

(No. 7630.)

“THORNLIEBANK.”

THE MERCHANT SHIPPING ACT, 1894.

In the matter of a Formal Investigation held at the Caxton Hall, Westminster, on the 30th and 31st days of January, 1914, and the 4th day of February, 1914, before W. H. Leycester, Esq., assisted by Commander W. F. Caborne, C.B., R.N.R., and Captain G. L. Langborne, F.R.G.S., into the circumstances attending the loss of the British sailing ship “Thornliebank,” of Glasgow, through stranding on or near the Crim Ledge, Scilly Isles, on or about the 28th November 1913.

*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 total loss of the sailing ship, “THORNLIEBANK” was due to the default of the master in not making himself acquainted with the alteration in the character of the Bishop Rock light, Scilly Isles, and the installation of a fog siren on Round Island, in consequence of which omission, the vessel struck on the Crim Rocks.

The Court censures the master, Mr. Thomas Thomas, for his default, but, in all the circumstances, refrains from dealing with his certificate.

Dated this 4th day of February, 1914.

W. H. LEYCESTER, *Judge.*

We concur in the above Report.

W. F. CABORNE, *Assessor.*

GEO. LOY LANGBORNE, *Assessor.*

ANNEX TO THE REPORT.

At this inquiry Mr. Raymond Asquith appeared for the Board of Trade, Mr. W. H. Higgs for the master, and Mr. George Langton watched the case on behalf of the owners of the ship.

The “Thornliebank,” Official Number 106033, was a British sailing ship, built of steel at Port Glasgow, in 1896, by Messrs. Russell and Company, and was registered at the port of Glasgow.

She had three masts, was ship rigged, and was of the following dimensions: Length, 269.7 feet, breadth 40.5 feet, and depth in hold from tonnage deck to ceiling at amidships, 23.6 feet. Her gross tonnage was 2104.72, and her registered tonnage 1969.48.

She carried four boats, of which two were lifeboats, provided with their necessary equipment, thirty-life-jackets, and five life-buoys.

She had two compasses, a standard (White Thompson) compass and a steering compass. They were in good order, and were last adjusted in 1911. She had two chronometers, two patent logs, one deep-sea lead and line, and one hand lead and line.

She was provided with charts (some of them Admiralty and some Bluebacks) for the coasts of Great Britain, a Channel Pilot (not the one issued by the Admiralty), dated 1909, some small tidal charts, and a book descriptive of the lights of the world. These were all provided by the master at his own expense.

The vessel appears to have been in good order and well found. She was owned by the Bank Line, Limited, Mr. Andrew Weir, of Glasgow, being the registered manager.

On or about the 8th of January, 1913, the “Thornliebank” left Port Talbot for Iquique, with a cargo of coal. She arrived at that port on the 11th of May, 1913. Having discharged her outward cargo at Iquique, she sailed for Pisagua, on the 23rd of June, 1913. There she took on board 3,382 tons of nitrate of soda. She sailed on the 20th of August,

1913, bound for Falmouth, manned by a crew of 25 persons, all told, under the command of Mr. Thomas Thomas, who holds a certificate of competency numbered 06469.

All appears to have gone well until the 24th of November, when a dense fog set in, precluding the taking of astronomical observations. This fog continued with more or less density, and at 4 a.m. on the 27th November, an unknown passing steamer, which was steering to the north westward, signalled her position by the Morse code. As taken by the officers of the “Thornliebank,” this was in latitude 49° 24' N., and longitude 7° 35' W. The “Thornliebank's” position by dead reckoning at the time, is given as in latitude 49° 35' or 38' N. and longitude 8° 45' W.

As the master of the “Thornliebank” had been trusting to dead reckoning only for three or four days, and had also been a long time at sea without an opportunity of checking his chronometers, he assumed that the position as taken in from the steamer was approximately right, and acted accordingly, by steering a course of E.  $\frac{1}{2}$  S. magnetic. The court has some doubt whether the signal was correctly read or correctly made, as constant practice with the Morse code is necessary to ensure efficiency. However, whether the position of the “Thornliebank” by her own dead reckoning was approximately correct at 4 a.m., on the 27th of November, or whether the position obtained from the passing steamship was approximately correct, is more or less immaterial, because an important shore light was sighted during the evening of the same day, the identification of which would have prevented the subsequent casualty.

