

(No. 7597.)

## "DREDGER No. 3."

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at the Town Hall, Maryport, on the 21st, 22nd, and 24th days of May, 1913, before PATTINSON BANKS MELMORE and JOHN DIXON, Esquires, assisted by Vice-Admiral T. P. WALKER and Commander G. K. WRIGHT, R.N.R., into the circumstances in which on the 4th day of January, 1913, the British ship "DREDGER No. 3," of Maryport, Official Number 117742, parted her moorings in Maryport Harbour and sustained damage, and 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 "Dredger No. 3" broke from her moorings in a strong S.S.W. gale, and that the loss of life occurred in running a rope ashore in an effort to get the dredger into a safe berth after the moorings had parted.

The Court is of opinion that the master of the Dredger was not to blame for the casualty inasmuch as he acted under the direct control of the harbour master in so far as the movements of the dredger were concerned. The Court do not consider the master of the dredger to blame for the loss of life, but the life-buoys and life-belts ought to have been kept in an easily accessible position on deck; they ought not to have been stowed below.

Dated this 24th day of May, 1913.

PATTINSON B. MELMORE, } Justices.  
JNO. DIXON, }

We concur in the above Report.

T. P. WALKER, } Assessors.  
GEORGE K. WRIGHT, }

*Annex to the Report.*

This Inquiry was held at the Town Hall, Maryport, on the above-mentioned days, when Mr. W. S. Burton, solicitor, of Newcastle-upon-Tyne, appeared for the Board of Trade, Mr. E. W. Lightfoot appeared on behalf of the master of the dredger, and also to watch the case on behalf of the owners, the Maryport Harbour Commissioners, and Mr. Alfred Crerar appeared on behalf of Mr. Kirkbride, father of John Q. Kirkbride, who was drowned as a result of the casualty.

"Dredger No. 3," Official No. 117742, is a non-propelling barge, built of steel, at Port Glasgow, in the year 1906, by Messrs. Ferguson Brothers, and her respective dimensions are: Length, 108.8 feet; breadth, 24.1 feet; depth of hold, 7.8 feet; gross tonnage, 155.74 tons; net tonnage, 152.63 tons.

She is owned by the Maryport Harbour Commissioners, Mr. Frederick Kelly, of the harbour office, Maryport, in the County of Cumberland, designate ship's husband, advice received 21st May, 1906, under the seal of the Maryport Harbour Commissioners. She was provided with one boat of the following dimensions:—

Length, 15 feet; breadth, 5 feet 6 inches; depth, 2 feet 1 inch; four life-buoys and six life-belts. The dredger's draft was forward, 3 feet 6 inches; aft, 4 feet 6 inches.

On 3rd January, "Dredger No. 3" was employed dredging at the entrance of the channel, and as customary, had worked from three hours flood tide to two hours ebb.

About 10.30 p.m. work was knocked off and the dredger secured for the night. The hopper in attendance returned about 9.30 p.m. and passed between the dredger and the pier. The dredger was moored by six chains, head to seaward, on the south side of the channel between the lighthouse and the ball, and from 30 feet to 40 feet off the north pier. The forward chain, which was  $\frac{1}{2}$  inch and 400 feet to 500 feet in length, was made fast to the top frame of the south pier at ordinary high water level mark, then came in through the port hawse pipe and was secured to the winch. The after chain, about 500 feet  $\frac{3}{4}$  inch made up with 200 feet  $\frac{1}{2}$  inch was made fast to ground moorings alongside the lifeboat slip in the basin about half tide mark, the  $\frac{1}{2}$  inch part of the chain was brought to the winch in the stern. Grips were placed on both fore and aft chains. The side chains were  $\frac{5}{8}$  inch and were taken, two to south pier and two on the north side. The foremost port side chain was made fast, at high water mark, to piles in the south pier and secured to the port bow; the port after side chain was also made fast to piles in the south pier and secured to the port quarter of the dredger. The starboard forward side chain was made fast from the starboard bow to the ground mooring on the north bank outside the north pier. The starboard after side chain from the starboard quarter to pile on the north pier near low water level.

After the crew had left and shortly before 11 p.m. the master of the dredger was put on shore by Kirkbride, who returned to the dredger as watchman, it being his duty, among other things, to slack off or take in on the moorings, if necessary, to allow any vessel to pass, steam being kept up for this purpose. According to the evidence of Robert Dockeray, the master of the dredger, the night was fine, sea smooth, with the wind from the S.S.E. It was, however, brought out in the evidence that the south cone had been hoisted for some time previously, and that on the evening of the 3rd January, the harbour master had received a telegram directing that the cone was to be kept up.

