

(No. S. 239.)

"FAIRY"

AND

"BOY VIC."

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at the Market Hall, Brixham, on the 29th and 30th days of August, 1907, before NATHANIEL BAKER, and ARTHUR COLERIDGE JAMES, Esquires, assisted by Captain WILLIAM COSENS, Commander L. M. WIBMER, R.N.R., and Mr. GEORGE HALLATT, into the circumstances attending the loss of the British Sailing Ship "FAIRY," through collision with the British Sailing Ship "BOY VIC."

*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 loss of the ship "Fairy" was caused by negligent navigation on the part of her skipper in attempting to cross the bow of the "Boy Vic" when in too close a proximity. The Court finds the skipper of the "Fairy," John Cronin, in default, and suspends his certificate of competency, No. 3939, for a period of three months. The solicitor for the Board of Trade asked the Court for costs against the skipper, which after consideration the Court declined to grant. The solicitor for the skipper applied for a second hand certificate during the period of suspension which in consideration of the short period of suspension the Court declined to grant.

Dated this 30th day of August, 1907.

NATH. BAKER, } Justices of the  
ARTHUR C. JAMES, } Peace for the  
County of Devon.

We concur in the above Report.

WILLIAM COSENS, } Assessors.  
L. M. WIBMER, }  
G. HALLATT, }

*Annex to Report.*

This inquiry was held at the Market Hall, Brixham, in the County of Devon, on the 29th and 30th days of August, 1907.

Mr. Wolferstan represented the solicitor for the Board of Trade, Mr. A. E. Nelson appeared for the Brixham Fishing Smack Insurance Society, who were the underwriters for both vessels. Mr. W. I. Laurence, instructed by Messrs. Bond & Pearce (Plymouth), represented the owner and skipper of the "Fairy," and Mr. Daniel Stephens, the owner and skipper of the "Boy Vic."

The "Fairy," official number 106578, was a British sailing vessel built at Brixham in 1896, and was registered at that port. She was built of wood, was ketch rigged, and of the following dimensions:—Length 65·9 feet; breadth 17·7 feet; depth of hold 9 feet. Her gross tonnage being 49·26, and her net registered tonnage 38·65 tons. She was owned by

Mr. John Cronin, who was also her skipper and designated managing owner by advice received on the 31st September, 1906.

The "Boy Vic," official number 114250, is a British sailing vessel built at Galmpton, in the County of Devon, by Messrs. Gibbs & Co., in 1904, and is registered at the Port of Brixham. She is ketch rigged, and of the following dimensions:—Length 69 feet; breadth 18·05 feet; depth 8·75 feet. Her gross tonnage being 49·84, and her net register 39·07 tons. She was owned by Mr. George Henry Tooley, of Brixham, who was also designated her managing owner under advice received 14th January, 1904.

The "Fairy" sailed from Milford Haven on the 18th day of June, 1907, in charge of Mr. John Cronin, with a crew of four hands, bound for the fishing grounds in the Bristol Channel. The "Fairy" appears to have had the usual equipment for a vessel of her class, and is stated to have been well found. On the morning of the 22nd of June, the weather being fine with a moderate breeze from the N.N.W., Caldy Island being in sight bearing N.N.E. at a distance of about 15 miles. The "Fairy" under all sail on the starboard tack observed a fishing boat on her starboard bow. This vessel afterwards proved to be the "Boy Vic" of Brixham. She had her fore sheet to windward and was not making more than from two to three knots through the water. In these circumstances the "Fairy" making from five to six knots per hour passed close under the lee and spoke to the skipper of the "Boy Vic," both vessels at this time heading W.S.W. The skipper of the "Fairy" was alone on deck having told the hands that when they had finished their breakfast to come up and get the gear ready for shooting. Very shortly after passing the "Boy Vic" the skipper of the "Fairy" came round on the port tack and attempted to cross the bows of the "Boy Vic," this he did without warning to the latter vessel or communicating with his crew. No sooner was the vessel round than he discovered that he had made a grave mistake in not allowing room to clear the other vessel. Almost immediately the "Boy Vic" unaware till too late of the manoeuvre of the "Fairy," struck the latter vessel on the starboard side a stern-on blow at nearly right angles just abaft amidships. Although the "Boy Vic" is stated to have been making not more than from 2 to 3 miles an hour the blow caused by the collision crushed in and broke four or five planks down from the gunwale, shifting the covering board but not breaking it. The skipper finding he was seriously damaged below the water line, put his helm hard aport and wore round astern of the "Boy Vic" on the starboard tack with the object of bringing the damaged side out of the water as much as possible. It happened at the time that steam was on the boiler, and both hand and steam pumps were at once set work, but so fast was the inrush of the water that the fires were soon extinguished and the steam pump rendered useless. It being then apparent to the skipper that there was no hope of saving the vessel, efforts were then made to save as much as possible of the uninsured fish on board, of which about £15 worth was saved and transferred to the "Boy Vic." The trawl was slipped and buoyed but was not afterwards recovered, but the spare one was got up from the starboard wing and saved, as were also most of the crew's effects. Immediately after the vessels were clear of each other, the "Boy Vic" threw out her boat and the skipper with the second hand proceeded to the assistance of the "Fairy," which was then rapidly filling. Remaining on board as long as he considered prudent, he returned to his own vessel taking a portion of the "Fairy's" crew with him, and advising her skipper not to stay by her too long. The boat of the "Fairy" which had been previously put out, remained alongside some seven minutes when the skipper abandoned the vessel, she at the time being on the starboard tack with all sail set. Shortly after this as she was settling down in the water she came round on the port tack, and immediately foundered. All the witnesses examined were unanimously of opinion that the damage was so extensive there was no possibility of saving the vessel. On behalf of the underwriters it

