

(No. 7633).

"MIRROR" AND "HOGARTH" (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 26th and 27th days of January, and the 2nd, 3rd, 4th, and 10th days of February, 1914, before ISRAEL ALEXANDER SYMMONS, Esquire, assisted by Rear-Admiral ERNEST JAMES FLEET, Captain JOHN HARDIE WALKER, and Captain HENRY ELLIS BATT, into the circumstances attending the damage sustained by the British sailing ship "MIRROR," of Dartmouth, through collision with the British steamship "HOGARTH," of Aberdeen, in Gravesend Reach, River Thames, on or about the 25th October 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 neither the serious damage to the sailing ship, "Mirror," nor the loss of life, was caused by the wrongful act or default of her master, and of the master of the steamship, "Hogarth," or of either of them. Both damage and loss of life were caused by the error of judgment, not amounting to wrongful act or default of the master of the "Hogarth," in porting his helm to pass under the "Mirror's" stern, when the vessels were too close together for that manoeuvre to be successful, a contributing cause of the disaster being the failure of those on board the "Hogarth," possibly through deceptive atmospheric conditions to sight the "Mirror's" stern light until the relative positions of the vessels were such as to involve imminent risk of collision, and to require immediate decision and swift action in a dangerous situation on the part of the "Hogarth's" master. While of opinion that it is possible more lives might have been saved had the master of the "Mirror" remained on his vessel to assist in saving those on board, the Court, on the evidence, does not find that the life of any of the four persons drowned was lost through his wrongful act or default. But it does find that many of those saved owe their lives to the bravery and self sacrifice of Assistant-Scout-Master Vowles, who survives, of Assistant-Scout-Master Cornell, who was lost, and probably also of Sea Scout C. H. Witt, who went down with the wreck.

Dated this tenth day of February, 1914.

I. A. SYMMONS, Judge.

We concur in the above Report.

ERNEST FLEET, Assessor.

J. H. WALKER, Assessor.

H. E. BATT, Assessor.

ANNEX TO THE REPORT.

This Inquiry was held at the Caxton Hall, Westminster, in the County of London, on the 26th and 27th days of January, and the 2nd, 3rd, 4th, and 10th days of February, 1914. Mr. Hamar Greenwood, M.P., barrister-at-law, appeared for the Board of Trade, and Mr. A. Bucknill, barrister-at-law, for the master of the "Hogarth," Mr. Thomas Ward, and for Mr. David Stephens, the mate of the "Hogarth." Mr. Kenneth Henderson, barrister-at-law, appeared for the master of the "Mirror," Mr. Harry Olley, for the crew of that vessel, and for the owners of

the "Mirror," The Boy Scouts' Association. Mr. Thomas Ward, master of the "Hogarth," and Mr. Harry Olley, master of the "Mirror," were parties to the inquiry. On the application of Mr. Kenneth Henderson, the owners of the "Mirror," The Boy Scouts' Association, were also made parties to the inquiry. Mr. E. A. Digby, barrister-at-law, watched the proceedings on behalf of the owners of the "Hogarth" who were not parties to the inquiry.

The "Hogarth," of Aberdeen, Official Number, 99647, is a single screw steamship, built of steel in 1893, at Aberdeen, by Messrs. Hall, Russell & Co. Her dimensions are:—length, 252·8 feet; main breadth, 32·7 feet; depth in hold from tonnage deck to floor at midships, 17·6 feet; gross tonnage, 1231·08 tons; registered tonnage, 650·26 tons. Her engines and boilers were constructed in 1893 by the builders of the vessel, and were of the triple expansion inverted direct-acting type, of 345 nominal and 2,150 indicated horse-power, designed to give a speed of 15 knots.

She was owned by the Aberdeen Steam Navigation Company, of Aberdeen, Mr. Charles Shepherd, manager of the Aberdeen Steam Navigation Company, being her registered manager.

She has two decks, a long top-gallant fore-castle, and a short well between the fore-castle and the fore end of the bridge deck. Aft the bridge deck is another short well, and aft that a long poop. On the bridge and poop decks there are several superstructures, and on the fore-castle deck there are a companion way, a sky-light, and two stove funnels. The vessel's foremast is stepped through the after end of the fore-castle. None of these objects materially affected the look-out from the navigating bridge; and the same can be said of a cargo crane placed on the fore well deck.

