

(No. S. 305.)

"BEN MORE" (S.S.).

The Merchant Shipping Act, 1894.

In the matter of a Formal Investigation held at the Sheriff Court House, Aberdeen, on the 9th, 10th, and 13th days of February, 1912, before Sheriff YOUNG, assisted by Captain A. Wood and Commander C. K. McINTOSH, R.N.R. (Nautical Assessors), and Mr. G. J. LYDAMORE (Fishery Assessor), into the circumstances attending the stranding of the British steamship "BEN MORE," of Aberdeen, on 23rd December, 1911, about half-a-mile south of Inverallochy, Aberdeenshire.

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 stranding of the "Ben More" was caused by the vessel not having made good the course which was set when the vessel was off Rattray Head.

The skipper is in default (a) for not at once attending to the compass when it was reported to him to be defective; (b) for continuing the helmsman (a young deck hand) too long at the wheel without being relieved; and (c) for failing to keep a good look-out.

The Court suspends the certificate of service of the skipper, Thomas Fitzpatrick, No. 0599, for the period of four months from this date. The Court refuses the application of the skipper for a second hand's certificate during the period of his suspension, but recommends the Board of Trade to allow the skipper an opportunity of passing for and obtaining a skipper's certificate of competency.

Dated this 13th day of February, 1912.

A. J. YOUNG, Judge.

We concur in the above Report.

A. WOOD, } Assessors.
C. K. McINTOSH, }

G. J. LYDAMORE, Fishery Assessor.

Annex to the Report.

This Inquiry was held at the Sheriff Court House, Aberdeen, on the 9th, 10th, and 13th days of February, 1912. Mr. Henry Peterkin, solicitor, conducted the proceedings on behalf of the Board of Trade; Mr. R. P. Stott, solicitor, represented the underwriters and owners of the vessel; and Mr. D. M. C. Donald, solicitor, appeared for the master.

The "Ben More," Official Number 108667, was a British ketch-rigged steamship, built of steel at Aberdeen in 1899 by Messrs. Hall, Russell, and Company, Aberdeen, and was of the following dimensions:—Length, 103.77 feet; breadth, 20.25 feet; and depth of hold from top of beam amidships to top of keel, 12 feet. Her gross registered tonnage was 150.75 tons, from which 113.22 tons were deducted for propelling power and crew space. She was registered in the port of Aberdeen, and was owned by Messrs. Richard Irvin and Sons, Limited, of whom Mr. John Hannel Irvin, Albert Quay, Aberdeen, was designated as the person to whom the management of the vessel was entrusted by and on behalf of the owners, under advice received 4th March, 1908.

The "Ben More" was put through her annual survey, under insurance rules, in March, 1911. Previous to this time the vessel was said to have had two compasses, but since then, and at the time of stranding, there was only one compass on board, a liquid compass, which was fitted in the roof of the wheelhouse, by which the courses were steered and the vessel navigated. This compass was adjusted on 16th

June, 1911, by Mr. R. H. Harris, of the firm of Messrs. Stevenson and Harris, compass adjusters, 210, Market Street, Aberdeen, who supplied a deviation card. On this card the compass appears to have been practically magnetic on all courses. The only method the skipper used to verify the correctness of this deviation card, was to note the difference between the courses set and those made good, from point to point, in sailing along the coast. With the exception of having only one compass on board, the vessel seems to have been in good condition and well equipped in other respects.

