

(No. S. 310.)

"MAUD" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at Liverpool, on the 23rd, 24th, and 25th days of April, and the 7th May, 1912, before STUART DEACON, Esquire, Stipendiary Magistrate, assisted by Captain J. L. LEFTWICH, Captain W. A. FAUSSET, JOHN McLAREN, Esquire, and G. J. LYDAMORE, Esquire, into the circumstances attending the stranding of the British steamship "MAUD," at or near Cornah, Isle of Man, on or about the 19th 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 causes of the stranding of the vessel were:—

- (a) The skipper, while in thick weather, and uncertain of his position, continuing on a course set direct for the land.
- (b) The skipper making no allowance for a tide setting strongly with him for about three hours.
- (c) The skipper neglecting to pay any proper attention to the navigation of his vessel.

The skipper was guilty of wrongful act and default, both in navigation and in the discharge of his other duties as skipper of the vessel.

The Court acquits the chief engineer of any blame in the matter, and, as regards the boatswain, the Court, while not entirely satisfied with his conduct, does not think it necessary to censure him. The Court suspends the certificate of the skipper for six months.

Dated this 7th day of May, 1912.

STUART DEACON,
Judge.

We concur in the above Report.

J. L. LEFTWICH, W. A. FAUSSET, JOHN McLAREN, G. J. LYDAMORE,	}	Assessors.
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Annex to the Report.

This Inquiry was held in the Magistrate's Room, Dale Street, Liverpool, on the 23rd, 24th, and 25th April, and the 7th May, 1912. Mr. J. Paxton (Avison and Co.), appeared for the Board of Trade, Mr. Russell Roberts represented the owners (The Lancashire Steam Fishing Company, Limited, Fleetwood), and Dr. T. C. Jackson, of Hull, appeared for the underwriters (The Hull Steam Trawlers' Mutual Insurance and Protecting Company, Limited), with whom the vessel was insured. The skipper, Mr. Thomas Hornby, the chief engineer, Mr. W. H. Ellam, and the boatswain, Mr. John Cropper, who were parties to the Inquiry, were not legally represented, but appeared in person.

The "Maud," Official Number 122932, was a steel screw steam trawler, built at Goole in 1905 by the Goole Shipbuilding and Repairing Company, Limited. She was 125 feet in length, 22 feet in breadth, and 12-12 feet in depth of hold. She was ketch-rigged, and was fitted with one set of triple vertical direct-acting surface-condensing engines of 52 nominal horse power, built by Earle's Shipbuilding and Engineering Company, Limited, of Hull, and designed to give her a

speed of ten knots. The diameters of the cylinders were 12 inches, 20 inches, and 32 inches respectively, with a stroke of 24 inches. She was owned by the Lancashire Steam Fishing Company, Limited, of Fleetwood, and Mr. James A. Robertson, 91, Bold Street, Fleetwood, was the manager.

The vessel had three compasses, and a boat carried aft on the skylight on chocks, and the full complement of lifebuoys and lifebelts. She had a blue-backed chart of the East Coast of Ireland and the Irish Channel and the accompanying sailing directions. She had a lead and a Walker's Cherub Taffrail log.

On the 19th January last the "Maud" left Fleetwood at about 1.20 p.m., bound for the fishing grounds off Peel, Isle of Man. She was drawing 7 feet 6 inches forward and 14 feet 6 inches aft, and was in charge of the skipper, Mr. Thomas Hornby, who held a fishing certificate, number 7608. She had a crew of nine hands all told.

According to the evidence of the skipper and other members of the crew, the vessel passed the Lune Buoy at about 2.40 p.m. the same day. The Court cannot, however, accept this evidence as to the time of passing the buoy.

At 6.15 p.m., that is three hours and thirty-five minutes afterwards, the log showed 40 miles, which is about 10 miles in excess of what could be expected of an ordinary 9-knot boat (which, according to the evidence, she was), and also a distance she could not possibly cover in the time, even if pressed. The log was stated by the skipper to be correct.

The skipper of the trawler "Belovar" stated that he passed this buoy at about 1 p.m., and that the "Maud" overtook and passed him between 3.30 p.m. and 4 p.m. This vessel had a speed of about a knot less than the "Maud." The skipper of the "Maud" stated that he saw another trawler ahead of him a couple of miles when passing the buoy. Taking into consideration the fact of the discrepancy of the distance on the log and the evidence of the skipper of the "Belovar," together with the total distance of 47 miles the ship had made at 6.35 p.m., when she finally got ashore, the Court came to the conclusion that she must have passed the Lune Buoy about 2 p.m.

