

(No. S. 202.)

"OTTER" (S.S.).

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at the Town Hall, Hull, on the 15th, 16th, 17th, and 19th days of October, 1903, before J. G. HAY HALKETT, Esquire, assisted by Captains E. BROOKS, W. COWIE, and Mr. T. R. CALLARD, into the circumstances attending the stranding of the British s.s. "OTTER," on the Ravenscar Rocks, South of Robin Hood's Bay, on the 19th day of September, 1903.

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 cause of the said stranding of, and serious damage to, the vessel was as follows:—

The neglect of the skipper to take any steps to verify the position of his vessel after 1.30 a.m. on the 19th September last.

The Court finds the skipper, Mr. Edwin Thompson Sellers, in default, and suspends his certificate, No. 2242, for three months from this date.

Dated this 19th day of October, 1903.

J. G. HAY HALKETT,

Judge.

We concur in the above Report.

EDWARD BROOKS, }
W. COWIE, } Assessors.
T. R. CALLARD, }

Annex to the Report.

This inquiry was held at the Town Hall, Hull, on the above mentioned days, when Mr. H. Saxelby appeared for the Board of Trade, and Mr. Arthur Rollit for the skipper.

The "Otter," official number 93487, is a steam trawler, built of iron at South Shields in 1888, by I. T. Eltringham, and her respective dimensions are:—Length 97 ft., breadth 19 ft., depth of hold 10.3 ft.; her tonnage being 46.19 tons net register. She is fitted with compound direct-acting engines of 45 h.p. nominal, and is owned by Messrs. George Alderson Smith, John Edward Marsden, William Drawbridge, and Frank A. Tugwell, who were joint owners. Mr. George Alderson Smith, of Scarborough, being her registered managing owner.

The "Otter" left Scarborough shortly after 10 a.m. on the 18th September last, on a course of N. by E. $\frac{1}{2}$ E. by the binnacle compass (according to the skipper, this was N.N.E. magnetic), bound for the fishing grounds off Robin Hood's Bay, under the command of Mr. Edwin Thompson Sellers, who held a certificate of competency as skipper, No. 2242, dated 14th November, 1889, with a crew of eight hands all told. She had one boat of the usual size and description carried by vessels of her class, and was supplied with two life-buoys and eight life-belts. On leaving Scarborough, the sea was smooth, and there was very little wind. The skipper stated that after running eleven miles on the N.N.E. magnetic course the trawl was shot, and that the land in the vicinity of Whitby lighthouse then bore about W.N.W., and was distant seven or eight miles. The Court, however, does not accept either

the skipper's statement of the distance run, or the bearing of the land, with any degree of confidence. From what afterwards happened, it is exceedingly unlikely that the vessel ran as much as eleven miles on this course. The skipper stated that between 9 and 10 p.m. of the 18th, when fishing, he observed Whitby light ahead, bearing N.W. by W. $\frac{1}{2}$ W. by compass, there being very little deviation on this point, and estimated that he was seven or eight miles from it. No one else on board saw the light at this time, and the Court is not disposed to place much reliance upon this bearing. However, if both its accuracy, and that of the position on arriving at the fishing grounds were assumed, it would show that in spite of the tide being ebb for the greater part of the time from arrival until after 9 p.m., the vessel had been taken about a mile to the Southward. No shore lights were seen after this. At 1.25 a.m. a cast of the lead was taken at a depth of 26 $\frac{1}{2}$ fathoms, the bottom being gravel and shingle. During the fishing operations various casts of the lead had been taken at depths varying from 29 to about 30 fathoms, and from these, in conjunction with the 26 $\frac{1}{2}$ fathoms at 1.25, the skipper thought that he was then 9 miles from Scarborough, 7 from Whitby, and that the latter bore N.W. by W. magnetic. The Court is unable to discover any adequate reason for the skipper so estimating his position. If the chart be referred to, it will be seen that similar depths of water to these are found in positions both to the Northward and Southward of that in which he believed himself to be. Moreover, when the 26 $\frac{1}{2}$ fathoms was obtained it was nearly high water, and there is no evidence to show that he allowed for this. When he saw, or thought he saw, the Whitby light between 9 and 10, he was, by his own admission, lying athwart the tide, and from that time (as a matter of fact, from considerably earlier) his vessel was exposed to the full force of the flood tide, which would take him to the Southward. During the trawling he would go with the tide as much as possible, and during the four or five periods of twenty minutes each, when the trawl was lifted, the tide would have its unrestricted effect.

At 1.30 a.m. the skipper, in the belief that he had correctly estimated his position, set a course of N.W. by N. by compass (N. W. $\frac{1}{2}$ N. magnetic) to make Hartlepool. The weather at this time was foggy in patches, there being a light breeze from the S.E., and the vessel proceeded at half speed. The crew remained on deck clearing up until the stranding. The skipper was alone in the wheelhouse—two of the three front windows being open—and he remained there until five or ten minutes before the casualty, attempting at the same time to watch the compass, steer the vessel, and keep a look-out. No further cast of the lead was taken after 1.30 a.m. At about 2.20 the fog, according to the skipper, cleared a little, and he went below to get some tea, leaving the third hand at the wheel, with directions to steer N.W. by N., and the deck hand on the look-out. The deck hand stated that it was very thick over the land, and that he expected the land was on the port side, and the third hand that it was thick, that he could see half a mile, and sometimes only a little over a quarter of a mile. Neither man saw or heard anything until about 2.30, when, as the skipper was leaving the cabin to return to the wheelhouse, the vessel took the ground on the South cheek of Robin Hood's Bay and remained fast.