The "Ben More" left Aberdeen about 1.30 p.m. on the 23rd of December last, bound for the fishing grounds north of the Pentland Firth, her draught of water being 6 feet forward by 12 feet aft. She was under the command of Mr. Thomas Fitzpatrick, who held a certificate of service as skipper, No. 0599, and her crew numbered nine, all told. The weather was fine, with a light breeze from the southward, and smooth sea. Shortly after leaving the harbour, and after the course had been set N.E. ½ E., the second hand, who had steered the vessel out, was relieved at the wheel by a deck hand, named Macallan, who, when he had been at the wheel only a short time, complained to the skipper that he had difficulty in steering a straight course owing to an unusual swing in the compass. The skipper attributed this unsteadiness to the presence in the liquid of a number of air bubbles, and considered that the remedy would be to take the compass down and pour in more liquid; this he intended to do should the behaviour of the compass get worse, or when he got the vessel clear of the land. At about 4.30 p.m. Buchan Ness bore abeam at an estimated distance of 1½ to 2 miles, the vessel, after allowing for inset of tide, having made her course as set with fair accuracy. At this point the course was altered to N.N.E., and continued until, at about 5.30 p.m., Rattray Head was abeam, distant about 2 miles. The vessel again appears to have made the course set fairly well, though it is to be remembered that the distances off the points were only guessed. At this time the weather, which had been hazy over the land, appeared to get thicker, though remaining clear to seawards. The course was now altered to N. by W., and, according to the evidence of the skipper, second hand, and helmsman, the behaviour of the compass got worse, but nothing was done; and though the skipper and second hand remained in the wheelhouse conning the vessel and keeping a look-out, at about 6 p.m. she ran on the rocks, still going at full speed, near the village of Inverallochy, within a quarter of a mile of the shore, her head by compass being still, it is said, N. by W. The engines were put full-speed astern, but the vessel remained fast, and sometime later water came into the vessel in such quantity that the pumps, though working, were unable to cope with it. Shortly after the stranding the coastguard arrived with the rocket apparatus, but their assistance was not required, the sea being so smooth, and ultimately the crew landed in their own boat, the vessel becoming a total wreck.

With regard to the causes that led to the loss of the "Ben More," the initial factor was the failure of the skipper to ascertain and remedy the defect in the compass which was reported to him, and which he himself observed between Aberdeen and Buchan Ness. His fault in this respect was aggravated by the fact that there was no spare compass on board with which to replace the defective one should he be unable to put it right. He stated in extenuation of this neglect that he considered it dangerous to interfere with the compass until the vessel was clear of the land and away to sea, when, he stated, he intended to unship the compass and fill it up with liquid, and so expel the air bubbles, which was all he considered it required to put it right. The Court considers that this matter should have had his prompt attention, so that if there were found in it any defect beyond his, the skipper's, power to remedy, he could have returned to port and have procured another compass. Whereas had he been at sea and there found his compass useless, in the event of thick weather, he would have had no means of setting and keeping a course. The skipper did not ascertain the position of his vessel off Rattray Head further than estimating the distance by the eye; but having only a service certificate, it is questionable if he knew how this was to be done by bearings of a single object; the second hand, apparently, was not possessed of this knowledge, and the only method the skipper had for verifying the deviation on the card supplied by the compass adjuster, was by comparing the course set

and steered with that made good from point to point along the coast.

The Court also finds the skipper in default for the length of time—over four hours—during which he allowed a young deck hand to remain at the wheel without any respite, and this may have been a factor in the stranding of the vessel.

The Court has found difficulty in determining to what extent the casualty was due to the defect in the compass. For about 30 miles, after the defect was complained of, the vessel practically made good the courses set and steered, and according to the helmsman's statement he steered these courses entirely by the compass, and paid no regard to the land. Yet, after passing Rattray Head, in going a distance of only six miles, the vessel went three miles off her course to the point of stranding. Now, if this departure were entirely due to the swinging and hanging of the compass, the course would have been so extremely erratic, and the steering so wild, that suspicion must have been aroused as to the uncertainty of the course the vessel was making. The Court has grave doubts, therefore, whether or not the ship may have been accidentally steered towards the land, off the course which was set. A young, inexperienced fisherman was at the wheel, and at the time the vessel stranded had been there without intermission, steering by a compass placed above his head, for over four hours, and it is quite possible, through being wearied and inattentive, he may have mistaken one point for another. As opposed to this solution, it was stated that both the skipper and second hand were also in the wheel house looking after the steering; but as they failed to see the land, when according to the evidence it should have been seen had a good look-out been kept, it is improbable that they were paying special attention to the steering. The Court notes this as a possible cause, but there was no direct evidence to support it.

