

(No. 6003.)

"AGENORIA" (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at the Town Hall, Cardiff, on the 2nd and 3rd days of January, 1900, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Rear-Admiral BOYES, Captain A. CUNINGHAME, and Captain W. H. SINCLAIR LOUITT, into the circumstances attending the loss of the British steamship "AGENORIA," of West Hartlepool, near an outlying shoal to the north of Heligoland, on the 28th day of November, 1899, 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 the casualty was caused by the vessel being steered upon a course set by the master from a position carelessly and inaccurately estimated. The Court finds the master, John Merrix, alone in default, and suspends his certificate for nine months.

Dated this 3rd day of January, 1900.

T. W. LEWIS, Judge.

We concur in the above report.

G. T. H. BOYES, ANDW. CUNINGHAME, W. H. SINCLAIR LOUITT, } Assessors.

Annex to the Report.

This case was heard at the Town Hall, Cardiff, on the 2nd and 3rd days of January, 1900. Mr. Vachell appeared for the Board of Trade and Mr. Roe for the master. The first and second officers appeared in person, and were not professionally represented.

The "Agenoria," of the port of West Hartlepool, official No. 86,974, was a screw steamship, built of iron at West Hartlepool, in the county of Durham, in the year 1883, by Messrs. Irvine and Company, of West Hartlepool. Her length was 244 ft., breadth 33 ft., and depth 15.9 ft., and she was schooner rigged. She was fitted with two compound surface condensing engines of 130 horse-power combined, constructed by Messrs. T. Richardson and Son, of Hartlepool, in 1883. Her gross tonnage was 1,359.78 tons, and registered tonnage 850.20 tons. She was owned by the "Agenoria" Steamship Company, Limited, Mr. Frederick Childs, of 80, The Exchange, Cardiff, having been appointed the person to whom the management of the vessel was entrusted by and on behalf of the "Agenoria" Steamship Company, Limited, by advice under his hand dated 8th June, 1899.

She was supplied with three boats, viz., two lifeboats and a jolly boat, the full complement of life belts, and six or eight life buoys. She had three compasses, viz., a pole compass, by which the courses were set and steered, a steering compass on the bridge, and another aft. The master stated that there was a vertical magnet on the pole. This, in the opinion of the Court, was unnecessary, and calculated to have a prejudicial effect upon the pole compass. The pumps were in efficient working order. The chart used by the master upon this voyage was one of Imray's, of recent date. Sailing directions were supplied, but all papers were lost with the ship.

The "Agenoria" left Grangemouth on the 26th of November last at 3.30 a.m., bound for Hamburg, under the command of Mr. John Merrix, who held a certificate of competency as master, No. 034797, with a cargo of 1,750 tons of coal. Her draught was 16 ft. 8 ins. forward and aft, and her crew was 20 all told. The vessel was in good order and well found. At 3.40 p.m. on the 26th November the "Agenoria" was about six miles off St. Abb's Head. The master now took his de-

parture, setting a course S.E. 1/2 E. by the pole compass, which was supposed to be correct magnetic, but as the vessel had a list of three or four degrees to port it is doubtful if this compass was correct magnetic. The patent log was streamed. The master intended to pass to the south of Heligoland to make the entrance of the Elbe. He made no allowance for tide and currents. The weather was moderate and clear, though on the 27th he was unable to obtain any observation. At noon on the 28th he determined the latitude 54 degrees 20 minutes north by an observation of the sun. The patent log showed 335 miles, and as there was no chronometer on board the longitude was ascertained by dead reckoning. The latitude thus obtained placed the master considerably more to the northward than he expected. He consequently altered his course to S.E. magnetic, and continued full speed, making 7 to 8 knots an hour. The weather was still fine. About 4 p.m. the Island of Heligoland was made bearing, according to the master's statement, S.S.W., and, according to the statement of the second officer, who was on watch, S.W. at an estimated distance of 7 or 8 miles. No cast of the lead was taken to verify this then or subsequently. Finding himself so far out of his position, the master ordered the helm to be put hard-a-port, which brought the vessel round to W.S.W., upon which course she was steadied.

