

(No. 188.)

"EUROPEAN," (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

Report of Court.

IN the matter of the formal investigation held at Westminster, on the 20th and 21st December 1877, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear Admiral APLIN, R.N., and Captain NICOLAS, as Assessors, into the circumstances attending the stranding and loss of the British steamship "EUROPEAN," of Southampton, on the Basse Meur Rock, off Ushant, on 5th instant, whilst on a voyage from Madeira to Plymouth.

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 and loss of the said vessel was due to Robert William Ker, her master.

1. For having, when approaching Ushant in thick weather, kept his vessel on a course which he knew would take him dangerously near the coast.

2. For not having sufficiently attended to the soundings which he obtained, and compared them with the soundings on his chart.

3. For having gone on at full speed, after he had twice ascertained by the soundings that the vessel was not in the position in which he supposed her to be.

For these wrongful acts and defaults the Court is of opinion that the certificate of Robert William Ker, lately master of the "European," should be suspended for six calendar months from this date.

The Court is further of opinion that Edwin Stephens, the chief mate of the "European," did not render the master such efficient assistance in the navigation of the ship as might have been expected of an officer holding, as he did, a master's certificate.

The Court makes no order as to costs.

Dated the 21st day of December 1877.

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

We concur in the above report.

(Signed) THOS. APLIN,
Rear Admiral, } Assessors.
" B. G. W. NICOLAS, }

Judgment.

The Commissioner.—The "European" was an iron screw steamer of 2,271 tons gross and 1,460 tons net register, and was fitted with two engines of 350 horse-power. She was built at Govan, in the county of Lanark, in the year 1869, by the well-known firm of Messrs. R. Napier and Sons, of Glasgow, and was at the time of her loss the property of the Union Steamship Company, Limited, which has its principal place of business at Southampton.

On the 1st of December instant the "European" left Madeira homeward bound from the Cape of Good Hope, with a general cargo, passengers, and mails. At that time she had a crew of 74 hands all told, and, so far as appears from the evidence before us, she was perfectly equipped in all respects. On clearing the island a course was laid north-east by north by the standard compass; and as a proof that her compasses were in good order, we are told that on the 4th they made, as they had expected to do, Cape Finisterre, or at any rate land in the immediate neighbourhood of Cape Finisterre. It was at about 10 a.m. that this land was observed on the starboard beam, distant 25 to 30 miles; and from that point the vessel was continued on her course, north-east and by north by the standard compass till noon of the 5th, when, no observation having been taken either on the 4th or on the 5th, her position was computed by dead reckoning to be 47° 33' north and 6° 19' west. Owing, however, to the indraught into the Bay of Biscay, of which more hereafter, the master supposed her true position to be in longitude 6° west. At 1.30 p.m. the vessel was stopped and soundings were taken when, according to the master and chief officer, they found no bottom at 90 fathoms. The vessel was continued on her course, north-east and by north, till 4.30 p.m., when she was again stopped to take soundings, but no bottom

was found at 90 to 91 fathoms. The master, after consultation with the first officer, thinking that the vessel had got too far to the westward, thereupon altered her course to north-east half east by the standard compass; and she was continued on that course until 7.45, when she was again hove to to take soundings, and bottom was found at 48 fathoms. The master thereupon ordered the course to be changed to north-east and by north, and he and the chief officer went down into the cabin for the purpose of examining the character of the bottom. Whilst they were below eight bells struck, and the second and third officers came up and relieved the fourth officer, who was in charge of the deck. Whether the course was altered in accordance with the master's orders, from north-east half east to north-east by north, seems to be a matter of some doubt; certain, however, it is that on the master and chief officer returning on deck shortly after the watch had been relieved, the former observed that the vessel, instead of being on a north-east and by north course, was still steering north-east half east. He accordingly ordered her to be put upon a north-east by north course, which was done. About 10 minutes after this a light, which afterwards proved to be Ushant Light, was observed by the look-out man four points on the port bow, and he immediately reported it. The master, who was still on the deck, thereupon ordered the helm to be starboarded, but whether the engines were or were not then stopped is again a matter of doubt. In the meantime breakers had been seen along the starboard side, and when the lights had been brought about two points on the starboard bow, the master, thinking that he saw his way clear to port, ordered the engines to be put on full speed ahead, but in a short time the vessel struck. Soundings were immediately taken, and it was found that she had run upon a reef of rocks, there being, I believe, 19 fathoms under her stern, and 25 fathoms under the bow. The carpenter, having been ordered to sound the well, found water not only in the fore hold, but also in hold No. 2, and in the engine-room, the rocks having completely ripped up her bottom. The master thereupon ordered the boats to be got out, and nothing could be more admirable than the way in which this service was carried out. The perfect order and discipline that was maintained throughout reflects the greatest credit upon the master and officers, and indeed upon all concerned; that the boats should have been lowered, and a crew of 74 hands and 30 passengers should have been safely placed in them, and got clear of the vessel before she went down, which we are told was within 20 minutes of her striking, shows an admirable state of discipline both in the officers and in the men. I should add that the place where the vessel had struck was a reef of rocks off the south-west point of the Island of Ushant, called the Basse Meur.