With regard to the thickness of the atmosphere, all the evidence is to the effect that the weather was quite clear on the water, but that on the land there was a "frost haze." The coastguardsman, who spoke as to the condition of weather on shore, said that it was not very hazy, that he could see objects at a considerable distance, and that when he arrived at the "Ben More" he saw her from the beach lying with her head in a westerly direction. But taking the evidence from the "Ben More" alone, according to which it was clear weather where they were, but the haze over the land so completely obscured it, as to render it invisible when they were within a quarter of a mile of it. Even if this were so, had such a bank of fog, which according to their own showing was a land haze, been duly observed it should have aroused suspicion, and called attention to the danger into which the vessel was running.

Apparently, after passing Rattray Head, and after having set a course which should have taken the vessel away from the land, the skipper's mind was at rest; and the defect in the compass, although possibly magnified in the witness box, did not at the time seem to have caused him any great anxiety.

Though the Court has been forced by the evidence to find the skipper in default on several heads, the default is not of a very grave character in any point, and is largely due to deficient knowledge of navigation; and the Court being favourably impressed by the skipper's bearing and attitude during the investigation, would, while suspending his certificate, recommend the Board of Trade to grant him permission to appear for examination, and attain a certificate of competency as skipper, as soon as he acquires the knowledge necessary to pass such examination.

The Court also considers that every fishing vessel such as the "Ben More" should have a spare compass on board; and that where the navigating compass is carried in the roof of the wheelhouse there should be an arrangement by "Dumb Card" or otherwise to enable accurate bearings to be taken in all directions. This is the more necessary in trawlers, seeing the importance to them of being able to determine by means of cross bearings their distance from the land when trawling.

At the conclusion of the evidence, the following questions were submitted on behalf of the Board of Trade for the opinion of the Court:—

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. When was the compass found to be out of order? Was the skipper justified in continuing the voyage thereafter?

5. Were proper measures taken to ascertain and verify the position of the vessel when abeam of Rattray Head light? Was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tide and currents?

6. Having regard to the state of the weather after about 5.15 p.m. on the 23rd December last—

(a) Was the vessel navigated at too great a rate of speed?

(b) Was the lead used, if not, should it have been used?

7. Was a good and proper look-out kept?

8. What was the cause of the stranding of the vessel? Was she seriously damaged thereby?

9. Was the vessel navigated with proper and seamanlike care?

10. Was serious damage to or the loss of the steamship "Ben More" caused by the wrongful act or default of the skipper?

The Court answered the questions as follows:—

1. The vessel had only one compass. According to the evidence this compass was not in good order, and, therefore, not sufficient for the safe navigation of the vessel. The compass was last adjusted on the 16th June, 1911, by Messrs. Stevenson and Harris, compass adjusters, of Aberdeen.

2. The skipper stated that he checked the errors of his compass only by observing the courses made good between points of land. There was no evidence before the Court to show that errors were correctly ascertained and proper corrections were applied.

3. The vessel was supplied with sufficient charts and sailing directions.

4. The helmsman reported to the skipper, shortly after leaving Aberdeen, that the compass was swinging to an unusual extent, and that he had a difficulty in steering a straight course. Assuming this to be true, and considering that there was no spare compass on board, the skipper was not justified in proceeding until he had satisfied himself that the fault was such as he could remedy, and until he had actually done so and made sure that the compass was acting correctly before leaving the vicinity of the port.

5. Proper measures were not taken to ascertain and verify the position of the vessel when abeam of Rattray Head light. According to the evidence a safe and proper course was then set, and, it is said, steered; due and proper allowance was made for tide and currents.

6. Having regard to the state of the weather after about 5.15 p.m. on the 23rd December last—

(a) The vessel was not navigated at too great a rate of speed.

(b) The lead was not used, its use not being necessary.

7. It does not appear that a good and proper look-out was kept.

8. The cause of the stranding of the vessel was that the course set by the skipper, when off Rattray Head, was not made good. The vessel became a total wreck.

9. The vessel was not navigated with proper and seamanlike care.

10. The loss of the steamer "Ben More" was caused by the default of the skipper, Mr. Thomas Fitzpatrick.

A. J. YOUNG,
Judge.

A. WOOD,
C. K. McINTOSH, } Assessors.

G. J. LYDAMORE,
Fishery Assessor.