The wind was light from the north westward, the ship was making about 3  $\frac{1}{2}$  knots an hour through the water, and during the afternoon some four casts of the lead were taken, the last being in 68 fathoms, fine sand and shell, about 5 or 5.30 p.m. The master consulted his chart, and states that he thought his ship was to the southward of the position as carried on from the steamship's position in the morning.

About 8 p.m. the weather cleared a little, and no lights were visible from aloft. The course was now altered to E. magnetic. About 9.30 p.m., a light, or rather the glare of a flash light, was sighted, bearing about E. by S.  $\frac{1}{2}$  S. or E.S.E. This light was counted as having two flashes every ten seconds, but the counting was not checked by a watch, as it should have been, when it would have been apparent that the two flashes occurred in fifteen seconds. Upon first sighting the light the master was under the impression that it was the Bishop Rock, and put the ship's head to the southward. Being however unable to identify the Bishop Rock light, owing to his not being aware of the alteration made in its character in June, 1913, he consulted his light book, and came to the conclusion that he had got far to the southward, and was off Ushant, the light of which shows two flashes every ten seconds.

Having come to this erroneous conclusion, the master close-hauled the ship on the port tack, and stood to the N.N.E.

There is evidence that at about 10 p.m. a red light was seen, about two points before the starboard beam. It would seem that this was taken for a vessel's port light, although it was possibly the light on Round Island. Some time afterwards a steamer passed on the starboard side of the “Thornliebank.” About 11 p.m. four blasts of a fog siren were heard, and this succession of four blasts continued to be heard.

About midnight the master, who acknowledged that he was very much confused during the evening, came to the conclusion that he was near the Scilly Isles, and about 1 a.m. he wore ship to the S.W., with the object of getting round the Bishop Rock. About 4.45 a.m. the Bishop Rock light was again sighted, bearing between S. and S.  $\frac{1}{2}$  W., at an estimated distance of between three and four miles.

Up to this time the ship had been under foresail, topsails, jib, and fore topmast staysail. The master now called all hands to make more sail, but almost immediately the vessel struck on the Crim Rocks, and at once commenced to settle down in the water. The wind at the time was light, and there was a westerly swell.

An attempt was made to get out the port lifeboat, but it was stove in. The whole of the crew then succeeded in getting away from the ship in the starboard lifeboat, and remained in the vicinity of the wreck until daylight, when it was observed that the "Thornliebank" had disappeared.

The lifeboat was sailed towards Scilly. About mid-day she was picked up by the St. Agnes' lifeboat and taken to St. Mary's Island.

No lives were lost in this casualty.

Counsel addressed the Court at the close of the evidence, and judgment and answers to the questions were subsequently given.

#### QUESTIONS.

1. What number of compasses had the vessel; were they in good order and sufficient for the safe navigation of the vessel; and when and by whom were they last adjusted?
2. Did the master ascertain the deviation of his compasses by observation from time to time; were the errors correctly ascertained and the proper corrections to the courses applied?
3. Was the vessel supplied with proper and sufficient Charts and Sailing Directions?
4. Did the master before sailing from Port Talbot, in January, 1913, obtain a copy of the then latest issue of the Monthly Notices to Mariners for Foreign-going Ships, and/or of the issues of the Supplementary Summaries, dated 19th and 28th December, 1912?
5. Did the master have, before he left Pisagua, on or about the 20th August, 1913, an opportunity of consulting the Monthly Notices to Mariners for Foreign-going Ships, for the months of April, May, June, and July, 1913, or any of them? If so, when and at what port or ports did the opportunity or opportunities occur, and did the master in fact inspect any, and if so, which of them?
6. When the vessel left Pisagua on or about the 20th August, was the master aware that the character of the Bishop Rock light had then recently been altered, and that a fog signal was about to be established at Round Island? Could he, and if so should he, have made himself acquainted with the alteration in the light and the establishment, or proposed establishment, of the fog signal?
7. What was the position of the vessel (a) by dead reckoning; (b) according to the Morse Code Signal received from an unknown steamer, at 4 a.m. on the 27th November last? Which position, if either, was correct? Was a safe and proper course thereafter steered; and was due and proper allowance made for tides, currents, and leeway?
8. What lights were seen and what foghorn was heard at about and shortly after 9.30 p.m., on the 27th November last? Did the master recognise any of them, if not, why not?
9. Were safe and proper alterations made in the course at and after 9.30 p.m., and was due and proper allowance made for tides, currents, and leeway?
10. Was the lead used with sufficient frequency and accuracy at and after 4 a.m. on the 27th November last?
11. Was a good and proper look-out kept?
12. What was the cause of the stranding and loss of the vessel?
15. Was the vessel navigated with proper and seamanlike care?
14. Was the loss of the sailing ship "Thornliebank" caused by the wrongful act or default of the master?

