

(No. 7260.)

“GOOD HOPE”

AND

“DUNDEE” (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at the Caxton Hall, Westminster, on the 5th and 6th days of April, 1909, and at Westminster Palace Hotel, Westminster, on the 16th day of April, 1909, before ARTHUR HILL HUTTON, Esquire, assisted by Admiral E. H. M. DAVIS, C.M.G., R.N., Captain H. G. HIGGINSON, and Captain J. ROBERTSON, into the circumstances attending the loss of the British sailing ship “GOOD HOPE,” of Rye, through collision with the British steamship “DUNDEE,” of Dundee, about 200 yards from the “Cockle” lightship, Yarmouth Roads, North Sea, on the 30th day of January last, 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 actual and immediate cause of the collision and the loss of life, was the opening of the red light of the “Good Hope,” however brought about, after having altered her course to port in rounding the “Cockle” lightship, conveying to the “Dundee” the impression that she had altered her course to starboard; but that the failure of the master of the “Dundee” to give the sailing vessel sufficient sea-room when her red light was first sighted, and to slacken speed in time on the nearer approach of the sailing vessel, were contributory causes of the casualty, and showed on his part grave error of judgment deserving of censure.

Dated this 19th day of April, 1909.

ARTHUR HUTTON, Judge.

We concur in the above Report.

E. H. M. DAVIS,  
HENRY HIGGINSON,  
JAMIESON ROBERTSON, } Assessors.

Annex to the Report.

This Investigation was held at the Caxton Hall, Westminster, on the 5th and 6th days of April, 1909, and at the Westminster Palace Hotel, Westminster, on the 16th day of April, 1909. Dr. Ginsburg appeared for the Board of Trade and Mr. C. R. Dunlop for Mr. John Charles Grey, the master of the s.s. “Dundee.”

At the opening of the proceedings Mr. E. G. Gibson, for the owners of the “Dundee,” and Mr. A. D. Bateson (with whom was Mr. P. A. Currie), for the owners of the “Good Hope,” applied for leave to appear, and the Court granted the application.

The facts disclosed by the evidence were as follows:—

The “Good Hope,” Official Number 67213, was a wooden sailing ship, built at Rye in 1873, by J. C. Hoad, and rebuilt and lengthened at Rye, in 1894, by

G. & T. Smith. Her dimensions were: Length, 84·8 feet; breadth, 19 feet; depth of hold, 8·9 feet. Her gross tonnage was 76·32, and her registered tonnage 60·25. She was ketch-rigged, with two masts and a standing bowsprit; was registered at the Port of Rye; and was owned by John Smith, of Rye, and six others. The managing owner was Thomas Smith, of Rock Channel Shipyard, Rye, in the County of Sussex.

The “Dundee,” Official Number 89097, is a steel screw steamship, built in 1885 by Gourlay Brothers & Co., of Dundee. Her dimensions are: Length, 270 feet; breadth, 34·1 feet; depth, 15·7 feet. Her gross tonnage is 1397·56, and her registered tonnage 703·60. She is fitted with three inverted triple-expansion engines of 300 horse-power combined, made in 1885 by Gourlay Brothers & Co., of Dundee. Registered at the Port of Dundee, she was owned by John Leng and two others, trading as the Dundee, Perth, and London Steamship Company, and James Wilson Kidd, of Dundee, was the managing owner. She was well found, and carried four lifeboats, two quarter boats, the usual compasses, and the usual life-saving apparatus. Her stern light was an oil lamp; she carried an electric masthead light, and the usual side lights, which were also electric, and which were, respectively, fixed on each side of the bridge, about the broadest part of her beam. The bridge is on the fore side of midships, and the side lights were about 18 feet above the main deck.

The “Good Hope” sailed from Faversham on the 25th January last, with four persons on board, viz., George Friend, master, E. S. Fairbrass, mate, Hans Hansen, third hand, and Henry Milsted, cook. Neither the master nor the mate held a certificate. She was in good condition, with a good outfit, and was capable of carrying 125 tons of cargo. On this occasion she carried a cargo of 90 tons of cement, and 15 tons of high explosives, the latter consisting of 12 tons of gelignite and 3 tons of geloxide in 600 cases. The explosives were stored athwartship, with bags of cement placed at each end, but with nothing intervening between the cases and the sides of the vessel; and they practically filled the space provided for them to the top of the hatch.

The “Good Hope” had been originally built as a fishing smack, and was a very handy vessel, very fast, with good sheer. Her freeboard, on this voyage, was about 21 or 22 inches.

About 4 or 4·5 a.m. on the 30th January, she was sighted by the “Cockle” lightship, bearing N. by E. and heading about S.W., subsequently passing about 20 yards north of, and across the bows of, the lightship, which was then heading N. by W. She was, apparently, putting back through stress of weather, or from some other cause, and was running free at a speed of about 7 or 8 knots.