The master's room is on the fore end of the bridge deck, and is about 7 feet in height. On the top of this room is a bridge running from side to side of the vessel, and about 7 feet above it is the navigating bridge, with a wheel-house in the centre. In the wheel-house are the steam steering wheel, the binnacle, and the engine-room telegraph. There are no means of getting from one side of the bridge to the other, except by passing through the wheel-house. The height of this navigating bridge, above the fore-castle deck, is about 10 feet.

The "Hogarth" has four lifeboats and three D-section boats, all carried under davits, 340 life-jackets, and six life-buoys. The life-buoys have signal lights attached, and are carried on the bridge. The vessel's draught of water on the voyage in question was 13 feet 7 inches forward, and 16 feet 11 inches aft. She carried the prescribed lights.

The "Hogarth" had a passenger certificate, issued by the Board of Trade, on the 17th February, 1913, whereby she was allowed to carry 140 first-class passengers, 160 second-class passengers, and a crew of 40, making a total of 340 persons.

The "Mirror"—formerly named "Armored"—of Dartmouth, Official Number, 104988, was a wood vessel, built by Messrs. Philip & Son, at Dartmouth in 1897, was owned by the Boy Scouts' Association, of 116, Victoria Street, London, and was used for the purpose of training boy scouts.

She had two masts, was ketch rigged, and had an elliptic stern. Her dimensions were:—length, 62·2 feet; main breadth, 14 feet; depth in hold, 10·4 feet; and registered tonnage, 36·63 tons. She carried two boats in davits, a cutter on the port side, capable of accommodating about 10 persons, and a dinghy on the starboard side, accommodating about eight persons. These boats were both in good order and well equipped. The dinghy was used on the day of the accident before the "Mirror" left her moorings.

The vessel had two life buoys placed one on either side of the mizen rigging, and 18 life-jackets, some of which were stowed in an unlocked cupboard or locker in the berthing space, and some in the bunks, under the mattresses.

She had one deck below the weather deck, which was open from end to end, and on this deck were berthed the crew, the boy scouts, and the scout

masters. Most of the boys were berthed on the fore part of the deck, some in bunks, and others in hammocks. There were two companion-ways leading into these quarters from the weather deck.

Her weather deck was flush, except for a small poop deck, about 16 inches in height, and extending to about 6 or 7 feet forward from the taffrail. Her stern light was carried on a hinged bracket, this bracket being fixed on the poop deck, about a foot or 18 inches from the fore end, about 5 feet from the stern taffrail, and in the centre line of the vessel. The mizen sheet block was fixed about a foot on the fore side of the taffrail, and also in the centre line of the vessel. The block, therefore, must have been about 4 feet abaft the stern light. These distances are approximate, no plan of the "Mirror" having been produced.

The "Mirror" was purchased from her original owners and transferred to the Boy Scouts' Association in October, 1912; and a considerable sum was afterwards spent in fitting her out for the purpose for which she was acquired. About two or three weeks before the casualty she was brought from Dartmouth to the Thames, her crew being the same as on the night of the collision, viz:—Mr. Harry Olley, master; Herbert Tunbridge, mate, and Sydney Harvey Spooner, deck hand.

On Saturday, the 25th of October, the "Mirror" was anchored off the "World's End," between Tilbury Fort and Tilbury Railway Pier, on the north shore of the Thames, and opposite Gravesend Town Pier.

Having, during the afternoon of that day, embarked 11 boy scouts and two Assistant-Scout-Masters, she left her moorings shortly after 10 p.m. for the purpose of making a trip down the estuary of the Thames.

One of the Assistant-Scout-Masters brought a letter of instructions from the Rev. Everard Digby, Chairman of the Port of London Sea Scouts' Committee of the Boy Scouts' Association, to Captain Olley. This letter was lost in the "Mirror." The instructions contained in it appear to have been to the effect that the "Mirror" was to proceed down the estuary, the condition of the weather permitting, as soon as convenient after the boys had embarked, and to return to Gravesend on the Sunday evening. In addition Captain Olley was reminded that he was responsible for the navigation of the vessel, and that the Assistant-Scout-Masters were to have the sole control of the boy scouts.

The "Mirror" carried Kentledge ballast; and her draught of water was 9 feet 6 inches forward, and about 12 feet aft.

Soon after weighing anchor, at or shortly after 10 p.m., the boy scouts assisted in clearing up the decks, and were then ordered below to turn in. Assistant-Scout-Master Vowles remained on deck, and a scout named C. H. Witt, who acted as boat-swain of the boys, either remained on deck also, or went on deck shortly before the casualty occurred.

