

(No. 7233.)

“DERWENT” (S.S.)

AND

“ENTERPRISE.”

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Municipal Buildings, West Hartlepool, on the 4th, 5th, and 7th days of December, 1908, before T. J. JOHNSON and T. NODDINGS, Esquires, two of His Majesty's Justices of the Peace for the County Borough of West Hartlepool, assisted by Captains KENNETT HORE and ALEXANDER WOOD and Admiral EDWARD HENRY MEGGS DAVIS, C.M.G., into the circumstances attending the loss of the British sailing ship “ENTERPRISE,” of Folkestone, through collision with the British steamship “DERWENT,” of Goole, about midway between the Haisborough light vessel and the Would light vessel, North Sea, on or about the 27th October, 1908, whereby loss of life ensued.

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 collision and subsequent loss of life were caused through the wrongful act and default of Thomas Alfred Lumley, the master of the “Derwent,” in failing to comply with the Regulations for Preventing Collisions at Sea. The Court suspends his certificate, numbered 016852, for a period of nine months from this date.

Dated this seventh day of December, 1908.

THOS. NODDINGS, } Justices.
T. J. JOHNSON, }

We concur in the above Report.

KENNETT HORE, } Assessors.
A. WOOD, }
ED. H. M. DAVIS, }

Annex to the Report.

This was an inquiry into the circumstances attending the collision that occurred between the British sailing vessel “Enterprise,” of Folkestone, and the British steamship “Derwent,” of Goole, between the Haisborough light vessel and the Would light vessel, North Sea, on the 27th October, 1908, whereby the “Enterprise” was sunk and loss of life ensued. The inquiry was held at the Municipal Buildings, West Hartlepool, on the 4th, 5th and 7th of December, 1908, before T. J. Johnson, Esquire (Mayor), and T. Noddings, Esquire, two of His Majesty's Justices of the Peace for the County Borough of West Hartlepool, assisted by Captains Kennett Hore and Alexander Wood and Admiral Davis, C.M.G. Mr. P. Corder, of Newcastle-upon-Tyne, represented the Board of Trade, Dr. T. C. Jackson, of Hull, was present on behalf of

the Lancashire and Yorkshire Railway Company, the owners of the s.s. “Derwent,” and also on behalf of Commander W. S. Atkin, R.N.R., the acting manager of the Company's fleet, who also attended to give evidence if required. Mr. W. Nelson, London, appeared for Mr. J. Pattison, of West Hartlepool, the owner of the “Enterprise,” and Mr. A. T. Miller, of Liverpool, represented Thomas Alfred Lumley, the master, and the officers of the “Derwent.”

The “Enterprise,” Official Number 52632, was a sailing vessel built of wood at South Shields, in the County of Durham, in November, 1865. She was brigantine rigged. Her length was 91·3 feet, breadth 22·4 feet, depth of hold 12·1 feet and registered tonnage 152·96 tons. She was owned by Mr. John Pattison, of 8, Bellerby Terrace, West Hartlepool, who was designated managing owner by a vice under his own hand dated 16th February, 1894. The “Enterprise” left Hartlepool on the 25th October last with a crew of 6 hands, all told, no passengers, and a cargo of 260 tons of coal, bound for Huntley's Coal Wharf, Greenwich. She reached Cromer on the morning of the 26th October, when the wind veered to the south east with strong breeze, squally weather and a rough sea. They were beating to windward all that and the following day, and at about 6 p.m. of the 27th October, they were half way between the Haisborough and the Would light vessels. The vessel was under upper and lower topsails, single reefed mainsail, jib and staysails, heading E. by S. ½ S. on the starboard tack, making, it was stated, 7 knots an hour, the wind being S. by E. ½ E. The master, G. Knaggs, and the mate, John Watson, were on deck at this time; Towner, an apprentice, was at the wheel and Stainthorpe, another apprentice of 3 years' sea service, was on the look-out and standing at the fore side of the main rigging. At this time the mate said to the master, “Here comes another steamboat, sir.” The master and also Towner, who was at the wheel, looked round and saw the mast head light and green light of a steam vessel approaching them on their port quarter nearly a mile off. The stern light and side lights of the “Enterprise” were all burning brightly at the time. In about 5 minutes the steamer seemed to be coming very close and the master said to Towner, “Keep your course; a steamer always keeps out of the way of a sailing vessel.” The steamer, however, did not seem to alter her course to get out of their way, and all hands then shouted to her as she approached, but no notice seemed to be taken, for she came on and with great force struck the “Enterprise” on the port quarter, sinking her almost immediately and before any of the crew could make any attempt to save themselves by climbing over the steamer's bow. The apprentice Towner went down with the vessel, his foot having caught in some of the gear, but having cleared himself he came to the surface again and finding one of the boat's chocks floating close to him he seized hold of it, and shouted to the steamer for help. Two lifebuoys were then thrown overboard, one of which he managed to reach and held on to it until he was rescued by the steamer's jolly boat and taken on board the “Derwent.” While in the water he heard Stainthorpe, the look-out, calling for help, he could tell it was Stainthorpe by the sound of his voice; but he did not see either him or any others of the crew after the “Enterprise” went down. He thought he was in the water about 10 minutes before the lifebuoy was thrown to him, and about 15 or 20 minutes before he was picked up by the mate of the “Derwent” in her jolly boat. He was the only survivor of the crew of the “Enterprise.” The names of the crew who were drowned are as follows:—

