

(No. 6537.)

"EARL MULGRAVE"

AND

"CARRICK" (S.S.).

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at Caxton Hall, Westminster, on the 26th and 28th days of May, 1903, before GILBERT GEORGE KENNEDY, assisted by Captain A. ANDERSON, Captain J. KIDDLE, R.N., and Captain A. CUNINGHAME, into the circumstances attending the loss of the British sailing ship "EARL MULGRAVE" through collision with the British steamship "CARRICK" in the Firth of Clyde on the 21st of April, 1903, 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 collision and loss of life were caused by the want of a good look-out on board the s.s. "Carrick," and that the chief officer, Mr. Samuel Wilson, was in default, but, taking all the circumstances into consideration, does not deal with his certificate.

Dated this 28th day of May, 1903.

GILBERT G. KENNEDY,  
Judge.

We concur in the above Report.

ABSM. ANDERSON,  
JAMES KIDDLE,  
ANDW. CUNINGHAME, } Assessors.

Annex to the Report.

This Inquiry was held at the Caxton Hall, Westminster, on the 26th and 28th days of May, 1903, when Mr. H. Stuart Moore appeared for the Board of Trade, Mr. Leck for the owners, master, and officers of the steamship "Carrick," Mr. Butten for the relatives of those who were drowned from the "Earl Mulgrave," and Mr. Dunlop for the underwriters of the "Earl Mulgrave."

The "Earl Mulgrave," official number 426, and Port of Registry, London, was a British sailing vessel built of wood at Newport, Mon., in the year 1838.

Her dimensions, as per Register, were:—Length, 85.2 ft., breadth, 21.7 ft., and depth in hold from tonnage deck to ceiling at midships, 13 ft. She was schooner-rigged, her registered tonnage being 99.31 tons, and at the time of her loss, which forms the subject of this investigation, was the property of Mr. Jeremiah Battershill and Mr. Patrick Grace, Mr. Battershill, of 15, Salem Street, Plymouth, being the duly appointed managing owner.

The "Earl Mulgrave" left Teignmouth on the 3rd of April for the Firth of Clyde with a crew of five hands all told, and under the command of Mr. Jeremiah Battershill, who it will be noticed was also part owner. Her cargo consisted of about 230 tons of clay, and during the voyage she put into Holyhead for shelter.

On the 20th April, about 8.30 p.m., she came to anchor off Ballantine in about 18 fathoms of water, the weather at the time being clear and calm and the sea smooth. It appears that they came to anchor with a kedge, and were only waiting for a breeze to spring up or the tide, which was then ebbing, to change. The side lights were taken in and the riding light put up, but the stern light, we were told, was kept exhibited.

Shortly after midnight a slight breeze sprang up from the eastward, whereupon the kedge was hove in, all sail set, and the ship put on the starboard tack, the riding light being taken in and the side lights put out.

At about 0.30 a.m. of the 21st the wind freshened from about E.N.E., and orders were given to take in the gaff topsail, the top gallant sail, the flying jib, and one reef in the mainsail. This was done and the work completed about 0.40 a.m. All hands were on deck, and the two witnesses who were called stated that they saw the stern light and side lights between midnight and 1 a.m. on two separate occasions, and that they were all burning brightly.

The master was at the wheel, and at about 0.50 a.m. a steamer was observed on the port quarter showing her mast head and green lights at a distance of about 2 miles. The master at this time requested William Max, A.B., to look at their lights, and he stated that he did so and reported that they were burning brightly.

