

(No. 7445.)

**"GRATITUDE"**  
**AND**  
**"LORD STEWART" (S.S.).**

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at the Caxton Hall, in the City of Westminster, on the 20th, 21st, and 24th days of April, 1911, before ARTHUR HILL HUTTON, Esquire, Judge, assisted by Vice-Admiral CHARLES RAMSAY ARBUTHNOT, Lieutenant JAMES LOWTHIER LEFTWICH, R.N.R., and Captain HENRY ELLIS BATT (Assessors), into the circumstances attending the loss of or serious damage to the sailing ship "GRATITUDE," of Rochester, through collision with the steamship "LORD STEWART," of Sunderland, near the Nore Lightship, Estuary of the Thames, on or about the 30th November 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 loss of the "Gratitude" and the consequent loss of life was caused by the default of the master of the "Lord Stewart" (i) in adopting the error of the mate, and assuming that the anchor light of the "Gratitude" was the stern light of a vessel proceeding in the same direction; (ii) in failing to take proper measures in due time to avoid the "Gratitude." The crew further considers that in porting his helm at a time when such action would probably contribute to a collision, and in failing to take further measures for saving life after the collision, the master showed grave error of judgment. In the opinion of the Court, the default of the mate in assuming without justification that the anchor light of the "Gratitude" was the stern light of a vessel proceeding in the same direction, and in neglecting to take measures for avoiding her before the master returned to the deck, was a contributory cause of the collision. Taking into consideration the master's age, his long and successful career as a ship-master, and the fact that the necessity of arriving at a rapid decision in critical circumstances was forced upon him through the default of the mate, the Court refrains from dealing with his certificate.

Dated this 24th day of April, 1911.

ARTHUR HUTTON,  
Judge.

We concur in the above Report.

CHARLES R. ARBUTHNOT, }  
J. L. LEFTWICH,                } Assessors.  
H. E. BATT,                    }

*Annex to the Report.*

This Inquiry was held at the Caxton Hall, Caxton Street, in the City of Westminster, on the 20th, 21st, and 24th days of April, 1911. Dr. Charles Stubbs conducted the proceedings on behalf of the Solicitor of the Board of Trade (Sir R. Ellis Cunliffe); Mr. Alfred Bucknill, barrister-at-law, appeared for the legal representatives of the late master of the "Gratitude" and the owners of that vessel; and Mr. George Stephenson Lawson, solicitor, of Sunderland, for Mr. Robert Gibb, the master of the "Lord Stewart."

The sailing ship "Gratitude," Official Number 67094, was a British three-masted brigantine, built of wood at

Whitstable in the County of Kent, in 1875, by Mr. John Dyason, and was registered at the Port of Rochester in the said county. Her dimensions were as follows:—Length from stem to sternpost, 126 feet; main breadth to outside of plank, 26 feet; depth in hold, 15·2 feet; gross tonnage, 325·65 tons; and registered tonnage, 292·32 tons. There was a house on deck, in the fore end of which the galley was situated. This house extended from immediately abaft the foremast to within a few feet of the main hatch, the part abaft the galley being used as quarters for the crew. The master, the mate, and the cook were berthed in the cabin, at the after end of the ship, to which access was obtained by the usual companion way. She had two boats, one in davits aft, and the other placed on the main hatch. Each man was supplied with a life-belt, kept in his quarters, while two life-buoys were hanging aft, and a third was kept in one of the boats. In all respects she appears to have been well found. The "Gratitude" was owned by "The Whitstable Shipping Company, Limited," Mr. Alfred William Daniels, of Whitstable, being the person to whom the management of the vessel was entrusted by and on behalf of the owners, by advice received 26th April, 1905.

The "Lord Stewart," Official Number 119219, is a British single-screw steamship, built of steel at Sunderland, in 1905, by Messrs. S. P. Austin & Sons, Limited, of Sunderland, and is registered at the Port of Sunderland. She has two masts, and is rigged as a fore-and-aft schooner, is provided with four watertight bulkheads, and has six water-ballast tanks of a total capacity of 525 tons. She is fitted with steam steering gear, and is of the following dimensions:—Length, 248 feet; main breadth, 36·25 feet; and depth in hold, 15·25 feet. Her gross tonnage is 1,444·8 tons, and her registered tonnage 895·33 tons. She is propelled by one set of tri-compound surface-condensing engines of 146·5 nominal horse-power and 1,060 indicated horse-power, designed to give her a speed of 10 knots, and has two steel boilers with a working pressure of 160 lbs. to the square inch. Engines and boilers were constructed, in 1905, by the North Eastern Marine Engineering Company, Limited, of Sunderland. She carried three boats (two lifeboats and a jolly-boat) in chocks, under davits, with their necessary equipment; and was supplied with the usual life-saving appliances as required by the Board of Trade. Her owners are The Right Honourable Sir Charles Stewart Vane-Tempest-Stewart, Marquis of Londonderry, K.G., and Messrs. Samuel James Ditchfield, Vincent Charles Stuart-Wortley Corbett, George Young, David Nicholson Grimes, John Webb Chilton, Thomas Brough, and David Watson Meiklejohn; her managing owner, as designated by advice under his hand received 20th October, 1905, being Mr. Samuel James Ditchfield, of Londonderry Offices, Seaham Harbour.

