

(No. 7257.)

"SHAMROCK" (S.S.)

AND

"MARCHIONESS OF BUTE" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at Dundee on the 6th, 7th, 8th, 13th and 15th days of April, 1909, before JOHN CAMPBELL SMITH, Esquire, Advocate, Sheriff Substitute of Forfarshire, assisted by Captains OWEN R. MITCHELL and C. K. MCINTOSH, R.N.R., into the circumstances attending the damage sustained by the British steam ship "MARCHIONESS OF BUTE," of Glasgow, through collision with the British steam ship "SHAMROCK," of Dundee, in the River Tay, on 15th August, 1908.

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 primary cause of collision was due to the "Marchioness of Bute" overtaking the "Shamrock," and steaming between that vessel and the north shore of the River Tay at too great a rate of speed, and further due to the master of the "Shamrock" in delaying too long to stop and reverse his engines.

The Court orders (1) that the owners of the "Marchioness of Bute" do pay to the Solicitor to the Board of Trade the sum of thirty pounds sterling, and (2) Captain Angus Morrison, the master of the said vessel, the sum of twenty pounds, and also (3) orders that the owners of the "Shamrock" do pay to the Solicitor to the Board of Trade the sum of two pounds; all these sums to be on account of the expenses of this investigation.

The Court cannot refrain from admonishing the masters about the reckless speed at which these vessels were navigated on the River Tay, and the owners in permitting it.

Dated this 15th day of April, 1909.

J. C. SMITH, Judge.

We concur in the above Report.

OWEN R. MITCHELL, }
C. K. MCINTOSH, } Assessors.

Annex to the Report.

The "Shamrock," Official Number 63748, was a British paddle steamer, built of iron, at Whiteinch, Glasgow, in the year 1866, by Messrs. Aitken & Mansell. She was sloop rigged and her respective dimensions are:—Length 142·6 feet, breadth 16·7 feet, and depth of hold 6·85 feet. Gross tonnage 137 tons, and her registered tonnage 25·67 tons. She was fitted with two vertical oscillating engines by James Aitken & Co., Glasgow, of 60 nominal horse power, and 240 indicated, the diameter of the cylinders being 30 inches, length of stroke 42 inches.

She was owned by Messrs. George Martin, Ltd., Dundee. Thomas Smith, 18, Lindsay Street, Dundee, designated

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the person to whom the management is intrusted by and on behalf of the registered owners.

She was provided with two lifeboats of the aggregate capacity of 217 cubic feet, and capable of accommodating 21 persons, and is said to have 332 life belts and 12 life buoys.

She was certified to carry 530 passengers and 7 of a crew, making a total of 537 all told.

The "Shamrock," on the voyage in question, was engaged in the passenger trade, sailing between Dundee, Newburgh, and Perth, and was in good condition, well found, and fitted for the trade in which she was engaged, in accordance with her passenger certificate.

The "Marchioness of Bute," Official Number 97639, was a British paddle steamer, built at Port Glasgow in the year 1890 by Messrs. John Reid & Co. She was smack rigged, and her respective dimensions are:—Length 200·4 feet, breadth 22·1 feet, and depth of hold 7·5 feet. Her gross tonnage 246·22 tons, register tonnage 55·93 tons. She was fitted with one engine, diagonal tandem compound direct-acting, by Messrs. Rankin Blackmore, of Greenock, the diameter of her cylinders being 30 inches and 54 inches, the length of stroke 60 inches, of 140 nominal horse power and 1,100 indicated, and her speed as given in the register 16½ knots.

She was owned and managed by the Messrs. Nicol, of 59, Dock Street, Dundee.

She was provided with two lifeboats of the aggregate capacity of 230 cubic feet, and capable of accommodating 23 persons, besides having five buoyant apparatus capable of supporting 108 persons, also 1,000 life belts and six life buoys.

She was certified to carry on a summer voyage 1,101 passengers, and 10 of a crew, making a total of 1,111 all told.

The "Marchioness of Bute" was engaged in the passenger trade on the River Tay, sailing between Dundee, Newburgh, and Perth, and was in good condition, well found and fitted for the trade in which she was engaged.

The "Shamrock" left Dundee at 2.40 p.m. on the 15th August last, bound for Perth, via Newburgh, on the River Tay, drawing 4 feet 3 inches fore and aft, with from 300 to 400 passengers, and a crew of eight hands all told. She was under the command of Mr. John Todd, who holds a certificate of competency Home Trade No. 103,610.

After clearing the pier the engines were put at full speed ahead, which gave a speed of 10 knots through the water, and about 12 knots over the ground, the tide being about half flood, the weather fine with a light breeze from S.E.

When nearing the Tay Bridge the "Marchioness of Bute" passed her on the south side, travelling at a high rate of speed. At about 3.50 p.m. the "Shamrock" arrived off the West pier at Newburgh, and found some difficulty in getting alongside the pier owing to the flood having a tendency to set her off, and to the "Marchioness of Bute" being already moored to the East pier; the two piers are distant from each other about 150 feet.