At or about 10.50 p.m. the "Mirror" had reached a point a little to the northward of mid-channel, and about two miles to the eastward of a point southward of Tilbury Basin. She was on the starboard tack, heading about N.E. by E. to E.N.E., under jib, foresail, mainsail, and mizen, and with a very light breeze up the river was going through the water at a speed of about 1 knot; the tide being first quarter ebb, and running to the eastward at a probable rate of about two knots. The master, Harry Olley, was at the tiller. The mate or second hand, Herbert Tunbridge, was forward looking-out, whilst Sydney H. Spooner, the deck hand, was attending the head sheets forward on the port side.

The weather down the mid-channel and to the northward was clear, the Ovens Light, about one mile distant to the E.N.E.-ward, being observed by the mate some three minutes before the collision. The "Mirror" was carrying the usual side and stern lights, which were burning brightly.

The "Hogarth" left Limehouse at 8.5 p.m. on the 25th October, with a pilot in charge, bound for Aberdeen with a crew of 28 hands, including the captain, and with eight passengers. At 10.39 p.m. the pilot was dropped off the Railway Jetty, Tilbury,

and the "Hogarth" proceeded, the engine room telegraph being placed at "full speed ahead." The channel was clear of fog or mist, and the course shaped, E. by S.  $\frac{1}{2}$  S., was such as tended to keep the vessel slightly to the northward of mid-channel.

No fog whistle or signal was used at any time material to this inquiry, as none was then required; though the vessel had stopped once or twice on account of fog in the upper reaches of the river, before arriving at Tilbury.

At or about 10.48 p.m., the captain of the "Hogarth" being at the port extremity of the upper bridge, the second mate by the port side of the wheelhouse, and a look-out man on the fore-castle head, the second mate observed a white light about two points on the starboard bow of the "Hogarth." He remarked to the captain, "There's another stern light," and on examining it with his glasses, the red light of the vessel, which proved to be the "Mirror," next came in sight.

The mate at once called out to the captain, "There goes his red." The captain sighting the red light, cried, "So it is," and a couple of seconds later gave in quick succession the orders "Hard aport," "Slow," "Stop," "Full astern." About this time the look-out man also observed the light, and as he stated, reported it, but received no answer.

The "Hogarth" swung to starboard under the influence of her port helm and right-handed propeller reversed to the extent of about two points, and then struck the "Mirror" on her port side, just abaft the main rigging and at an angle of about 60° with her keel, from aft, the "Hogarth's" stem penetrating to midships of the "Mirror."

The "Mirror," as before stated, was standing across the river on the starboard tack. Her master sighted the masthead and starboard lights of the "Hogarth" in a direction well abaft the beam, coming down the river, and distant about 600 yards. He remarked to Assistant-Scout-Master Vowles, "Here comes another one down," and watching her most of the time, noticed she was porting her helm, when about 200 yards distant. He saw the "Hogarth's" port light opening out and then saw her hull. He shouted to the "Hogarth," and called out to those on deck in his own vessel, "She's coming straight for us." Directly afterwards, the "Hogarth" crashed into the "Mirror," as above described, crushing the cutter at the davits.

The master of the "Mirror" then called to the "Hogarth" to throw lines over the bows for the boys to get up, and cried out, "All hands take to the rigging," which was inclined towards the "Hogarth's" bows. The master, mate, and deck hand of the "Mirror" then escaped by the rigging, and clambered on to the "Hogarth's" fore-castle, without taking any further steps to save the boys who were on board their own vessel.

Assistant-Scout-Master Vowles, who was on the starboard side aft, seated on the raised poop, and who had noticed the masthead and starboard lights of the "Hogarth" when about half-a-mile away, got up on seeing her port her helm, and shouted to her to attract attention. As she came directly towards them he threw off his coat, took the life-buoy from the starboard mizen rigging, dropped it overboard, and shouted down the after hatchway, "All hands on deck." Then the "Hogarth" struck.

