

(No. 6923.)

"DUNBRITTON."

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Debts Recovery Court, Glasgow, on the 22nd, 23rd, and 26th days of March, 1906, before WM. GEORGE SCOTT MONCRIEFF, Esquire, advocate, Sheriff Substitute of Lanarkshire, assisted by Captains WILLIAM ERSKINE and WILLIAM G. B. MELVILLE, into the circumstances attending the material damage sustained by the British sailing ship "DUNBRITTON," of Glasgow, in the North Sea, on or about the 13th or 14th November last, and the abandonment of the said ship in or about Lat. 55° 30' N., Long. 0° 20' E., North Sea, on or about 3rd February, 1906.

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 material damage sustained by the British sailing ship "Dunbritton," in the North Sea on or about 13th or 14th November last, was due to the stiffness of the vessel, the weather encountered, and the manner in which the new rigging had been set up.

That the damage sustained, which led to the abandonment of the said ship on the 3rd February last, was due to the stiffness of the vessel and heavy weather encountered, combined with the fact that the rigging was insufficiently set up, having become too slack to afford proper support to the masts.

The Court decerns and adjudges Mr. Stephen Shotton, Assistant Marine Superintendent, to pay the sum of twenty-five pounds sterling to the Solicitor of the Board of Trade, towards the cost of this inquiry.

Dated this 26th day of March, 1906.

W. G. SCOTT MONCRIEFF,
Judge.

We concur in the above Report.

WILLIAM ERSKINE, }
WM. G. B. MELVILLE, } Assessors.

Annex to the Report.

This inquiry was held in the Debts Recovery Court, County Buildings, Glasgow, on the 22nd, 23rd, and 26th days of March, 1906, when Mr. James Morton, writer, Glasgow, appeared for the Board of Trade, and Mr. Henry B. Fyfe, writer, Glasgow, for the registered managing owner (Andrew Weir), the master (John Strang Cameron Cleary), the chief officer (Donald MacKay Mathieson), the marine superintendent of A. Weir and Company, Glasgow (John H. Auld), and the assistant marine superintendent of said company (Stephen Shotton). The following firms were also represented in Court, viz.:—R. S. Newall and Son, Ltd., Glasgow; Russell & Company, Port Glasgow; and S. & H. Morton & Company, Leith; while Mr. John Glen, foreman rigger with Messrs.

Richard Burns & Company, Glasgow, appeared personally.

The sailing ship "Dunbritton" (official number 71724), registered at the Port of Glasgow, was originally ship-rigged and latterly barque-rigged, and was built of iron at Dumbarton in 1875, by Archibald McMillan & Son. Her dimensions were as follows:—Length, 237·4 ft.; breadth, 38·4 ft.; and depth of hold, 22·5 ft. Her tonnage was 1,535·55 tons gross, and 1,470·51 tons net. She was owned by Mr. Andrew Weir, 94, Hope Street, Glasgow, and others, Mr. Weir being the registered manager. She had four boats, two of which were lifeboats, and was supplied with all other life-saving appliances conform to statute.

The "Dunbritton" loaded a general cargo in Hamburg for Honolulu, which consisted of about 2,120 tons, and was stowed as follows:—In the lower forehold, from the collision bulkhead to a little abaft the after part of the fore hatch up to the 'tween decks, there was coke in bags, and from there to about the middle of the main hatch was salt in bags. Aft this was cement in drums, having a passage between the top of it and the 'tween decks while abaft the cement was salt in bags extending from several feet before the fore part of the after hatch to several feet abaft the after part of the after hatch. Aft the salt were 100 tons of pig-iron, stowed fore and aft lengthways on the floor, and above the pig-iron was tar and other general cargo. In the 'tween decks there was nothing but salt in bags, with the exception of liquids stowed under the cabin deck. This description of the stowage of the cargo is taken from a plan produced to the Court.

The stevedore was appointed by the charterers, and was under the master's superintendence, but the master had been instructed by his superior, Mr. Stephen Shotton, the assistant marine superintendent for Mr. Andrew Weir, managing owner, as to how and where all the cargo was to be stowed.

