

“VINE,” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at Middlesborough on the 3rd and 5th days of February 1877, before H. C. ROTHERY, Wreck Commissioner, assisted by Commander FORSTER, R.N., and Captain CASTLE, Assessors, into the circumstances attending the stranding of the steamship “VINE,” of Hull, on the Redcar Rocks, on the 20th January 1877.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons stated in the annexed judgment, that the stranding of the said ship was due to negligence in the navigation thereof by Alexander Marshall, the master; (1) for not having ascertained his exact position by cross bearings, when off Flamborough Head and Whitby; (2) for not having attended to the deviation of his compasses as shown on the deviation cards; (3) for not having made due allowance for the set of the tide towards the shore; and (4) for having mistaken furnace lights for the Seaton Carew and Hartlepool Heugh Lights.

The Court accordingly ordered his certificate to be suspended for six months from this day, but recommended that during the period of its suspension he should be allowed a first mate's certificate.

The Court is also of opinion that there should be no costs of this investigation to anyone.

Dated this 5th day of February 1877.

(Signed) H. C. ROTHERY, Wreck Commissioner.

We concur in the above report.

(Signed) GEORGE H. FORSTER, } Assessors.
JOHN S. CASTLE, }

Judgment.

The Commissioner. The circumstances of the present case as disclosed in the evidence which has been given before us are so clear that, having heard all that has been urged by Mr. Jackson on behalf of his client, and what has been stated by Mr. Ravenhill on behalf of the Board of Trade, I have no hesitation in at once delivering the judgment of the Court.

The “Vine” was an iron screw steamship of 545 tons gross, and 424 tons net register, and she was built at Kingston-upon-Hull in the year 1866. She had engines of 80 horse power, and at the time when the casualty which forms the subject of the present inquiry occurred was owned by Mr. Edward Leetham, and others, of Hull.

On the morning of the 14th January last she left Goole in water ballast for Hartlepool, there to load coals. Her crew at the time consisted of 15 hands all told. There was a master, two mates, a boatswain, a steward, two engineers, a donkeyman and two firemen; and in addition the consulting engineer of the company was going in her, but only as a passenger. When she left Goole she seems to have drawn 6 feet forward and 10 feet aft. She had two compasses, a steering compass aft and a pole compass over the bridge. And we are told, and we have no reason to doubt it, that she was in every respect well and sufficiently equipped.

She reached Grimsby Roads the same evening, and the following morning proceeded to sea. She had got about 12 miles past the Spurn Light, when the engines suddenly broke down, and she was compelled to accept the services of a tug to take her back to Grimsby. On her arrival at Grimsby, it was found, on examining the engines, that at the bottom of one of the cylinders was a bolt 1 inch thick and 3½ inches long; and as the piston descended to within, as the engineer has said, ¼ and ⅓, or as I should say ⅓ of the bottom, the piston would necessarily strike upon this bolt. How long the bolt had been in the cylinder there is nothing to show, the engineer said that it was much corroded, and there can be no doubt that it had been left there by the negligence of some workmen, but for which no blame is attributable either to the captain, to the engineer, or to any person on board.

The repairs having been completed, the vessel left Grimsby at 10.15 on the morning of the 20th. She seems to have been delayed about three hours beyond the time when it was intended to leave, owing to the absence of the chief mate, so that she left with a second mate only, instead of two mates. In other respects she was in the

same condition as when she left Goole, both as regards her crew, her equipments, and her draught of water.

After passing the buoy at the mouth of the Humber she was steered for Flamborough Head, her course according to the master being north a little east; and although the log gives her course as north, this would take her a little to the east of north, as the deviation cards show that to make a north course you must steer a little westerly. If then a north course was steered by compass the vessel would, as the master has said, have been steering a little to the east of north, which seems to have been the right course for Flamborough Head.