During the night the boats kept together as well as they could, and at daylight with the assistance of some French fishermen succeeded in landing on the French Coast, whence they were taken to St. Malo, and ultimately to Southampton.

Such briefly are the circumstances of this disastrous case. And after hearing the evidence from the ship, Mr. Bowen on behalf of the Board of Trade charged the master with having caused the loss of the vessel by negligence in the navigation thereof. No charge is made against the owners for anything relating to the vessel's equipment, nor against the master and officers for their conduct after the casualty occurred. The only charge is against the master for the negligent navigation of the vessel. But before I proceed to deal with this charge against the master, it may be well to dispose of one or two preliminary points.

In the course of the inquiry a great deal was said about an indraught into the Bay of Biscay, which I should have thought would be as well known to a sailor like Captain Ker, who has so often made the voyage from the Cape, as any of the other dangers of that route. It is clearly laid down in the admirable wind and current charts published by the Admiralty, and the sailing directions for the West Coasts of France, Spain, and Portugal, speak of it in the following terms: "The easterly current from the North Atlantic Ocean strikes the land near Cape Ortegal, in Spain, and then appears to divide into two branches, the northern portion flowing eastward along the Coast of Spain, then north along the West Coast of France; but the southern portion turns to the southward along the Coast of Portugal, and thence on to the Straits of Gibraltar. It is however with the northern branch of the current that we have now to deal, and which has a tendency to set

vessels, when to the north of Cape Finisterre, to the eastward into the Bay of Biscay; so much so that the sailing directions expressly warn vessels to be extremely careful of this indraught, vessels bound northward as well as southward, lest they should be carried by the current farther to the eastward than they anticipate, and so, if bound southward, should find themselves on the Coast of Spain, if northward, inside of Ushant. This is the indraught, of which so much has been said during the present inquiry. The first officer admitted that he was well acquainted with it, and that every seaman knew it. The captain, I am sorry to say, was not quite so candid upon the subject, but that he knew of a current which would set him to the eastward is clear from an entry in the log-book, which is signed by himself, and from which it appears that in estimating the vessel's position at noon of the 5th he allowed no less than 19 miles of easting.

Another point upon which a good deal was said was the direction of the currents and tides about Ushant, and the extremely dangerous character of the rocks in that neighbourhood. On this I cannot do better than refer to the sailing directions from which I have already quoted, and where we find as a special caution the following remarks: "Ushant is surrounded by dangers in all directions. There are numerous rocks, the channels are intricate, the tides rapid, fogs and thick weather are not uncommon, and, as might be expected, wrecks are frequent. Unless bound for the island, no vessel should approach within five miles, or if the weather be thick, come into less than 70 fathoms water." And again we find it stated, "as Ushant is approached the depths slightly decrease, varying a few fathoms more or less, at the distance of 48 miles from, and on the parallel of the island, there are 72, 71, and 70 fathoms, with coarse pale yellow ground, resembling marl, with a mealy surface, interspersed with pieces of broken shells, and a substance like chaff. At 27 miles from the island the soundings are from 66 to 63 fathoms with the same bottom, and 61 fathoms will be found within nine miles of the rocks. When approaching Ushant in thick weather it is advisable to keep the lead going, and not to come into less water than 70 fathoms." We are also told that "at springs the tides run at the rate of three or four miles an hour, the flood stream turning to the eastward as it slackens, and thus setting more directly on the rocks." It would be difficult to express more clearly the very dangerous character of the locality, or the absolute necessity of using the utmost care and vigilance in approaching it.