The sum of about £300 was spent on repairs and renewals at Hamburg, including a new main upper topsail yard, six new main topmast back-stays, new main topmast rigging, new greenheart bolsters for main topmast trestle trees, cranes of fore and main lower topsail yards, and parrels of upper topsail and topgallant yards. All chain sheets and halyards where chafed and worn were repaired.

The "Dunbritton" left Hamburg on the 9th November last, drawing 20 ft. 10 ins. forward and 20 ft. 10 ins. aft in fresh water. She was under the command of Mr. John S. C. Cleary, and had a crew of 21 hands all told. The wind at that time was from N.E., with fine weather. At 4.30 a.m. of the 10th the tug was cast off, and at 5 a.m. Heligoland light was bearing E. by N. $\frac{1}{4}$ N., distant 10 miles, the vessel steering W. $\frac{1}{4}$ N. At noon of the 10th the weather was fine, with light variable airs, while at midnight there was a moderate breeze from the west, with sky overcast. At 2 p.m. of the 11th, with a fresh gale from S.S.E., the vessel was under low sail and shipping large quantities of water, keeping the decks continually flooded and rolling and labouring heavily. At midnight of the 12th, with the weather moderating and wind S.E., the vessel bore up to pass to the north of Scotland. At 2 p.m. of the 12th—wind E.S.E. and decreasing—the upper topsails were set and the vessel was shipping large quantities of water on deck. At 10 p.m. of the 12th sail was reduced to lower topsails. At midnight of the 13th a strong gale was blowing from E.S.E., with the vessel hove to on the starboard tack. At about 8 p.m., when the crew were aloft on the main lower topsail yard renewing the robands of the main lower topsail, they found the main topmast sprung at the lower cap, which they reported. The master and mate then went aloft, and having examined it and found it sprung, decided to cut it away for the safety of the vessel, which they did by cutting away the starboard back-stay lanyards. The mast, with all attached thereto, fell over, carrying away the main braces, mizzen topgallant mast and stays, fore and main braces, the main yard and all the yards on

the fore mast, which went adrift, and nothing could be done to secure them on account of the severity of the weather, the rolling of the vessel, and the decks being continually flooded with water. At this time blue lights and flare-up lights were burned and rockets sent up. On the morning of the 14th the main yard, which was swinging about, carried away the main stays; consequently, the main mast broke off about six feet above the deck, and fell fore and aft with the main yard attached, the vessel at this time being unmanageable. It is to be noted that no accident occurred to the fore mast, which had no new rigging, although all the yards were swinging about without braces. On the afternoon of the 14th the "Dunbritton" was taken in tow by the steam trawler "Lark," of Hull, and arrived at Leith on 17th November last. At Leith about 450 tons of cargo were discharged to get at the step of the main mast. The whole of this cargo was not re-shipped on account of a part being damaged. The "Dunbritton" underwent extensive repairs, amounting to about £3,000, before being again ready for sea. All the work executed was done with the approval of Lloyd's surveyor, and under the supervision or instructions of the managing owner's marine superintendents. She was fitted with a new steel main mast, and was thoroughly re-fitted in every respect below and aloft. The main standing rigging and back-stays were fitted with screws for setting up in place of lanyards, which she had previous to the casualty.