About 5.40 on the morning of the 4th January, the master returned to the dock and was taken off in the dredger's boat by Kirkbride. The weather was then strong and squally, blowing half a gale from the S.S.W. or S.W. It was about half tide. The dredger was afloat, and there was much sea and swell. The dredger was lying about 40 feet off the pier and the master stated he got on board without difficulty, and did not get wet. The master was the first of the crew to get on board, the remainder of the crew being then brought off with the exception of Wm. McGladdery, who was late. Almost immediately the master got on board the port quarter side chain carried away, being at once followed by the stern mooring chain which parted about 20 fathoms from the stern. The dredger commenced to swing round broadside across the channel and towards the north pier; there was a heavy run of sea in the channel, a making tide and a strong "fresh" coming down the river; the starboard quarter chain then carried away, the dredger continued to swing round, cleared the north pier, and was carried by the "fresh" seawards some little distance down the channel towards the south pier head; the port bow chain then carried away, and she was brought up by the head mooring, which fortunately held, otherwise she must have drifted out beyond the south pier head and would probably have capsized. It was found afterwards that the port bow side chain broke just outside the dredger, the port quarter chain about 60 feet from the pier, the starboard bow side chain a little over a length from the ground mooring, and the starboard quarter chain about a length from the ground mooring. Two broken links were produced in Court, that of the port quarter side chain showed a clean fracture, whereas the link from the starboard side chain showed unmistakable signs of a former fracture; it was not a clean break. During the time the moorings were parting and the dredger taking charge the remainder of the crew were brought off by Kirkbride in the boat until all were aboard, except Robinson and McGladdery, the latter of whom had only been

engaged the day before, stated he was late as he did not know the time of tide.

Among the last to be brought off was Robinson, who remained in the boat with Kirkbride whilst a 4½ inch hawser (manilla rope) was payed into the boat from the starboard bow, about 10 fathoms were coiled into the amidships part of the boat, the master himself assisting to light the hawser over from the port side of the deck. No instructions were given to the boat, the master stating that they knew exactly what to do with the hawser. His intention was for the boat to go to the ladder from the pier and then the hawser to be taken up the ladder and made fast on the pier to enable the dredger to be hove round by her winches into the basin, and he stated he "knew as a matter of course they would make for the ladder." At the time it was very dark, but it was not raining; there was no light on the dredger, nor on the south pier, though there was a red light on the north pier. The pier could be seen though the ladder could not be distinguished. The boat with the two men, Kirkbride and Robinson, left the dredger with 10 fathoms of hawser and proceeded in the direction of the south pier, being sculled by an oar over the stern, and was seen until she was about 15 yards from the dredger, when she disappeared in the darkness. Two of the crew, Edward Murray, deckhand, and William Todd, fireman, stated they saw heavy seas breaking towards the stern of the boat just as she was lost sight of. The crew had commenced to pay out the hawser when the boat left the dredger, but shortly afterwards finding that there was no strain on the rope and that it was not going away they stopped paying out and commenced hauling it in; just at that time the dredger commenced swinging further down the harbour to seaward towards the pier head. Murray stated that a few minutes after he first lost sight of the boat he again saw her drifting down, bottom up; he sang out that the boat was filled, but the master of the dredger, who was forward at the time, did not hear him; both Todd and Murray state they saw the boat drift by the dredger about four or five yards off, but there was no one hanging on to the boat. None of the crew heard any cries nor saw either of the men in the water. It was blowing hard, there was a rough sea on, breaking over the dredger, and a considerable wash against the piers, whilst as some of the dredger buckets and bucket chain had got adrift, and were smashing about, the noise on board must have been very great. There is little wonder that the cries of the two men who were drowned, if they did cry out, were not heard.

The boat, bottom up, drifted down the port side of the dredger, crossed the bows, and out to sea. She was eventually found, some hours after, cast ashore bottom up, about two miles north of the pier, where she was found by the then deputy harbour master, Captain Dawson, she was then uninjured, and had no marks on her bottom or sides. The oar was not found.

The master of the dredger stated he was not aware at the time that the boat had capsized nor that she was drifting past. The dredger was in considerable danger; she was drifting out, and the master fully realized if she got out to sea there would be very little chance for anyone on board. He tried to attract attention and get assistance from the shore by blowing the whistle and ringing the bell of the dredger.