The "Gratitude" left the Tyne on or about 26th November, 1910, bound for Queenborough, with a cargo of about 500 tons of coal, and a crew of 10 hands all told under the command of Mr. George Goodwin. All was well until the early morning of the 30th November, when she anchored in the Estuary of the Thames, about 1½ miles to the eastward of the Nore Light Vessel. By 1.20 a.m. everything was snug, and she rode to her anchor, with a strong ebb tide running, to which she swung with her head to westward. The weather was fine, the night dark but clear, and the shore lights were distinctly seen. It was, in fact, as described by the witnesses, "a good night for seeing lights." After the ship had anchored, the side lights were taken in, and a riding light hung in the port fore rigging, about 16 feet above the deck. Charles McLellan, one of the two survivors, an A.B. holding a mate's certificate, was on watch until 2 a.m. on the 30th November, when he was relieved by another A.B., James Spratt, who was unfortunately drowned. About 2 a.m. Charles McLellan went to the forecabin to turn in; while his brother, Roderick McLellan, the other survivor, an ordinary seaman on his first voyage, went into the galley to attend to the fire. No lights of vessels underweigh were then in sight, so far as he knew; but he saw two or three lights which looked like anchor lights higher up the river, and what appeared to be a large steamer, anchored about half a mile to the northward of the "Gratitude" on her starboard beam. About 2.10 a.m., as he was preparing to turn in, Charles McLellan heard, and felt, a crash. He had some difficulty in getting out of the forecabin, as the door was jammed.

Followed by the other men sleeping in that part of the ship, he got on deck, where he found his brother, Roderick McLellan, who had been thrown out of the galley by falling gear, and who was lying on the deck on his back. The master, the mate, and the cook, who were in the cabin aft, were not seen again, although the mate was heard calling out on deck after the collision. When Charles McLellan got on deck he saw that the bows of a steamer, now known to be the "Lord Stewart," had cut right into the "Gratitude," striking her nearly end on, a little on the port bow. The "Gratitude" at once began to heel over to starboard. The two McLellans climbed up the deck, and then up the port side, as she turned over, and directly after, they jumped into the water, clear of the wreck. Their ship sank immediately. They called out for help, and after being in the water about 25 to 30 minutes, they were picked up by a boat from the "Lord Stewart." Neither had put on a life-belt, but while in the water both got hold of a spar, and held on to it until they were picked up.

With the exception of one man, hereafter mentioned, nothing was seen or heard of any other members of the crew after the vessel began to turn over, and there can be no doubt that they were drowned. Their names and ratings are set out in the schedule attached hereto.

The "Lord Stewart" left Rotherhithe for Seaham, in water ballast, at 9.40 p.m. on the 29th November, 1910, with a crew of 18 hands all told, under the command of the master, Mr. Robert Gibb, who holds a certificate of competency as master, No. 33026, dated 19th February, 1868, and who was born in 1843. Her draft of water was 11 feet 8 inches aft and 6 feet 8 inches forward. About 12.20 a.m. on the 30th November she dropped her pilot off Gravesend, and proceeded down the Estuary of the Thames at full speed, with the master in charge upon the bridge. Shortly before 2 a.m. the Nore Lightship was passed about half a mile south. A few minutes before this the master went below for a necessary purpose, giving orders to the mate, whom he left in charge, to steer E. by S. by compass (E.  $\frac{1}{2}$  N. magnetic) when he got to the Nore Light Vessel. This order was obeyed. The master remained below about ten minutes. During the latter part of this time the mate had under observation the masthead and port lights of two steamers approaching, one of which was broad on the port bow, and the other a little on the starboard bow; the lights of a large steamer at anchor on the port bow; and a white light, at a distance when he first saw it of about  $1\frac{1}{2}$  miles right ahead, or very slightly on the starboard bow, which proved to be the anchor light of the "Gratitude." The speed of the "Lord Stewart" being about 10 knots through the water, and the tide running about 2 knots in the same direction as the course of the ship, her speed over the ground must have been about 12 knots.