The "Dunbritton" left Leith on the 25th January last under the command of the same master, with a crew of 22 hands all told, and was towed out to May Island. The wind was W.S.W., with a smooth sea, and a course was steered to take her 14 miles off the land. A course was then shaped for Fair Isle, intending to pass between Orkney and Shetland. On the 26th at 8 p.m.—wind increasing from S.W.—sail was reduced and the vessel hove to on the starboard tack 40 miles S.E. of Fair Isle under the fore and main lower topsails, fore topmast staysail, and mizzen staysail. At 10 p.m. the master observed something wrong with the main rigging, and the mate reported to him that the rigging was slack. All hands were then called, and every effort was made to tighten it up, but owing to the heavy rolling of the vessel and the water washing about the decks it was impossible for them to do so, especially with such levers as marline snikes. According to the evidence of the mate, two of the main shrouds on the starboard side were adrift altogether from the channel rods, but William E. Robertson, A.B., stated in evidence that there were four shrouds adrift on the starboard side and three shrouds on the port side of the main rigging. This was caused by the shackle pins working out, they having connected the screws of the rigging to the channel rods. These pins had nuts screwed on to one end, but owing to slackness of the rigging and the bolt ends outside of the nuts not being clinched, in the darkness the working off of the nuts was not observed. The crew were employed from 11 p.m. of the 26th January until 1 a.m. of the 27th endeavouring to tighten up the rigging in the best way possible, but all their efforts were of no avail. The weather getting worse, with the wind still blowing hard from S.W., the vessel gave a heavy roll and sent the fore topmast over the side, bringing the main topgallant mast down. At 2 a.m. the main topmast was carried away, taking the mizzen topgallant mast with it. At 5.30 a.m. the wind shifted to the N.W. in a very heavy squall. The vessel was kept before the wind for about seven hours, and then hove to on the starboard tack and flare-ups burned. At 6 p.m. of the 27th the trawler "Mary Stewart," of Hull, went alongside and stood by until next day at 9 a.m., when she took her in tow, the weather being moderate, and towed her for some hours. On the 29th the wind increased to a heavy S.W. gale, and the trawler "Loch Stenness," of Aberdeen, came alongside and remained by her. On the 30th the weather moderated, and the skippers of the two trawlers went on board and agreed to tow the vessel to Leith. They towed until the 2nd February, when the wind shifted to the N.W. and the weather got heavy and the vessel laboured heavily. Both trawlers' hawsers parted, and they

had to give up towing. On the 2nd February, the vessel being on the port tack, the main lower mast fell over to windward on the port side, breaking off a few feet below the main deck, tearing away the mast coamings and making a large hole in the main deck about 20 ft. long and 9 ft. wide, destroying the main pumps and rendering them useless. An effort was made to keep the water out of the hold by nailing canvas over the great gap in the deck, but under the circumstances it was impossible to do anything, as the vessel was settling down. The "Loch Stenness" still kept by the vessel, and on the morning of the 3rd at 9 a.m. the lifeboat (by pouring oil on the water) was launched, and all hands got into her and were safely transferred to the "Loch Stenness" and landed at Aberdeen on the 4th February. No lives were lost. A heavy snow squall came on shortly after leaving, which lasted for half an hour, and when it cleared off nothing could be seen of the "Dunbritton," and when last seen the fore and mizzen lower masts were standing erect. It appears very strange to the Court that the masts supported by the old rigging and lanyards held on intact, while on the contrary, from the time of the vessel leaving Hamburg, until she was abandoned, all the masts to which new rigging and screws had been attached gave way.

The Court desires to say (from practical experience) that salt is a very heavy dead-weight cargo, and no ship loaded with salt can be easy or kindly in a seaway unless the bulk of the cargo is stowed up into the centre or midships of a vessel, and kept away from the wings or sides as much as possible. There was no evidence adduced to prove that the "Dunbritton's" cargo was stowed so as to make her easy at sea, and, moreover, 100 tons of pig-iron were stowed on the ceiling in the after part of the lower hold, thus adding unnecessary stiffness to the vessel.

It may also be noted that it was Mr. John S. C. Cleary's first command and his first voyage in the ship, and also that the mate was 22 years of age and that it was his first voyage as mate. The Court has no doubt that both strictly carried out the instructions given them by the assistant marine superintendent (Mr. Stephen Shotton) as to how the cargo was to be stowed:—

At the conclusion of the evidence Mr. Morton, on behalf of the Board of Trade, submitted the following questions, to which the Court gave the answers appended:—

Q. (1) What repairs or renewals were made to the vessel's spars and rigging at Hamburg in or about November last? Was such work properly and efficiently done?