Vowles immediately went to the fore-castle hatchway, and found the boys beginning to come up. He then went to the port side, round the mainmast to get some idea, from the damage done, how long the "Mirror" was likely to float. Seeing that they had practically no time left, he went back to the fore-castle hatch again, and found the boys had come up, and had crowded into the dinghy at the starboard davits. The dinghy's gear was foul and mixed up with the foresail halliards, and it was evident it would be impossible to lower her quickly. He accordingly ordered the boys out of the boat, and told them to get up the port main rigging as quickly as possible, that being their best chance of escape. Uncertain as to whether all the boys were up, Vowles then went down the fore hatchway into the water, which was by that time well up in the cabin, and

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As he came up on deck again, the "Mirror" sank bow first, and Vowles and the boys who were still in the rigging were thrown into the water. Vowles swam to the port bow of the "Hogarth," shouting out for ropes. These were thrown over, and Vowles, twisting one round his left arm and hand, saw Assistant-Scout-Master Cornall floating in the water, unconscious, close to him. He grasped Cornall with his right hand by the breast of his clothes, and was being hauled up, when Cornall, being weighted by his wet clothes, slipped from his grasp.

Vowles was by accident dropped into the water again, and looking round for Cornall, found he had disappeared. Vowles was eventually hauled on to the "Hogarth's" deck.

The boys in the forecabin of the "Mirror" were thrown out of their bunks and hammocks when the "Hogarth" struck, and under the direction of Assistant-Scout-Master Cornall, were hurried on deck when Vowles called down the hatchway, Cornall standing at the foot of the hatchway ladder with a lantern to assist them up and prevent confusion. Here Cornall was left by Harold Ashton, the last sea scout to ascend the ladder. He was then standing at the foot of the ladder, still holding the lantern, and nodding to Ashton to run up. There was no direct evidence that he was again seen alive on board the "Mirror"; but there is reason to believe that both he and sea scout C. H. Witt were on deck afterwards, assisting the boys into the rigging.

The last seen of the "Mirror," from the forecabin of the "Hogarth," was her stern light, still burning clearly as she sank.

Three of the sea scouts were picked up by the "Hogarth's" boat; Assistant-Scout-Master Vowles and two of the sea scouts were hauled on board the "Hogarth" by ropes, after the "Mirror" sank; whilst the master, the mate, and the deck hand of the "Mirror," and apparently three of the sea scouts, went up by the "Mirror's" rigging, and were pulled into the "Hogarth" before the "Mirror" went down. Assistant-Scout-Master Roger Sowerbutts Cornall, and boy sea scouts Christopher Henry Witt, Harold Walter Rendell, and Rowland Maurice Purnell, were unfortunately drowned.

At the moment of striking, the only person on the "Hogarth's" forecabin was James Gardiner, the look-out man, the chief officer, who had been on duty at the wheel until reaching Tripecock Point, having gone below until it was time for him to resume his duties. On the vessel striking, Gardiner shouted several times to those on the "Mirror" to man the rigging, and in fact he himself helped the master of the "Mirror," her mate, her deck hand, and a sea scout, in the order named, to clamber on board from the rigging. He then, by order of the chief officer, threw a rope over the bow, and leaving this to a fireman to handle, went aft to the boat, which he assisted to lower.

After the collision the engines of the "Hogarth" were worked, so as to keep the "Mirror" against her bow, and check the inrush of water, until the ketch slid off, and sank bow first.

No life-buoys were dropped from the "Hogarth," though these—fitted as they were with patent signal lights—might have been of some assistance in saving life. In the "Mirror" also, so far as could be ascertained, no use was made of the life jackets, though one was carried in each bunk, and the locker containing the remainder was easily accessible. This would suggest that, in embarking boys for training afloat, due attention should be given to exercises in the use of life jackets; while other circumstances attending the disaster emphasise the importance of boat drill. There is especially an element of danger in sending inexperienced boys for cruises in small sailing craft, on dark nights, in such a narrow and congested river as the Thames; and this danger would be minimised by adopting the precautions here suggested.

The "Hogarth's" boat was manned by the mate and three of the crew of the "Hogarth," and as already stated, picked up three of the boy scouts. After searching about the wreckage of the "Mirror,"

and seeing no more persons in the water, the boat was pulled to the bows of the "Hogarth," for the purpose of ascertaining if that vessel was damaged. She was then pulled to the gangway ladder, and the boys boarded the "Hogarth." The boat was hoisted up, after having been absent from the vessel about twenty minutes.

In the meantime, the "Hogarth" had drifted down by the tide to near the Ovens Buoy, her engines being manœuvred as required. It was decided to return to Gravesend to land the rescued people, and accordingly the steamer was turned round and proceeded up the river. By this time the weather had set in foggy, and the steam whistle was kept going, the engines being worked at reduced speed.