Now let us see what precautions the master took to meet these dangers. He told us that from Cape Finisterre he laid his course north-east and by north by the standard compass, that being his usual and ordinary course, and that after allowing 19 miles for the indraught, of which I have spoken, on passing Cape Finisterre, that ought, he said, to have carried him at a distance of from 12 to 15 miles to the westward of Ushant. He afterwards told us that it would have taken him 8 to 12 miles west of Ushant, but I am content to take the larger estimate of 12 to 15 miles. This, however, was on the assumption that he continued a north-east by north course. At 4.30, however, the course was altered to north-east half east. Now the master has told us that on a north-east and by north course there was a westerly deviation of his standard compass of from 8 to 9 degrees, which would give his true compass course at north-north-east quarter east. On a north-east half east course the standard compass had a deviation of 16 degrees, which would, according to Captain Ker's account, have made his true compass course north-east three-quarters north. So that the alteration of his course at 4.45 from N.E. by N. to N.E. $\frac{1}{2}$ E. by the standard compass would take him one point to the east. Now it is well known that a deviation of one point to the eastward will, at the end of five miles, take a vessel about one mile to the east of the place where she would have been had she continued her original course. In the three hours that this vessel was running, from 4.45 to 7.45, we are told by the master that she ran 36 miles, so that by the alteration of the course to north-east half east she would in those three hours be placed about seven miles further to the east. When, too, the master was asked by myself, "How much would that alteration of the course of one point to the eastward have taken you in 36 miles?" his answer was, "Eight miles to the eastward." Here then was this vessel being navigated, according to the master's own admissions, so as to pass, if a north-east by north course was continued, within 12 to 15 miles of Ushant, and her course then altered so as to put her eight miles further to the eastward, or, in other words, so that she would pass within from four to seven miles of the island.

The result of the master's admission appeared to be so startling, that I yesterday directed the chief officer, with

the master's assistance, to lay down the vessel's course upon a chart similar to that which they had on board, but which had been lost with the vessel. That has been done, and the chief officer has to-day been examined upon it at length. Substantially it comes to the same thing, so that these gentlemen, after the fullest time for consideration, have shown that the courses steered, assuming that there was no indraught or set of the current in the neighbourhood of Ushant, would have gone within from four to seven miles of the Coast of Ushant.

But it has been said that when the master altered his course to north-east half east by the standard compass, the effect of which was to bring his vessel eight miles nearer to Ushant, he was under the impression that he was at a considerable distance further to the westward, and as the master himself has said, well clear of Ushant. Let us inquire what justification he had for this belief. At 4.30 p.m., and just before the lead was hove, the master has told us that he supposed the vessel to be in the neighbourhood of Ushant, and, indeed, he and the chief mate have so placed her at that time on the chart which has been brought in. When, however, he got no bottom at 90 or 91 fathoms he thought that she was away to the westward. The place at which the vessel was then supposed to be showed a depth of only about 65 fathoms on the chart, and the chief officer was asked to show where was the nearest place to the assumed position of the vessel at which he could find 90 fathoms of water, and he was obliged to admit that the nearest point was 57 miles off, in a direction south-south-west. As Mr. Bowen has pointed out, the master ought, if he had looked at his chart at that time, to have known that he was 57 miles at least out of his reckoning. Ought this not to have induced him to exercise greater caution? Instead of that, what does he do? He alters the course of the vessel one point to the eastward, and then goes on ahead full speed.

Again at 7.45, when he gets 48 fathoms, what does he then do? He concludes that he is 15 miles north of Ushant. Did then the master suppose that in those three hours, between 4.45 and 7.45 a.m., he had run over not only the 57 miles in which he was out of his reckoning, but the distance that his assumed position was from Ushant and the 15 miles to the north of it? In other words, did he expect that in those three hours he could have gone from 80 to 100 miles? And yet unless he had done so it was not possible for him to have been in 90 fathoms at 4.30 p.m. and then in 48 fathoms northward of Ushant by 7.45 p.m. I may add that the point at which the mate has placed the vessel at 7.45 shows not 48 fathoms but 59 fathoms; to get 48 he must have been much closer to the mainland, and well away to the northward and eastward of Ushant. The mate was obliged to admit that he could not explain these inconsistencies; and that they both thought that they were altogether out of their reckoning; and yet, what does the master do? He merely alters the vessel's course one point to the northward, and goes on again full speed. It is true that these were only the statements and admissions of the chief officer, but the master was in Court all the time, and heard the mate's evidence, and at the conclusion he was asked if he wished to add anything to it, and he said "No." He had also assisted the chief officer in laying down the ship's supposed course on the chart. I must therefore regard the statements and admissions of the chief officer as binding also on the master.

