

(No. 7127.)

"JANET McNICOL"

AND

"GLENTOW" (S.S.)

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at Ardrossan, Ayrshire, on the 26th, 27th, and 28th days of November, 1907, before JAMES BROWN CHRYSTIE and HUGH WALLACE, Esquires, two of His Majesty's Justices of the Peace for the County of Ayr, assisted by Captain HENRY KNOX, R.N., Captain W. G. B. MELVILLE, and Commander GEORGE MASSEY, R.N.R., into the circumstances attending the serious damage to and loss of the British sailing ship "JANET McNICOL," of Ardrossan, through collision with the British steamship "GLENTOW," of Belfast, in Lamlash Bay, Firth of Clyde, on or about the ninth ultimo, whereby the crew of the former vessel are missing.

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 "Janet McNicol" and the loss of life were caused alone by the neglect of the master of the "Glentow," and, on account of his having no certificate, the Court severely censures him and orders him to pay to the solicitor of the Board of Trade the sum of ten pounds sterling towards the costs and expenses of this inquiry.

Dated this 28th day of November, 1907.

JAS. B. CHRYSTIE, J.P.
HUGH WALLACE, J.P.

We concur in the above Report.

HENRY KNOX, Captain R.N.,
WM. G. B. MELVILLE,
GEO. MASSEY, Commander R.N.R., } Assessors.

Annex to the Report.

This inquiry was held in the Town Hall, Ardrossan, on the 26th, 27th, and 28th days of November, 1907, when Mr. Thomas Kirkhope, writer, appeared for the Board of Trade; Mr. A. D. Wyllie, writer, for the owner and the master of the "Glentow"; Mr. Thomas Guthrie, writer, for Mr. Alexander McNicol, owner of the "Janet McNicol," and the next of kin of one of the missing crew, and Mr. James Campbell,

writer, for Mrs. Annie Paterson or Stewart, wife of William Stewart, one of the missing crew; while Mr. R. D. Macmillan, writer, watched the proceedings on behalf of the Lord Advocate.

The "Janet McNicol," Official Number 73462, was a British sailing ship, registered at the port of Ardrossan, rigged as a smack, and carvel-built of wood by Messrs. J. & H. Halliday, at Rothiesay, in 1875. Her dimensions were as follows:—Length, 42.5 feet; breadth, 14.8 feet; and depth of hold, 6.4 feet; while her gross tonnage was 23.15 tons, and net registered tonnage 19.49 tons. She was owned by Mr. Alexander McNicol, of Brodick, Arran, who was the registered managing owner, and who stated, in evidence, that the vessel was well found in every respect.

The "Glentow," Official Number 104461, is a British screw steamship, registered at the port of Belfast, rigged as a yawl, and built of steel by Messrs. McArthur & Co., Paisley, in 1895, and lengthened by Messrs. Scott & Sons, Bowling, in 1905. Her dimensions were as follows:—Length, 108.5 feet; breadth, 19 feet; and depth of hold, 8.6 feet; while her gross tonnage was 159.25 tons, and net registered tonnage 56.98 tons. She is owned by Mr. Hugh McCalmont McGildowny, of Clare Park, Ballycastle, who is the registered managing owner. She had one boat fitted as a lifeboat, fully equipped, placed on crutches on the deck before the main hatch on the port side between the fore mast and the fore rigging; there was a permanent tackle from the foremast head for the purpose of launching her, but in a case of emergency she could be launched by hand over the rail. There were two circular life buoys on deck, one on each side of the bridge, seven life belts in a box on deck near the engine room skylight, all in good order and ready for use, also a supply of rockets in a box in the master's cabin.

The "Janet McNicol," according to the evidence of her owner, had a cargo of bricks, loaded at Irvine, for Brodick, and left Irvine on 8th October last, at 10 a.m., under the command of Mr. John B. McNicol, son of the owner, and a crew consisting of Neil Stewart, mate, and Alexander Russel, deck hand. She had a good boat that could carry one and a half tons of sand; she had also on board more than two gallons of the best paraffin oil, and properly fitted side lights, as well as a regulation galvanized iron anchor lamp of the best quality. She anchored in Lamlash Bay, near the north-west end of Holy Isle, about three hundred yards from the shore, almost opposite a farm house, in a good and safe anchorage. According to the evidence of Mr. John McIntyre, farmer, about 4.30 p.m. on the 8th October last the master and mate came on shore in their boat. At 7 p.m. of the same day they returned to their vessel. Both men were perfectly sober and were known to be total abstainers. At 9 p.m. John McIntyre observed the "Janet McNicol's" light visible. At 2.5 a.m. on the morning of the 9th October, he went down to the slip to see if his boat was all right, but as it had become very much darker, and not quite so clear on account of the squalls, he did not then observe the smack or the light. Later on he observed the mast head and side lights of a steamer coming into the bay from the south. He returned to his house and went to bed, and about 7 a.m. he went out in his boat and saw about four feet of the mast of the smack standing out of the water, and a steamer at anchor about one hundred yards to the north. He sailed round the mast, but no wreckage was to be seen. He then went to the steamer, but saw no one on board, and got no response to a hail. He, therefore, made for Lamlash, to report the matter to the coast guard officer.