At 0.35 a.m., 26th October, the "Hogarth" anchored off Gravesend, the 12 survivors of the "Mirror" were landed in the pilot's boat, and they were then taken to the Sailors' Home at Gravesend. The survivors were well looked after, both on the "Hogarth" and at the Sailors' Home. The "Hogarth" remained at anchor off Gravesend until 4.55 a.m. 26th October, when her anchor was weighed, and she proceeded on her voyage to Aberdeen, where she arrived safely at 9.45 p.m. 27th October.

The evidence as to the atmospheric conditions existing in and about the Gravesend Reach, at the time of, and immediately before, the collision, was conflicting; although there seemed to be almost a consensus of opinion that, on the south shore of the river, banks of mist undoubtedly existed, and that detached patches of mist may have been drifted by the wind towards mid-channel.

Gardiner, the look-out man on the forecabin head of the "Hogarth," in his evidence, described the weather on leaving Tilbury, some seven minutes before the collision, as being clear; but he stated it was hazy on the starboard bow and ahead, at or about two minutes before striking.

H. W. Gardner, mate in charge of the Customs launch, "Sirdar," on the south side, shortly before the collision, stated that, at times, there was haze right across the river; while F. J. Swann, another mate in the Customs service, who was in charge of the "Sirdar" after 10.45 p.m. on the 25th October, on the south side of the river, off Gravesend, stated that at 10.45 p.m. it was foggy on the river, and that at 11 p.m. the lights across the river were shut in by fog. After 11 p.m., he said, plenty of fog signals were heard, though up to that time no such signals had been heard in the neighbourhood of the disaster.

Perhaps the evidence most to be relied on since his vessel was in close proximity to the "Hogarth" and "Mirror" at the time of the collision, was that of William Amos, master of the barge "United." Amos, whose barge was bound down the river, stated that, being at anchor abreast "Mark Lane" lights, but on the north shore, he delayed weighing until an hour after high water, as it was not clear enough. He described the weather on weighing as "a bit hazy," but not bad enough to require fog signals to be used. After weighing, and having reached mid-channel on the port tack, he tacked and stood round on the starboard tack, to allow the "Hogarth" to pass astern of him; and he could then see the "Mirror's" red light, 300 yards distant and below him, until shut in by the stem of the "Hogarth." He heard the shouts, and the crash of the collision, and then seeing several steamers coming down the Gravesend Reach, he put his vessel's head up stream, using oars to assist, in order to shew his red light. Amos also stated that the north shore of the river below him was clear of barges at anchor when he weighed; and as he had made considerable progress down the river, the north shore in the vicinity of the collision must, according to his evidence, have been clear of barges at anchor, at the time of the collision.

The master of the "Hogarth" attempted to pass under the stern of the "Mirror," assuming that Article 22 of the regulations for preventing collisions at sea applied; and had he sighted the "Mirror" at a greater distance, this would have been quite a safe and proper course to pursue. But as the distance between the two vessels when the "Hogarth" sighted the "Mirror's" light was not more than 300 yards, the safer method would have

been to have acted in accordance with Article 27 of these Regulations, and in the special circumstances, to have starboarded his helm. Taking into consideration the respective positions of the vessels, and their speeds and courses, it was quite possible that the "Hogarth" might have cleared the "Mirror" to the northward by keeping on her course. The use of the starboard helm, quite safe, so far as the clear space to the northward was concerned, would undoubtedly have taken her well clear of the ketch.

The master of the "Hogarth" stated that he could not starboard his helm without the risk of running into the barges anchored on the north shore. But the Court is satisfied, from the evidence of Amos, that the "Hogarth" was well to the eastward of these barges at the time in question, and that the manœuvre suggested could have been executed with perfect safety.

At the conclusion of the evidence, Mr. Hamar Greenwood, on behalf of the Board of Trade, put to the Court the following questions:—

(1). Did the steamer "Hogarth," and the sailing ship, "Mirror," carry the lights required by Bye-laws 28 and 29 respectively, of the Bye-laws for the Regulation of the River Thames? And if the "Mirror" was being overtaken at the time in question by another vessel, within the meaning of Bye-law 33 of the said Bye-laws, did she show the light required by that Bye-law?

