

(No. 7444.)

“ATLAS.”

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at the Caxton Hall, Westminster, on the 11th, 12th, 13th, and 21st days of April, 1911, before JOHN DICKINSON, Esquire, assisted by Vice-Admiral WINTZ and Commander CABORNE, C.B., into the circumstances attending the loss of the British sailing ship “ATLAS,” near St. Ann’s Head, on or about the 8th of December, 1910.

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 “Atlas” was picked up in a disabled condition at about 2.30 p.m. on the 8th of December last, about ten miles N.E. of the north end of Lundy Island, and taken in tow by the British steamship “Wheatfield,” which successfully towed her to within about two miles of Milford Haven. There, at about 11 p.m. on the same day, the hawser parted, and almost immediately the red light of the ketch, the only light visible upon her, disappeared from view. The Court is of opinion that she foundered within a few minutes of the rope breaking.

The Court has sympathy with the master of a small craft, who, being at the same time her owner, is reluctant to lose his property without making every effort to save it, and is anxious to earn what little freight he can, but it is matter of regret that the master took on board cargo in excess of the quantity sanctioned by the Board of Trade surveyor, that he persisted in his voyage at such a late season of the year, and that when his vessel was so badly disabled he refused to be taken off with his crew. It would have been better, in the Court’s opinion, had the surveyor’s alternative suggestion been adopted, and the “Atlas” towed round to her home port as a hulk, but it was not unreasonable to expect that, after the temporary repairs effected at Portsmouth, she would, if her voyage were not unduly prolonged, as in fact it turned out to be, make her way round to the Bristol Channel in safety.

Dated this 21st day of April, 1911.

JOHN DICKINSON,  
Judge.

We concur in the above Report.

LEWIS WINTZ, }  
W. F. CABORNE, } ASSESSORS.

Annex.

This Inquiry was held at the Caxton Hall, Westminster, on the 11th, 12th, 13th, and 21st of April, 1911.

Mr. Longstaffe appeared for the Board of Trade. There was no other party to the case. The master, who was also the owner, was lost with the vessel, which on this voyage was not insured. There was, therefore, no person upon whom the Board could serve a notice of investigation in accordance with Rule 3 of the Shipping Casualties and Appeals and Rehearing Rules, 1907.

The British sailing ship “Atlas,” Official Number 45726, was built in 1864 at Bristol, and registered at that port. She was rebuilt in 1896, at Junction, Gloucester Canal, by Mr. William Sims. It was interesting to the Court to learn from this gentleman that vessels of similar build, constructed so long as eighty years ago, are still afloat, and in his opinion seaworthy craft. No plans of the vessel were available, but Mr. Sims produced two sketches he had made, showing her general appearance

both before and after reconstruction, and a photograph recently taken of her was also in evidence.

She was ketch rigged, carvel built, with a square stern, and was what is known on the Severn as a box-trow. Originally she had an upper structure amidships with wells forward and abaft of the same. Mr. Sims carried this structure the whole length of the vessel. He also lengthened her about 7 feet. In addition he fitted her with bulwarks of 1½-inch red deal, about 2 feet 4 inches high. The deck, deck-beams, stanchions, and bulwarks were new. At the same time the upper sides were re-timbered and sheathed with 2½-inch pitch pine planking. The bottom, which Mr. Sims said he thought was of elm, was refastened with galvanized iron bolts, and recaulked throughout. Her frames were of English oak. After rebuilding her dimensions were as follows:—Length 84 feet, breadth 19.2 feet, and depth in hold from tonnage deck to ceiling at midships 8 feet. Her gross tonnage was 85.49, and registered tonnage 70.37.

After Mr. Sims had finished his work, the “Atlas” was surveyed by the Board of Trade and registered at Gloucester. As a ship, not a steamship, under 80 tons registered, and engaged solely in the coasting trade, she was (Merchant Shipping Act, 1894, Section 438, and Merchant Shipping Act, 1906, Section 7) exempt from the load line regulations, but she seems to have had a load line disc, as one witness, the meter at the chemical works in Portsmouth where she loaded a cargo of pitch, speaks of it in connection with the freeboard she had leaving that port.

