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Trade on the
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(No. 5885.)

"MONTAGU."

The Merchant Shipping Act, 1894.

the matter of a formal investigation held at the Municipal Buildings, in the County Borough of Middlesbrough, on the 5th, 6th, 7th, 8th and 10th days of April, 1899, before CHARLES JAMES COLEMAN, Esquire, Judge, assisted by Captain RICHARD C. DYER, R.N., and Commander WARREN F. CABORNE, C.B., R.N.R., into the circumstances attending the loss of the British ship "MONTAGU," of Middlesbrough, off Cromer, on or about the 12th February last, 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 there is no evidence to show what was the actual cause of the foundering, but the Court thought it highly probable that she shipped a heavy sea aft, which smashed in the skylight and companion doors, filling the after part of the ship with water and thus causing the ship to founder.

Dated this tenth day of April, 1899.

CHARLES JAMES COLEMAN, Judge.

We concur in the above Report.

RICHD. C. DYER, } Assessors.
W. F. CABORNE, }

Annex to the Report.

This inquiry was held in the Committee Room, at the Municipal Buildings, Middlesbrough, on the above-mentioned dates, when Mr. W. S. Burton appeared for the Board of Trade, while Dr. Jackson, of Hull, represented the owners of the "Montagu" and the master of the "Emperor," which screw steam-tug was towing her at the time of the casualty.

The "Montagu" was originally a screw steamer, built of iron at Low Walker, by Messrs. C. Mitchell & Co., in 1855; her length being 179.7 ft., her breadth 25.4 ft., and her depth 12.3 ft.; her gross tonnage amounting to 458.56.

In 1891 the engines and boilers were taken out of her and she was converted into a lighter; being employed from that time until the date of her loss in carrying cargoes about the north-east coast in tow of a steam tug.

She belonged to the Tees Tug and Lighter Company, Limited, of Middlesbrough, of which Mr. Eusebius Derwent, of the same town, was the active manager, her register tonnage being 350 tons, and her official number 22,612.

She was a flush decked vessel with the exception of a poop or wheel house aft, her bulwarks being about three feet high, and she had three pole masts and carried five jib-headed sails.

She was supplied with two boats (one of them being a lifeboat) two compasses and the life-saving apparatus required by the statute, and was manned by a crew consisting of five hands all told.

The "Montagu" left the Tyne for Lowestoft, about two o'clock on the morning of February 11th, with a cargo of 550 tons of coal, under the command of Mr. Charles Knights, who held no certificate, and in tow of the steam tug "Emperor," belonging to the same owners and commanded by Mr. John Sylph, who was also uncertificated.

Her draught of water on leaving was 10 ft. 6 ins. forward, and 11 ft. 9 ins. aft, her marked freeboard being 2 ft. 10 1/2 ins., and the centre of the disc showing slightly above the water. The vessel was towed by a hawser

about 100 fathoms in length, of which 45 fathoms were of 12 in. coir rope, and about 60 fathoms of 3 1/2 in. wire rope.

All went well through the day of the 11th, but the wind freshened up from the westward about 8 p.m., the sea also rising.

About 10 p.m. the Dudgeon Light-vessel was passed to the westward at a distance of about two miles, when a course (S.S.E.) was shaped for a position some three or four miles off Cromer Light.

The weather at this time was clear, but dark, while a strong gale was blowing from the westward, causing a heavy beam sea. Cromer Light was sighted about 11 p.m., one point on the starboard bow. Half an hour later the course was altered to S. by E., which was steered until about 1.30 a.m. on the 12th.

The tug was shipping heavy seas, and her master and mate were both on the bridge, the former steering and keeping a general look-out, both ahead and on the vessel in tow, and the latter keeping a similar watch both fore and aft.

Glancing aft, the master of the "Emperor" observed a bright light being waved from the bow of the "Montagu" he being the first person to notice it, a light so displayed being a preconcerted signal in the event of anything important occurring. He had looked round shortly before this to see that his tow was all right, as his own vessel was making such bad weather of it, and nothing unusual was then seen.