About 4.20 p.m. the light on Heligoland was sighted, bearing S. by W. at an estimated distance of 4 to 5 miles. No alteration was made in the course, and within half an hour the vessel struck heavily, the wind now blowing fresh from the N.W. with a rising sea. The mate took a cast of the lead, finding a depth of 18 ft. of water alongside by the main rigging. The engines were worked ahead and astern alternately, and at about 6.30 p.m. the vessel came off, and shortly after was found to be making water rapidly. Orders were then given by the master to clear away the boats, and efforts were made to launch them. Whilst doing so, the starboard lifeboat was stove in. The port lifeboat was with difficulty got into the water with one man, Allan, in her, but she was immediately capsized and smashed through collision with the ship, and Allan thrown into the sea. He, however, swam to the upturned boat, and was able to cling to the keel until rescued by the Heligoland lifeboat. Another man, a fireman named Linderhoff, unfortunately lost his life while assisting to get the port lifeboat into the water, but the exact circumstances were not ascertained. He was attending the after-tackle fall when he shouted out to Allan, "I cannot hold her any longer," and on Allan replying, "Let go all," the after end of the boat fell into the sea. At the same time the after-davit either unshipped or broke, and in falling is supposed to have carried Linderhoff overboard, for he was never again seen. A life-buoy was thrown in the direction from which cries were heard in the water, but in the darkness it was unavailing.

All available pumps were kept going, but were unable to keep the water under, which shortly after put the fires out. Signals were made for assistance. The vessel meanwhile was drifting helplessly, owing to the steering gear having given way. The master tried in vain to pick up the lost lifeboat and the seaman clinging to her. In response to signals, the Heligoland lifeboat came alongside. The master finding that the fires had been put out, and that the water was up to the engine room platform, ordered the crew to leave the vessel. He, together with the mate, steward, and boatswain, remained on board until the lifeboat returned after landing the crew, when he, together with the above-named men, also left the vessel. She shortly after foundered in deep water.

The Court cannot conclude this narrative without expressing its sense of the lamentable error of judgment committed by the master when he discovered his position at 4 p.m. on the 28th November. He was already past Heligoland, and there was nothing to prevent him with ordinary precautions from making the entrance to the Elbe safely without incurring the risk attaching to the course he adopted. Having determined, however, to retrace his steps, and to proceed by his usual course round the south end of the Island, it was all the more incumbent on him to neglect no precaution to insure safety that ordinary prudence would dictate, and to his failure in this respect is directly attributable the subsequent loss of life and property.

At the opening of the inquiry Mr. Vachell put in and on the conclusion of the evidence submitted for the opinion of the Court the following questions:—

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when and by whom were they last adjusted?

2. Did the master ascertain the deviation of his compasses by observation from time to time, were the errors correctly ascertained, and the proper corrections to the courses applied?

3. Was a safe and proper course set off St. Abb's Head at or about 3.30 p.m. of the 26th November last and thereafter steered, and was due and proper allowance made for tide and currents?

4. Were proper measures taken to ascertain and verify the position of the vessel at noon of the 28th November? Was a safe and proper alteration then made in the course, and was due and proper allowance made for tide and currents?

5. Were proper measures taken to ascertain and verify the position of the vessel at or about 4 p.m. of the 28th November, when Heligoland was sighted? Was a safe and proper alteration then made in the course, and was due and proper allowance made for tide and currents?

6. Were proper measures taken to ascertain and verify the position of the vessel from time to time after 4 p.m. of the 28th November?

7. Was a good and proper look-out kept?

8. Where and on what did the vessel strike, and what was the cause of the casualty?

9. What were the circumstances in which Linderhoff, a fireman, was drowned, and was every possible effort made to save him?