John Shedden, a Saltcoats fisherman, whose boat was anchored off King's Cross, saw the smack "Janet McNicol" at anchor on the afternoon of the 8th October. At 9 p.m. he saw the smack's anchor light, which was burning brightly and showing a very good light. At 2 a.m. on the 9th he was on deck, with his brother, and still saw the smack's light burning brightly. His

brother called his attention to a steamer passing up the loch, from the southward, and he then observed her masthead, and red light. About 4 a.m. he went below. At daylight he saw a punt, which his brother said belonged to the "Janet McNicol." It was drifting ashore at King's Cross, and the painter seemed to have had a good sharp cut.

His brother corroborated the whole of the above evidence.

Thomas Anderson, a fisherman, said he was at King's Cross on the 8th October, about two miles from where the smack was lying. At 8.30 p.m. and again at 11.30 p.m. to midnight he saw the smack's light burning brightly. At 1.45 a.m. of the 9th, and at 2 a.m., he still saw the light burning brightly. At 7.30 a.m. his wife saw a boat drifting ashore. Anderson then went himself and looked at it, and recognised that it was the "Janet McNicol's" boat with a painter about a fathom long, pair chain and part coir, which was clean cut; he also saw two life buoys, and other wreckage which he handed over to the owner.

William Hamilton, diver, at 2.30 p.m. of 9th October, went to the wreck of the "Janet McNicol" in his diving suit for the purpose of ascertaining if any of the bodies were on board. He found her lying with a little list to port, heading about N.E. He went along the bowsprit on to the deck and into the cabin, having to clear away bed clothes and pillows to get below. Before doing so he examined the damage, and found the stern and four or five feet of the port quarter cut off; he was unable to get into the forecabin on account of the gear, and therefore could not see if there were there any bodies there; he saw a lamp hanging to the fore stay. The hatches had floated off, and the cargo seen was bricks. On Friday, the 15th October, he went down a second time and brought up a lamp from off the fore stay, the top of which was secured by a lanyard with a rolling hitch, about seven or eight feet above the deck, and the bottom by a piece of spun yarn fast to the stay.

This anchor lamp was produced in Court and carefully examined by the justices and assessors, and found to contain paraffin oil and water, with a good wick which burned on applying a light to it.

The steamer "Glentow" left the Prince's Dock, Glasgow, at 8 p.m., on 8th October last, under the command of Mr. James Kissack (who held no certificate), with a crew of six, all told. She was in ballast and had no passengers. Her draft was 2 feet 6 inches forward and 8 feet 6 inches aft. It was raining and blowing from the north-east when the vessel left and continued to get worse as she proceeded. At 2 a.m. of the 9th, the master decided to go into Lamlash Bay for shelter. About 2.30 a.m. the vessel was abreast of Kimner light, Holy Island, and the course was set N.N.W. (by compass) or N.N.W. $\frac{1}{4}$ N. (magnetic) and the speed reduced to about 5 or 6 knots. This course was continued for about ten minutes, or a distance of one mile, when it was changed to N.E. by E. (magnetic) and the speed reduced to 2 to 3 knots; the sea was smooth, but the wind very squally from off the high land. The master saw two lights at Lamlash, and one at King's Cross, but none to the north eastward, which made him decide to pick up an anchorage off Holy Island. As he proceeded he saw (with his glasses) the white farm house on the north-west end of the island, which was from $\frac{1}{2}$ to $\frac{3}{4}$ of a mile from the beach, and a dim light, as if shown through a window of the house. At this time the master was at the wheel and the vessel was heading a little to the northward of the house. He was not aware of the time. Shortly after, the "Glentow" touched some object with her starboard bow. As he forged ahead he could only see the part of a mast by the reflection of his green light on it. He continued to go ahead for two or three lengths. He called out, but there was no answer. He then stopped and saw a light on the smack. The "Glentow" fell off to the northward when the anchor was let go. After that the master looked round and said to the mate he saw a light hoisted on the vessel they had struck, and it appeared to come from the forecabin or cabin, then he saw the light go up and disappear. In the opinion of the Court, this was owing to the sinking of the after part of the smack and the rising of the riding light on the bow before she finally sank.