She had two wooden bulkheads, and two hatchways, main and fore. She carried one 16-foot boat, which was usually stowed on the main hatch, and, when she left Portsmouth on her last voyage, she was equipped with sufficient life-saving appliances. She seems to have carried no distress signals, and if the evidence before the Court was accurate, vessels of this type rarely do so. As the law at present stands (see Section 435 of the Merchant Shipping Act, 1894), only sea-going passenger steamers and emigrant ships are compelled to carry the means of making the distress signals at night prescribed by Article 31 of the first schedule to the Order in Council of the 13th October, 1910. In the Court’s opinion it should be compulsory upon the masters of all sea-going vessels to carry on board at least the means for showing a flare.

Her pumps appear to have been two in number, situated forward of the mizzen mast; one, a patent working with a lever, and the other, one of the old type of lift pump. No information as to their capacity was forthcoming.

The mainmast was stepped into the keelson, in a slot 5 or 6 inches deep. The keelson stood about 18 inches above the ceiling.

The “Atlas” was owned by Mr. Edwin Rowles, of Lydney, in the county of Gloucester. He purchased her at the end of 1905 or beginning of 1906, for the sum of £450. As before stated, on her last voyage she was not insured, although she had been previously.

A good deal of evidence was given by former members of her crew as to the history of the ship from July, 1909, until her arrival at Portsmouth prior to her last voyage. It is unnecessary to deal with it in any detail here; its general effect was to show that the ship had been very leaky for a long period.

The “Atlas” came under the notice of the Board of Trade officials at Plymouth on the 9th August, 1910, when, in consequence of an anonymous communication that “she was leaking like a sieve,” she was visited by the Board’s shipwright surveyor at that port. He found that she had 7 inches of water in her, the pumps sucking at 3 inches. He accepted the statement of those on board that the pumps had not been touched for at least a fortnight. He was unable to make a thorough survey, as she was loaded, but he found one of the beams in the wake of the foremast very defective, also several beam-ends in a like condition. The deck planking showed signs of straining, especially around the hatchways; the deck required re-caulking, and in a few places was rotten. There were other minor defects in her equipment, and the life-saving apparatus was, except one lifebelt, in a useless state. After renewal of the lifebelts, and the provision of two lifebuoys, she was allowed to complete her voyage to Portsmouth. There she was visited on the 15th and 22nd August by Mr. Tarrant, one of the engineer surveyors to the Board of Trade at Southampton. He considered the ketch was in a very defective

condition, and suggested that she should be surveyed by a shipwright surveyor. The material portions of Mr. Tarrant's report to the Principal Officer for the London District are as follows:—

"I found the keelson, the timbers along the middle line, and the main beam at fore end of long hatch to be in a very rotten condition. A knife could be easily pushed into many of the timbers, and several were broken through close to keelson. Several half beam ends were found to be in a similar condition.

"The inner skin is soft and holed. The outer planking below the water line was also found to be soft where it could be got at through holes in the inner skin.

"In many places the deck planking is rotten, and can be scraped away. In one place the deck is holed.

"The hatch beam ends are much worn, and the rests for these are very defective.

"The lower part of the rudder shows signs of working, and the lead blocks for the steering chains are worn out.

"Having regard to the condition of the timbers, the main beam, the deck, and the main hatch fittings, I am of opinion that the "Atlas" is unseaworthy, and that she should not be taken to sea in ballast until at least some temporary repairs have been effected . . . . ."