The “Dundee” left London for Dundee on the 29th January, with a crew of 24 hands, in water ballast, drawing 15 feet 6 inches aft, and 8 feet 3 inches forward. She carried no passengers or cargo.

About 2·45 a.m. on the 30th January she passed the South Holm buoy, subsequently passing about 3·30 a.m. to the west of, and a couple of ships’ lengths from, the St. Nicholas lightship, at a speed of 8 or 9 knots. At or about 4 a.m. she was on a N.N.E. course, about 1½ miles from the “Cockle” lightship, which was then from half to three-quarter point on her starboard bow; and she was still maintaining her speed of about 8 or 9 knots. According to the log of the “Cockle” lightship, the wind was then north-westerly, and of a force of from 4 to 6, squally, with passing snow. At this time, three red lights were reported by the look-out on board the “Dundee.” Two passed away to westward. The third, evidently the light of the “Good Hope,” bearing about 2 points on the starboard bow, gradually approached until, according to the evidence of those on board the “Dundee,” it crossed ahead of the lightship.

The whole of the crew of the “Good Hope” having gone down with their vessel, her movements after passing the lightship can only be conjectured from the evidence of witnesses on board the “Dundee” and the “Cockle” lightship; and those on board the “Cockle” were not in a position to say whether, or to what extent, the “Good Hope” altered her course.

When the red light of the “Good Hope” was first sighted, the prudent course for the “Dundee” would have been to pass east of the lightship. This, however, would have been an unusual course. The master of the

"Dundee," Mr. John Charles Grey, stated that he had never before taken it, and the witnesses from the lightship confirmed his view that it was unusual. He did not take that course. He continued on the course which he was steering through the "Cockle" Gateway.

As soon as the red light of the "Good Hope" cleared the anchor light of the "Cockle" lightship, the master of the Dundee gave the order to port. This was done, and apparently the "Dundee" swung about a point to starboard. While swinging to this helm, those on board the "Dundee" lost sight of the red light of the "Good Hope," and directly after saw her green light open. The "Dundee" was, thereupon, by order of the master, starboarded about a point, which brought her back practically to her original course. The two vessels were then proceeding, green to green, the distance between them at that time being estimated at about three quarters of a mile. Had each continued on the course then steered no collision could have occurred.

When the "Dundee" starboarded, as last mentioned, she gave two short blasts on her whistle. This signal was repeated twice afterwards, at short intervals, to shew that she intended to keep on her starboard helm, directing her course to port.

The "Good Hope" continued to shew her green light till she got within about 100 yards of the "Dundee" and bore about  $1\frac{1}{2}$  or 2 points on the starboard bow of that vessel. Then her green light disappeared, and her red light opened. This might have been due either to an alteration of the course of the "Good Hope," or to her yawing to a very considerable extent; but as to which of these causes actually operated there was no evidence.

About this time cries were heard from the "Good Hope" by the look-out on the lightship, suggesting that those on board the "Good Hope" had suddenly discovered the approach of the steamship. The look-out on board the "Dundee" appears to have had the "Good Hope" under his observation the whole of the time from the first appearance of her red light until the collision actually occurred.

Directly the red light of the "Good Hope" opened, the order was properly given to port the helm of the "Dundee." This was done immediately, and at the same time, by order of the master, the engines were stopped and reversed full speed. Up to this point the "Dundee" had not slackened speed, but was still going at about 8 or 9 knots.

After the engines were reversed, but apparently before the "Dundee" had gathered sternway, the collision occurred; the vessels then being about 150 yards from, and bearing about W. by S.  $\frac{1}{2}$  S. from, the "Cockle" lightship.

The "Dundee" struck the "Good Hope" on the port quarter. The blow was almost imperceptible to those on board the "Dundee," the "Good Hope" being low in the water and the "Dundee" very light forward, though witnesses on board the "Cockle" stated that they heard a crash at the time of the collision. From the nature of the damage to the "Dundee," as described by the Board of Trade Surveyor, it was evident that the "Dundee" went over, rather than *struck*, the "Good Hope," bearing her down.

The "Good Hope" then swung round, in sinking, and went under the "Dundee," with her masts and forepart passing aft of that vessel's port side, finally disappearing when abreast of her bridge.

Directly after, one of the "Dundee's" men, who ran aft on the port quarter, saw two men in the water passing astern. He threw a lifebuoy to one of them, and thought it reached him. Then he ran to his station at the port quarter boat, and in the excitement of the moment omitted to report what he saw, until an hour after the event. Nobody else appears to have seen any one in the water.