The skipper ordered the boat out, and the crew got into her and pulled about half a mile to sea, when they anchored until daylight. At the time of stranding the fog was still dense, and the wind a light one from the S.E.. At 6.30 a.m. the boat was moved further South and the crew were able to land, in spite of a considerable swell, about a mile from where the vessel lay. The skipper then returned to the vessel, and found her high and dry among the rocks, with no water in her, and he could see no damage, except that one of the blades of the propeller was gone. A message was then sent to Scarborough by a cobbler, and about 9 a.m. two tugs arrived from there and attempted to get her

off. However, after they had towed the vessel half a length, she filled with water, and the towing had to be abandoned. When the skipper returned to the vessel early that morning, he noticed that while the binnacle compass indicated N.W. by W. $\frac{1}{2}$ W., the top compass stood at N. $\frac{1}{2}$ E. This was also observed by the witness Brott, from the coastguard station, next day, and both he and the skipper said that each compass moved when touched. The vessel was eventually cleared of the rocks by their being blasted away, and was towed to North Shields for repairs, on the 24th September, by the Salvage Company of Sunderland, the subsequent repairs, chiefly to plates on the starboard side, costing about £600. It was suggested that the damage was caused by the blasting and not by the stranding, but the Court does not credit this. There is no evidence that she could have been got off with any less damage than she sustained.

Reference to the chart will show that the acceptance by the Court of the skipper's point of departure would involve the assumption that the course made by the vessel after 1.30 was some six points to the Westward of the course steered. In support of this theory, and the Court regards it as a theory and nothing more, it was argued that both compasses were wrong, that the course sailed was about W. $\frac{3}{4}$ S. and it was stated by the skipper that the vessel was really heading W.S.W. when aground, and about perpendicular to the shore. The line of the coast at the point of stranding is about N.N.W. $\frac{1}{4}$ W., and the second hand drew the inclination of the vessel to it at an angle of about $4\frac{1}{2}$ points, which would make her magnetic heading to be about W. by N. $\frac{1}{4}$ N., which is within one point and a quarter of the magnetic equivalent of the binnacle compass at the stranding, and the Court believes that he placed the vessel at practically the angle at which she lay. The coastguard said the vessel was heading about W., but he had no independent compass with which to verify this, and he may have been thinking of *true* West. The Court, for these reasons, is of opinion that the binnacle compass was correct. The fact that the course set was N.W. $\frac{1}{2}$ N. magnetic, and that she lay N.W. by W. $\frac{1}{2}$ W. magnetic from this point the deviation was negligible, does not affect this view, nor does it imply that the vessel had got off her course. Her damage was chiefly on the starboard side. The skipper spoke to seeing a large rock on his starboard bow, and said that he thought she had swung round $2\frac{1}{2}$ points to port in striking. As a matter of fact, when the deviation is allowed for, she only swung two points, and she could easily have been deflected, from the course she was pursuing when afloat, to this extent by the rocks. With reference to the top compass, it is scarcely necessary to say that it was out of order. The suggestion made on behalf of the skipper was that some attractive force had affected it and also the binnacle compass. If this were so, and had the vessel, when ashore, been heading W.S.W., the top compass must have been $10\frac{1}{2}$ points wrong. Nothing short of a structural breakdown could account for so enormous an error, nor indeed can the disparity of six points between its reading and that of the binnacle compass—which the Court believes to have been correct—be explained upon any other hypothesis. The top compass had clearly been rendered useless by some accident, which must have befallen it either before, at, or after, the stranding. The evidence of the skipper and coastguardsman as to its free movement was very weak—it may have trembled slightly when touched, as the latter said, but nothing more. At any rate, it did not contribute to the casualty, as it was never consulted.

The facts revealed by this inquiry are another instance of the indifferent qualification of so many skippers of steam trawlers, and of the careless way in which they navigate their vessels. In some cases they are the holders of mere service certificates, and of these much cannot reasonably be expected. The skipper of the "Otter," however, held a certificate of competency, and it might have been supposed that he would possess a fair knowledge of navigation, and be a careful seaman. He admitted

that he did not understand how to correct his compass by means of celestial observation, and the only chart he had on board was a very old one, which he never consulted, trusting entirely to the soundings. So far the holder of a service certificate would have been his equal, and the casualty occurred through the want of the most ordinary care on his part—such care as any service holder might have displayed. He had no means of knowing his whereabouts at 1.30 a.m., but set his course, and took no subsequent steps to verify his supposed position. The night was foggy, and he had no shore lights to guide him. If, after he had set his course, he had taken the simple precaution of using the lead once or twice, he could not have failed to discover that he was drawing into the land, and that he had been mistaken in his calculation of his point of departure by some miles. His neglect to avail himself of this simple precautionary measure occasioned the casualty.

