

(No. 7516.)

“BAYARDO” (S.S.).

In the matter of a Formal Investigation held at the Law Courts, Hull, on the 28th and 29th days of February, and 1st and 2nd days of March, 1912, before J. G. HAY HALKETT, Esquire, assisted by Commander G. K. WRIGHT, R.N.R., and Commander A. S. HOUSTOUN, R.N.R., into the circumstances attending the stranding and subsequent loss of the British steamship “BAYARDO” near No. 10 Buoy, River Humber, on the 21st January, 1912.

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 and subsequent loss of the vessel were caused by the master not continuing the N. by E. course long enough to enable her to get into the channel, his proceeding in thick weather without being able to distinguish any marks, and his failure to realise from the soundings that she was not in the channel.

The Court finds the master, Mr. Frederick Richard Soulsby, in default, but on account of his long and excellent record it refrains from dealing with his certificate. It severely censures him.

Dated this 2nd day of March, 1912.

J. G. HAY HALKETT,
Judge.

We concur in the above Report.

GEORGE K. WRIGHT, }
A. S. HOUSTOUN, } Assessors.

Annex to the Report.

This inquiry was held at the Law Courts, Hull, on the above-mentioned days, when Mr. H. Leicester Saxelby appeared for the Board of Trade, and Dr. T. C. Jackson for the master. Mr. H. C. Lambert watched the case on behalf of the owners.

The steamship “Bayardo,” Official Number 132,256, was a British steamship built of steel at Hull, in 1911, by Earle’s Shipbuilding and Engineering Company, Limited, and her respective dimensions were:—Length, 331 feet; breadth, 47.2 feet; depth of hold, 24.63 feet; gross tonnage, 3,471.39 tons; and registered tonnage, 1,897.7 tons. She was fitted by her builders with triple-expansion engines of 288 h.p. (nominal), the diameters of her cylinders being 28 inches, 45½ inches, and 76 inches, respectively, her stroke being 3 feet 9 inches, and her speed is given in the register as 15 knots. She had eight water-ballast tanks, with a capacity of 636 tons. She was owned by Messrs. Thomas Wilson, Sons, and Company, Limited, Mr. William Joseph Tarn, of Hull, being her registered manager. She had six lifeboats and two smaller boats, capable of accommodating 422 persons. She carried eight lifebuoys and 713 lifejackets. She was also provided with a Walker’s patent cherub taffrail log, with a patent sounding machine, and with a double set of deep-sea and hand leads and lines. She was well fitted and found in all respects for the trade in which she was engaged.

The “Bayardo,” at about 6 p.m. of the 19th January last, left Gothenburg for Hull with a crew of 44 hands, all told, under the command of her master, who holds a certificate of competency as ordinary master, No. 06997, and dated 16th February, 1883. She had 42 passengers on board—she was certified to accommodate 635—and carried 1,800 tons of general cargo.

Nothing eventful occurred on the voyage across the North Sea or up the Humber until about 6.40 a.m.

of the 21st January, when the vessel arrived off Paull, where she was only about 4½ miles from her destination—the Riverside Quay. Her draught then was 18 feet forward and 20 feet aft. Just before this time it had come in foggy, and at 6.40 the master ordered the anchor to be let go, and the ship was brought up in seven fathoms of water. She lay at anchor until about 7.15, when, as the fog lifted sufficiently to enable the master to see No. 7 buoy light, bearing S. by E. (magnetic), at a distance which he estimated at from two to three ship’s lengths, he considered it safe to proceed and ordered the anchor to be hove up. The point of departure at this time was no doubt substantially accurate, although the distance from the buoy was only arrived at by estimation. High water on the morning in question was at 7.37 at Hull, and as there had been a new moon on the 19th, it was the top of spring tides—the rise and fall being about 21 feet.

