

[No. 5,613].

"FAME" AND "ERNE."

*REPORT of a Court of Enquiry held at Calcutta under section 7 of Act V. of 1883 (The Indian Merchant Shipping Act) as amended by Act VI. of 1891, at the instance of the Government of Bengal, for the purpose of making an investigation into the cause of the collision between the ship "Erne" of London, 1,528 tons, and the pilot brig "Fame," at the Sandheads, on the 8th August 1897.*

On the 8th August the pilot-brig "Fame" was at anchor off the eastern channel, the eastern light ship was then bearing north-east by north about 5 to 6 miles from the brig. The brig had her riding light burning brightly; she was heading south.

At about 2.15 a.m. the Commander of the brig, Mr. Colingwood, Branch Pilot, was called up on deck, and on his arrival there he saw the red light of a sailing vessel, which afterwards proved to be the British ship "Erne," about four points before the starboard beam, coming along before the wind at a very dangerous angle, under topsails, staysail and inner jib. The vessel was then about  $\frac{1}{2}$  of a mile off, and was burning a blue light. A "flare-up" light was shown from the brig and a light put over the stern. The Commander ordered the fourth shackle, which was abaft the windlass, to be slipped, and gave orders for the brig's helm to be put hard-a-starboard. It appears that the carpenter, who had been told to slip the shackle, was unable to do so in time, and the windlass was therefore ordered to be opened out to let the chain run. The ship steadily approached without altering her course, and Mr. Collingwood shouted out to those on the ship to put the helm hard down, with the object of getting them to bring the ship towards the wind. The wind was, at the time the vessel was approaching, south south-west, two points on the ship's starboard quarter. Some one shouted out from the ship in reply to the effect that the helm was down, and enquired if the brig was at anchor. Immediately afterwards the "Erne" struck the brig, hitting her jibboom. The "Erne" then ranged alongside the brig's starboard quarter, his stern striking the forward davits of the brig's starboard quarter boat. The brig's chain was then running out and the ship forged ahead, but caught and fouled the forerigging of the brig, bumping heavily on to the brig's starboard fore-castle head, but eventually shot clear.

Material damage was done to the brig, the damage above decks being estimated at Rs. 3,000, exclusive of dock hire; and it has been ascertained that some damage has been caused below decks, but to what extent is yet unknown.

It was a clear night, the moon shining at times, though there were some rain squalls at times. There was also a heavy swell from the south, the wind being south south-west; force 2 or 3.

Captain Hitchin has pleaded guilty to the charge framed, and has called no evidence, but he has put in a statement which is annexed to these proceedings. He attributes the accident to his having misjudged his distance from the brig, and to his having supposed the brig was under weigh.

It appears that this is not altogether a satisfactory explanation. The Captain of the "Erne" sighted the brig when she was six miles away; the brig's riding light was burning brightly, and the night was clear. The "Erne" appears to have from that time steadily approached on one course, and when within a quarter of a mile of the brig, a "flare up" light was shown from the brig; there would therefore, it seems, have been ample time even then for the "Erne" to have passed astern of the brig.

As regards the supposition that the brig was moving, it should have been apparent to the "Erne" that she was

not moving from the fact that her riding light was burning, there being no side lights. It, moreover, appears that Captain Hitchin took no steps whatever to ascertain whether his supposition was correct. This he could have done by setting a course and observing the brig's light; but instead of doing so, he came steadily on towards the brig till he ran into her. He admits that no side lights were visible. It seems hard to imagine therefore that he had any ground at all for his supposition.

It may, however, be quite true, as he states, that he had had difficulties previously in making the brig, and that this may have made him anxious and, as he says, affected his nerves; but I do not think that this is an excuse which can be accepted as relieving him from blame for his grave want of caution when approaching the brig. It would be tantamount to saying that vigilance and caution were unnecessary under such circumstances, when meeting or sighting vessels at sea. Vessels at anchor in the high seas or in broad waters (when, as in this case, the regular and customary means of affording information to other vessels that they are riding at anchor have been supplied) have every right to expect that care and caution should be taken by vessels approaching them; and if the necessary care and caution is not taken, those in charge of the careless vessel are to blame and should be held responsible. It was no doubt an error of judgment on the part of Captain Hitchin in miscalculating his distance and passing across the bow of the "Fame"; but I do not think that the collision, though caused by this final error, was solely and primarily attributable to it, for no care or precaution was exercised by her captain in approaching the brig to ascertain whether she was moving or not. This, I think, makes the captain's error of judgment bear a more serious aspect, and in fact points to the fact that little or no judgment was used in approaching and reaching the place at which the final error in judgment was made.

The error of judgment was a culpable one; it was not one which a competent and careful man ought to have made or should be excused for making; it was a continuous one, not made in the hurry of a moment. I would suspend the captain's certificate for three months, but would recommend, under section 19 of Act V. of 1883, that a mate's certificate be granted to him during that period. My two colleagues in the Court, however, although considering the captain to have committed an error in judgment, do not take such a serious view of the matter as I do, and consider that it is unnecessary to deal with the captain's certificate. I, therefore, at the conclusion of the case in open Court, stated to the Captain that the majority of the Court were of the opinion that his certificate should not be dealt with. I, however, think it right to lay before the Local Government my views in the matter, whilst regretting that I should feel it my duty to differ from my colleagues as to the degree of culpability attaching to the error of judgment displayed. The opinion of the assessors is annexed to these proceedings; they agree in finding Captain Hitchin guilty of the error of the judgment charged.

T. A. PEARSON, *President.*

We agree in the statement of the facts as given above and in finding that the collision was due to an error in judgment on the part of Captain Hitchin in passing across the bows of the "Fame." We consider this, however, to be an error in judgment which hardly merits the suspension of his certificate.

W. McALLISTER, } *Members.*  
H. WEBSTER, }

*The 28th August, 1897.*

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