She arrived off Flamborough Head at 3 p.m., and the master then estimated her distance from Flamborough Head at six miles; he seems to have taken no cross bearings, but merely guessed that to be his distance. From Flamborough Head she was steered a north-north-west course; this appears both from the evidence of the master and from the log-book; no allowance was made for the deviation of the compass, but the vessel's head was kept by compass north-north-west. At 6.30 p.m. they arrived off Whitby, and when the Whitby Lights bore west-south-west, or right abeam, the master estimated her distance to be five miles. Again, no cross bearings were taken, and the vessel's course was then laid north-west half north. The master has told us that in steering from Whitby the pole compass showed north-west by north, the steering compass north-west half north. When off Whitby the patent log was examined, and she was observed to have run from Flamborough Head, where it had been set, 29½ miles, which would be about the distance.

The sails were then taken in, and the master went below, leaving the deck in charge of the second mate, but at 8 p.m. he again came on deck, took charge, and the second mate proceeded to get ready for going into port. At 8.30 the master has informed us that he observed about one point on the port bow two lights, he accordingly went down to his cabin, examined the chart, and came to the conclusion that they were the Seaton Carew Lights. In 10 minutes afterwards he says that he observed a third light directly ahead, which he took to be the Hartlepool Heugh Light. He accordingly ported his helm about half a point so as to bring about what he took to be the Hartlepool Heugh Light on his port bow, and the pole compass, he said, then showed north-west and by north half north, the steering compass north-west by north.

From that time the master continued his course without alteration, watching those two lights which he had taken to be Seaton Carew Lights, and the other light which he had taken to be the Hartlepool Heugh Light, until about 9.30, when the vessel took the ground, I think he said amidships. Within 10 minutes from that time breakers were seen about 150 yards off on the starboard quarter, and also right across the vessel's bows. The master has told us that it was then for the first time discovered that these lights, which he had been examining for nearly an hour, instead of being the Seaton Carew Lights and the Hartlepool Heugh Light, were lights proceeding from furnaces on shore. An attempt was then made to get the vessel off by backing and going ahead, but all their efforts proved unavailing, as the tide was falling, and the vessel became fast. The master thereupon directed the second mate to sound round the ship, and about two fathoms of water were found under her stern. She lay there till 5 a.m. the following morning, when with the rising tide she came off, and having been taken in charge by a Hartlepool pilot named Richard Wallace, who had come on board at 11 or 12 o'clock the preceding night, she proceeded to Hartlepool, where she arrived at about 7 o'clock the same morning. The injury that she had sustained, while lying on the rocks, was found not to be very extensive, two or three of the plates I think had been bent in, and some of the frames had been broken.

Now the place where the vessel got aground was stated by the Hartlepool pilot, who must have been thoroughly well acquainted with the locality, to be on the edge of the Redcar Rocks, to the southward of Coatham Pier Head, and about half a mile from the shore. On the other hand, the master placed her on the edge of the Salt Scar, and at a much greater distance from the shore. There can, however, be no doubt that the pilot, who was well acquainted with this coast, must have known exactly the position of this vessel. We must therefore take his evidence on this point as conclusive. Now the master has accounted for being so far out of his course (at any rate he did so during his examination on Saturday), by supposing that the com-

passes must have been in error, and he was supported in that statement by the second mate, and also to a certain extent by the pilot. The master also stated that when the vessel grounded he went aft, and found the steering compass stuck fast, and pointing north-west by north, which was the course that he thought he was pursuing, but on kicking the binnacle it went round to north-west half west. At the same time, he said the pole compass was pointing north-west by north-half north. He would thus wish us to believe that the vessel went aground owing to the steering compass having been in error some $2\frac{1}{2}$ points, but he seems to have forgotten that he was at the time in charge of the deck, and that she was being steered not by the steering compass, but by the pole compass. Again, the pilot told us that about 10 minutes after he had taken charge of the vessel, thinking that the compasses were in error, he told the master to go aft to the steering compass and to bring her head north-north-west, and he told us that when she was pointing N.N.W. by the steering compass the pole compass showed north-west half west. Now those two statements are utterly irreconcilable. According to the evidence of the master, when the vessel was on the shore, the steering compass had a deviation of nearly three points to westward of the pole compass. According to the evidence of the pilot, supported by that of the master, when the vessel came off the steering compass showed a deviation of $2\frac{1}{2}$ points to the east. The two statements are quite inconsistent with one another.