10. Was the vessel navigated with proper and seaman-like care?

11. Was the loss of the S.S. "Agenoria" caused by the wrongful act or neglect of the master, chief and second officers, or any of them?

The Court then considered the questions, and answered as follows:—

1. The vessel had three compasses. The Court is not satisfied on the evidence that, as stated to have been adjusted, they were in good order, but the casualty is not in any proximate degree attributable to the compasses. They are stated to have been last adjusted in November, 1898, but when or by whom there is no evidence.

2. The master stated that he ascertained the deviation of his compasses by observation from time to time, and that the errors were correctly ascertained, and the proper corrections applied to the courses, but as all the ship's papers were lost, the Court has no means of verifying these statements.

3. The course set off St. Abb's Head at or about 3.30 p.m. of the 26th November last was a safe and proper one. It is said to have been thereafter steered, but it is evident that it was not made good. No allowance appears to have been made for tide and currents.

4. There being no chronometer in the ship, the master had to depend upon his dead reckoning for the longitude. He should have used his lead, a measure he entirely neglected. Hence proper measures were not taken to ascertain and verify the position of the vessel at noon of the 28th November. Proper measures not having been taken to ascertain the vessel's position, the alteration made at noon was not a safe and proper one. No allowance was made for tide and currents.

5. When Heligoland was sighted at or about 4 p.m. of the 28th November, proper measures were not taken to ascertain and verify the position of the vessel. A safe and proper alteration was not then made in the course. No allowance was made for tide and currents.

6. After 4 p.m. of the 28th November no attention was paid to the change of the bearings of the light on Heligoland, nor was the lead used. Proper measures, therefore, were not taken to ascertain and verify from time to time after 4 p.m. the position of the vessel.

7. A good and proper look-out was kept.

8. The Court is unable precisely to locate the place where the vessel struck, but she struck in the vicinity of an outlying shoal to the north of Heligoland. About 4 p.m. on the 28th November, when the vessel was proceeding at full speed on a south-east magnetic course, the master sighted the cliffs of the northern end of the Island of Heligoland bearing S.S.W., and at a distance which he estimated with the eye to be about 7 or 8 miles (and the chief officer estimated to be 5-6 miles). Finding thus that he was considerably to the northward of the course he had laid down, the master altered the course to W.S.W., and proceeded on this course at full speed, with the intention of passing to the S.W. of the Island, and so approaching the mouth of the Elbe. About 4.30 p.m. Heligoland Light, according to a bearing taken by the chief officer, bore S. by W., and the distance was estimated by the eye to be about 4½ miles. The vessel continued at full speed with the light in sight, and about 5 p.m. struck heavily on the rocks, the light then bearing a little easterly of south. The course steered and the result show that at 4 p.m., when the vessel altered her course to round the island she was in fact not more than 3 or 4 miles from the land. Hence the primary cause of the casualty was the master's careless and inaccurate estimate of his distance from the land when altering his course at 4 p.m. This error he might have corrected, and the casualty might have been averted had he subsequently used his lead or observed the altering bearing of the light, which would at once have shown him his dangerous proximity to the land. Hence the casualty was caused by the master's careless observation to correct his initial error and to verify the position of his vessel.

9. The evidence points to the fireman Linderhoff having been carried overboard whilst assisting to lower the port lifeboat. He was attending to the after fall when the davit became unshipped. He was not afterwards seen. Every possible effort was made to save him.

10. For the foregoing reasons the vessel was not navigated with proper and seamanlike care, and her loss was caused by the neglect of the master, whose certificate is suspended for nine months. The loss of the vessel was not caused by the wrongful act or default of the chief or second officer.

T. W. LEWIS,
Judge.

We concur.

G. T. H. BOYES,
ANDW. CUNINGHAME, } Assessors.
W. H. SINCLAIR LOUITT, }

(Issued in London by the Board of Trade on the 16th day of February, 1900.)

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