On seeing this distress signal light he immediately reduced speed, jumped down from the bridge on to the deck, lifted the engine-room skylight and told the engineer to stop the machinery, and hailed the "Montagu" to enquire what was the matter. The reply was that the crew wanted to be taken off as the vessel was sinking. The master at once slipped the tow rope, steamed ahead under starboard helm, and brought the tug round under the port and lee quarter of the lighter, as near as he could approach her with safety.

Two men were seen, one forward, and one on the wheel-house aft, and only two voices were heard calling for help. Lines were thrown towards the vessel, but did not reach her, as at that moment the "Montagu" reared up forward and foundered by the stern, the tug then only a few feet from her.

The "Emperor" continued in the vicinity of the disaster, searching for members of the crew for upwards of an hour and a half, but discovering no trace of them, proceeded to Yarmouth, where she arrived about 8 a.m.

During the time that she was searching, the lifeboat of the "Montagu" was seen close to the tug, but there was no person in her, and she was rapidly lost to view.

With reference to the boats of the "Emperor," she was provided with two, one being a lifeboat placed in chocks on the starboard side, the davits on that side not being shipped, and the other being a dingy, placed under the davits on the port side, the tackles being properly hooked. The lifeboat does not appear to have been in such a state of readiness as she might have been, had the davits been shipped and the tackles hooked, but the "Emperor" being so very low aft, it seems to have been the ordinary practice to launch the lifeboat over the side; but this was not done upon the present occasion, as it was thought she would not live in such a sea as was then running.

Moreover from the lowness in the water of the "Emperor" herself, a more efficient search could be carried out from her than could have been made by a small boat, even if one could have been lowered.

Although the "Montagu" had been built in 1855, and was consequently about forty four years old, the evidence before the Court given by Board of Trade Surveyors, members of different firms who had repaired her from time to time, persons who had loaded and discharged her upon various occasions, and men who were formerly members of her crew showed that she was in their opinion in a seaworthy condition, and perfectly fit for the trade in which she was employed.

Until the present year, the "Montagu" had been insured, but the Company having acquired nine other vessels, the owners determined to become their own insurers; hence it happened that both the vessel and her freight were wholly uninsured.

According to a list handed in by the owners of the "Montagu," the following are stated to be the names of the persons lost in that vessel, viz. :—

Charles Knights	...	...	(Captain).
Samuel Isaacs	...	...	(Mate).
James Williamson	...	...	(Seaman).
George Young	...	...	(Boy).
James Lewis	...	...	(Seaman).

At the conclusion of the evidence, Mr. Jackson L.L.D. of Hull summed up the evidence that his witnesses had given, and Mr. Burton replied upon the whole case on behalf of the Board of Trade.

The following questions were submitted to the Court on behalf of the Board of Trade. These were considered by the Court, and the appended answers given.

Questions.

1. When the "Montagu" left the Tyne on the 11th February last, was she in good and seaworthy condition as regards her hull and equipments?
2. Was the vessel supplied with pumps, anchors, cables and hawsers?
3. Did she carry the boats and life-saving appliances required by the statute, and was one of the boats so carried as to be at all times fit and ready for use?
4. Was the vessel properly manned, and was the crew sufficient in number to launch the boat in case of need?
5. Was the vessel overladen?
6. Were the fore and afters shipped in the hatchways, were the hatches put on, and were they covered with tarpaulins, and battened down before the vessel left the Tyne?
7. Was a safe and proper course set after passing the Dudgeon and thereafter steered, and was due and proper allowance made for tide and currents?
8. What was the position of the vessel at or about 1.30 a.m. on the 12th February, and what was the cause of her then being in distress?
9. Were prompt measures taken by the master of the "Emperor" to render assistance to the crew of the "Montagu"?
10. What was the cause of the foundering of the "Montagu," and how was it that all her crew were drowned?
11. What were the circumstances in which the "Emperor's" boat was not lowered?
12. Whether blame attaches to the manager of the "Montagu," or to Mr. Derwent?
13. Whether the "Emperor" was navigated with proper and seamanlike care, having due regard to the safety of the "Montagu"?
14. Was the loss of the "Montagu" caused by the wrongful act or default of the master of the "Emperor"?
15. What was the value of the "Montagu" and of the freight she carried upon her last voyage? Was any insurance effected upon the vessel or freight?

