

(No. 7140.)

**"SARAH RADCLIFFE" (S.S.).**

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at the Law Courts, Cardiff, on the 6th, 7th, and 8th days of February, 1908, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Captains J. THOMAS and DAVID DAVIES, into the circumstances attending the stranding of the British steamship "SARAH RADCLIFFE," of Cardiff, on the Culo de Perro Bank, about 8 miles W. by N.  $\frac{1}{2}$  N. of Sabinal Lighthouse, Coast of Spain, on the 13th day of November, 1907.

*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 stranding was due primarily to setting an improper course and proximately to bad look out, insufficient instructions by the master to the officer of the watch, and the master's culpable default in absenting himself from the bridge without just cause or excuse when his presence was urgently needed. The Court suspends the certificate of the master for three months.

Dated this 8th day of February, 1908.

T. W. LEWIS,  
Judge.

We concur in the above report.

J. THOMAS, } Assessors.  
DAVID DAVIES, }

*Annex to the Report.*

This inquiry was held at the Law Courts, Cardiff, on the 6th, 7th, and 8th days of February, 1908. Mr. Ivor Vachell appeared for the Board of Trade, Mr. H. Handcock for the master of the vessel, and Mr. Lean for the second officer. Mr. Gilbert Robertson watched the proceedings on behalf of the managing owner.

The "Sarah Radcliffe," Official Number 95178, is a steel screw steamship, built at Stockton, in 1889, by Ropner & Son, of Stockton, and is classed 100A, at Lloyds. She is 272.2 feet in length, 38.85 feet in breadth, 18.65 feet in depth of hold, and is schooner rigged. She is fitted with three triple expansion direct-acting surface-condensing engines of 160 horse power (combined), made by Blair & Company, Limited, of Stockton. Her gross tonnage is 2250.54 tons, and registered tonnage 1409.71 tons. She is owned by the Sarah Radcliffe Steamship Company, Limited, and Mr. Henry Radcliffe, of 4, Dock Chambers, Cardiff, has been designated manager by advice under the seal of the said Company, received the 24th June, 1889.

The vessel when she stranded had two lifeboats and a gig. She had a standard compass on the bridge, by which she was steered, and two compasses aft. The standard compass was last adjusted by Messrs. Wilson & Gillie, of North Shields, on the 2nd May, 1906. The master states that hardly any deviation was necessary to be allowed on an easterly course.

The vessel was supplied with Imray's Blue Back Chart of the Mediterranean for 1905, and the accompanying Sailing Directions. According to this chart, the variation shown, from the Straits of Gibraltar to Sabinal Light, was 12° 50' W., but according to the Admiralty Chart for 1907, the variation was 16° 5' W., thus making the variation 3° 15' more westerly. This difference in the variation had not been corrected on the Blue Back Chart of 1905 used by the master, and was unknown to him.

On the 6th November last, the "Sarah Radcliffe" left Cardiff with a cargo of 2780 tons of coal, bound for Civita Vecchia, in Italy. Her draught of water was 20 feet 6 inches forward and 20 feet 3 inches aft. She had a crew of 21 hands all told, and was under the command of Mr. James Jones, who held a certificate of competency as master, No. 00476. She proceeded on her voyage and, about 12.20 a.m. on the 13th November, passed Tarifa, about 2 miles distant. About 2 a.m. she passed Europa Point Light, which bore N.  $\frac{1}{4}$  W., and was about 5 miles distant. The chief officer took a four-point bearing, and the master then altered the course to E.  $\frac{1}{4}$  N. magnetic, by standard compass. The master made an allowance of  $\frac{1}{2}$  knot for the current. The weather was fine, the sea smooth and the wind easterly. At noon, the master took an observation for latitude and found his position to be 36° 23' N. and estimated, by dead reckoning, that his position by longitude was 3° 52' to 4° W. At 5 p.m. the course was altered to E. magnetic, the weather being still fine with a slight haze over the land. The master then went below to tea and subsequently came on deck. At 6 p.m. the second officer relieved the chief officer on the bridge. The latter gave the course to the second officer and went below, the master being then on the bridge. About 6.15 p.m. the vessel passed about 6-7 miles off Adra Light, but it was not observed. Sunset was about 4.52 p.m.; and the master states that it was not sufficiently dark to see the light. He further states that he did not see it because he had not expected to do so, and because a very sharp look-out was not kept for it. According to the course he set, he expected to pass outside the range of Adra Light, which is about 12 miles. He had been within sight of land during the whole of the day, but he was unable to recognize any land objects.