After the master, the mate, the engineer, two able seamen, and the pilot, Richard Wallace, had been examined, Mr. Ravenhill charged the master with negligence in the navigation of his ship, and in further support of that charge he produced Mr. John David Castle, who was a partner in the well known firm of Blakeney & Co., at Hull, compass adjusters, and Mr. Henry Baker Fabian, Board of Trade Surveyor at Hartlepool. Mr. Castle proved that the compasses of the "Vine" were adjusted on the 23rd November 1876, he proved also the accuracy of the deviation cards which had been given in, and which he stated were in his own handwriting. Mr. Fabian was produced to prove the state of the compasses at the present time, and he told us that he had examined them on Saturday morning, and found that when the pole compass pointed west-north-west, the steering compass was pointing "west by west, westerly." On being asked what he meant by "west by west, westerly," it being difficult to understand how a compass could be more west than due west, he was unable to give us any explanation, he stated that that was what he had been told, that he was not a sailor, and that he really knew nothing at all about it.

Mr. Ravenhill. I ought to say, Sir, that it was by a mistake that Mr. Fabian was here. Mr. Barry ought, I believe, to have been here.

The Commissioner. I cannot help that. It was impossible to rely on this gentleman's evidence, and I, therefore, felt that it was quite necessary to have better evidence of the present state of the compasses. Mr. Jackson was anxious to waive the question of the accuracy of the compasses, and asked for an immediate judgment, on the ground that the delay was a matter of serious importance to his client, the vessel being, as I understood, laden and ready for sea, and on the point of leaving. It appeared to me, however, that there were many reasons why I could not accede to that application, the principal of which was this: I felt, after the evidence already given in this case, that if the vessel went to sea and was lost, a very serious responsibility would rest, not only upon the owners, but upon the Court too. I felt, therefore, that it was quite necessary, after what had been stated, that the compasses of the vessel should be carefully examined before she went to sea. It was accordingly arranged that Mr. Castle should go and examine them. Not, indeed, that I thought that, even if it should turn out that the compasses were, at the present time in error, it would decide the question of the master's culpability, for it is a well known fact that the compasses of a vessel do very frequently become deranged by the stranding of the vessel. And they might have been in perfect order before the stranding, even though they might not be so afterwards. However, it was arranged that Mr. Castle should go to Hartlepool, and should attend here to day, and state the result of his examination. He has accordingly done so, and what he has now told us is: That on examining the compasses, he found, when the vessel's head was pointing west by north $10\frac{1}{2}$ degrees north, there was an error in the pole compass of only 2 degrees, and an error in the steering compass of only 4 degrees, a mere trifle; so far, therefore, as Mr. Castle's evidence goes, it would seem that the compasses are even now not in error. At the same time he stated that the agate or sapphire of both compasses was slightly deranged, a thing which I am informed by my assessors is not a very serious matter, but which at the

same time requires that the compasses should be adjusted. Mr. Castle had not an opportunity of swinging the vessel, it being Sunday, and he stated that there were a pair of iron shears, and five trucks of iron alongside, and that they might possibly have deranged the compasses, but not, apparently, to any very great extent. So much then for the compasses.

The question then that we have to consider is, whether the master is or is not guilty of the charge that has been laid against him; that is to say, whether the stranding was due to some cause over which he had no control, such as the derangement of the compasses; or whether it was due to negligence in the navigation of the vessel, and, if so, in what respect, and whether the master was justified in mistaking the furnace lights, which he saw, for the Seaton Carew Lights and the Hartlepool Heugh Light?

I have already dealt with the question of the compasses, and I will only add here that there is not a particle of evidence to show, even if they were deranged after she stranded, that there was any error in them before she grounded. On the contrary, the evidence is, in our opinion, conclusive that they were correct. We have the evidence of Robert Cook, the A.B., who was at the helm when the vessel struck, that the steering compass at that time pointed north-west by north, and that evidence was confirmed by the master. The master has also told us that the pole compass at the same time showed north-west by north half north, and this is the course which the master said he intended to steer. I think, therefore, that we may dismiss from our minds the supposition that the stranding of the vessel was due to any error of the compasses. Indeed Mr. Jackson, the master's advocate, stated at the last that he could not contend that there had been any such error.