Now let us see how the master accounts for the vessel getting on to the rocks. His theory is that there was a strong south-easterly current running at the time, which, whilst it retarded his progress, set him away to the eastward. Now this theory of an extraordinary current is the favourite one with all captains who have been so unfortunate as to run their vessels ashore; they always say that there was some extraordinary current which they had never heard of before. It may be that there was a current setting to the eastward in the neighbourhood of Ushant. It may possibly be that the current of which we have spoken, which runs to the east, along the North Coast of Spain, and then north up the Coast of France, may, in passing between Ushant and the mainland of France, generate an easterly current further out; and that the possible occurrence of such a current may be the reason why vessels are warned by the sailing directions not to approach too near the island. But whether this be so or not, it is clear to us, looking at the charts and sailing directions, that the master had no right whatever to have laid his vessel on a course which brought her so near to these dangerous rocks.

As an excuse for being where he was the master has told us that in the afternoon of the 5th they sighted two sailing vessels and a steamer. The two sailing vessels he said were inside of him, but he seems to have forgotten that there were the Ports of Brest, Nantes, and Bordeaux, all to

leeward of him, to one or other of which those vessels might have been going. The steamer, indeed, turned out to be outside of him; and so distant as to be hull down, which, so far from being any indication that he was on his proper course, ought rather to have led him to think that he was possibly too far inshore.

We do not attribute much importance to the fact whether the helm was or was not altered in obedience to the master's commands at 7.45 p.m.; or whether the engines were or were not stopped before the vessel took the ground. It is possible that if the helm had been altered as soon as the order was given, or if the engines had been stopped and reversed full speed when the breakers were seen, the vessel might have gone clear; but these are minor points; the main question is, was the master justified in taking a course which by his own admissions would bring him so near to Ushant? And we have no hesitation in saying that he was not. We think, too, that when at 4.30 p.m. he found no bottom at 90 fathoms it was his duty before going on ahead full speed, to have ascertained his true position, the more so as it was so thick that a light which can ordinarily be seen at a distance of 24 miles was not on that occasion seen until they were within one or two miles of it. He knew that his vessel was out of her course, but where she was he did not know. Still more necessary was it, when at 7.45 p.m. he found her in 48 fathoms, to have brought his vessel to; and if he had then, as he should have done, laid the vessel's head off the shore, this accident would probably not have occurred; for he must or ought to have known, as Mr. Bowen has said, that he was then within the 50 fathoms line of soundings, where he ought never to have been.

This gentleman has held a master's certificate since 1856; he has been for 12 years in the employ of his present owners, and he has been for 10 months in command of the "European." It was urged by Mr. Cottingham on his behalf that the mistake which the master has committed was the result simply of an error of judgment; but in this

we cannot concur. We think that he has been guilty of gross and culpable negligence in the navigation of this vessel. Mr. Cottingham has told us that mail steamers are in the habit at all times of navigating at full speed, except when they are in the neighbourhood of land or of other shipping; but this vessel was, or was believed to be, in the neighbourhood of Ushant, and in a most dangerous locality, where, if anywhere, great caution was necessary.

In a recent case which came before the Court, not very unlike the present, where the master from neglect of the inferences to be drawn from a comparison of the soundings which he had obtained, and those which his chart showed him, ran his ship on shore, we suspended his certificate for 12 months. In that case, however, I am bound to say that the master showed a culpable negligence after the casualty, which materially contributed to her loss. No such charge can be made against Captain Ker in this case. Looking, however at the consequences which have resulted from his conduct on this occasion, and at the fact that no man has any right to risk the lives and the property entrusted to his care, as this man has done, we think that it would not satisfy the justice of the case if we simply reprimanded him for his misconduct, but we shall suspend his certificate for six months.

As regards the first mate no charge has been made against him, but we cannot think, considering that he holds a master's certificate, that he gave that efficient aid and assistance to the master in navigating this vessel, which from his position might probably have been expected of him.

Of course after our decision we shall not give any costs, unless indeed Mr. Bowen asks for costs. It was a very proper case for an inquiry.

Mr. Bowen.—No; I am not instructed to ask for any costs.

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