The master did not think it was necessary to either launch his boat or, take any other means to ascertain if any assistance was required. He left the deck about 3.30 a.m. Before anchoring, the mate, and Nelson the deckhand, were on the forecabin head getting the anchor ready, and at the time of the collision, the mate said to Nelson: "My God, what have we gone over." Both the mate and Nelson stated in evidence that they saw a light on the smack after the collision for about 15 minutes, then it disappeared. There was also some contradictory evidence as to whether the crew of the smack uttered any cries or not.

John Kerr, fisherman on board the s.s. "Ardbeg," stated that, on 22nd October at Maryport, he spoke to Nelson in the "Glentow" which was lying alongside of the "Ardbeg." Nelson said "he heard the men of the 'Janet McNicol' uttering cries, and saw three men on her deck after the collision." Nelson denied that there was any such conversation.

On the morning of the 28th instant, the justices and assessors went to the Dock Head, at Ardrossan, where the "Glentow" was lying and examined the outside of the vessel, and found several plates on the starboard bow indented and very much chafed; they also inspected the life buoys, life belts, and distress signals, and also had the life boat launched without using the mast-head tackle by the master, mate, and deck hand, which occupied a little over seven minutes. The "Glentow" being in the same trim, 6 feet by the stern, a pulling pilot boat went ahead about 500 feet before she could be seen over the bows by the man at the wheel.

The Court is of opinion that the master should have burnt a blue light and sent his boat to the vicinity of the place where the collision took place, and also on passing should have thrown a circular life buoy, which was close to him on the bridge. The Court also considers that it would be desirable that this class of vessel should carry a small working boat which could be immediately put in the water in circumstances as above. At the conclusion of the evidence, Mr. Kirkhope, on behalf of the Board of Trade, submitted the following questions.

Mr. Guthrie addressed the Court on behalf of Mr. Alexander McNicol, and Mr. Campbell on behalf of Mrs. Annie Paterson or Stewart. Mr. Wyllie then addressed the Court on behalf of the master and the owner of the "Glentow," and Mr. Kirkhope replied for the Board of Trade.

The Court answered the questions as follows:—

Question No. 1.

Did the "Janet McNicol" take up a safe and proper anchorage in Lamlash Harbour on the 8th October last? Did she, after sunset, exhibit a proper anchor light, and was the anchor light in its proper position, and burning brightly at the time of the collision?

Answer.

The "Janet McNicol" did take up a safe and proper anchorage in Lamlash Harbour on the 8th October last.

She, after sunset, did exhibit a proper anchor light, and the anchor light was in its proper position, and burning brightly at the time of the collision.

Question No. 2.

Was a good and proper look-out kept on board the "Glentow"?

Answer.

A good and proper look-out was not kept on board the "Glentow."

Question No. 3.

What was the cause of the collision and foundering of the "Janet McNicol"? Did the master of the

"Glentow" take any steps to ascertain whether any assistance was required and if necessary to render it if necessary?

The collision between the "Janet McNicol" and the "Glentow" was caused by the neglect of the master of the "Glentow."

The master of the "Glentow" was not kept on board and sufficient measures were not taken as required and to

Was serious damage done to the ship "Janet McNicol" by the neglect of the master of the "Glentow," or of the

"Glentow" take proper and sufficient measures to ascertain whether assistance was required and to render it if necessary?

Answer.

The collision and foundering of the "Janet McNicol" was caused by being run into by the "Glentow."

The master of the "Glentow" did not take proper and sufficient measures to ascertain whether assistance was required and to render it if necessary.

Question No. 4.

Was serious damage to or loss of the British sailing ship "Janet McNicol," and/or the loss of life caused by the neglect of the master and the mate of the "Glentow," or of either of them?

Answer.

The serious damage and loss of the British sailing vessel "Janet McNicol" and the loss of life were caused alone by the neglect of the master of the "Glentow."

JAS. B. CHRYSTIE, J.P.
HUGH WALLACE, J.P.

We concur.

HENRY KNOX, Captain R.N.,
WM. G. B. MELVILLE,
GEO. MASSEY, Commander R.N.R. } Assessors.

(Issued in London by the Board of Trade on the 24th day of December, 1907.)

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