Now the master has stated, and it has been urged by his counsel to-day, not, indeed, as a justification for his conduct, but in mitigation of punishment, that he was not acquainted with the coast, that he had never been to the Tees or to Hartlepool from the time when he was before the mast. If so, the answer is obvious that he ought to have taken more than usual precautions; not knowing the coast, and not knowing the lights, he ought to have taken the greatest care to ascertain that he was on his proper course, and to fix accurately his distance from the shore. Let us see then what precautions he did take.

Now his first point of departure in laying his course for Hartlepool may be said to have been Flamborough Head; and he tells us that when off the point he estimated his distance from it to be six miles. He tells us, however, that he took no cross bearings. He admits that he could have taken them, and that there would have been no difficulty in so doing, and the nautical gentlemen by whom I am assisted tell me that there could not have been the least difficulty in his so doing. They have also told me that it is not a usual and proper thing for a master of a merchant ship to guess his distance from the shore, but that it is usual and proper to take cross bearings in order to ascertain his distance with certainty, and that without it it would be impossible to tell with any degree of accuracy what his distance was from Flamborough Head. Again, his next point of departure was Whitby, and here again he estimated his distance to be five miles. Again, no cross bearings were taken, although he could have had no difficulty in taking them, and he admits that that was so. Now, if instead of being six miles from Flamborough Head, and five miles from Whitby when he passed those points, he was even one mile nearer, it might possibly account for his finding himself on Redcar Rocks.

But the case does not rest here. The master has admitted, in answer to questions which I put to him to-day, that in going from Flamborough Head to Whitby, steering a north-north-west course, he made no allowance whatever for the deviation shown on both the deviation cards, and which directed him, if he wished to make a north-north-west course, to lay the ship by the steering compass north-west quarter north-northerly, and by the pole compass north-west northerly; in other words both the compasses on this course showed a slight westerly deviation; if, therefore, no account was taken of this deviation, and the master admits he took no account of it, the vessel must, from Flamborough Head to Whitby, have been going a little to the westward of her course, and consequently drawing in towards the shore. From Whitby again, or at any rate from half-past six to half-past eight, when his course was, as he has told us, north-west half north, he must, not allowing for the deviation, have been still drawing in slightly towards the shore. Even assuming then that he had guessed accurately the distance from Flamborough Head and Whitby when he passed those points, the fact that he had been drawing in towards the coast from three o'clock to half-past eight, or for some five hours and a half,

might, perhaps, be sufficient to account for his finding himself on the Redcar Rocks.

We have also the evidence of the Hartlepool pilot, that the tide was running for some hours before he got upon the Redcar Rocks to the south-south-west, which would also assist to set him towards the shore; and of this the master seems to have taken no account whatever.

Lastly, we come to the question, whether the captain was justified in mistaking the furnace lights, which he says he saw, for the Seaton Carew Lights or the Hartlepool Heugh Light? On this point we have had the evidence of Mr. Taylor, a gentleman who resides at Coatham, but who is not a nautical man, and he has told us that to a stranger approaching the coast these furnace lights might easily appear to be the lights of a lighthouse. But, as I have before observed, if this master was, as he has informed us, a stranger to the coast and unacquainted with the lights, he ought to have taken more than usual precautions to ascertain his correct position. If he had given the Redcar Rocks a rather wider berth, and not have cut it so fine, too fine even for entering the river Tees, and much too fine to go to Hartlepool, this casualty would probably not have occurred. Moreover, I am advised by my assessors that to suppose that a sailor could mistake furnace lights for the lights of a lighthouse is too absurd to be admitted for one moment. Possibly at the first glance and for an instant they might be so mistaken, but to suppose that he could have watched them for nearly an hour and not have made out that they were furnace lights is what my assessors cannot believe.

Moreover, in answer to questions which I put to him, the master stated that of the two lights which he saw, one appeared to be a red light, and the other a bright light, and that was why he thought that they were the Seaton Carew Lights. And on being further asked how they bore to one another, he said that the red light was about half a point open to the left. Now it will be seen on examining a chart that of the two Seaton Carew Lights the red is on the shore and the white light is inland, and consequently to have seen the red light open to the left of the bright light he must have been to the north of a line which would bring the two lights in one; but if so he must have been well on towards Hartlepool, and in fact at no very great distance from it; and it is strange that it should never have occurred to him, if he really thought that he was so far to the north, that he ought, after steaming ahead for one hour at the rate of $7\frac{1}{2}$ knots to have reached Hartlepool Harbour.