A few minutes after passing the Nore Light Vessel, and after the mate had first noticed the "Gratitude's" light, the master returned to the bridge, and the mate called his attention to the lights above mentioned. Up to that time the mate had taken no steps to avoid the vessel carrying the white light, now known to be the anchor light of the "Gratitude." In pointing it out to the master he said, "I think it is a stern light." This error was unfortunately adopted by the master, and he took no steps to keep clear of her until he had been on deck about two or three minutes, and the "Lord Stewart" had approached within a very short distance of the "Gratitude"; when, still taking her light to be the stern light of a vessel going in the same direction, he put his helm hard-a-port in order to pass under her stern. After he had done this, he states, he saw it was a ship at anchor, and gave the order hard-a-starboard. This order was not heard by either the man at the wheel or the mate, and was never carried out. At the same time that he gave the order hard-a-starboard, he rang the engine-room telegraph "full speed astern." This order was carried out, but too late to make any appreciable alteration in her speed before she crashed into the "Gratitude," with the result above stated.

In the opinion of the Court the mate should have realised that the white light of the "Gratitude" might be the light of a vessel at anchor, and was not justified in assuming that it was the stern light of a vessel proceeding in the same direction. Whether it was or was not a stern light, he had ample room, and a clear passage to the southward of it, and in either case he should have ported to avoid it. It is also to be regretted that the master, who came on deck two or three minutes before the collision occurred, failed to form an independent opinion as to the significance of the light, and failed to take prompt measures to keep out of the way of the "Gratitude." It

is, however, to be noted that when the master returned to the deck, the "Lord Stewart" was already in a critical position with regard to the "Gratitude." At no time, after the master came on deck, could the "Lord Stewart's" helm have been starboarded with safety, or at least without serious risk of collision with the approaching steamship, whose lights were visible right ahead or a little on the starboard bow. But if the helm had been promptly ported, when the master returned to the deck, the "Lord Stewart" must have cleared the "Gratitude" as well as the approaching steamship. In the two or three minutes that elapsed, the opportunity for porting had passed, and taken, as it was, too late to be effective, the action of porting made more serious, if not more certain, the casualty that ensued.

At the moment of collision, the engines of the "Lord Stewart" were going full speed astern, and continued so for about three minutes, when they were stopped. All hands were called, the jolly-boat was got out, lowered, and manned by two A.B.'s with the mate in charge, and proceeded in the direction of the cries heard from the men in the water. Two of these, Charles McLellan, A.B., and Roderick McLellan, O.S., were rescued as above mentioned. The mate of the "Lord Stewart" said he saw and got hold of another man, but that the man slipped from his grasp in a second or so and disappeared, and was not seen again. After searching amongst the floating wreckage for about 40 minutes, the boat returned to the "Lord Stewart" with the two rescued men.

No attempt was made by those on board the "Lord Stewart" to get out any other boat, although there were plenty of hands left on board to do so, and her two life-boats were both available. The boat sent away was only a small jolly-boat, which could hardly have picked up the whole crew of the "Gratitude" even had she been able to find them. In view of the fact that a large steamer was at anchor within about half a mile of the spot where the accident happened, the Court is also of opinion that the master of the "Lord Stewart" should have endeavoured to attract the attention of those on board her by blowing his whistle and exhibiting distress signals. Had he done so it is probable that other boats would have been sent to the scene of the disaster, and it is quite possible more men might have been saved.

The jolly-boat which was sent away was in chocks, and had to be lifted and swung out before being lowered into the water. It seems a matter of regret that when possible, in fine weather, steamers are not required to have at least one boat at the davits ready for lowering.

After the boat returned, the "Lord Stewart" anchored where she then was, and remained until about 7.30 a.m., when she returned to Gravesend, reported the disaster, and landed the survivors.

At the conclusion of the evidence, Dr. Stubbs, on behalf of the Board of Trade, submitted the following questions for the opinion of the Court, viz. :—

(1) Did the "Gratitude" take up a safe and proper anchorage at or about 1 a.m. on the 30th November last, and did she exhibit the anchor light required by Article 11 of the Regulations for Preventing Collisions at Sea?

(2) What was the white light seen by those on board the "Lord Stewart" at or about 2 a.m. on the 30th November last? Was the master justified in taking it for the stern light of another vessel? Ought he to have known that it might be an anchor light? Was his action in respect of the vessel showing that light proper, and was such action taken by him in due and proper time?