No.	Name.	Rating.	Aged.
1	George Knaggs ...	Master ...	About 58
2	John Watson ...	Mate ...	22.
3	Sampson Stainthorpe ...	Eldrest apprentice ...	19.
4	William Swales ...	O.S. ...	22.
5	Bertie Wilyman ...	Youngest apprentice	16 to 17.

Towner was taken on to Antwerp in the "Derwent," and remained on board until October 30th, when he was landed at Goole.

The "Derwent," Official Number 91316, is a screw steamer built of steel, at Low Walker, by Messrs. William Dobson and Comrany in 1888, and is of the following dimensions:—Length 230 feet, breadth 30·7 feet and depth of hold 14·7 feet. She is schooner rigged, fitted with triple-expansion, direct-acting engines of 160 horse power combined by the Wallsend Slipway and Engineering Company, Limited, in 1888, the diameter of the cylinders being 21 inches, 33½ inches and 54 inches respectively, and the length of stroke 33 inches. Her gross tonnage is 830·15 tons and registered tonnage 417·81 tons as amended by the surveyor's certificate at Hull, dated 13th December, 1894. She is owned by the Lancashire and Yorkshire Railway Company, Mr. Walter Stewart Atkin, of Goole, being designated the person to whom the management of the vessel is intrusted by and on behalf of the owners by advice received 14th May, 1906.

The "Derwent" left Goole about 7.40 a.m. on the 27th October last bound for Antwerp with a general cargo of 709 tons, under the command of Mr. Thomas Alfred Lumley, who held a certificate of competency, numbered 016852, with a crew of 17 hands all told, and no passengers. She was then drawing 13 feet 3 inches forward and 14 feet 3 inches aft. She was navigated by the standard compass, which was placed on the upper bridge and was last adjusted in Hull in 1906. She carried two lifeboats and a jolly boat, lifebelts for each member of the crew, and 12 spare lifebelts for passengers if required, and 4 life buoys ready for use and placed at the fore part of the bridge. She was well found, properly fitted and equipped for the service in which she was engaged. At about 5.45 p.m. of the same day the "Derwent" was abeam of the Haisborough light vessel, at an estimated distance of about 2½ to 3 miles. A course S.E. ½ S., on which point there were 3 degrees of westerly deviation, was set by compass to pass the Would light vessel and make the Newarp Channel. There was a fresh breeze blowing from the southward and eastward (about S.S.E.), with a choppy sea and occasional showers of rain. The vessel was going full speed, about 11 knots, and the tide was the first of the flood. The night was fairly clear and the lights on the shore were plainly visible. At about 5.50 p.m. (the time not being exactly ascertained) the master sent the second mate and the man who had been keeping the look-out on the bridge with him down on to the main deck to ship the wash boards in the alley way doors as the sea was coming through the doorways and washing about the coal which was stowed on deck. As they were unable to do this on account of the water, the engines at about 6.5 p.m. were eased down to half speed, which the master stated would be about 8 knots, and the mate and his watch coming on deck at this time proceeded at once to lend them a hand and to properly secure the wash boards in the alley way doors. The master, who was looking out on the bridge and standing by Shepherd, the man at the wheel, saw at this time the white light of a vessel about a point on the starboard bow, but said nothing to Shepherd regarding it. According to the master's statement, he at once assumed that it was the stern light of a steamer going the same way as himself. In about 8 or 9 minutes the master found that he was overtaking this vessel showing the stern light, and in order to give her a wider berth, told the man at the wheel to starboard his helm and then steady, because, as he stated in his evidence, he intended to pass her on her port side and go to the eastward of her. As the "Derwent" drew ahead the white stern light of the overtaken vessel disappeared, and the glimmer of the red light came into view, showing that at that moment the "Derwent" was only two points abaft her beam. Directly the red light came into view the master of the "Derwent," seeming to have abandoned the idea of passing her on the port side, ordered the man at the wheel to "hard-a-port the helm." This was done, and the engines reversed, but before the headway could be stopped she struck the "Enterprise" on the port quarter a crushing blow, as already described, sinking her almost immediately. The starboard lifeboat was ordered to be got out at once, but in the hurry to swing it out