Again, in answer to some questions which I put to him this morning, the master has stated that when he first saw the lights they bore one point on the port bow, that he ported his helm half a point, which brought them a point and a half on the port bow, and yet in 40 minutes afterwards the lights were only two points on his port bow. This surely ought to have shown him that they could hardly have been the Seaton Carew Lights, for if he had been heading all the time for Hartlepool they must in that time have become very much broader on his bow. It is clear that in mistaking those two furnace lights for the Seaton Carew Lights, the master has shown a degree of carelessness which is unpardonable. He may possibly, when he first saw them, have thought that they were the Seaton Carew Lights, but that he should have continued to watch them for nearly an hour without discovering that they were merely furnace lights appears to us to be inconceivable.

We think then that the master has been guilty of great negligence in the navigation of his vessel. Being ignorant of the coast and ignorant of the lights we think that he was to blame; first, for not having verified his position by taking cross bearings when he was off Flamborough Head and off Whitby; secondly, for not attending more carefully to the deviation marked on his deviation cards; thirdly, for not making due allowance for the set of the tide; and fourthly, for mistaking the two furnace lights for the Seaton Carew Lights.

It has been strongly urged upon us by his advocate to-day, that under the 242nd section of the Merchant Shipping Act, 1854, sub-section 2, the error of which the captain has been guilty, and of which he has now admitted that he is guilty, is not such a wrongful act or default as is contemplated by that section; but I cannot but think that, if a master in coasting along a dangerous shore, which is unknown to him, and with the lights of which he is not acquainted, omits to take the usual and proper precautions which every master ought to take to ascertain his distance from the shore; if a master so carelessly navigates his vessel as to endanger the lives of those on board, I think that that is a wrongful act or default, and for which his certificate might properly be suspended. We think that the master's mistake in the present case is due to want of experience, for we observed that when he was required to mark on a chart which was not his own the place where his vessel had grounded he had very great difficulty in so doing.

In the sentence which we are about to pronounce we have given due weight to the very high character for steadiness and sobriety which he appears to have earned from the captains under whom he has served as first mate. At the same time, we think that the errors of which he has been found guilty are not such as can be lightly passed over. It is not our intention to deprive him altogether of the means of earning his livelihood, for there is little chance of making him a good seaman, or of giving him that experience of which he seems to be more particularly in need, by an enforced idleness on shore. Whilst then we shall direct that his certificate be suspended for six months, we shall at the same time recommend to the Board of Trade that during the period of its suspension he should be allowed a first mate's certificate. Acting as first mate we think that he will be likely to acquire that experience which is necessary to qualify him hereafter for the post of master, and it will be much better that he should serve for a short time longer as first mate rather than by being put in command of another ship, he should from want of experience wreck her and lose perhaps his own life and the lives of all on board.

I cannot conclude these observations without adverting to the request that has been made to us by Mr. Taylor that we should recommend a fixed light to be placed on Redcar Rocks. He stated that besides the "Vine" there had been a small schooner, and I think a German timber laden ship, which had run on the rocks about the same place, owing as he supposed to the want of some fixed light. Whether or not it is desirable that there should be a light placed upon Redcar Rocks is a point upon which we are not prepared to express any opinion, we have not had sufficient evidence before us to enable us to form a correct judgment upon the point. Of this, however, we are certain, that if masters will navigate their vessels with the carelessness which this master has shown in the navigation of his vessel, no lights and no precautions which the State may take for their safety will ever prevent their running aground. It is fair to say that the conduct of the captain seems to have been in other respects very good.

Of course there will be no costs to anyone.

Mr. Ravenhill. Will the Court say that the owners should have the compasses re-adjusted.

The Commissioner. The owners must take that responsibility upon themselves. Perhaps Mr. Jackson will communicate to the owners that if, after the evidence that has been given in this case, they should send their ship to sea without having had her compasses adjusted they will incur a most serious responsibility, and one that will be remembered against them should any misfortune befall the ship or crew on board her.

(Signed) H. C. ROTHERY,
Wreck Commissioner.

(No. 19.)