

(No. S. 159.)

## "ESCORT" AND "FISH GIRL."

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Market Hall, Brixham, on the 9th and 10th days of May, 1899, before LLEWELLYN LLEWELLYN and PHILIP PEMBROKE ALEXANDER, Esquires, two of Her Majesty's Justices of the Peace, acting in and for the County of Devon, assisted by Captains ABSALOM ANDERSON and ANDREW CUNINGHAME, also Mr. GEORGE JEFFS, into the circumstances attending the loss by foundering of the British ship "ESCORT," after collision with the British ship "FISH GIRL," in the Bristol Channel, about 18 miles to the west of Lundy Island, on the 21st day of April, 1899.

### Report of Court.

The Court having inquired into the circumstances attending the above-mentioned shipping casualty, finds for the reasons stated in the annex hereto that the "Escort" foundered at or about 3 a.m. on the 21st April, 1899, about 18 miles to the west of Lundy Island, immediately after collision with the "Fish Girl," the cause of the collision being non-compliance by the "Fish Girl" with Article 17 of the Regulations for Preventing Collisions at Sea, the want of a proper look-out on the "Fish Girl," and her deck being left without anyone in charge immediately before the collision took place.

The Court find John Brusey, the skipper of the "Fish Girl," and Seaward Sydenham, the second hand of the "Fish Girl," in default, and they suspend the certificate of John Brusey, the skipper of the "Fish Girl," for three months from this date, and the skipper's certificate of Seaward Sydenham, the second hand of the "Fish Girl," for a period of six months from this date.

Dated this 10th day of May, 1899.

LLEWELLYN LLEWELLYN, } Two of Her Majesty's  
PHILIP P. ALEXANDER, } Justices of the Peace  
acting in and for the  
County of Devon.

We concur in the above Report,

ABSM. ANDERSON, }  
ANDREW CUNINGHAME, } Assessors.  
GEO. JEFFS. }

### Annex to the Report.

The "Escort," official number 78,324, was a ketch-rigged fishing smack, built at Brixham in the year 1878. The "Fish Girl," official number 95,388, is also a ketch-rigged fishing smack. She was built at Brixham in the year 1889.

At the date of the occurrences hereinafter mentioned, John Pine, who holds a skipper's certificate, numbered 1671, was in command of the "Escort," and John Brusey, who holds a skipper's certificate, numbered 95,338, was in command of the "Fish Girl."

On the 20th April, 1899, the "Escort," which had a crew consisting of the skipper, John Pine, the second hand, Jasper Collier Parnall, a third hand, John James Pine, and a boy, James Acott, the vessel being then well found and in good condition, and having two pumps (one steam and one hand), one boat passed by the Board of Trade Surveyor, two life-buoys and four life-belts, one in each berth, left Milford Haven bound for the fishing grounds off Lundy Island. The "Fish Girl" in command of John Brusey, and having in addition to the skipper a crew consisting of Seaward Sydenham, the second hand, George Harvey, the third hand, and — Brown, the cook, also left Milford about the same time as the "Escort" (between two and three in the afternoon of the 20th April).

The "Fish Girl" was well found and in good condition and had one boat on board, one life-buoy in mizzen rigging and two compasses. She was also bound

to the fishing grounds off Lundy. The two vessels were in company for some time, but eventually the "Escort" got ahead of the "Fish Girl." At about 2.30 a.m. on the 21st April the "Escort," which was previously on the port tack, was put upon the starboard tack. The wind at that time was blowing a strong breeze from S.E. and the sea choppy. It was raining, but not foggy, and vessels' lights could be seen a distance of a quarter of a mile. The "Escort" had her lights up and burning, and all hands were on deck assisting in putting the vessel about. Before being put about the vessel was under all plain sail. When they went about they let go the foretopsail halyards and hauled down the mizzen topsail and stowed it. They were then going to take a reef in the mizzen, intending to lie-to till daylight, but before they had done so they saw the starboard (green) light of a vessel, which proved to be the "Fish Girl," under their port rigging, and in two minutes after they were struck almost at right angles on the port side, just before the rigging. The "Fish Girl" was on the port tack on a S.S.W. course. The skipper of the "Fish Girl," John Brusey, was not on deck at the time of the collision. It was his watch below. He went below about eight o'clock, leaving the third hand, George Harvey, in charge of the deck, with instructions to keep a look-out, to call him if the weather became thick or for any other reason he thought necessary, and if the wind came aft to keep the vessel S.S.W. At about 2 o'clock on the morning of the 21st Seaward Sydenham, the second hand, relieved Harvey, the third hand, on deck, but got no instructions from him. Sydenham, who after two o'clock was the only hand on deck, remained there until about two or three minutes before three when he went below to call the skipper. He was away only about two minutes. He saw no light when he went below to call the skipper, but on his return on deck he saw a red light on their starboard bow, and before he could get to the tiller the "Fish Girl" had come into collision with the "Escort," striking her as before stated. The "Escort" sank almost immediately. After the "Escort" was struck the skipper, John Pine, and the third hand, John James Pine, were saved by the "Fish Girl," and the "Fish Girl's" boat, which was abreast of the starboard rigging, was at once got out and every effort was made to find the two other hands of the "Escort," Jasper Collier Parnall and James Acott, but without success. The "Fish Girl" lay-to until five o'clock and then left for Milford, where she arrived about noon, and landed the survivors.