(2). At or about 11 p.m. on the 25th October last, was the weather in the locality about one-and-a-half miles below Gravesend foggy or misty within the meaning of Bye-laws 36 and 37 of the Bye-laws for the Regulation of the River Thames? If so (a) did the steamer "Hogarth" and the sailing vessel "Mirror" make the sound signals required by Bye-law 36; and (b) did they each proceed at a moderate speed as required by Bye-law 37 of the said Bye-laws? And was the "Hogarth" also under an obligation on approaching the "Mirror" to slacken her speed and stop and reverse as required by Bye-law 49 of the said Bye-laws? If so, did she observe the provisions of that Bye-law?

(3). If the weather was not foggy or misty at the time and in the locality mentioned in question 2, then were the steamship "Hogarth" and the sailing ship "Mirror" proceeding in such a direction so as to involve risk of collision within the meaning of Bye-law 45, or was the "Hogarth" an overtaking vessel within the meaning of Bye-law 52 of the said Bye-laws, and in either case if it was unsafe or impracticable for the "Hogarth" to keep out of the way of the "Mirror," did she signify the same by four blasts of the steam whistle in rapid succession, in accordance with Bye-law 40 of the said Bye-laws? And did the "Hogarth" make the sound signals required by Bye-laws 42 and 43 of the said Bye-laws?

If Bye-law 45 applied.

(a) Did the "Hogarth" keep out of the way of the "Mirror" as required by that Bye-law, if not, why not?

(b) Did the "Hogarth," on approaching her, if necessary, slacken her speed and stop and reverse as required by Bye-law 49 of the said Bye-laws, if not, why not?

(c) Did the "Mirror" keep her course and speed as required by Bye-law 53 of the said Bye-laws, if not, why not?

If alternatively Bye-law 52 applied, and the "Hogarth" was an overtaking ship, then (i) did she keep out of the way of the "Mirror" and (ii) did the "Mirror" keep her course as required by that Bye-law? If not, why not?

(4). Was a good and proper look-out kept on board both ships?

(5). Was every possible effort made by those on board the "Hogarth" to render assistance to, and save the lives of, those on board the "Mirror"?

(6). What was the cause of the collision and what were the circumstances in which four persons on board the "Mirror" lost their lives? Was the "Mirror" seriously damaged as a result of the collision?

(7). Were both vessels navigated with proper and seamanlike care?

(8). Was serious damage to the sailing ship "Mirror," and/or the loss of life caused by the wrongful act or default of her master, and of the master of the "Hogarth," or of either of them?

The Court was then addressed by Mr. Kenneth Henderson on behalf of the master of the "Mirror" and the Boy Scouts' Association, the owners of that vessel; and by Mr. Bucknill on behalf of the master of the "Hogarth." Mr. Greenwood replied on behalf of the Board of Trade, and the Court thereupon returned the following answers to the questions above set out:—

(1). Both the steamer "Hogarth" and the sailing ship "Mirror" carried the lights required by Bye-laws 28 and 29 respectively of the Bye-laws for the Regulation of the River Thames. The "Mirror" was being overtaken at the time in question by another vessel within the meaning of Bye-law 33 of the said Bye-laws, and she shewed the light required by that Bye-law.

(2). At or about 11 p.m. on the 25th October last, the weather in the locality, about one-and-a-half miles below Gravesend, was not foggy or misty within the meaning of Bye-laws 36 and 37 of the Bye-laws for the Regulation of the River Thames. That being so, Bye-laws 36 and 37 did not apply, and neither vessel made any sound signal required by these Bye-laws.

The "Hogarth" was not under an obligation on approaching the "Mirror" to slacken speed and stop and reverse as required by Bye-law 49 of the said Bye-laws. By an error of judgment the master of the "Hogarth" assumed that he was under such an obligation, and he did in fact slacken speed and stop and reverse, directly he saw the "Mirror's" port light, after the "Mirror's" stern light had been reported.

(3). At the time and in the locality mentioned in the answer to Question 2, the steamship "Hogarth" and the sailing ship "Mirror" were proceeding in such a direction as to involve risk of collision within the meaning of Bye-law 45, and the "Hogarth" was an overtaking vessel within the meaning of Bye-law 52 of the said Bye-laws.

It was not unsafe or impracticable for the "Hogarth" to keep out of the way of the "Mirror," and accordingly she was not required to make, and did not make, the signal by four blasts of her steam whistle in rapid succession prescribed by Bye-law 40 of the said Bye-laws.