A. (1) The vessel had £300 spent on repairs and renewals. Included in the aforesaid amount were a main upper topsail yard, six new main topmast back-stays and main topmast rigging, new greenheart bolsters, cranes of the fore and main lower topsail yards, and parrels of upper topsail and topgallant yards. All chain sheets and halyards, where chafed and worn, were repaired in Hamburg on or about November last. The work was properly and efficiently done.

Q. (2) When the vessel left Hamburg on the 9th November last—

- (a) Was she in good and seaworthy condition as regards hull and equipments?
- (b) Were her masts, spars, and rigging in good condition, and was the rigging properly set up?
- (c) Was the cargo properly stowed and secured, and was the weight so distributed as to make the vessel easy in a seaway?

A. (2) When the vessel left Hamburg on the 9th of November last—

- (a) She was in good and seaworthy condition as regards hull and equipments;
- (b) Her masts, spars and rigging were in good condition. From subsequent events the six new main topmast back-stays and new topmast rigging could not have been properly set up;
- (c) The cargo was properly secured, but not stowed in such a manner as to make the vessel easy in a seaway.

Q. (3) Was the rigging of the vessel in good condition at the time of the voyage, and was it properly set up?

A. (3) No evidence was adduced to show that the rigging was set up properly.

Q. (4) What was the cause of the vessel's being so stiff on the 13th and 14th of November last?

A. (4) The cause of the vessel's being so stiff on or about the 13th and 14th of November last was the stiffness of the rigging, which was counteracted, and the vessel was made easy.

Q. (5) Was the cargo stowed in a seamanlike care?

A. (5) The vessel was not stowed in a seamanlike care.

Q. (6) Was the damage to the vessel on the 13th and 14th of November last caused by the wrongful act or omission of either of them, or of either of them, Stephen Shotton, assistant marine superintendent?

A. (6) The damage to the vessel on the 13th and 14th of November last was caused by the wrongful act or omission of either of them, Stephen Shotton, assistant marine superintendent, in not seeing that the cargo was stowed properly.

Q. (7) What repairs or renewals were made to the vessel's spars and rigging after she had been towed to Leith on the 17th November last? Were such repairs or renewals properly executed?

A. (7) Extensive repairs or renewals were made to the vessel's spars and rigging after she had been towed to Leith on the 17th November last. The main mast, topmast, and mizzen topmast, all standing rigging, and screws for setting up were replaced by those formerly used. A squall struck the vessel. It was not until the 2nd of February that the vessel was properly repaired.

Q. (8) When the vessel left Hamburg on the 9th of November last—

- (a) Was she in good and seaworthy condition as regards hull and equipments?
- (b) Were her masts, spars, and rigging in good condition, and was the rigging properly set up?
- (c) Was the cargo properly stowed and secured, and was the weight so distributed as to make the vessel easy in a seaway?

A. (8) When the vessel left Hamburg on the 9th of November last—

- (a) She was in good and seaworthy condition as regards hull and equipments;
- (b) Her masts, spars and rigging were in good condition; subsequent events showed that the rigging could not have been properly set up;
- (c) The cargo was properly secured, but not stowed in such a manner as to make the vessel easy in a seaway.

Q. (9) Was the vessel so stiff during the voyage, and was it made easy by the repairs or renewals made to it after she had been towed to Leith on the 17th November last?

Q. (3) Was the rigging carefully attended to during the voyage, and was it properly set up when it became slack?

A. (3) No evidence was adduced as to whether any of the rigging was set up or attended to during the voyage.

Q. (4) What was the cause of the damage sustained by the vessel on or about the 13th and 14th November last?

A. (4) The cause of the damage sustained by the vessel on or about the 13th and 14th November last was the stiffness of the vessel and the weather encountered, and the manner in which the new rigging had been set up.

Q. (5) Was the vessel navigated with proper and seamanlike care?

A. (5) The vessel was navigated with proper and seamanlike care.

Q. (6) Was the damage sustained by the vessel on or about the 13th and 14th November last caused by the wrongful act or default of the master and mate, or of either of them, and does blame attach to Mr. Stephen Shotton, assistant marine superintendent?