Before the master went below at 6.15 p.m. he told the second officer to keep a good look-out for Sabinal Light and to get a four-point bearing of it as he wished to have the exact distance off it. The master then estimated the light to be about 18 to 20 miles distant, and he states that he expected to be within its range between 6.30 and 6.45 p.m. and to be abeam about 8.45 p.m. The weather was then fine, with the sea smooth, and the master states that he considered the vessel was making about 7  $\frac{1}{2}$  knots. He did not give the second officer any special instructions about being called when Sabinal Light was made, but he states that, according to the standing orders of the vessel, the officers were directed to call him, the master, when a light was made, or if they could not make it out, or if they could not make it clear. He did not give the second officer any information as to the time he expected to make Sabinal Light, or as to its character.

The second officer states that he had never seen Sabinal Light at night before the night of the 13th November, that he did not expect to see it until about 8 p.m., and that he then expected to see it on the port bow. He did not know its character except that it was a flash light, nor did he know its height.

After going below, the master went to the engineers' mess room, and remained there playing cards with the chief engineer and the chief officer until about 7.45 p.m., when the vessel stranded.

According to the evidence of the man at the wheel, the look-out, who was stationed on the fore-castle head, reported a light on the starboard bow, about 7.25 p.m., but, according to the second officer's evidence, this was not reported to him until about 7.36 p.m. It was then about 1 to 1  $\frac{1}{2}$  points on the starboard bow. The second officer looked at the light

repeatedly with his glasses, and, as he could not distinguish any flash and, as it was on the starboard bow and not on the port bow, he considered that it was a steamer's mast head light. He continued watching it, expecting the green light to open out. About 7.45 p.m., in accordance with the custom on board the vessel, the man on the look-out left the fore-castle head and went to the fore-castle to call the watch. According to the evidence of the man at the wheel, the look-out was in the fore-castle for about two minutes, and then the vessel stranded. The second officer immediately ordered the helm hard-a-port, and the master, who felt the vessel touch the ground, then came on deck. The latter ordered the engines to be stopped, and then put full speed astern. As the engines were being stopped, the second officer states that he noticed for the first time the flash of the light he had taken for a steamer's light. The master states that, as soon as he came on deck and saw the light, he could see that it was Sabinal Light. It then bore between E. by S.  $\frac{1}{4}$  S. and E. by S.  $\frac{1}{4}$  S., distant about 8 miles. He also noticed Adra Light, which appeared to him to bear N.W. by W.  $\frac{1}{4}$  W. He subsequently found that the vessel had stranded on the Culo de Perro Bank, near Banos Point.

When the chief engineer felt the vessel take the ground, he immediately went to the engine room and found the telegraph indicating full speed astern. He put the engines astern and worked them astern for about 30 to 40 minutes. He then received an order to stop them. The master sounded around the vessel and found 15 feet of water forward, 18 feet amidships, and 22 feet aft. The chief engineer sounded the ballast tanks and bilges and found them to be perfectly dry. About 8 a.m. on the 14th, he found Nos. 1 and 2 tanks were filling rapidly, and the main hold was also filling. He tried to pump out the water and succeeded in keeping it under for some time, but finally it gained on the pumps. About 3 p.m. the fires were drawn as the engine room was filling. About 5 p.m. the holds and engine room were full of water. A salvage boat came alongside on the 15th, but the master was unable to agree to terms with it. On the 17th the master arranged terms with another salvage boat, and on the 21st, the vessel was towed off, after about 1200 tons of cargo had been jettisoned. She was afterwards taken to Almeria, where considerable repairs were effected on her. It was found that a plate had been broken on the port bilge. She afterwards proceeded to Civita Vecchia, where she discharged her cargo, and subsequently went to Bristol, where she is undergoing further repairs.

Mr. Vachell then submitted the following questions upon which he desired 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 and sufficient charts and sailing directions?
- (4) Were proper measures taken to ascertain and verify the position of the vessel at or about 2 a.m. of the 13th November last? Was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tide and currents?
- (4a) Was an observation taken at noon on the 13th November last, and was the position of the vessel correctly ascertained thereby?
- (4b) After taking the observation at noon on the 13th was a proper course thereafter steered?
- (5) Was a safe and proper alteration made in the course at or about 5 p.m. of the 13th November last and was due and proper allowance made for tide and currents?
- (6) Was the vessel kept on an E. magnetic course after 6 p.m. of the 13th November last?
- (7) What was the light sighted on the starboard bow at or about or shortly after 7 p.m. of the 13th November last? Was the second officer justified in taking it for a ship's light?
- (8) Should the second officer have called the master on sighting the light?