At about 4.15 p.m. the "Shamrock," after having landed her passengers and embarked others, proceeded, when clear of pier, at full speed up the river towards Perth, keeping slightly on the starboard side of mid-channel.

When the Hen Fishing Lodge was nearly on the starboard beam the master of the "Shamrock" heard one blast of the whistle from the "Marchioness of Bute" which was at this time about 400 feet astern and slightly on the "Shamrock's" starboard quarter, indicating that the "Marchioness of Bute" intended passing between the "Shamrock" and the North Shore.

On hearing the whistle the master of the "Shamrock" remarked to his helmsman, "surely he will not try to pass us here." The "Shamrock" continued her course and speed, and as the "Marchioness of Bute" drew up, the course of "Shamrock" was slightly altered to port, then steadied and continued until the Glove Fishing Lodge was on the starboard beam, and the Cock Fishing Lodge on the port.

At this time the "Marchioness of Bute" had drawn up on the starboard side of the "Shamrock" until her paddle boxes were abreast of the "Shamrock's" stem.

The vessels were on parallel courses and, according to the evidence of both masters, they were between 60 and 70 feet apart, but the Court is of opinion that the vessels were much nearer. At this time the master of the "Shamrock" noticed that the vessels were drawing together and that the "Marchioness of Bute" was steering across her bow, when he immediately ordered the helm hard-a-starboard, helping the helmsman to do so, he then stopped and reversed the engines. Shortly after doing this the stem of the "Shamrock" came in contact with the moulding on the covering board of the "Marchioness of Bute's" promenade deck on the port side, about 38 feet from the stern, scraping along aft until the vessels cleared but doing only slight damage.

After clearing the "Marchioness of Bute" the engines of the "Shamrock" were stopped, and afterwards put ahead, and the vessel continued her course towards Perth at a moderate speed, but the master states that he was unduly delayed by the "Marchioness of Bute" proceeding ahead of him at a low rate of speed. The master of the "Marchioness of Bute" denies this, and states that his speed was as fast as the condition of the tide would permit, considering the length of his vessel, and the narrow bends of the channel. At about 5 p.m. the "Shamrock" arrived safely at Perth some few minutes after the "Marchioness of Bute."

The "Marchioness of Bute" left Dundee five minutes after the "Shamrock" on the 15th August last, bound for Perth, via Newburgh, on the River Tay, drawing 4 feet 5 inches forward and 5 feet 3 inches aft, with about 800 passengers and a crew of eight hands all told.

She was under the command of Mr. Angus Morrison, who holds a home trade certificate No. 104,143.

After clearing the pier the engines were put at full speed ahead which gave a speed through the water of from 12 to 13 knots. Shortly after leaving the pier and before reaching the Tay Bridge, the s.s. "Shamrock" was passed on the starboard side.

She arrived at Newburgh, and moored to the East pier some little time before the arrival of the "Shamrock."

According to the master's evidence, after landing and embarking passengers, the vessel remained alongside the pier owing to the difficulty in leaving while the "Shamrock" remained moored ahead alongside the West pier.

At about five minutes after the "Shamrock" left Newburgh, the "Marchioness of Bute" proceeded; the first order given to the engine room was to go astern in order to back the vessel clear of the pier into the fairway, the tide being flood. She then proceeded in the wake of the "Shamrock" at about three-quarter speed, which, according to the engineer's evidence, was 33 revolutions, or a speed of nine knots.

As there was no deck or engine-room log book kept to verify the speeds and times, the Court is unable to accept the evidence relating to this.

After passing the mouth of the Earn, the "Marchioness of Bute" sounded one blast of her whistle to the "Shamrock," indicating that she intended to alter her course to starboard in order to pass the "Shamrock" on her starboard side, the vessels being at this time about 400 feet apart and the "Shamrock" being slightly on the "Marchioness of Bute's" port bow; and the master noticed that the "Shamrock's" course was slightly altered to port, which he considered was done in order to give him more room to pass.

When the "Marchioness of Bute's" paddle box was abreast of the "Shamrock's" stem, the master states that the "Shamrock" made a sheer towards him, but also says he saw the master of the "Shamrock" starboarding his helm. Immediately after he ordered the helmsman to starboard with the object of throwing the quarter clear of the "Shamrock's" stem. The "Shamrock," however, as stated, scraped along the outside of the promenade deck moulding.

After clearing the "Shamrock," the "Marchioness of Bute" resumed her passage to Perth, and arrived safely some little time before the "Shamrock."

In reviewing the evidence of both masters, the master of the "Shamrock" accounts for the "Marchioness of Bute" crossing his bow to the fact that her master thought he was getting into shallow water and wished to regain the fairway, and when questioned why his vessel did not answer her starboard helm when both vessels were drawing together, he replied that his vessel might have been under the influence of suction, due to the speed of the passing vessel.