There was a light easterly air, a smooth sea, and the weather was hazy. The log was streamed and the course set was N.W. $\frac{1}{2}$ N. by the compass in the roof of the wheel-house, the skipper intending to steer to pass the Bahama Bank Light-vessel on his starboard hand. The deviation card supplied to him showed a deviation of half-a-point westerly on this course, but he ignored this error, saying that he thought his compass was correct and that he had steered that same course on two previous voyages. The effect would be that he was steering further to the south and, therefore, in hazy weather would not be so likely to pick up the light-vessel as if he had steered as he had intended. After passing the buoy the deck hand, Hickson, took the wheel, receiving from the skipper, he stated, the course N.W. northerly, which is half a point more to the westward than what the skipper said he gave, and this course was steered until she stranded. The skipper stated he then left the bridge with the intention of going below, and as he went he called out to the boatswain, giving him the course N.W. $\frac{1}{2}$ N. and telling him to call him at 6.15 p.m. if he was not on deck before. He could not say the boatswain answered him, but said some one did.

The boatswain, John Cropper, the second hand, Frederick Jackson, and a deck hand, John William Matthews, were busily engaged bending a new trawl, a work which would occupy their full attention for some considerable time. They all denied receiving any orders except to get the trawl ready, but the second hand heard the course given to the man at the wheel N.W. $\frac{1}{2}$ N.

The Court is of opinion that the skipper gave no orders to the boatswain or second hand about the navigation of the vessel, and that he was not justified in leaving the vessel in sole charge of the man at the wheel.

The skipper went below and, according to his statement, got into his bunk to read, and unintentionally fell asleep.

At about 5 p.m. the second hand ordered the side lights to be put out, and soon after he went on the

bridge and found the boatswain, who had just relieved Hickson, at the wheel, steering N.W. He said to him he ought to steer N.W. $\frac{1}{2}$ N., but the boatswain denies that he had any conversation about the course. The facts that he ordered the side lights to be shown and interfered about the course would seem to show that at the time, between 3 p.m. and 5 p.m., he considered himself then in charge of the vessel. He also used the expression to the boatswain about 5 p.m. "You take her now," which confirms this view. He, however, emphatically denied that he ever, that afternoon, was in charge of the vessel.

The second hand stated they could see about half a mile, the skipper of the "Belovar," who could not have been very far from the "Maud," however, stated that at 4.45 p.m., not being able to see more than three ship's lengths, he stopped for the weather to clear.

The Court is of opinion that the weather from 5 p.m. was very thick.

The vessel proceeded with the boatswain at the wheel and Hickson looking out through the window in the fore side of the wheelhouse. At 6.15 p.m. the skipper (who supposed either that he had woke up himself or been called by the steward) came on deck and looked at the log and saw that it registered 40 miles. It did not seem to surprise him that she had made such a distance, nor had he in his mind at the time allowed for the three hours of ebb tide which had been running with him.

He stated it was dark and foggy, and he called down the engine room "Put her slow," which was done. He did not go on the bridge to look for the Bahama Bank Light-vessel, and he did not instruct the boatswain to look out for it, nor ask him if he had seen it. He gave no other orders, but went below to get, as he stated, his jacket. However, he must have remained below some time, as he only reached the bridge just as the vessel took the ground at 6.35 p.m.

The second hand from the deck a minute before had called out "Land ahead" to the boatswain and Hickson. The engines were put full astern and the helm hard-a-starboard, but the vessel remained fast.

There is some conflict of evidence regarding the time which elapsed between the order being given "Full astern" and its being carried out by the engineers. The skipper and some of the crew on deck stated it was some minutes. The Court, however, accepts the evidence of the engineers that there was no delay.

The place at which the vessel stranded was on Cornah Beach, just south of Manghold Head, Isle of Man. There was a moderate sea. No efforts seem to have been made to ascertain the damage, or to run out an anchor, or to take any precautions usual in such circumstances, for immediately the vessel struck the boat was got ready and put over the side, and the crew went ashore without difficulty.

The reason given by the skipper for so hurriedly leaving the vessel was that she was bumping heavily and shipping water. The next morning, the 20th January, the skipper returned and found the tide flowing in and out of the vessel.

On the 21st January a vessel called the "Rose Ann" made an unsuccessful effort to float her. She was got off on the 22nd by the salvage steamer "Ranger" and towed to Douglas, where some of the rivets were plugged up.

On Wednesday, the 24th January, she proceeded under her own steam to Fleetwood, escorted by the salvage boat "Ranger." She arrived there safely and was placed on the slip for repairs.

At the conclusion of the evidence, Mr. Paxton, for 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 skipper 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. Were proper measures taken to ascertain and verify the position of the vessel when off the Lune Buoy on the 19th January last; was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tides and currents?