McGladdery, deckhand, stated in his evidence that he was late that morning and did not arrive at the pier until about 6 a.m. He saw the dredger was adrift and ran half-way down the pier until he came abreast the dredger. The whistle was blowing and the bell ringing, and he thought they shouted they wanted either the harbour boat or life-boat. He ran back to find the harbour boatmen, told a customs officer about it, and eventually found the harbour boatman.

In the meantime the alarm had been given and the tug and harbour boat went to the assistance of the dredger. Acting under the direction of Captain Dawson, the then deputy harbour master, the harbour boat got a hawser from the dredger to the tug and the dredger was towed into the basin and made fast. The local life-boat was launched and went out to search for the boat but was not successful, the boat being cast ashore as before-mentioned.

The bodies of the unfortunate men who were drowned were recovered, that of Robinson was found the next day on the beach on the south side of the

south pier, and that of Kirkbride three weeks afterwards, was washed up on the north bank close to the entrance of the harbour.

At the time of the accident and the capsizing of the boat, the men drowned were not seen by any of the crew of the dredger, and in the circumstances before detailed it was quite impracticable for those on board to render any assistance whatever beyond giving the alarm to the shore. On the other hand, even had the two men been seen in the water it is doubtful whether any real assistance could have been given to them as all the four lifebuoys carried were stowed in the store room below, closed by hatches, and covered by a tarpaulin secured by bars.

The lifebelts were also stowed in the store room. The lifebuoys should be kept on deck and the lifebelts on deck in a locker to be provided for the purpose.

The boat in which the two men who were drowned went away from the dredger to take a hawser ashore, was 15 feet long by 5 feet 6 inches breadth by 2 feet 1 inch in depth. She was propelled by a scull over the stern, and was not fitted with either crutches or thole pins. When passed by the Board of Trade surveyor on 30th May, 1910, it would appear the boat was then properly and fully equipped with oars, crutches or thole pins, rudder, &c., and for all ordinary work in connection with the dredger in the dock and channel it was customary to use a single oar for sculling, the remainder of the equipment not being utilized. Although a boat worked on this principle seems to be necessary for the work on which the dredger is engaged, the Court is of opinion that a second boat, fitted according to the requirements in regard to the life saving rules in force, should be available in case of emergency. This opinion is emphasized by the fact, ascertained from an inspection of the boat in question, that she was so arranged that she could only be propelled by a scull over the stern.

The three anchors of the dredger had been landed for sake of convenience. Although they would not on this occasion have been used, we consider that, at least, the heaviest anchor should always be kept on board for use, if required.

With reference to the master of the dredger, though termed "The Master," he was in point of fact simply foreman in charge, the dredger being under the direct personal control of the harbour master who, from the evidence given, was wholly responsible for her movements and equipment. It may be pointed out that "Dredger No. 3" was a barge with no means of propulsion except in so far as her winches and hawsers were concerned.

The names of the two men who lost their lives in the casualty, with the relatives of whom the Court desires to express its sympathy, are:—Robert Ball Robinson, deckhand, Maryport, John Quayle Kirkbride, watchman, Maryport.

At the conclusion of the evidence Mr. Crerar addressed the Court on behalf of William Kirkbride, the father of John Quayle Kirkbride, one of the men drowned.

Mr. Lightfoot addressed the Court on behalf of Robert Dockeray, the master of the dredger.

Mr. Burton then addressed the Court on behalf of the Board of Trade and submitted the following questions for the opinion of the Court.

1. What were the anchors, chain cables and hawsers with which the "Dredger No. 3" was equipped on the 4th January last, and when and by whom were they last examined before that date? Were they in good and sound condition?

2. Was the "Dredger No. 3" supplied with the boat and life-saving appliances required by the Life-saving Appliances Rules in force on the 4th January last, and were they kept so as to be at all times fit and ready for use?

3. Was the dredger in a safe berth and safely and properly moored when she was left in charge of the watchman on the 3rd January last? Should she have been anchored?

4. What was the cause of some of the mooring chains carrying away about 6 a.m. on the 4th January last? What damage was sustained by the dredger?

5. When, and in what circumstances, was the dredger's boat sent away from her to carry a rope ashore? What amount of rope was put into the boat, and was it properly stowed? Was the boat in good and proper condition, and properly equipped?

6. What were the circumstances in which Robert Ball Robinson and John Quayle Kirkbride, deck-

hands, lost their lives, and were prompt and proper steps taken by those on board the dredger to render assistance?

7. Was the damage to the dredger and/or the loss of life caused by the wrongful act or default of the master, Mr. Robert Dockeray?