The steamer came on, still showing the same lights, and when about four lengths off the master, no doubt fearing there was risk of collision, shouted to the oncoming steamer, and George Musselwhite, A.B. and cook, thought that very shortly after this he noticed the glow of the steamer's red light, but before anything could be done the steamer struck the "Earl Mulgrave" with great force just abaft her port main rigging, cutting some few feet into her. Three of the crew scrambled up the main rigging and got on board the steamer while they were in contact, but the master and mate (father and son) were not so successful, the result being that the "Earl Mulgrave" very quickly foundered, and the two unfortunate men were no doubt drowned. These, shortly, were the facts of the case so far as could be gathered from the witnesses called from the "Earl Mulgrave," and the steamer which collided with her they found on getting on board to be the "Carrick." It will now perhaps be convenient to state the facts of the case as given by the steamer. The "Carrick" (formerly the "Saltees"), official number 90082, and Port of Registry, Glasgow, is a British screw steamship, built of steel by Messrs. D. & W. Henderson & Co. of Partick, Glasgow, in the year 1885. Her dimensions, as per Register, are:—Length, 186 ft., breadth, 28 ft., and depth in hold from tonnage deck to ceiling at midships, 14.2 ft. She is fitted with two compound engines of 105 horse-power combined. Her gross tonnage is 575.35 tons, and after deducting 378.59 tons for engine room and crew space, her registered tonnage is 196.76 tons. She is owned by the Ayr Steam Shipping Company, Limited, Messrs. David Rowan and Walter Bain, both of North Quay, Ayr, being the duly appointed joint managers. The "Carrick" carried five boats, four of which were lifeboats, and she left Belfast on the 20th April, about 8.35 p.m., bound for Ayr, with six passengers and a crew of 15 hands all told, under the command of Mr. John Leadbetter, who holds a certificate of competency numbered 102251. The "Carrick" has for some years run regularly between Belfast and Ayr, and vice versa, making three completed trips a week. On the voyage in question she had about 120 tons of cargo on board, her draught of water being 10 ft. 2 ins. forward, and 13 ft. 9 ins. aft. The master, who was in charge of the vessel on leaving Belfast, stated that the weather was fine and clear, and that shortly after midnight Corsewall Point light was abeam, distant some three to four miles, and that, following their usual practice, the watches were changed at this point.

The chief officer, Mr. Samuel Wilson, therefore took charge of the watch, and placed one man on the look-out forward, the other man in his watch being at the wheel. The weather still continued clear with a fresh breeze from the eastward, and the tide "young flood."

The master then went into the chart house leaving instructions to steer N.E. by E.  $\frac{1}{2}$  E., which was done, and to keep a good look-out. At 0.30 a.m. of the 21st he returned to the bridge, saw Ailsa Craig light some two or three points on the port bow, and after altering the course to N.E. by E. he went below. The vessel was going at full speed, making about ten and a half knots per hour, and shortly before one o'clock the chief officer, following the general instructions, commenced taking a four-point bearing of Ailsa Craig light. Before he finished taking this bearing, about 1.5 a.m., he saw by the glare of his mast head light the sails of a vessel right ahead, the mainsail on his starboard bow and the topsail on his port bow, no report of this having been made by the look-out man forward. The chief officer immediately gave orders to put the helm "hard a port," and assisted in doing this, hoping, as he informed the Court to just clear the vessel's stern. She commenced to pay off, but not sufficiently. The result was that she ran into the vessel striking her with great force. The master, who was in the chart room, on hearing the wheel put over so sharply, ran on to the bridge, but he had scarcely reached there before the collision took place,—the scene of the collision being about 3 or 4 miles S.E. of Ailsa Craig.

He immediately sent the chief officer forward to do what he could to save life, and stopped and reversed the engines, whereupon the three survivors already alluded to scrambled over the bows of the "Carrick." Orders were at once given to launch a boat, and immediately it was seen that the "Earl Mulgrave" had foundered the boat was sent away in charge of the second officer in order if possible to save life. Every search and effort was made for about three-quarters of an hour, but failing to see or hear anything the boat returned, and the "Carrick" resumed her voyage to Ayr, where in due course she arrived safely.

The "Carrick" does not appear to have sustained but very little if any damage through the collision.

The names of the master and mate of the "Earl Mulgrave" who were drowned were Jeremiah Battershill and Frank Battershill.

These being the facts of the case, the following questions were submitted by the Board of Trade for the opinion of the Court:—

(1) Was the "Earl Mulgrave" being overtaken by the s.s. "Carrick" within the meaning of Article 24 of the Regulations for Preventing Collisions at Sea, at or about 1 a.m. of the 21st April last? If so,

Did the "Earl Mulgrave" exhibit from her stern to the steamer a white light or flare-up light, and did she keep her course and speed as required by Articles 10 and 21 respectively?