The "Hogarth" did not make the sound signals required by Bye-laws 42 and 43 of the said Bye-laws.

Bye-law 45, as above stated, did apply under the circumstances, but

(a) The "Hogarth" did not keep out of the way of the "Mirror" as required by that Bye-law, owing to the failure of those on board the "Hogarth," when going at full speed, to sight the "Mirror" until she was about 300 yards distant, and the consequent error of judgment of the master of the "Hogarth" in porting his helm to pass under the stern of the "Mirror" when it was too late to execute that manœuvre with success.

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- (b) Though the "Hogarth," as above stated, did in fact slacken speed and stop and reverse, it was not necessary, and Bye-law 49 did not, therefore, require that she should have done so. The Court is of opinion that if the "Hogarth" had starboarded her helm and passed to the northward of the "Mirror," the casualty would not have occurred.
- (c) The "Mirror" did keep her course and speed as required by Bye-law 53 of the said Bye-laws.

As above stated, Bye-law 52, as well as Bye-law 45 applied, and the "Hogarth" was an overtaking ship, but

- (i) She failed, for the reasons given in this paragraph (a) of the answer to this question, to keep out of the way of the "Mirror," while
- (ii) The "Mirror" kept her course as required by that Bye-law.

(4). A good and proper look-out was kept on board the "Mirror." The necessary steps were taken to secure a good and proper look-out on board the "Hogarth." An A.B. was stationed at the fore-castle head, and the master and second officer were on the bridge. But for some unexplained reason the stern light of the "Mirror" was neither sighted nor reported until she was about 300 yards distant, though the weather in the immediate vicinity was generally clear. In view, however, of the mist undoubtedly hanging about the south shore, and of the possibility that patches of haze, drifting with the wind from that mist, may have temporarily affected the visibility of the "Mirror's" light, the Court does not feel justified in holding that a good and proper look-out was not kept on board the "Hogarth."

(5). No attempt was made to throw any life-buoys overboard from the "Hogarth," though life-buoys with patent lights for use with them, were available, and ought to have been used. With this exception, every possible effort was made by those on board the "Hogarth" to render assistance to, and to save the lives of, those on board the "Mirror."

(6). The primary cause of the collision was the failure of those on board the "Hogarth" possibly through atmospheric conditions, to sight the stern light of the "Mirror" until she was about 300 yards distant. The immediate cause of the collision was the error of judgment of the master of the "Hogarth," in porting his helm to pass under the "Mirror's" stern when the vessels were too close together for that manœuvre to be successfully accomplished.

As a consequence of, and within about two minutes after the collision, the "Mirror" went down, and four of the persons on board lost their lives. Immediately the vessels collided, the master and crew of the "Mirror" rushed up her rigging to the fore-castle head of the "Hogarth" without taking any effective steps to secure the safety of the eleven boys who were on board; and but for the brave conduct of Assistant-Scout-Masters Vowles and Cornell, it is probable few of these would have escaped. The Assistant-Scout-Masters got the lads up on deck, but in the absence of the master and crew of the "Mirror," the boys lost valuable time by getting into her starboard boat—which was fouled by wreckage and could not be launched—instead of taking at once to the rigging. When they were subsequently got into the rigging by Assistant-Scout-Master Vowles, the "Mirror" was sinking, and the majority were thrown into the water, with the result that Assistant Scout Master Cornell and three of the boys were drowned. The Court is satisfied that Assistant-Scout-Master Cornell lost his life through his heroic self-sacrifice in saving others; and has no doubt that the same may be said of the sea scout C. H. Witt, who acted as boatswain of the boys.

The "Mirror" was seriously damaged as a result of the collision.

(7). The "Mirror" was navigated with proper and seamanlike care. Having taken into consideration all the circumstances of the case, the Court has come to the conclusion that the "Hogarth" was not navigated with proper and seamanlike care.

(8). Neither the serious damage to the sailing ship "Mirror" nor the loss of life was caused by the wrongful act or default of her master and of the master of the "Hogarth," or of either of them.

Judgment was given accordingly in the terms set out in the Report herewith.

I. A. SYMMONS, *Judge*.

12th February, 1914.

We concur,

ERNEST FLEET, }  
J. H. WALKER, } *Assessors.*  
H. E. BATT, }

(Issued in London by the Board of Trade on the 6th day of March, 1914.)