it swung back again with the rolling of the vessel before the davits could be secured, smashing against the davits and injuring several of the crew employed in getting it out. The boat's stern post was also damaged, and it was impossible to lower her. The jolly boat was therefore lowered, and eventually pulled away by the mate and an A.B., who succeeded in rescuing the apprentice Towner, two life buoys having been previously thrown to him in response to his cries for assistance. The jolly boat having failed to find any more of the crew of the "Enterprise," ultimately returned to the vessel, and the men being taken out of her, she was cast adrift, as it was said to be impossible to hook her on and hoist her up with the rolling of the vessel in the sea way. After waiting in the vicinity of the casualty for about an hour and a half, the "Derwent" proceeded on her way to Antwerp, the master and officers having concluded that there was no more chance or possibility of saving life.

From the evidence of Frederick Shepherd, who was at the wheel, it is to be noted that the helm was never steadied after the order to starboard was given, but was put hard-a-port while the vessel was under the starboard helm, which clearly shows how close the vessels were together before anything had been done by the "Derwent" to keep clear of the overtaken vessel. The master said he never heard the shouting of the crew of the "Enterprise" before the collision occurred, but Argiopedos, a Greek A.B., who came on the bridge to keep the look-out just as the helm was being put to port, heard the shouting of the crew and saw the red light of the "Enterprise" close under their bows before she was run down, and afterwards heard, as Shepherd at the wheel did, the cries for help in the water when the "Enterprise" had sunk. From the foregoing facts, it is clear that, after the second officer and man on the look-out had left the bridge to secure the wash boards in the alley way doors, the master of the "Derwent" did not pay sufficient attention to the light of the vessel he was overtaking. He said he believed that it was the stern light of a steamer going the same way, but it would have made no difference if it had been, for whether it was the stern light of a steamer or the stern light of a sailing ship it was his duty to keep clear of the overtaken vessel, and this he failed to do.

At the conclusion of the evidence, Mr. Corder read and submitted the following questions upon which the Board of Trade desired the opinion of the Court:—

(1) At or about 6 p.m. of the 27th October last was the sailing ship "Enterprise" being overtaken by the steamship "Derwent" within the meaning of Article 24 of the Regulations for Preventing Collisions at Sea?

If so:—

(a) Did the "Enterprise" show from her stern to the "Derwent" a white light or flare-up light within the meaning of Article 10, and did the "Enterprise" keep her course and speed as required by Article 21 of the said Regulations?

(b) Did the "Derwent" take proper measures to keep out of the way of the "Enterprise" as required by Article 24, and did she comply with Article 23 of the said Regulations?

(2) What was the cause of the collision and loss of life, and was every possible effort made by those on board the "Derwent" to render assistance?

(3) Was a good and proper look-out kept on board both ships?

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

(5) Was the loss of the sailing ship "Enterprise" and/or the loss of the life caused by the wrongful act or default of the master of the "Derwent"?

Mr. Miller having addressed the Court on behalf of the master, the Court replied to the questions as follows:—

(1) At about 6 p.m. of the 27th of October last the sailing ship "Enterprise" was being overtaken by the

steamship "Derwent," within the meaning of Article 24 of the Regulations for Preventing Collisions at Sea.

(a) The "Enterprise" did show from her stern to the "Derwent" a white light, within the meaning of Article 10. According to the evidence before the Court, the "Enterprise" kept her course and speed as required by Article 21 of the said Regulations.

(b) The "Derwent" did not take proper measures to keep out of the way of the "Enterprise," as required by Article 24. She did endeavour to comply with Article 23, but not until it was too late to avoid collision.

(2) The collision and subsequent loss of life were caused through the master of the "Derwent" failing to comply with the Regulations for Preventing Collisions at Sea.

After the collision every possible effort appears to have been made by those on board the "Derwent" to render assistance. The starboard lifeboat was disabled in attempting to get it out. The jolly boat was

then lowered, in which the mate and one hand succeeded in rescuing Towner, the only surviving member of the crew of the "Enterprise."

(3) A good and proper look-out was kept on board the "Enterprise," but not on board the "Derwent."

(4) The "Enterprise" was navigated with proper and seamanlike care. The "Derwent" was not.

(5) The loss of the sailing ship "Enterprise" and subsequent loss of life were caused by the wrongful act and default of Thomas Alfred Lumley, the master of the "Derwent," in not complying with the Regulations for Preventing Collisions at Sea. The Court suspends his certificate for 9 months.

THOS. NODDINGS, }
T. J. JOHNSON, } Justices.

We concur.

KENNETT HORE, }
A. WOOD, } Assessors.
ED. H. M. DAVIS, }

(Issued in London by the Board of Trade on the 8th day of January, 1909.)