no time to launch them; he got into the starboard life-boat with the chief engineer and one sailor, when the vessel sunk, dragging the boat down with her, and when she came to the surface, bottom up, he climbed on to her bottom, where he remained nearly an hour (having no life-belt), and was rescued by a boat from the s.s. "Castlemore," which had arrived on the scene in the interval.

When the vessel, which afterwards proved to be the "Noel," struck the "Esparto," and remained wedged in her for some four minutes, the mate of the "Esparto," with seven other men, attempted to get on board from the starboard fore rigging; six of them succeeded in getting over the bows, but two fell in the water and were drowned.

The second mate, with five other men, succeeded in lowering the working quarter-boat, but in doing so the after end got down first and shipped a large quantity of water. They got clear of the ship before she sunk; but no rowlocks or bailer could be found, consequently they were unable to render assistance to those in the water, although hearing their cries. They eventually drifted alongside and got on board the "Noel," but after getting on board they found the condition of that steamer so serious that they wanted to return to their own boat, which, however, they found to be adrift.

The steward was ordered by the master to get the passenger on deck (he being an invalid), which he accordingly did, and brought him to abreast of the engine-room on the starboard side, close to the life-boat, and provided

him with a life-belt, instructing him how to put it on. The steward then got a life-buoy for himself, and at that moment the vessel foundered, taking both down with her. The steward came up again holding on to the life-buoy, and after being in the water for a considerable time, was picked up by the chief mate and carpenter in the "Noel's" boat, as was also the third engineer. The passenger was never seen again.

These are the facts of the case as elicited from those on board the "Esparto." It may here be stated that the captain was seriously injured when the ship foundered, and it was only with difficulty that he was able to attend to give evidence.

The "Noel" was an iron screw steamship, built at Barrow in the year 1878, classed in Lloyd's as first class, her register tonnage being 1028, belonging to Dunkirk, and was owned by Monsieur Noel Dubuisson, of Dunkirk. She was schooner-rigged, and had three boats—two large and one small; three compasses—one at the wheel, one on the upper bridge, and one aft—date of adjustment not known. Her crew consisted of 22 men all told, and one passenger. She had a general cargo of about 1,100 tons, and her draught was 17 ft. forward and 17.2 ft. aft. She was fully equipped with all necessary appliances.

On the 17th November the "Noel" left Algiers for Dunkirk. She called at St. Nazaire, where she discharged a portion of her cargo, and on the 26th of November proceeded on her voyage. All went well until Sunday the 28th. At four o'clock that morning she was about two miles south of the Royal Sovereign lightship, the weather fine and clear, with a good breeze from the W.N.W., going full speed, 10½ knots.

The mate was in charge until 4h. 2m. a.m., when the master came on the bridge. The ship's course was stated to be East at that time—and it is so recorded in the log book—but the log contains no record of the actual course set after 4 a.m. The Court had some difficulty in ascertaining the precise course steered after 4 a.m. from the statements of the witnesses speaking from memory, but they are satisfied, from the evidence of those on board both vessels regarding the lights, that they were steering a fine parallel course for several minutes immediately prior to the collision, showing green light to green light.

Shortly after 4 o'clock a.m. the white and green lights of a steamer were perceived 4 or 5 degrees on the starboard bow of the "Noel," which continued her course. At 4.10 the approaching steamer, which proved to be the "Esparto," came more on the starboard, being then 7 or 8 degrees on the starboard bow. At this time the ships were about half a mile distant. A single blast of the steam whistle of the "Esparto" was heard by those on board the "Noel," and was immediately replied to by one short blast, to show that the signal was understood.

The order was then given to put the helm hard-a-port and reverse the engines full-speed, but before the way could be taken off her, the "Noel" collided with the "Esparto," striking her nearly amidships, and cutting through No. 2 hatch to the extent of about 30 feet.

After the vessels separated, the forehold of the "Noel" was found to be full of water, and her boats were lowered to the rail to be in readiness, as it was apprehended that she might sink. The master ordered life-buoys and floating lights to be thrown into the water to the assistance of the crew of the "Esparto," and remained in the vicinity for about 3½ hours after the collision, sounding her whistle as a signal of distress. He then proceeded towards Dover, and when off Dungeness, finding that the vessel was gradually sinking, she was beached about two miles eastward of Dungeness. The weather became so bad that for two days no communication could be had with the shore, and on the third day the ship broke in two and became a total wreck.

Considering the condition in which the "Noel" herself was after the collision, credit is due to the master for his efforts to save the crew of the "Esparto."

It may be stated that the witnesses from the "Noel" attended the inquiry and gave evidence without being under any legal obligation to do so.

After the evidence was concluded, Mr. Smith addressed the Court on behalf of the Board of Trade, and Mr. Salvesen on behalf of the master and mate of the "Esparto."

The following is a list of the persons drowned after the collision:—

1. The Reverend George Barlow, Wesleyan minister.
2. Neil Johnson, A.B., on board the "Esparto."
3. William A. Kingborn, first engineer of the "Esparto."
4. James McMillan, A.B., on board the "Esparto."
5. R. Gilmour, fireman, on board the "Esparto."

Answers by the Court to the questions for the opinion of Court:—

1. Did the "Esparto" carry the boats and life-saving appliances required by the Statute, and were the boats kept so as to be at all times fit and ready for use?—The "Esparto" did carry the boats and life-saving appliances required by the Statute. The two life-boats were in good order, and the working-boat aft was ready for lowering, but when in the water neither rowlocks nor a bailer could be found.