(3) What was the vessel showing the white light, and did the master of the "Lord Stewart" take proper measures to keep out of her way.

(4) Was a good and proper look-out kept on board the "Lord Stewart"?

(5) What was the cause of the collision and loss of life, and was every reasonable and possible effort made by those on the "Lord Stewart" to render assistance?

(6) Was the "Lord Stewart" navigated with proper and seamanlike care?

(7) Was serious damage to or the loss of the "Gratitude" and the loss of life caused by the wrongful act or default of the master of the "Lord Stewart"?

Mr. Bucknill and Mr. Lawson thereupon addressed the Court on behalf of their respective clients, and evidence as to character having been called on behalf of the master of the "Lord Stewart," the Court gave judgment as

above, returning the following answers to the questions of the Board of Trade :—

(1) The "Gratitude" took up a safe and proper anchorage about 1 a.m. on the 30th November last, and she exhibited the anchor light required by Article 11 of the Regulations for Preventing Collisions at Sea.

(2) The white light seen by those on board the "Lord Stewart" at or about 2 a.m. on the 30th November last was the anchor light of the "Gratitude." The master of the "Lord Stewart" was not justified in taking it for the stern light of another vessel, and ought to have known that it might be an anchor light. Some allowance, however, must be made for the fact that when he returned to the deck, after being below for about ten minutes, the mate, who had had the light in view for some minutes, told him that he took it to be the stern light of another vessel going in the same direction. The master's action in respect of the vessel showing that light would have been proper had it been taken in time; but taken when it was the porting of the helm probably contributed to the collision.

(3) The vessel showing the white light was the "Gratitude." The master of the "Lord Stewart" did not take proper measures to avoid her.

(4) A good and proper look-out was kept on board the "Lord Stewart."

(5) The causes of the collision and loss of life were :

(i) the error of the mate, adopted by the master, in assuming that the anchor light of the "Gratitude" was the stern light of a vessel proceeding in the same direction; and

(ii) the neglect of the mate, and of the master, in consequence of this error, to take proper measures in time for avoiding the "Gratitude."

A probable contributory cause of the casualty was the mistake of the master in porting his helm when it was too late.

After the collision the master of the "Lord Stewart" appears to have done all that he considered possible to

save life, by sending away one small boat, with the mate in charge and two A.B.'s, to search for men in the water. The Court does not consider that by so doing he took all reasonable measures, and is of opinion that, under the circumstances, a second boat should have been got out, that signals should have been made by blowing the whistle, and that rockets should have been fired, or other distress signals exhibited, to attract the attention of vessels in the neighbourhood.

(6) The "Lord Stewart" was not navigated with proper and seamanlike care.

(7) The loss of the "Gratitude" and the consequent loss of life was caused by the default of the master of the "Lord Stewart"

(i) in adopting the error of the mate, and assuming that the anchor light of the "Gratitude" was the stern light of a vessel proceeding in the same direction; and

(ii) in failing to take proper measures, in due time, to avoid the "Gratitude."

The Court further considers that, in porting the helm at a time when such action would probably contribute to a collision, and in failing to take further measures for saving life after the collision, the master showed grave error of judgment. In the opinion of the Court, the default of the mate in assuming, without justification, that the anchor light of the "Gratitude" was the stern light of a vessel proceeding in the same direction, and in neglecting to take measures for avoiding her before the master returned to the deck, was a contributory cause of the collision.

ARTHUR HUTTON,  
Judge.

We concur.

CHARLES R. ARBUTHNOT, }  
J. L. LEFTWICH, } Assessors.  
H. E. BATT, }

Names of the Persons drowned by reason of this Casualty.

Name.	Rating.	Nationality.	Birthplace.	Age.	Remarks.
George Goodwin ... ..	Master ... ..	British ...	Whitstable ...	53	Master's son.
Lewis Ponte... ..	Mate ... ..	" ...	Brighton ...	65	
James Spratt ... ..	A.B. ... ..	" ...	Whitstable ...	27	
Alfred More... ..	A.B. ... ..	Unknown	Unknown ...	—	
Robert William Skinner ... ..	Cook and Seaman	British ...	Blackenham ...	33	
George Richard R. Goodwin ... ..	O.S. ... ..	" ...	London ...	17	
Edwin Goodwin ... ..	O.S. ... ..	" ...	Whitstable ...	14	
Kenneth George Webber ... ..	Apprentice ...	" ...	Boston ...	18	

(Issued in London by the Board of Trade on the 12th day of May, 1911.)