From the anchorage off Paull, where the vessel rode to the flood, she was turned under a starboard helm at half speed until she headed about N.E. (magnetic), when the master stopped the engines and let her continue to turn until she headed N. by E. (magnetic). The engines were then put slow ahead on this course with the view of taking her over to her proper side—the north side—of the channel, but no careful estimation appears to have been made of the time that this would take. The master only kept her on this course for a very few minutes—the helmsman did not remember that she was ever put on it—and he certainly did not keep her on it long enough to take her across the channel or even as far as mid-channel, the reasons for this being that he admittedly over-estimated both the speed of his vessel and the effect of the flood tide, which at this time was practically spent. From leaving the anchorage until the casualty, leadsmen made almost continual soundings, which were reported to the master who was on the bridge. After the very short period on the N. by E. course, the master put the vessel, the engines continuing slow, on a magnetic course of N.N.W. ½ W., which course, if its point of departure had not been too much to the southward, would have been a safe and proper course for that reach of the river, but as things were, was not a safe or proper course. Very soon after this course was set, the vessel must have passed close to No. 8 buoy, which ought to have been seen, and was not seen. This fact, apparently, did not trouble the master, who was confident, on the slenderest grounds, that he was on the north side of the channel, but it shows that the fog had by this time thickened again very considerably. Then, or soon after, the master should have realised that it was unsafe to proceed. During the N.N.W. ½ W. course the soundings reported were seven to eight fathoms. These depths do not, in the then state of the tide, agree with the greater depths of water which the master would have found on most of the course which, at the inquiry, he laid off on the chart as the one on which he believed he was—near the north side of the channel. He stated that he knew he was not in the deepest water of the channel, but these uniformly shallow soundings are inconsistent with her being in the channel at all, and he had no more reason for supposing he was on one side of it than on the other. Indeed, a more or less uniform series of shallow soundings is, from the conformity of the banks, more likely to be obtainable on the south side than on the north side—but well out of the channel. A few minutes after the vessel had been on the N.N.W. ½ W. course, the master altered it (the engines still going slow) to a magnetic course of N.W. by W. ½ W., on which similar soundings were got. The same remarks apply to this course and to the soundings obtained upon it as applied to the former course and soundings. It may, however, be added that from what must have been the original point of departure after the short N. by E. course, this course actually headed for the sandbank, and upon it the vessel passed to the southward of No. 9 lighted buoy, which was not sighted until well after it had been passed. At the point on the course when the master expected to pass No. 12 buoy on the north side of the channel and No. 9 lighted buoy on the south, and saw neither, he ought to have realised that the weather had again become too thick for him to attempt to proceed further, and

have made at once for a safe anchorage. But he kept his vessel on her course in the fog, contenting himself—as the only precautions against uncertainty—with the casts of the lead and with keeping his engines alternately slow ahead and stopped. If he had looked at the chart at this time, or prior to it, he would have seen that he was out of the channel, and by altering the course of his vessel for a few moments he would have realised from the soundings which way the water shoaled.