Immediately the collision occurred the master of the "Dundee" gave the order to get a boat out, and the port quarter boat was promptly lowered to the rail, her crew standing by her, waiting orders to send her away to pick up any survivors who might be seen in the water. The weather and the sea were, in the master's opinion, and in the opinion of the witnesses from the lightship, too rough to send the boat away and hazard the lives of his men, unless it were absolutely certain there were lives to be saved.

After reporting the collision to the "Cockle" lightship, the "Dundee" remained cruising in the vicinity for about an hour, in the hope of saving life, and then anchored till the afternoon, when she proceeded to Yarmouth Roads.

When daylight came, the masts of the wreck were seen from the lightship in about the place where the collision occurred, and bearings were taken, giving the position as 150 yards distant W. by S.  $\frac{1}{2}$  S.

On the subsequent dispersal of the wreck, by order of Trinity House, a serious explosion occurred, with loss of life, and amongst the wreckage which came to the surface, some wood was seen with the name "Good Hope" on it.

In view of the evidence as to the method of stowage of the large quantity of high explosives on board the "Good Hope," it occurs to the Court that the absence of suitable protection between cases containing such explosives and the sides of any vessel in which they may be stowed, might lead to disastrous consequences in the event of a collision.

Fourteen witnesses were examined, and at the close of the evidence, Dr. Ginsburg, on behalf of the Board of Trade, submitted the following questions for the opinion of the Court:—

(1) At or about 4 a.m. of the 30th January last, were the steamship "Dundee" and the sailing vessel "Good Hope" proceeding in such directions as to involve risk of collision? If so, did the "Dundee" comply with Articles 20, 22, and 23 of the Regulations for Preventing Collisions at Sea? and did the "Good Hope" comply with Article 21 of the said Regulations.

(2) Was a good and proper look-out kept on board the "Dundee"?

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

(4) Was the Dundee navigated with proper and seamanlike care?

(5) Was the loss of the sailing ship "Good Hope" and loss of life caused by the wrongful act or default of the master of the "Dundee"?

Mr. Gibson, Mr. Dunlop, and Mr. Bateson, having addressed the Court on behalf of their respective clients, Dr. Ginsburg replied on behalf of the Board of Trade, and the Court gave judgment and returned the following answers to the questions above set out:—

(1) At or about 4 a.m. of the 30th January last, the steamship "Dundee" and the sailing vessel "Good Hope" were proceeding in such directions as to involve risk of collision.

After the "Dundee" first sighted the "Good Hope," and the vessels were proceeding in such directions as to involve risk of collision, the "Dundee" did not comply with Articles 20 and 23 of the Regulations for Preventing Collisions at Sea; but she attempted to comply with these articles when it was too late to avoid a collision.

The "Dundee" did comply with Article 22 of the said Regulations.

The "Good Hope," so far as was practicable in the circumstances of the case, did comply with Article 21 of the said Regulations; but about a minute before the actual collision occurred the requirements of local navigation compelled her, after crossing the bows of the "Cockle" lightship, to alter her course in contravention of the strict letter of that article.

(2) A good and proper look-out was kept on board the "Dundee."

(3) A contributory cause of the collision and loss of life was the failure of the "Dundee" to take proper steps, when she first sighted the red light of the "Good Hope," to keep out of the way of that vessel, and to slacken speed in time as she approached the "Good Hope."

But the immediate and actual cause of the collision and loss of life was the subsequent opening of the red light of the "Good Hope," after having altered her course to port in rounding the lightship, conveying to the "Dundee" the impression that she had again altered her course to starboard.

Every reasonable effort possible under the circumstances was made by those on board the "Dundee" to render assistance.

(4) The "Dundee" was not navigated with proper and seamanlike care, inasmuch as she failed to give the "Good Hope" sufficient sea-room in a narrow waterway, considering the proximity of the "Cockle" lightship.

(5) The loss of the sailing ship "Good Hope" and consequent loss of life, was not caused by the wrongful act or default of the master of the "Dundee"; but his

failure to give the sailing vessel sufficient sea-room when her red light was first sighted, and to slacken speed in time on the nearer approach of the sailing vessel, were contributory causes of the casualty, and showed on his part grave error of judgment deserving of censure.

In view of these findings the question of dealing with the certificate of the master of the "Dundee" did not arise. The Court considered that he ran undue risks in continuing his course up the narrow waterway after sighting the red light of the "Good Hope." But in view of the fact that the actual collision was due to the opening of the red light of the "Good Hope," however caused, and that, but for the opening of the red light, a collision might have been avoided, it cannot be said that the

casualty was actually caused by his wrongful act or default.

ARTHUR HUTTON,  
Judge.

We concur in the above Report.

E. H. M. DAVIS,  
HENRY HIGGINSON,  
JAMIESON ROBERTSON, } Assessors.

20th April, 1909.

(Issued in London by the Board of Trade on the 4th day of May, 1909.)