#### ANSWERS.

1. The vessel had two compasses, namely, a standard (White Thompson) compass, and a steering compass. They were in good order and sufficient for the safe navigation of the vessel. They were last adjusted at Sharpness, in 1911, by Messrs. Hayes Brothers.
2. The master ascertained the deviation of his compasses by observation from time to time. The errors appear to have been correctly ascertained, and the proper corrections to the courses applied.
3. According to the evidence of the master, there were proper and sufficient charts and sailing directions on board the vessel, purchased by him for his own and his officers' use.

4. The master, before sailing from Port Talbot, in January, 1913, did not, and most probably could not, obtain a copy of the latest issue of the Monthly Notices to Mariners for Foreign-going Ships. The Court is however satisfied, from his own evidence, that he must have had in his possession the supplementary Summary of Notices, dated the 19th of December, 1912. This supplement contained a notice of the intended alteration of the Bishop Rock light.

5. The master did have, before he left Pisagua, on the 20th of August, 1913, an opportunity of consulting the Monthly Notices for April, May and June, 1913, but probably not for July, 1913. The opportunity to examine the April and May notices occurred at Iquique, in the month of June, 1913, and the opportunity to examine the April, May and June notices occurred at Pisagua, in August, 1913. In fact, the master inspected none of them. All three monthly notices contained a notification of the intended alteration in the character of the Bishop Rock light, and of the intended establishment of a fog siren upon Round Island.

6. When the vessel left Pisagua, on the 20th of August, 1913, the master was not aware that the character of the Bishop Rock light had recently been altered, and that a fog signal was about to be established at Round Island. He could, and should, have made himself acquainted both with the alteration of the light and the setting up of the fog signal.

7. At 4 a.m., on the 27th November last, the position of the vessel (a) by dead reckoning, was in latitude  $49^{\circ} 35' 38''$  N., and longitude  $8^{\circ} 45'$  W., and (b) according to the Morse code signal received from an unknown steamship, as read by officers, was in latitude  $49^{\circ} 24'$  N., and longitude  $7^{\circ} 35'$  W.

It is probable that neither of these positions was correct, and, under such circumstances, the course subsequently steered and any allowance made for tides and currents could only be erroneous. If the position had been  $49^{\circ} 24'$  N., and  $7^{\circ} 35'$  W., then the course steered by the master and the allowance made by him for tides and currents would have been safe and proper.

The light observed at or about and shortly after 9.30 p.m., on the 27th of November, last, was that on the Bishop Rock, Scilly Isles. There is no clear evidence that any other shore light was seen. The fog siren heard about 11 p.m. was the one situated on Round Island. The master failed to identify either the light seen or the fog signal heard until too late.

9. Owing to the master's failure to identify the light seen, safe and proper alterations were not made in the course at and after 9.30 p.m.

10. The lead was not used with sufficient frequency at and after 4 a.m. on the 27th of November last. There is no reason to doubt the accuracy of the soundings taken, and the Court does not suggest that the neglect to take more frequent soundings in fact contributed to the loss of the vessel.

11. A good and proper look-out was kept.

12. The cause of the stranding and the loss of the vessel, was the inability of the master to identify the light seen during the early part of the night of the 27th of November last, when, owing to the false assumption, due to the somewhat similar character of the Bishop Rock and Ushant lights, that his vessel was off the French coast, he stood away on the port tack to the N.N.E., and into a position of danger off the Scilly Isles. Upon discovering the mistake made, about 1 a.m. of the 28th of November, he wore ship to the S.W., with the object of getting round the Bishop Rock, but while standing out on the starboard tack, the ship struck on the Crim Rocks.

It is fair to the master to point out that the difficulty of navigation had been increased by fog, which had prevailed for some days.

13. Apart from the master's omission to obtain a line of soundings, and his failure to identify the Bishop Rock light, and the siren of the Round Island, the vessel was navigated with proper and seamanlike care.