The fog and the smoke, driven down the river by a gentle breeze from the westward, came, apparently, in patches, so that the master and second officer sighted the No. 9 lighted buoy—which had not been reported from the forecastle head—when it was three or four points abaft the starboard beam. The master then for the first time realised that he was on the bank to the southward of the channel, and ordered the helm to be ported and the vessel put on a N.W. by N. course. Up to then the soundings reported had been still from six to eight fathoms. Just as the helm was being ported, an unlighted buoy was reported before the beam on the port side, but the markings on it were indistinguishable in the half-light. Taking this buoy to be No. 10 buoy, the master ordered the helm to be starboarded, and as the order was being carried into effect another unlighted buoy was reported, right ahead. The master then knew that he had made a mistake, and that the buoy ahead, and not the one he had starboarded for, was No. 10 buoy—the one he had starboarded for was the East Deposit Bell Buoy, the bell on which was not heard. So he stopped the engines, put the helm hard-a-port, and sent the second officer below for the chart to see if he had sufficient water to enable him to come out of the position that he was in at the time. After looking at the Admiralty sheet (Hull Road, No. 3497 survey, 1909, small corrections up to December, 1911), in which he stated he had every confidence, and finding 7, 8, and 9 feet at low water marked on this part of the bank, he concluded that he had sufficient water to put the engines slow ahead again. He then got 5 fathoms and $4\frac{1}{2}$ fathoms from the leadsmen, which satisfied him as corresponding with the water which, according to the chart, he should have been getting. The next sounding he got was $3\frac{1}{2}$ fathoms, and he said that he also got one of 3 fathoms, but this Dick, who was leadsmen at the time, did not remember. Upon which the master said something to the second officer, and looking over the side saw that the ship was not moving, that she was aground, although there was no perceptible shock. The vessel stranded, heading N. by W. $\frac{1}{2}$ W. (magnetic), at 7.40 a.m. at a point near the eastern extremity of the Hull Middle, which is immediately opposite the Alexandra Dock extension—No. 10 buoy bore N.W. (magnetic), 3 to 4 ship's lengths off, and East Deposit buoy, S.S.W., 2 to 3 ship's lengths off—the depth of water at the place according to the above-mentioned chart being eight feet at low water. After the stranding, soundings round the vessel disclosed the fact that she had 21 feet of water fore and aft, but only 19 feet amidships.

Whenever the master found that his vessel was aground, he ordered the engines to be put alternately full speed ahead and astern, but for the most part astern. When he found that she did not move he ordered the only full tank on board—the engine-room tank—to be pumped out, but this was of no avail. The engines were kept at full speed in the same manner as before, with the aid of three tugs, until about 9.20, when, as it became impossible on account of the falling tide to attempt to move the vessel, the engines were finally stopped. About two hours after this, viz., at about 11 a.m., the stokehold plates started to move, rivets to fly, the boiler to lift, and the ship (which had broken her back) to make water. Early in the forenoon, viz., about 10 a.m., the saloon and second-class passengers and their baggage were put ashore by one of the owners' tugs, and at about mid-day the third-class passengers, and later on their baggage, were put on the tug by the ship's boats. At low water the sand bank on which the vessel was stranded was dry, instead of there being, as according to the chart, eight feet of water upon it.

All the ship's company remained on board throughout the day of the 21st and during the following night. At high water on the evening of the 21st part of the cargo was discharged into lighters, but as the ship had filled again as the tide rose, it became

obvious that there was no chance of getting her off. The master and crew went ashore in tugs at high water on the morning of the 22nd. It was subsequently found impossible to do anything to save the vessel, and she has become a total loss.

The master of the "Bayardo" has been for 33 years in the service of the owners, for the last $21\frac{1}{2}$ years of which he has been master of one of their vessels. He is unquestionably a man of the highest character and capacity, possessing a long and unblemished record. It is alone in consideration of these facts that the Court has refrained from dealing with his certificate. His position in the river after the short N. by E. course had no element of certainty to mark it. All his subsequent courses in the then foggy weather depended upon its exactitude, upon his slow and intermittent speed, and upon the use he made of the soundings reported to him. As has been pointed out, these soundings ought to have shown him that his vessel was not in the channel, and he, of all men, considering the length of his experience of the Humber, ought to have realised the danger of being out of the channel. This danger would have been avoided if, when the weather thickened again, he had at once sought safe anchorage. Then at the very last moment, after No. 10 Buoy had been sighted, he showed some ignorance in trusting implicitly to the chart regarding the depths on the sand bank. As Captain Heming, R.N., the Humber Conservator, on whose survey the chart was prepared in 1909, stated, in evidence, the rise since the survey of about seven feet in the sand bank at the place of stranding was no abnormal rise, considering the speedy and enormous fluctuations which take place in these banks. Possibly, if the bell on the eastern extension buoy had been sounding, the casualty might have been averted. This fact, however, does not exonerate the master, who had no business to be anywhere near it, and it is only mentioned at all on general grounds. In fogs, when bells are most needed, there is seldom enough wind or motion of water to cause them to be heard, and for this reason the Court is of opinion that mechanically rung bells are far preferable to those which are merely suspended in buoys.