- (9) Was a good and proper look-out kept?
- (10) What was the cause of the stranding of the vessel and was she seriously damaged thereby?
- (11) Was the vessel navigated with proper and seamanlike care?
- (12) Was serious damage to the s.s. "Sarah Radcliffe" caused by the wrongful act or default of the master and second officer or of either of them?

The Court then considered the questions and answered as follows:—

(1) The "Sarah Radcliffe" had three compasses, one on the bridge and two aft. They were in good order, sufficient for her safe navigation and the standard compass was last adjusted by Messrs. Wilson and Gillie, of North Shields, on the 2nd May, 1906.

(2) The master ascertained the deviation of his compasses by observation from time to time. According to the chart which the master used, the errors were correctly ascertained and the proper corrections applied to the courses.

(3) The vessel was supplied with Imray's Blue Back Chart of the Mediterranean for 1905, with the accompanying sailing directions. According to this chart the variation to be allowed on magnetic courses from the Straits of Gibraltar to Sabinal Light was  $12^{\circ} 50'$  W., but, according to the Admiralty Chart for 1907, the variation was  $16^{\circ} 5'$  W., thus making the variation  $3^{\circ} 15'$  more westerly. This difference in the variation had not been corrected on the Blue Back Chart of 1905 used by the master and was unknown to him, with the result that he set an improper course from Cape Europa, a course which was the primary cause of the stranding. The vessel was therefore not supplied with a proper and sufficient chart.

The responsibility for the omission to supply the vessel with a proper and sufficient chart—charts being a very important part of a ship's equipment—is not the responsibility of the master but is in law that of the managing owner, Mr. Henry Radcliffe. It is laid down by Lord Tenterden that it is the duty of the managing owner, the ship's husband, to see that the ship is properly equipped. This is a duty that cannot be delegated to the master; and it is a duty that in this case has not been discharged; with the result that an improper course was set which was the primary, although not the approximate cause of the stranding.

(4) Proper measures were taken to ascertain and verify the position of the vessel at or about 2 a.m. of the 13th November last by taking a four-point bearing of Europa Point Light, which was about 5 miles distant. A course, E.  $\frac{1}{4}$  N. magnetic by standard compass, was then set and thereafter steered until 5 p.m. on the 13th, and was then altered to E. While on the latter course the vessel stranded and the course was therefore neither safe nor proper. Such allowance as was necessary for tide and currents was duly made.

(4a) At noon on the 13th November last, the master took an observation for latitude and found his position to be  $36^{\circ} 23'$  N. He did not, however, take an observation for longitude but estimated by dead reckoning that his position was  $3^{\circ} 52'$  to  $4^{\circ}$  W. The position of the vessel was not correctly ascertained.

(4b) After taking the observation at noon on the 13th, a proper course was not steered inasmuch as the course which had previously been set viz. :—E.  $\frac{1}{4}$  N., and continued until 5 p.m., was too fine.

(5) About 5 p.m. of the 13th the course was altered, as above stated, from E.  $\frac{1}{4}$  N. to E. This alteration was made in the right direction but it was not sufficient to keep the vessel off the shore.

No allowance was made, nor was any allowance at 5 p.m. necessary, for tide and currents.

(6) The vessel was kept on an E. magnetic course after 6 p.m. of the 13th November last.

(7) A shore light on the starboard bow was not sighted about 7 p.m. of the 13th November last, but, according to the evidence of the man at the wheel, about twenty minutes before the stranding of the vessel, and, according to the second officer's evidence, about ten minutes before the stranding, viz., about 7.35 p.m. This light was the Sabinal Light, and was mistaken by the second officer for a ship's light. To determine whether this mistake was due to culpable negligence—and therefore unjustifiable—or was due to

mere erroneous observation, it is necessary to consider under which of the following instances Sabinal Light was sighted, and whether the second officer then went to the bridge, and at what time he remained there, and whether the vessel was then stranded.

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mere erroneous judgment, and therefore not unjustifiable, it is necessary to consider all the circumstances under which the mistake was made. At 6 p.m. on the 13th November the second officer relieved the chief officer on the bridge. The master was then on the bridge, and at 6.15 p.m. he gave the second officer the following instructions:—"Keep a good look out for Sabinal Light and take a four-point bearing of it as I wish to have the exact distance off it." The master then went below to the engineer's mess room and remained there playing cards with the chief engineer and chief officer until 7.45 p.m., when the vessel stranded.