The Court was attended by Mr. Wolferstan, on behalf of the Board of Trade; by Mr. Roberts (Messrs. Pritchard & Son), for the owner of the "Fish Girl"; Mr. Herbert Walter Nelson (Lawless & Co.), for John Brusey, the master of the "Fish Girl"; by Mr. T. W. B. Hutchings, for Seaward Sydenham, the second hand of the "Fish Girl"; and Peter Hancock, owner of the "Escort," who elected to be a party to the proceedings, in person.

At the conclusion of the evidence Mr. Wolferstan, on the part of the Board of Trade, submitted the following questions for the opinion of the Court, viz:—

1. Whether both vessels carried the boats and life-saving appliances required by the Statute, and were the boats so carried as to be at all times fit and ready for use?
2. Whether, on the morning of the 21st April, both vessels carried and exhibited the lights required by the Regulations for Preventing Collisions at Sea?
3. Did the skipper of the "Fish Girl" leave the deck at or about 8 p.m. on the 20th April, and, if so, whether before leaving the deck he made proper arrangements for the safe navigation of the vessel?
4. Should the "Fish Girl" have been left with one hand only on deck?
5. Whether at or about 3 a.m. on the 21st April it was the duty of the "Fish Girl" to keep out of the way of the "Escort," or was it the duty of the "Escort" to keep out of the way of the "Fish Girl," in compliance with Article 17 of the said regulations, and did the skipper of the "Escort," or did the second hand of the "Fish Girl" comply with the said article?
6. Was a good and proper look-out kept on board both vessels, and were both vessels navigated with proper and seamanlike care?
7. What was the cause of the collision and loss of life?
8. Whether the loss of the "Escort" and loss of life was caused by the wrongful act or default of the skipper

of the "Escort," or by the wrongful act or default of the skipper and second hand of the "Fish Girl," or any of them?

After hearing Mr. Nelson, Mr. Roberts, and Mr. Hutchings for the persons whom they respectively represented, and John Pine and Peter Hancock not wishing to address the Court; and after hearing Mr. Wolferstan on behalf of the Board of Trade, the Court answer the above questions as follows:—

1. Both vessels carried the boats and life-saving appliances required by the Statute, and the boats were so carried as to be at all times fit and ready for use.

3. On the morning of the 21st April both vessels carried and exhibited the lights required by the Regulations for Preventing Collisions at Sea.

3. The skipper of the "Fish Girl" did leave the deck at or about 8 p.m. on the 20th April. Before leaving the deck he did not make proper arrangements for the safe navigation of the vessel.

4. The "Fish Girl" should not have been left with one hand only on deck. It was proved before the Court that it is usual on Brixham trawlers to leave one hand only on deck. This practice the Court cannot too strongly condemn, and are of opinion that there should always be two hands on deck when a vessel is under weigh.

5. At or about 3 a.m. on the 21st April it was the duty of the "Fish Girl" to keep out of the way of the "Escort," in compliance with Article 17 of the Regulations for Preventing Collisions at Sea. The second hand

of the "Fish Girl" did not comply with the said article, but the skipper of the "Escort" did.

6. A good and proper look-out was not kept on the "Fish Girl," nor was she navigated with proper and seamanlike care. A good and proper look-out was kept on the "Escort," and she was navigated with proper and seamanlike care.

7. The cause of the collision and loss of life was non-compliance by the second hand of the "Fish Girl" with Article 17 of the Regulations for Preventing Collisions at Sea, the want of a proper look-out on the "Fish Girl," and her deck being left without any one in charge immediately before the collision took place.

8. The loss of the "Escort" and loss of life was caused by the wrongful act or default of the skipper and of the second hand of the "Fish Girl." The Court therefore suspends the certificates of John Brusey, the skipper of the "Fish Girl," for three months, and the certificate as skipper of Seaward Sydenham, the second hand of the "Fish Girl" for six months from this date.

Dated this 10th day of May, 1899.

LLEWELLYN LLEWELLYN, { Justices of the Peace  
acting in and for the  
County of Devon.

PHILIP P. ALEXANDER,

ABSM. ANDERSON,  
ANDREW CUNINGHAME, } Assessors.  
GEO. JEFFS,

(Issued in London by the Board of Trade on the 26th day of May, 1899.)

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Dated this First day

We concur in the above

Annex

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