was suggested that pillows, rugs or bedding might have been stuffed into the hole, to which the skipper of the "Boy Vic" replied that a Draper's Shop would not have been sufficient. The Court, however, in spite of this evidence, is of the opinion an immediate attempt should have been made to pass a sail over the hole leaving the salvage of uninsured property till this or other efforts had proved fruitless.

In the opinion of the Court, the skipper of the "Boy Vic" was in no way to blame for the collision and that after it had occurred he rendered every possible assistance.

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

#### Questions.

(1) What were the positions of the ketch "Boy Vic" and ketch "Fairy" in the Bristol Channel and in relation to one another on or about 9.30 a.m. on the 28th June last?

Was the skipper of the "Fairy" then justified in pulling about and trying to cross the bows of the "Boy Vic"?

(2) Was a good and proper look-out kept on board both vessels?

(3) What was the cause of the collision? Was every effort possible made by the skipper and crew of the "Fairy" to save her?

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

(5) Was the loss of the ketch "Fairy" caused by the wrongful act or default of her skipper or the skipper of the ketch "Boy Vic" or either of them?

(6) What was the cost of the "Fairy" to her owner? What was her value at the time she was lost? What insurances were effected upon and in connection with the ship?

Mr. W. T. Laurence, on behalf of the owner and skipper of the "Fairy," Mr. D. Stephens, on behalf of the owner and skipper of the "Boy Vic," and Mr. A. E. Nelson, on behalf of the underwriters, having addressed the Court, judgment was given as above, and the following answers returned to the questions of the Board of Trade.

#### Answers.

(1) The position of the vessels in question at or about 9.30 a.m. of June 22 was as follows, viz.:—The ketch "Boy Vic" was hove to on the starboard tack heading W.S.W. and making about two knots through the water. The "Fairy" was astern of and overhauling the "Boy Vic," sailing in the same direction

going about six knots through the water. The bearing of Caldy Island being N.N.E. 14 miles; or thereabouts.

The skipper of the "Fairy" was not justified in putting about and trying to cross the bows of the "Boy Vic."

(2) A good and proper look-out was not kept on board the "Fairy," but under the circumstances the Court considers the look-out on board the "Boy Vic" was sufficient.

(3) The collision was caused by negligent navigation on the part of the skipper of the "Fairy" in attempting to cross the bows of the "Boy Vic" when in too close proximity. Beyond putting on the pumps for a short time, no effort was made to save the vessel. The fires were quickly extinguished by the inrush of water, rendering the steam pump useless. All the witnesses who were present and saw the nature of the damage were unanimously of the opinion nothing further could have been done to save the vessel, but the Court consider that an attempt should have been made immediately after the collision to get a sail over the hole.

(4) The "Boy Vic" was navigated with proper and seamanlike care, but the "Fairy" was not so navigated.

(5) The loss of the ketch "Fairy" was caused by the wrongful act and default of the skipper. No blame attaches to the skipper of the "Boy Vic."

(6) The original cost to the late owner and skipper of the "Fairy" was stated to be £700 in 1904. The Court is not in a position to estimate the value of the vessel at the time she was lost. She was insured in a total sum of £630.

The Court finds the skipper of the "Fairy" (John Cronin) in default and suspends his certificate, No. 3939, for a period of three months.

Dated this 30th day of August, 1907.

NATH. BAKER, } Justices of the Peace  
ARTHUR C. JAMES, } for the County of Devon.

We concur,

WILLIAM COSENS, }  
L. M. WIBMER, } Assessors.  
G. HALLATT, }

(Issued in London by the Board of Trade on the 17th day of September, 1907.)