A. (6) The damage sustained by the vessel on or about the 13th and 14th November last was not caused by the wrongful act or default of the master and mate, or of either of them, but blame does attach to Mr. Stephen Shotton, assistant marine superintendent, in respect of the manner in which the cargo was stowed.

Q. (7) What repairs were effected to the vessel after she had been towed into Leith on or about the 17th November last? What new masts, spars and rigging were supplied to her; were such masts, spars and rigging of good material; were all the repairs properly executed?

A. (7) Extensive repairs were effected to the vessel after she had been towed into Leith on or about the 17th November last. Amongst these were a new main mast, topmast, topgallant mast, all yards, and all standing rigging pertaining thereto, with new screws for setting up the same instead of lanyards as formerly used. A sum of £3,000 was expended on the vessel. It was stated in evidence that all the repairs were properly executed.

Q. (8) When the vessel left Leith on or about the 25th January last—

(a) Was she in good and seaworthy condition as regards hull and equipments?

(b) Were her masts, spars and rigging in good condition, and was the rigging properly set up?

(c) Was the cargo properly stowed and secured, and was the weight so distributed as to make the vessel easy in a seaway?

A. (8) When the vessel left Leith on or about the 25th January last—

(a) She was in good and seaworthy condition as regards hull and equipments;

(b) Her masts, spars and rigging were in good condition; subsequent events proved that the rigging could not have been properly set up;

(c) The cargo was not properly stowed so as to make the vessel easy in a seaway.

Q. (9) Was the rigging carefully attended to during the voyage, and was it properly set up when it became slack?

A. (9) No time or opportunity was afforded to attend to the rigging during the voyage. An effort was made to overcome the slackness of the rigging.

Q. (10) What was the cause of the damage sustained by the vessel at or about and after 1 a.m. of the 27th January last?

A. (10) The damage sustained at or about and after 1 a.m. of the 27th January last was caused by the stiffness of the vessel and heavy weather encountered, combined with the fact that the rigging was insufficiently set up. It became too slack to afford proper support to the masts.

Q. (11) Was the vessel navigated with proper and seamanlike care?

A. (11) The vessel was navigated with proper and seamanlike care.

Q. (12) Was the vessel prematurely abandoned?

A. (12) The vessel was not prematurely abandoned.

Q. (13) Was the abandonment of the s. "Dunbritton" caused by the wrongful act or default of the master and chief officer, or of either of them, and/or does any blame attach to Mr. Andrew Weir, registered managing owner; Mr. John H. Auld, marine superintendent; Mr. Stephen Shotton, assistant marine superintendent; Messrs. R. S. Newall & Son, Ltd., Messrs. S. & H. Morton & Co., Messrs. Russell and Co., and Mr. John Glen, foreman rigger, or to any of them?

A. (13) The abandonment of the sailing ship "Dunbritton" was not caused by the wrongful act or default of the master and chief officer, or of either of them. No blame attaches to Mr. Andrew Weir, the managing owner, except in so far as he may be held responsible for the default of Mr. Stephen Shotton. Mr. John H. Auld, marine superintendent, was unable through illness to appear before the Court. The Court considers that blame attaches to Mr. Stephen Shotton in not making some alteration in the stowage of the vessel before she left Leith, in spite of the evidence afforded by her behaviour between Hamburg and Leith. No blame attaches to Messrs. R. S. Newall & Son, Ltd., Messrs. S. & H. Morton & Co., or Messrs. Russell & Co. The Court is, however, of opinion that Mr. John Glen, foreman rigger, is in some measure to blame, as the rigging should not under any circumstances have got into such a slack condition so soon after leaving Leith. It was also the duty of Mr. Stephen Shotton to have particularly satisfied himself that the rigging was properly set up and taut, more especially at that season of the year. The Court decerns and adjudges that the said Stephen Shotton do pay the sum of twenty-five pounds sterling to the Solicitor of the Board of Trade towards the cost of this inquiry.

W. G. SCOTT MONCRIEFF,
Judge.

We concur.

WILLIAM ERSKINE,
WM. G. B. MELVILLE, } Assessors.

(Issued in London by the Board of Trade on the 4th day of May, 1906.)