2. Whether, when the "Esparto" and "Noel" were approaching each other, the chief officer of the "Esparto" sounded one blast of the steam whistle, and if so, did he then direct her course to starboard?—From the conflicting evidence on both sides, it is impossible for the Court to determine whether one or three blasts of the steam whistle of the "Esparto" were sounded when the vessels were approaching each other. The chief officer and the boy on the look-out stated that three blasts of the "Esparto's" whistle were sounded, and their evidence to that effect was corroborated by several others of the crew. On the other hand, all the witnesses from the "Noel" stated they heard only one blast from the "Esparto." Her course was not directed to starboard.

3. Whether, when the "Esparto's" green light was about two points on the "Noel's" starboard bow, the course of the "Noel" was directed to starboard, and if so, what were the circumstances in which her course was so directed?—When the "Esparto's" green light was about two points on the "Noel's" starboard bow, one blast only of her whistle is said to have been heard by those on board the "Noel," which they understood to indicate that the "Esparto" was porting her helm, and these, it is alleged, were the circumstances in which her course was directed to starboard.

4. Was it the duty of the "Esparto" to keep out of the way of the "Noel," or was it the duty of the "Noel" to keep out of the way of the "Esparto," under Article 19 of the Regulations for Preventing Collisions at Sea?—Article 19 of the Regulations does not apply to this case. According to the evidence of the witnesses from both ships, they were not crossing vessels, but were passing each other, green light to green light.

5. Did the "Esparto" or did the "Noel" keep her course as required by Article 21 of the said Regulations?—As stated in answer to the question No. 4, the "Esparto" and "Noel" were not crossing vessels, therefore the Court is of opinion that Article 21 of the said Regulations does not apply.

6. If it was the duty of the "Esparto" to keep out of the way of the "Noel," did she comply with Article 22 of the said Regulations?—It was the duty of the "Esparto" and also of the "Noel" to continue their respective courses, therefore Article 22 of the said Regulations does not apply.

7. Was a good and proper look-out kept on board the "Esparto," and was that vessel navigated with proper and seamanlike care?—A good and proper look-out was not kept on board the "Esparto," inasmuch as it was entrusted to a boy 18 years of age, who had only about two months' experience at sea. This, however, in the opinion of the Court, did not contribute to the casualty, as the mate had himself observed the lights of the "Noel" at a considerable distance off, and in sufficient time to take the steps necessary to avoid collision. The "Esparto" was navigated with proper and seamanlike care up to the time when she sighted the "Noel's" lights, one and a half or two points on her starboard bow, the "Noel's" masthead and green lights only being visible, distant about one and a half miles; but she was not afterwards navigated with proper and seamanlike care, inasmuch as the mate was in error in blowing her whistle and going astern at a time when the position of the two vessels did not render this action necessary. If the "Esparto" had continued on her course it would have carried her clear of the "Noel."

8. Was the chief officer of the "Esparto" justified in neglecting to call the master before the collision?—The Court is of opinion that the chief officer of the "Esparto" cannot be justly blamed for not having called the master before the collision. The circumstances were not such as at first to lead him to anticipate any danger, and when the collision became imminent he had no time.

9. What was the cause of the collision and loss of life?—The cause of the collision was that neither of the vessels kept her course. As already stated in answer to question 7, if the "Esparto" had not blown her whistle and gone full speed astern, the collision would not have occurred; and the same remark applies to the "Noel" which, in

the opinion sooner than green light.

The loss of the "Esparto" her eight rigging; six water and another when the "Noel's" mate and board the "Noel's" a life-belt, again.

The mast up clinging "Castlemor"

10. Was other men life?—The crew got av the Court, water, as th locks could for bailing

the opinion of the Court, should have reduced speed sooner than she did, and ought not to have ported to a green light.

The loss of life was caused by the sudden foundering of the "Esparto." When the "Noel" was wedged in her eight men attempted to get on board from the rigging; six succeeded in doing so, but two fell into the water and were drowned. The chief engineer and another were drowned through the life-boat capsizing when the "Esparto" sank; six got on board the "Noel" in their own quarter-boat; two were picked up by the "Noel's" working-boat, which was manned by the chief mate and carpenter of the "Esparto," after getting on board the "Noel" from the rigging of their own ship. The passenger, after being provided by the steward with a life-belt, went down with the ship and was not seen again.

The master, who went down with the ship, was picked up clinging to the life-boat by a boat from the s.s. "Castlemore."

10. Was every effort made by the second officer and other members of the crew of the "Esparto" to save life?—The second officer, who with five of the "Esparto's" crew got away in her working-boat, was, in the opinion of the Court, unable to render assistance to those in the water, as the boat was almost waterlogged and the rowlocks could not be found, while there was no proper means for bailing the water out of her. The boat was also to

leeward of the wreck, and all that they could do was to keep her head to sea.

The Court wish to express their opinion that great credit is due to the first mate and carpenter of the "Esparto," who, after getting on board the "Noel," with great promptitude got into her small boat and put off to the scene of the wreck, when they succeeded in rescuing the third engineer and steward, who were still floating in the water.

The other members of the crew were not in a position to make any effort with a view of saving life.

11. Was the loss of the "Esparto" caused by the wrongful act or default of the master and chief officer of that vessel, or of either of them?—In the opinion of the Court the master of the "Esparto" is not in default; but the Court considers that the chief officer committed a very grave error of judgment in sounding the whistle of the "Esparto," and going astern at the time he did. As already stated, the collision, but for this, would have been avoided.

ANDREW RUTHERFORD, Judge.

RICHD. C. DYER, R.N. }
WILLIAM ERSKINE, } Assessors.
SAMUEL BROOKS, }

(Issued in London by the Board of Trade on the
13th day of January, 1898.)