At the conclusion of the evidence Mr. Saxelbye, on behalf of the Board of Trade, submitted the following questions 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 a safe and proper anchorage taken up in the river Humber at or about 6.40 a.m. of the 21st January last?
 4. Having regard to the state of the weather, was the master justified in resuming his voyage up the river at or about 7.15 a.m. of the 21st January last?
 5. Were safe and proper courses steered at or about and after 7.15 a.m. of the 21st January, and was due and proper allowance made for tide and currents?
 6. What was the buoy seen and reported on the port bow shortly before the stranding, and was the master justified in taking it for No. 10 buoy?
 7. Was a good and proper look-out kept?
 8. Was the lead used with sufficient care and frequency?
 9. Was the vessel navigated with proper and seamanlike care?
 10. What was the cause of the stranding of the vessel?
 11. Was serious damage to the steamship "Bayardo" caused by the wrongful act or default of the master?
- Dr. Jackson having addressed the Court on behalf of the master and Mr. Saxelbye having replied on behalf of the Board of Trade, the Court gave judgment, and returned the following answers to the questions of the Board of Trade:—

1. The vessel had three compasses in position, viz., one in a binnacle in the wheelhouse (by which the courses were set and steered), one on the bridge in front of the wheelhouse (which was only used for the

purpose of comparison), and a compass aft (which was not used at all). The two first-named compasses were in good order and sufficient for the safe navigation of the vessel, and they were last adjusted on the 25th July, 1911, by Messrs. Castle and Company, Hull.

2. The master did ascertain the deviation of his compasses by observation from time to time, the errors were correctly ascertained and the proper corrections applied to the courses.

3. As a thick fog prevailed in the river Humber at about 6.40 a.m. of the 21st January last, in which it would have been unsafe to proceed further, the anchorage then taken up was a safe and proper one.

4. The fog having lifted sufficiently to enable the master to see the light on No. 7 buoy at a distance which he estimated at from two to three ship's lengths, he was justified in resuming his voyage up the river at or about 7.15 a.m. of the 21st January last.

5. The course of N. by E. (magnetic), which was set at about 7.15 a.m. of the 21st January, was a safe and proper course, but was not continued long enough to take the vessel into mid-channel. Owing to this fact, the vessel was well to the southward of mid-channel when the N.N.W. $\frac{1}{2}$ W. (magnetic) course was set. Under these circumstances that course and subsequent courses were not safe and proper. As the fog again thickened and prevented the master from making out any buoys, marks, or lights from soon after the time he got under weigh until just before the casualty, about 25 minutes later, the Court is of opinion that he should at once have sought out another safe anchorage and remained there till the weather cleared.

6. The buoy seen and reported on the port bow shortly before the stranding was the East Deposit buoy. Considering the darkness, the state of the weather, and the similarity between the two buoys, the master was justified in taking that buoy for No. 10 buoy.

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

8. The lead was used with sufficient care and frequency, but the master did not draw the deductions from the soundings reported to him which, as an experienced navigator of the Humber, he ought to have drawn.

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

10. The stranding of the vessel was caused by the master not continuing the N. by E. course long enough to enable the vessel to get into the channel, his proceeding in thick weather without being able to distinguish any marks, and his failure to realise from the soundings that his vessel was not in the channel.

11. The loss of the steamship "Bayardo" was caused by the default of the master. Taking into consideration his long and excellent record, the Court refrains from dealing with his certificate, but severely censures him.

J. G. HAY HALKETT,
Judge.

We concur.

GEORGE K. WRIGHT, } Assessors.
A. S. HOUSTOUN, }

(Issued in London by the Board of Trade on the
16th day of March, 1912.)