

## THE LOSS OF THE BON-ACCORD.

## THE JUDGMENT OF THE COURT.

Sheriff Brown presided at the Board of Trade inquiry yesterday, and gave judgment in the circumstances attending the loss of the steamer Bon-Accord, of Aberdeen. The nautical assessors were Captain Parfitt, Captain Anderson, and Mr Lang, engineer. Sheriff Brown said:—

We believe that in this case, before proceeding to answer the formal questions put to us by the Board of Trade, we will, with advantage, make a general statement of the grounds on which our judgment is rested. Our remarks will naturally divide themselves under four heads:—(1) The position of the owners; (2) the structure and equipment of the vessel; (3) the cause of the casualty; and (4) the conduct of the master and officers. The first of these may be disposed of in a single sentence, for we are unanimously of opinion that everything was done by the owners, both in Aberdeen and Blyth, to provide a first-rate ship, and that, indeed, is amply established by the specifications produced. We are much alive to the importance of the issue raised under the second branch of the inquiry. We understand the Board of Trade to desire the opinion of the Court, with reference to the particular casualty, and the facts and circumstances it has brought into view in the shape of evidence, whether the Bon-Accord, in being fitted up with web frames instead of held beams, was in any respect structurally weak? These frames, which are practically girders, present an obvious advantage, through the absence of beams, for the stowage of cargo, and in facilitating its discharge, but beyond that, and in particular on the general question how far the rigidity of the vessel is affected or promoted by these different arrangements, I myself, as the judge trying the case, feel that the Court would not be warranted in expressing any opinion in the meagre state of the evidence, and in that view the nautical assessors concur. It may be pointed out, however, that Lloyd's Committee have given their sanction for the arrangement of web frames in this case by approving of the plans, and particularly that of the midship section of the vessel; and I am desired by the engineer assessor of the Court to say that he adopts the view of the committee, although not censuring his individual opinion to be a result of the evidence. The question of the equipment of the vessel requires me primarily to consider the extent and condition of its pumping apparatus. Speaking generally, we are of opinion that that was sufficient; but we make two exceptions, both of which we regard as of first-rate importance. The fore-compartment, including the holds described in the evidence as No. 1 and No. 2, depended entirely on sluices and deck hand-pumps, and had no suction from the engine. The after-hold was in a different position, being connected with the Worthington pump in the engine-room; and it is in our opinion a defect that both compartments were not fitted up in this respect in the same manner. Further, the engine-room pumps were provided with an open-bottomed cock instead of a valve chest, and we concur in the opinion expressed by Lloyd's Surveyor, Mr Hindmarsh, that the latter would have been a better arrangement, as admitting of the donkey being worked separately from the main engine pump. In this connection also we think it would have been an improvement if there had been an elevation of the donkey, to be resorted to in the event, which proved to be the case here, of the main engine fires being drowned out. All the assessors have pressed upon me to make it a part of the judgment of the Court to express surprise that, with such defective pumping arrangements as have been pointed out, the Bon-Accord should have received the highest class at Lloyd's; but I feel that I would not be warranted in doing so. That matter has not been raised by the Board of Trade, and has not been the subject of inquiry, and, however valuable it may be in the public interest to have the benefit of such competent opinion, on which ground I decide not to withhold it, it appears to me that nothing should become a finding of the Court that has not a basis in the evidence put before it. I myself have no opinion on the question, and express none. The third branch of the inquiry, as above classified, deals with the cause of the casualty, and the first point that there arises is as to the seat of the injury to the vessel. The officers of the ship were unable to give the Court the benefit even of an approximate opinion on the question, but, while admitting that that depends more or less on probabilities, we incline to the view, as deserving most support from the evidence, that the vessel was injured in two places in the ship's side, on each side of the stoke-hole bulkhead, accounting for the water being found in large quantity in the side pocket and in the fore-compartment; and we are further of opinion that the damage was above the ballast tanks. A number of suggestions were made in the course of the trial as to the cause of the injury, and it will be our duty to deal with them to the best of our ability; but here again we feel that we do not occupy certain ground, and that our views must be regarded as more or less problematical. It is beyond doubt that the vessel took the ground at Blyth, although that does not appear to have been generally known on board, indicating that it was not very appreciable, but, beyond that, we think this casual injury is reasonably concluded to have been received by the bottom of the ship, as shown by the ballast tank being dry until the manhole in the engine-room was torn off, and the water allowed to run into it; and, secondly, because the injury would have been sooner discovered when sounding the tanks, which, according to the evidence, was regularly done. The theory that the vessel was