14. The court finds that the loss of the "Thornliebank" was due to the default of the master in not making himself acquainted with the changes in the seamarks at the Scilly Isles.

In estimating the degree of blame to be attached to the master for his default, the court has carefully considered the evidence as to his opportunities of acquiring knowledge of those changes.

The first notification in the light was given of Notices to Mariners published on the 19th of December, 1912, the 1st of January, and subsequent issues accomplished fact.

Intimation of the siren on Round Island in the Monthly Notices was repeated in fact set up.

At Port Talbot there were handed out of Mercantile several of the "four," said the specifically, "I gave his evidence for the 19th said, "I can't say get those. I have the entry about

He added that book-case in his statements relating to also stated that through the sup and found nothing he was engaged. that, if he did 19 December, it m through the earli of them, and wa examined them a at the later one his not being a importance to hi it had he seen it ment of the 19 satisfied.

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The first notification of the intended alteration in the light was given in the supplementary summary of Notices to Mariners for Foreign-going ships, published on the 19th December, 1912. This was repeated in the supplementary summary of the 28th of December, 1912, and in the Monthly Notices from the 1st of January to the 1st of June, 1913. In subsequent issues the change was notified as an accomplished fact.

Intimation of the intended establishment of a fog siren on Round Island, in September, 1913, was given in the Monthly Notices of the 1st of April, 1913, and was repeated in each issue until the fog siren was in fact set up.

At Port Talbot, on the 8th day of January, 1913, there were handed to the master by the Superintendent of Mercantile Marine, with the ship's papers, several of the weekly supplements. "Three or four," said the master in his evidence, and again specifically, "I got more than two." He was, when giving his evidence in court, shown the two supplements for the 19th and 28th of December, 1912, and said, "I can't say that I did, I can't say that I didn't get those. I have no recollection of seeing that," *i.e.*, the entry about the light.

He added that he kept the supplements in the book-case in his room, and not with the other documents relating to navigation in the chart room. He also stated that on the outward voyage he looked through the supplements given him at Port Talbot, and found nothing relevant to the voyage upon which he was engaged. It was suggested by his advocate that, if he did have the supplement of the 19th of December, it may have happened that he looked through the earlier ones, was interrupted in his perusal of them, and was left with the impression that he had examined them all, although he in fact had not looked at the later one. This is a possible explanation of his not being aware of an alteration of such great importance to him, that he could not fail to remember it had he seen it at all. That he did have the supplement of the 19th of December, 1912, the Court is satisfied.

He had more than two, according to his own statement, and there were only two in December, prior to the one of the 19th of that month. Mr. Du Boisson, the Board of Trade official responsible for the distribution of these notices, told the Court that the sup-

plement of the 19th was sent to Port Talbot on the 21st December, and even allowing for a possible delay in the post, owing to the proximity of Christmas, it must have arrived in ample time to reach Captain Thomas on the 8th of January. It is indeed quite likely that he had the supplement of the 28th of December, 1912, but it is unnecessary to enquire closely into that. The fact that he received the one of the 19th of December, fixes him with the blame of having overlooked the notification about the light.

As stated in the preceding answer to question 6, he had, at Iquique, in June, 1913, and at Pisagua, in August, 1913, opportunities of repairing his omission and also of becoming acquainted with the intention to establish a fog siren on Round Island, for notices containing particulars, both of the light and the fog signal, were in the hands of the consuls at those ports. The Court is inclined to think that shipmasters frequently fail to avail themselves of such information, and is not disposed heavily to censure Captain Thomas for what is probably, only a particular instance of general negligence, but his omission to consult the notice actually put into his hands at Port Talbot, is inexcusable. It is greatly to be regretted that this notice was not placed in the chart room, with other books used in the navigation of the ship, where it would have been available for all the officers, and possibly have attracted attention when doubt arose as to the light which was visible.

The Court must not, in the foregoing remarks, be taken as entirely condoning the master's omission to apply to the consul at Iquique, or at Pisagua, for permission to inspect the Notices to Mariners. These useful books are distributed all over the world by the Board of Trade, at considerable expense, and the desirability of ship-masters consulting them whenever possible, cannot be emphasized too much.

W. H. LEYCESTER, *Judge.*

W. F. CABORNE, *Assessor.*

GEO. LOY LANGBORNE, *Assessor.*

London, 4th February, 1914.

(Issued in London by the Board of Trade on the 24th day of February, 1914.)