The master of the "Marchioness of Bute" alleged in his evidence that in his opinion the "Shamrock" deliberately brought about the collision because her master was

annoyed at being passed on the river. He did not consider the suction would be sufficient to cause the sheer.

It is to be noted that though the master of the "Shamrock" did not at the time of the collision hold a pilot's licence for the River Tay, he had prior to this held one for some years, and therefore by long experience acquired a thorough knowledge of the river. His licence was cancelled on account of him not having sufficient service in a square rigged ship.

Concerning the master of the "Marchioness of Bute," he came on the river about six weeks before the occurrence, with no previous knowledge of the Tay and no pilot's licence.

He had on board to assist him Robert Muir, the mate, who had had considerable experience of the river in various capacities—but who held no pilot's licence—and who declared in evidence that he knew nothing of the rules of the road as contained in the Regulations for Preventing Collisions at Sea.

There is ample evidence before the Court that there has existed for a long period a strong rivalry between the various passenger steamers plying on the Tay leading to much reckless navigation, thereby endangering the lives of the passengers carried, which state of matters the Court cannot too strongly condemn.

The Court also desires to draw attention to the fact that it appears to be the custom for some passenger steamers to be navigated on the Tay by men without having a pilot's licence.

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

Questions for the Court.

1. On the 15th August last, when navigating the River Tay between Dundee and Perth, ought the master of the "Shamrock" and the master of the "Marchioness of Bute" to have employed a pilot licensed for that district? If so, did they, or either of them, do so?

2. After leaving Newburgh, River Tay, on the afternoon of the 15th August last, did both vessels comply with Article 25 of the Regulations for Preventing Collisions at Sea?

3. What were the positions of the "Shamrock" and the "Marchioness of Bute" in the River Tay on the afternoon of the 15th August last, when the master of the latter vessel gave one blast of his whistle to indicate that he intended to pass the "Shamrock" on her starboard side?

Was the master of the "Marchioness of Bute" justified in attempting to execute this manoeuvre at that time?

4. Did the "Marchioness of Bute" comply with Articles 24, 23, 22, 27 and 29 of the Regulations for Preventing Collisions at Sea, and did the "Shamrock" comply with Articles 21, 27 and 29 of the said Regulations?

5. Was a good and proper look-out kept on board both vessels?

6. What was the cause of the collision, and was the "Marchioness of Bute" seriously damaged thereby?

7. Were both vessels navigated with proper and seamanlike care?

8. Was damage, serious or otherwise, to the "Marchioness of Bute" caused by the wrongful act or default of Mr. Angus Morrison, master of that vessel, or Mr. John Todd, master of the "Shamrock," or of either of them?

Answers to Questions.

1. On the 15th August last when navigating the River Tay, between Dundee and Perth, neither the master of the "Shamrock" or the master of the "Marchioness of Bute" employed a pilot licensed for that district, which the master of each vessel ought to have done.

2. After leaving Newburgh, River Tay, on the afternoon of the 15th August last both vessels did comply with Article 25 of the Regulations for Preventing Collisions at Sea.

3. On the afternoon of the 15th August last the "Shamrock" was proceeding up the River Tay a little on the starboard side of mid-channel.

The "Marchioness of Bute" was overtaking the former vessel on the same course, when the master of the

"Marchioness of Bute" gave one blast of his whistle to indicate that he was about to direct his course to starboard so as to pass between the "Shamrock" and the north side of the river.

The master of the "Marchioness of Bute" was not justified in attempting to execute this manœuvre at that time.

4. The "Marchioness of Bute" did not comply with Articles 24, 23, 22, 27 and 29 of the Regulations for Preventing Collisions at Sea.

The "Shamrock" did comply with Articles 21, 27 and 29, but while the Court recognises that the action of the master of the "Shamrock" at the last moment averted a serious disaster, the Court considers it would have been much more prudent had he taken such action sooner.

5. A good and proper look-out was kept on board both vessels.

6. The cause of the collision was due to the "Marchioness of Bute" attempting to pass between the "Shamrock" and the north bank of the River

Tay whilst both vessels were going at too great a rate of speed. The former vessel was not seriously damaged thereby.

7. The "Marchioness of Bute" was not navigated with proper and seamanlike care.

The "Shamrock" was navigated with proper and seamanlike care, subject, however, to the last part of the answer to question No. 4.

8. The damage to the "Marchioness of Bute," which was not serious, was caused by the wrongful act or default of Mr. Angus Morrison, master of that vessel, in attempting to pass the "Shamrock" in a narrow channel at too high a rate of speed.

J. C. SMITH,
Judge.

OWEN R. MITCHELL, }
C. K. MCINTOSH, } Assessors.

(Issued in London by the Board of Trade on the
30th day of April, 1909.)