Now at 6 o'clock the vessel had run for 16 hours, namely, from Cape Europa, without making any definite land object and without any conclusive verification of her position. According to the distance run she was about the limit of the range of Sabinal Light which was her objective, and the master himself states he expected to make the light between 6.30 and 6.45 p.m. The master states that he considered Sabinal an important light to make as it was the first he should make after Europa, that he had read that Sabinal was an unreliable light, also that he expected to pass about four miles off Sabinal. The master gave no information to the second officer as to the character of the light, as to the bearing in which he expected to make it, or as to the time he expected to make it, nor did the master make any enquiries of the second officer as to the latter's knowledge of the light or of the position of the vessel, but went below, as above stated, not for necessary rest or refreshment but for his own amusement, and during his own watch, leaving his vessel in charge of the second officer who had held a second officer's certificate for ten months only, and had been to sea for seven years only.

The second officer states that he had never seen Sabinal Light at night before the night of the 13th November, and that he did not expect to see it until about 8 o'clock, and expected that he would then see it on the port bow. He did not know it was a highly placed light, nor did he know its character except that it was a flash light.

At 7.36 p.m. the look-out on the fore-castle head reported a light on the starboard bow. The second officer looked at the light repeatedly with his glasses, could make out no flash, and formed the opinion that it was a steam vessel's mast head light, and he continued watching it expecting the green light to open out until, about 10 or 11 minutes later, viz., at 7.45 p.m., the "Sarah Radcliffe" stranded.

Having regard to the foregoing circumstances, particularly the insufficient instructions conveyed by the master, the absence of the master from the bridge during his watch and when about to make his objective light, the difficult position in which the second officer, through want of knowledge and experience and neglect of the master was placed, and the careful exercise of his best judgment (by the second officer) in endeavouring to determine the character of the light, the Court is of opinion that the second officer's mistake was an error of judgment and therefore not unjustifiable.

(8) According to the standing orders of the vessel, the officers were directed to call the master when a light was made, or if they could not make it out, or if they could not make it clear. But, as above stated, according to the special instructions given by the master to the second officer before he left the bridge at

6.15 p.m. of the 13th, the latter was required to keep a good look-out for Sabinal light and to get a four-point bearing of it.

Even if the second officer had identified a light on the port bow as Sabinal Light, having regard to the master's special instructions, the second officer might reasonably have thought that he was not required to call the master until the light was on the four points.

The light seen on the starboard bow, as already stated, was thought to be a vessel's light and therefore did not need to be reported.

(9) About 6.15 p.m. of the 13th, the vessel passed about six to seven miles off Adra Light, the range of which is 12 miles, but it was not observed. The master, however, states that he did not see it because he had not expected to do so and because a very sharp look-out was not kept for it. He also states that it was not sufficiently dark to see it; sunset being about 4.52 p.m. Although the vessel was in close proximity to the land, no land was observed before the stranding by those on the look-out, but immediately the chief engineer came on deck after the stranding he clearly saw the loom of the low lying land on the port side of the vessel.

As above stated, the look-out stationed on the fore-castle head reported a light on the starboard bow to the second officer, about 7.35 p.m. and about 7.45 p.m., in accordance with the custom on board the vessel, the look-out left the fore-castle head and went to the fore-castle to call the watch. According to the evidence of the man at the wheel, the look-out was in the fore-castle for about two minutes, and then the vessel went ashore.

Having regard to these circumstances a good and proper look-out was not kept.

(10, 11, and 12) The primary cause of the stranding of the vessel was setting an improper course. The course laid at Europa Point and subsequently altered at 5 p.m. was that upon which the vessel was steered to the place where she stranded. The cause would not have been followed by its effect—the stranding—if the master had been on the bridge when the safety of his vessel urgently required his presence, viz., either when the light ought to have been made, but was not made, or when the light was in fact made. He would then, in either case, have detected his error, found that the vessel was four miles to the north of her course, and by porting his helm could have averted the disaster.

For the foregoing reasons she was not navigated with proper and seamanlike care, and the serious damage she sustained was caused by the culpable acts and default of the master.

The Court, however, giving weight to the fact that the master laboured under a great disadvantage in not having been supplied with a proper and sufficient chart, suspends his certificate for three months only.

T. W. LEWIS,  
Judge.

We concur.

J. THOMAS, } Assessors.  
DAVID DAVIES, }

(Issued in London by the Board of Trade on the  
10th day of March, 1908.)