*Saturday, 24th May, 12 noon.*

The Court gave judgment and returned the following answers to the questions of the Board of Trade:—

1. The following was the equipment of "Dredger No. 3" when handed over by the builders in 1906:—

Three anchors—

One eight cwt., two four cwt.

One  $\frac{3}{4}$ -inch short link chain cable 600 feet long.

One  $\frac{3}{4}$ -inch short link chain cable 450 feet long.

Twenty  $\frac{3}{4}$ -inch short link chain cable for side moorings, in all 1,200 feet.

In addition 13  $\frac{1}{2}$  inch old crane chains, each 95 feet.

Hawsers—

100 fathoms  $4\frac{1}{2}$  inches manilla rope.

90 fathoms 6 inches manilla rope.

60 fathoms 5 inches manilla rope.

35 fathoms  $4\frac{1}{2}$  inches manilla rope.

On the 4th January last there were no anchors on board, as they had been landed on the dredger's return from Barrow in November, 1912, after she had passed Lloyd's special survey No. 2.

The chain cables were on board, but there was no evidence before the Court of their having been examined since they were supplied. Captain Benjamin Nelson, late harbour master, who was responsible for the equipment of the dredger having, unfortunately, died since that date. According to the evidence they appear to have been in fair condition.

2. The "Dredger No. 3" was supplied with the boat required by the Life-saving Rules in force on the 4th January last, but the boat was not supplied with the equipment required by those Rules, there only being one oar, a baler, plug and painters in her. She was supplied with four lifebuoys and six lifebelts, this was two lifebuoys in excess of requirements.

The lifebuoys and lifebelts were not kept so as to be at all times fit and ready for use as they were stowed in the waist in the store room below the deck, which was covered by three hatches with a tarpaulin over secured by bars.

3. The wind being S.S.E., the berth when the dredger was left in charge of the watchman on the 3rd January last, was a safe one providing the wind did not shift; but the weather at the time was very unsettled, the south cone had been hoisted for some time, and orders had been received that evening to keep it hoisted. The berth, which was a safe one with the wind S.S.E., would be decidedly an unsafe one with a strong wind from S.W. to N.W., and there was reason to suppose the wind might shift and increase, which in fact it did, and at 6 a.m. the dredger was in a dangerous position due to the wind and sea running in at the time and a rising tide. In these circumstances the Court do not consider that it was a safe

berth in which to have left the dredger overnight in charge of a watchman on the 3rd January last.

The dredger was safely and properly moored when she was left in charge of the watchman on the 3rd January last.

There was no occasion to anchor her as she was made fast to ground moorings.

4. The cause of some of the mooring chains carrying away about 6 a.m. on the 4th January last, was:—The wind had shifted to the south-westward and increased, causing a heavy sea in the channel, this, with a rising tide and a "fresh" from the river brought a heavy strain on the stern moorings which parted, and the dredger swung round with her stern to the northward.

The damage sustained by the dredger was as follows:—

Buckets and side of the bucket ladder were damaged and were repaired at a cost of £12 12s. The cost of outfit washed overboard is estimated at £6 6s.

5. After the moorings had parted the dredger's boat was sent away with a rope to make fast ashore in order to heave the dredger into the basin.

About 10 fathoms of the rope were coiled into the 'midship part of the boat, and would appear to have been properly stowed. The boat was in good and proper condition though only equipped with one oar over the stern for sculling purposes, which is the usual practice in the port.

6. The circumstances in which Robert Ball Robinson and John Quayle Kirkbride, deckhands, lost their lives were as follows:—

The boat in which they were running the rope ashore was last seen with the men on board about 15 yards from the dredger, she was then lost sight of in the darkness. Shortly afterwards the strain stopped on the rope that was being paid out from the dredger. Those on board then hauled the rope in. Soon afterwards the boat was seen floating, bottom up, by two of the crew. No cries were heard. One of the crew stated he saw a heavy sea break towards the stern of the boat just before she was lost sight of. The boat, floating bottom up, passed about five yards from the dredger, floating to seaward. Nothing was seen of the men. As the men were not seen, and there was no second boat available, no steps could have been taken by those on board the dredger to render assistance except by giving the alarm to the shore, which was given by blowing the whistle and sounding the bell.

7. The damage to the dredger and the loss of life were not caused by the wrongful act or default of the master, Mr. Robert Dockeray.

PATTINSON B. MELMORE. } Justices.  
JNO. DIXON.

We concur.

T. P. WALKER. } Assessors.  
GEORGE K. WRIGHT.

(Issued in London by the Board of Trade on the 13th day of June, 1913.)