Mr. Elvy, the Board's shipwright surveyor at Southampton, was instructed to examine the ketch. He telegraphed to the Principal Officer that she was not in a condition to proceed to sea without serious danger to life. He recommended that she should be placed on a slip and temporary repairs effected, or that she should proceed simply as a hulk in tow. The owner, after correspondence with the Board's officers, decided upon having temporary repairs done. These were effected by Mr. Clemens, ship and boat builder at Portsmouth. She was placed on the blocks, and caulked from the keel to the light water line. Two new pieces of deck were put in, about 22 feet in length. The battening-down fittings to the hatchways were repaired and made good. With these exceptions the defects reported by the surveyors remained to be dealt with. The pumps were sounded at intervals and the vessel was found to be tight. Mr. Elvy thereupon gave permission for her to proceed to the Bristol Channel with 80 tons of pitch. As a matter of fact, she took in a hundred tons. This is clearly established by the evidence of Mr. Dykes, the meter at the Stanshaw Chemical Works, Portsmouth, who superintended the loading. A few barrow-loads of fine pitch were put on board first to break the fall of the large pieces which were afterwards loaded. The trimming was all done by the mate and the cook of the ketch. This cargo would, after a short time, amalgamate into a solid mass, absolutely precluding any chance of shifting. It was trimmed level fore and aft, and athwartships, and came to within about 18 inches of the deck. According to Mr. Dykes it would sink about a further 18 inches, but another witness experienced in cargoes of this kind was of opinion that the shrinkage would be considerably less. The court cannot but regard it as unfortunate that the maximum of 80 tons of cargo fixed by Mr. Elvy was so considerably exceeded by the master.

All the evidence of the surveyors, and they are supported by the pilots at Portsmouth, Newlyn, and Padstow, who saw the ketch during her last voyage, goes to show that her masts and rigging were in good condition.

On the 24th October, 1910, the "Atlas" left Portsmouth, bound for Cardiff, with the cargo of pitch already mentioned, her crew consisting of three hands all told, and she being under the command of Mr. Edwin Rowles, her owner. Her draught of water was 6 feet 2 inches forward and 7 feet 2 inches aft, and she had a clear side of 2 feet 6 inches amidships. The witnesses who saw her later, after she was dismantled, all speak of her having a good side.

The master appears to have been a competent and experienced person, and her crew, in the opinion of Mr. Pollard, the licensed pilot at Newlyn, were efficient.

Her hatches were properly secured when she left Portsmouth, and seem to have continued so. The witnesses from Newlyn, Padstow, and the steamship "Wheatfield" all spoke to this fact.

She put into Newlyn on the 25th October and remained there windbound until the 2nd November; she then left, but had to return on the following day, leaving finally at midnight on the 24th of that month.

On the 28th November she put into Padstow, remaining there until the 7th December. She left at 10 a.m. on that date, the wind being from the south-east, with a moderate sea. At Padstow the wind remained in the south-east until 11 p.m. on the 7th December, when it shifted to east-north-east, and blew strong.

This would be a head wind for the ketch on her voyage to Cardiff.

The next point in the history of the "Atlas" is her being sighted by the British steamships "Nicoya" and "Wheatfield" on the afternoon of the 8th of December. Captain Proctor of the last-named ship gave an excellently clear account of the ketch's condition, and of what happened subsequently, so far as he had opportunities for observation.

About 2.30 p.m. on the 8th December those on board the "Wheatfield" observed a steamship, which afterwards proved to be the "Nicoya," stop near a dismantled ketch some two miles off. As the steamship had a lifeboat swung out and the ketch was flying signals of distress, the master of the "Wheatfield" was under the impression that the crew of the latter were about to be taken off, but shortly afterwards the "Nicoya" steamed towards the "Wheatfield" and informed her master that the ketch wished to be taken in tow. Accordingly the "Wheatfield" proceeded to the ketch, which turned out to be the "Atlas," and asked her master whether he and his crew wished to be taken off. To this the reply was in the negative, but that a tow was desired. The master of the "Wheatfield" said that he would take the ketch to Milford, and to this the master of the "Atlas" agreed.

The condition of the ketch at this time was that her mainmast was carried away, and, with attendant wreckage, as hanging over the side. Her mizzen gaff appeared to have been broken at some time and fished.

The weather was clear, there was a strong breeze from the south-east and a rough sea.

Communication was established between the two vessels by a lifebuoy and line thrown overboard from the ketch. By this means a 3-inch wire hawser was passed from the "Wheatfield" and bent on to a 6-inch coir hawser belonging to the "Atlas." The "Wheatfield" now (about 3.30 p.m.) commenced to tow, the length of the towing hawser being about 140 fathoms, namely, 120 fathoms of wire and 20 fathoms of the ketch's coir hawser. The position in which the "Wheatfield" picked up the "Atlas" was about ten miles north-east of the northern end of Lundy Island.