His action in attempting at once to steer the vessel and to keep a look-out is also to be deprecated. It is difficult for any man to do both properly on a clear night—almost impossible on such a night as the one in question.

At the conclusion of the evidence, Mr. Saxelby, on behalf of the Board of Trade, submitted the following questions for the opinion of the Court:—

(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 the vessel supplied with proper charts and sailing directions?

(4) Were proper measures taken to ascertain and verify the position of the vessel at or about 1.30 a.m. of the 19th September last, was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tide and currents?

(5) Having regard to the state of the weather after 1.30 a.m. of the 19th September, was the vessel navigated at too great a rate of speed?

(6) Was the lead used after about 1.30 a.m. of the 19th September, if not should it have been used?

(7) Was a good and proper look-out kept?

(8) What was the cause of the stranding of the ship, and was she seriously damaged thereby?

(9) Was the vessel navigated with proper and seamanlike care?

(10) Was serious damage to the s.s. "Otter" caused by the wrongful act or default of the skipper, Mr. Edwin Thompson Sellers?

Mr. Rollit having addressed the Court on behalf of the skipper, the Court gave judgment, and returned the following answers to the questions of the Board of Trade:—

(1) The vessel had two compasses on board: one in the binnacle in the wheelhouse, by which the courses were set and the vessel navigated, and a second one in the top of the wheelhouse. There is no reason to suppose that the binnacle compass was not in good order and sufficient for the safe navigation of the vessel. The top compass doubtless met with some accident, but it does not appear to have been referred to during the voyage in question. They were adjusted in October or November last by Mr. Willins, of Hartlepool.

(2) The master admitted that he was unable to ascertain the deviation of his compasses by celestial observation from time to time, but stated that he checked them in running from point to point. However, no errors were ascertained, and no corrections were applied to the courses other than the corrections contained in the deviation card furnished by the compass adjusters.

(3) The vessel was supplied with one chart of the North Sea, which was a very old one, and of which apparently no use was made.

(4) Shortly before 1.30 a.m. of the 19th September last, the skipper took one cast of the lead. This was a proper measure at the time, but

further soundings should have been taken to verify the position. The skipper believed his vessel then to be about 30 fathoms to the north of the rocks, and strengthened in his belief by the fact that he had taken soundings several times previous to the stranding. The chart, however, shows that the vessel had been found during the tide considerably further Southward than the skipper states he was. The skipper took a bearing of Whitby Head at 1.30 p.m., but even assuming that the vessel had happened during the flood tide. Had the position been as supposed by the skipper, the vessel would have been a safe and proper distance from the rocks, and would not have been near the place where she stranded. The skipper was asked to believe that the vessel was nearly six points to the Westward of the course. This it declines to do. That the course set was so inaccurate from a point of view further to the Southward of the position. No allowance was made for tide and currents.

(5) Having regard to the state of the weather after 1.30 a.m. of the 19th September, the vessel was not navigated at too great a rate of speed.

further soundings should have been subsequently taken to verify the position in which the skipper believed his vessel then to be. He was apparently strengthened in his belief as to his position by the fact that he had taken soundings of from 29 to about 30 fathoms to guide him in his fishing operations several times previously. Reference to the chart, however, shows that these depths might have been found during the trawling in neighbourhoods considerably further South than that in which the skipper states he was. The skipper also said that he took a bearing of Whitby light between 9 and 10 p.m., but even assuming its accuracy, much may have happened during the four subsequent hours of flood tide. Had the point of departure been as supposed by the skipper, the course then set would have been a safe and proper one. Such a course, however, would not have taken the vessel anywhere near the place where she stranded, and the Court has been asked to believe that the course steered was nearly six points to the Westward of the course set. This it declines to do. There is no reason to doubt that the course set was steered with approximate accuracy from a point of departure some miles further to the Southward of the skipper's estimated position. No allowance was made after 1.30 a.m. for tide and currents.

(5) Having regard to the state of the weather after 1.30 a.m. of the 19th September, the vessel was not navigated at too great a rate of speed.

(6) The lead was not used after 1.30 a.m. of the 19th September last, and it should have been used.

(7) Until a few minutes before the casualty, the skipper attempted both to steer the vessel and to keep a look-out. The Court is of opinion that a look-out kept under such circumstances cannot be satisfactory.

(8) The cause of the stranding of the ship was the neglect of the skipper to take any steps to verify the position of his vessel after 1.30 a.m., and she was seriously damaged thereby.

(9) The vessel was not navigated with proper and seamanlike care after 1.30 a.m.

(10) Serious damage to the s.s. "Otter" was caused by the default of the skipper, Mr. Edwin Thompson Sellers. The Court suspends his certificate, No. 2242, for three months from the date hereof.

J. G. HAY HALKETT,
Judge.

EDWARD BROOKS, }
W. COWIE, } Assessors.
T. R. CALLARD, }

(Issued in London by the Board of Trade on the 10th day of November, 1903.)