5. Was the lead used at any time after passing the Lune Buoy on the 19th January last, if not, should it have been used?

5A. Was the skipper justified in going below about 3 p.m.? Whom did he leave in charge of the ship, and did he give proper directions as to the course?

6. Having regard to the state of the weather on the afternoon of the 19th January last, was the vessel navigated at too great a rate of speed? Was the skipper justified in proceeding after 5 p.m.?

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

8. Was there any delay in carrying out any orders received in the engine room from the deck on the afternoon of the 19th January last? If so, what was the cause of it?

9. What was the cause of the stranding of the vessel, and was she seriously damaged thereby? Was every effort made to get her off before the crew left her?

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

11. Was serious damage to the s.s. "Maud" caused by the wrongful act or default of the skipper, boatswain, and chief engineer, or any of them?

Mr. Russell Roberts for the owners, and Dr. T. C. Jackson for the underwriters, having addressed the Court, and the skipper having spoken on his own behalf, the Court gave judgment as above, and returned the following answers to the questions of the Board of Trade:—

1. The vessel had three compasses, of which two were in position, one on the top of the wheelhouse by which the courses were set and the vessel navigated, and a pole compass in front of the wheelhouse. Both these latter compasses were in good order and sufficient for the safe navigation of the vessel, and they were last adjusted in May, 1911, by Mr. Cousens, of Fleetwood. The third compass was a spare one in the cabin.

2. The skipper did not ascertain the deviation of his compasses by observation from time to time. He stated that he did not understand how to correct his compass by observation of the sun. He had a card of deviations supplied in May, 1911, by Mr. Cousens, of Fleetwood, but in setting the one course with which the Court has to deal he never referred to his deviation card, and ignored the deviation as given in the card; therefore the proper correction to the course was not applied.

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

4. Proper measures were taken to ascertain and verify the position of the vessel when off the Lune Buoy on the 19th January last; but in stating that he was off the Lune Buoy about 2.40 p.m., the Court is of opinion that the skipper was in error, and that the vessel must have passed the Lune Buoy about 2 p.m. As regards the course set, the Court, in view of the facts (a) that the weather was hazy, and (b) that the skipper while intending to steer for the Bahama Bank Light-vessel in order to sight it, set a course without allowing for the half point of westerly deviation shown on the card, and thus took the vessel further to the south of the lightship, is of opinion that the course set, though not actually an improper one, was not the one the skipper intended to steer. Had the skipper allowed for the westerly deviation and steered half a point more to the north he would have made a more direct course for the light-vessel, and his chance of picking up the light in foggy weather would have been considerably increased. It must be, however, observed, that there was a conflict of evidence regarding the course which was actually set. The skipper stated that he gave the course N.W. $\frac{1}{2}$ N., but the man at the wheel stated the course given to him by the skipper to be N.W. (Northerly). This latter course was actually steered by him and passed on to the boatswain who relieved him at 5 p.m. No allowance was made for tides and currents, and there should have been.

5. The lead was not used at any time after passing the Lune Buoy on the 19th January last, and, owing to the nature of the soundings, the lead could not have been of much use as a guide to the ship's position.

5A. The skipper was not justified in going below after passing the Lune Buoy, considering that a new trawl had to be bent, and that the skipper knew that this would engage the attention of all hands for some

considerable time, thus leaving the man at the wheel (who was only a deck hand) alone on the bridge. With the exception of giving the man at the wheel the course and leaving him there, the skipper does not appear to have left any person in charge.

6. The vessel was navigated at too great a rate of speed, and the skipper was not justified in proceeding after 5 p.m. as the weather was then foggy.

7. A good and proper look-out was not kept.

8. The Court accepts the evidence of both the engineers, and believes there was no delay in carrying out any orders received from the deck on the afternoon of the 19th January last.

9. The direct causes of the stranding of the "Maud" were:—

(a) The skipper, while in thick weather and uncertain of his position, continuing on a course set direct for the land.

(b) The skipper making no allowance for a tide setting strongly with him for about three hours.

(c) The skipper neglecting to pay any proper attention to the navigation of his vessel.

The vessel was seriously damaged thereby. No effort whatever was made to get her off before the crew left.

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

11. The serious damage to the s.s. "Maud" was the direct result of the skipper's wrongful act and default, both in navigation and in the discharge of his other duties as the skipper of the vessel. The Court acquits the chief engineer of any blame in the matter, and as regards the boatswain, while the Court is not entirely satisfied with his conduct, the Court does not, under the circumstances, think that he should be censured.

STUART DEACON,
Judge.

We concur in the above Report.

J. L. LEFTWICH,
W. A. FAUSSET,
JOHN MCLAREN,
G. J. LYDAMORE, } Assessors.

Liverpool, 8th May, 1912.

(Issued in London by the Board of Trade on the
7th day of June, 1912.)