Answers.

1. When the "Montagu" left the Tyne on the 11th February last she was in good and seaworthy condition as regards her hull and equipments.
2. The vessel was supplied with pumps, anchors, cables, and hawsers.
3. She did carry the boats and life-saving appliances required by the statute, and the boats were carried in board on chocks, with the tackles hooked and ready for use.
4. The vessel was properly manned for the trade in which she was employed, and the crew were sufficient to launch the boats in case of need.
5. The vessel was not overladen.

6. The fore and afters were shipped in the hatchways, the hatches were put on and they were covered with tarpaulins and battened down before the vessel left the Tyne.

7. A safe and proper course was set after passing the Dudgeon, and thereafter steered. A due and proper allowance was made for leeway, tides, and currents.

8. The position of the "Montagu" at or about 1.30 a.m. on the 12th February was about 6 or 7 miles S.S.E. of the Dudgeon Lightship. There is no evidence before the Court to show what was the cause of her then being in distress, but a hard gale was blowing from the westward, with a dangerous sea running; therefore the Court can only suggest that a heavy sea broke on board aft carrying away or smashing in the skylight or companion—or the doors of the latter may have been open—and filling the cabins with water, or she might have struck a piece of floating wreckage.

9. Prompt and proper measures were taken by the master of the "Emperor" to render assistance to the crew of the "Montagu." At the time of the casualty, the "Emperor" herself was shipping heavy seas, and when the distress signal light was observed from the bows of the "Montagu," the master immediately reduced speed, jumped down on the deck, pulled up the engine room skylight, and told the engineer to stop her, then hailed the tow to know what was wrong, the reply being "We want to be taken off as the vessel is sinking." He at once slipped the tow rope, steamed ahead under starboard helm, and brought her under the lee of the "Montagu" as near as he could safely approach. Two men only were seen and heard on board the "Montagu," lines were thrown towards them, but before they could have been of any avail she reared up, and foundered by the stern.

10. There is no evidence to show what was the cause of the foundering of the "Montagu," more than is stated in the reply to question 8. The crew were all lost by the ship foundering, and as only two men were seen on deck, the Court thinks it probable that the others were drowned below.

11. Considering the heavy weather that prevailed at the time, the Court is of opinion that the boat, if lowered, would not have lived in such a sea, and the "Emperor" herself being very low aft was practically only a large boat in which a more efficient search could be made than in the small one if put out.

12. The Court is of opinion that no blame attaches to the manager of the "Montagu" or Mr. Derwent. Various bills and documents relating to the repairs executed upon her from time to time, were produced to the Court, showing that there was no stint as to costs, and that *carte blanche* was given to the firms carrying out the repairs to do all that was necessary.

13. The "Emperor" was navigated with proper and seamanlike care, having due regard to the safety of the "Montagu."

14. The loss of the "Montagu" was not caused by the wrongful act or default of the master of the "Emperor."

15. The value of the "Montagu" when proceeding on her last voyage was £1,600, and of the freight, about £125. No insurance was effected either on the vessel or the freight, the total loss falling upon the owners.

The Court makes no order as to costs.

CHARLES JAMES COLEMAN, Judge.

We concur in the above Report.

RICHARD C. DYER, } Assessors.
W. F. CABORNE, }

(Issued in London by the Board of Trade on the 21st day of April, 1899.)

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