Did the "Carrick" take proper measures to keep out of the way of the schooner as required by Article 24, and on approaching her did she slacken her speed or stop or reverse, as required by Article 23 of the said Regulations?

(2) What was the cause of the collision and loss of life, and was every possible effort made by those on board the steamer to render assistance?

(3) Was a good and proper look-out kept on board both ships?

(4) Were both vessels navigated with proper and seamanlike care?

(5) Was the loss of the s.s. "Earl Mulgrave" and the loss of life caused by the wrongful act or default of the master, chief and second officers of the "Carrick," or of any of them?

Mr. Batten, Mr. Dunlop, and Mr. Leck having been heard for their respective clients, and Mr. Moore having replied on behalf of the Board of Trade, the Court gave judgment as follows:—

(1) The "Earl Mulgrave" was being overtaken by the s.s. "Carrick" within the meaning of Article 24 of the Regulations for Preventing Collisions at Sea, at or about 1 a.m. of the 21st April last.

The Court is of opinion that the "Earl Mulgrave" exhibited from her stern to the steamer a white light, and that such light should have been seen from the steamer had proper vigilance been exercised by those on board of her. The "Earl Mulgrave" kept her course and speed as required by Articles 10 and 21 respectively. Seeing that the collision was inevitable when the "Earl Mulgrave" was first discovered by those on board the s.s. "Carrick," the Court is of opinion that the latter vessel took proper measures to keep out of the way of the "Earl Mulgrave" as required by Article 24, although she did not slacken her speed or stop or reverse as required by Article 23 of the said Regulations.

(2) The cause of the collision and loss of life was the failure of those on board the s.s. "Carrick" to see the "Earl Mulgrave" in time to avoid her; every possible effort was made by those on board the steamer to render assistance.

(3) A good and proper look-out appears to have been kept on board the "Earl Mulgrave," but not on board the s.s. "Carrick."

(4) The "Earl Mulgrave" was navigated with proper and seamanlike care, but the s.s. "Carrick" was not so navigated.

(5) The loss of the "Earl Mulgrave" and the loss of life was caused by the want of a good look-out on board the s.s. "Carrick," and the Court find the chief officer, Mr. Samuel Wilson, who was in charge of the vessel at the time, in default, but under the circumstances they do not deal with his certificate.

No blame attaches to the master or the second officer.

GILBERT G. KENNEDY,  
Judge.

We concur.

ABSM. ANDERSON,  
JAMES KIDDLE,  
ANDW. CUNINGHAME, } Assessors.

28th May, 1903.

(Issued in London by the Board of Trade on the 23rd day of June, 1903.)

(No. S. 1

"ADELINE"

The Merchant Ship

In the matter of a formal in  
Town Hall, Hull, on the  
and 18th days of May,  
HALKETT, Esquire, assis  
HORE, Captain W. C  
TOOZES, into the circu  
stranding of the British  
about a mile south of O  
17th of April, 1903.

Report of

The Court, having care  
circumstances attendi  
shipping casualty, finds fo  
the Annex hereto, that the  
ing and loss of the vessel we

(1) The negligence of the  
the 17th April last in sett  
steered at full speed course  
land without having pre  
verified the position of his  
below at a time when the  
vessel required his presence

(2) The neglect of the s  
the vessel to continue at fu  
without calling the skipper  
a good and proper look out

The Court finds the  
Mitchell, and the second h  
in default, and suspends  
former, number 05731, for  
certificate of the latter, n  
for three months from th  
application of Mr. Colbeck  
the Board of Trade to gra  
hand's certificate during  
suspension.

Dated this 19th day of

J.

We concur in the above

KENNE  
W. CO  
H. TO

Annex to

This inquiry was held  
on the above-mentioned  
appeared for the Board o  
the skipper, and Mr. E. A  
hand. Upon the applicat  
the Humber Steam Trawl  
Protecting Company, Lin  
whom he represented, w  
inquiry. The "Adeline,"  
was a steam trawler built  
by Messrs. Cochrane &  
dimensions were, length  
depth of hold 12 ft., her  
net register. She cost £  
£6,800. She was fitte  
engines of 65 h.p., nom  
10½ knots an hour, and w

250 Wt 40 6/1903 D