At 10 p.m. the wind shifted to the west-south-west and increased in force.

The "Wheatfield" towed the ketch in the direction of Milford Haven at a speed of about three or three and a half knots until about 11 p.m. on the same day, when the coir hawser parted. Their position at this time was about two miles from St. Ann's Head, the light on that point bearing N.N.E. (magnetic), and the Old Castle lights being in line. It was blowing a moderate gale from W.S.W. with a heavy sea. There appears to have been some drizzling rain, but it was estimated that objects could be seen at the distance of a mile. It may also be mentioned that it was ebb tide, running to the north-west in the direction of Jack's Sound.

As soon as the hawser parted the master of the "Wheatfield," while hauling in his wire, turned his vessel round under starboard helm in the direction of the "Atlas," whose red light was visible for some ten minutes and then disappeared. Ten minutes later the same light was again observed, and the "Wheatfield" steamed towards it, but once more it suddenly passed from view, since when nothing has been seen or heard of the "Atlas" and her unfortunate crew. It can only be assumed she foundered.

The master of the "Wheatfield" caused his whistle to be blown from time to time, kept a boat in readiness (although he considered there was too much sea to lower one with safety), steamed about in the vicinity all night, and at 9 a.m. on the 9th of December signalled Lloyd's station on St. Ann's Head to enquire whether anything had been seen of a dismantled vessel. Receiving a reply in the negative, he proceeded up Milford Haven and reported the casualty.

The Court considers that praise is due to the master of the "Wheatfield" for his conduct throughout, and the Court was impressed by the intelligent and seamanlike manner in which he gave his evidence.

At the conclusion of the case Mr. Longstaffe submitted the questions hereafter set out for the opinion of the Court. He then addressed the Court on the leading features of the case. The Court gave judgment, returning the following answers to the questions:—

#### Questions.

(1) When the vessel left Portsmouth on or about the 24th October, 1910—

(a) Was she in good and seaworthy condition as regards hull and equipments?

- (b) What was the number and rating of the crew ?  
 (c) Was her cargo properly stowed and secured from shifting? and was it so distributed as to make the vessel easy in a seaway?  
 (d) Had she sufficient freeboard, and was she in good trim for a voyage to Cardiff?

(2) What was the cause of the mainmast of the "Atlas" carrying away and of the injury sustained to mizzen gaff and rigging?

What was the condition of the vessel when sighted and taken in tow by the s.s. "Wheatfield" on the afternoon of the 8th December last?

(3) What was the cause of the loss of the "Atlas" and her crew?

A. P. LONGSTAFFE.

*Answers.*

(1) When the vessel left Portsmouth on the 24th of October, 1910—

(a) She was not in good and seaworthy condition as to hull, but, as the Court has already indicated in its judgment, she was not unfit to make the short voyage to the Bristol Channel, where she was to be thoroughly overhauled. Her equipments were in good and seaworthy condition.

(b) Her crew consisted of three men :—  
 Edwin Rowles—master and owner ;  
 A man unknown, of Bristol—mate ;  
 A man unknown, of Portsmouth—cook.

(c) Her cargo was properly stowed and secured from shifting. There is no reason to suppose that as loaded she would be anything but fairly easy in a seaway.

(d) She had sufficient freeboard, and was in good trim for a voyage to Cardiff.

(2) The "Atlas" was probably struck by a sudden squall during the heavy weather, which preceded her being sighted by the steamships "Nicoya" and "Wheatfield," and this is the most likely cause of her mainmast having been carried away. There is no evidence to show how her mizzen gaff was damaged.

When taken in tow by the "Wheatfield," the "Atlas" had lost her mainmast. When it carried away, her deck was probably severely strained, and opened out. Her mizzen gaff had, at some time, been broken, but had been spliced.

(3) The "Atlas" was lost after the hawser, by which she was being towed, had parted. She may possibly have been making a considerable amount of water before this occurred, and when the towing ceased, she must have fallen off into the trough of the sea, and was in all likelihood suddenly overwhelmed.

JOHN DICKINSON,  
 Judge.

LEWIS WINTZ, } Assessors.  
 W. F. CABORNE, }

London, 21st April, 1911.

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