injured by floating wreckage is, in our opinion, highly improbable. She was not damaged forward, as her fore peak was perfectly dry, nor, as already pointed out, in the bottom, and as any collision with floating wreckage must have been broadside on, it seems to us almost impossible that an impact sufficient to produce such injury as was caused should have been unperceived by all persons on board, especially by those in the stoke-hole and engine-room. The results of a recent inquiry held at the instance of the Board of Trade, and of a report obtained by the Board, have been put in evidence, and from that it appears that on the 6th and 10th of April last two vessels, the Florence Richard and the Benan came into collision with floating wreck while off the Portuguese coast, one being lost and the other only slightly damaged, but in both cases the shock was very distinctly felt on board. The last explanation of the casualty that has been suggested to us is the straining of the vessel in the gale that prevailed on the 14th and 15th of March. Excluding the causes of injury that have already been dealt with as at any rate highly improbable, we do not see that there is anything else to fall back upon to account for the casualty but the straining of the vessel—a result not to be naturally looked for in a perfectly new and first-class ship; but beyond indicating that that points either to structural weakness somewhere, or faulty workmanship, we do not feel ourselves justified in expressing any opinion. It is also proper to point out as a rider on this abstract view that, according to the evidence of Lloyd's surveyor at Aberdeen, the workmanship of the vessel was tested and checked in the most rigid manner without any flaw being discovered, and that no evidence has been put before us in the course of the inquiry from which the Court would be warranted in coming to a finding either way, in the issue of the structural unsoundness of the vessel. In short, we cannot account for the straining of the vessel except on one or other of these two hypotheses, but we are unable, on the proof led, to say which of the two causes led to that condition of the ship, and, of course, in this connection it will be considered that the engineer assessor of the Court holds the view that the arrangement of web frames is not a source of weakness. The material of which the vessel was constructed, in our opinion, is not in the case. The Court has finally to deal with the conduct of the master and officers in the emergency in which they were suddenly placed. The first intimation made to the master that the vessel was making an unusual quantity of water was by the chief engineer, through the chief mate, about 10 p.m. of Saturday, 15th March. He was then on the bridge, and contented himself with looking through the grating in the roof of the stoke-hole, when he saw the water. Some time after midnight it was reported to him by the chief engineer personally that the starboard fires of the main boiler had been drowned out, but still he did not go below; and, indeed, it is distinctly in evidence that he was not in the engine-room till shortly before the vessel was abandoned on the evening of Sunday, 16th March, on which occasion the final soundings were taken. The master justifies this conduct on the ground that his first duty was on deck, directing the navigation of the vessel and the operations of the deck pumps, and that he had every confidence in the chief engineer doing his best to ascertain and, if he found it, to reduce the leak. We are very far, indeed, from thinking this confidence was misplaced as regards the capacity and character of the chief engineer; but we are quite clearly of opinion that it was the duty of the master to think and act for himself in this crisis, and that he seriously erred in not personally seeing to the state of matters below. There is evidence that without leaving the deck he gave directions to the engineer—the manhole above the ballast tank having been removed with his approval. But without seeing any point in the objection that he did not hold formal consultation with the other officers, we think he plainly failed in not assuming the command which belonged to him. He followed a proper and indeed laudable course in altering the course of the vessel at midnight, and bringing her into the track of other vessels, and it is only fair to him to keep in view that the safety of all on board materially depended on the result then attained; but in our opinion he was unduly dominated by this idea, having almost from the outset, after he came to realise his position, practically abandoned the thought of endeavouring to save the ship as well. We cannot, further, concur in the view expressed by the master and others as to the impracticability of clearing the starboard side pocket of coal—at least partially—so as to trace the leak. The comparative want of space in the stoke-hole would undoubtedly have made that a difficult operation, but we think that much of the difficulty would have been overcome by drawing the coal up in ash buckets through the ventilators on to the deck, and in our opinion such an effort should have been made, notwithstanding that, on the theory which most approves itself to us, the injury on the other side of the bulkhead might remain undisposed of, and not be capable of being dealt with in the same manner. Nor can we admit that the master carried out the policy to which he committed himself of getting outside

assistants in the most effective manner. According to his own statement he knew of two sheltered bays well under his lee, and when at midnight on the 15th he altered his course from S.W. to S.E. before the wind, and headed for Cape Finisterre, our opinion is that he should have set square sail to have taken advantage of the fresh breeze that prevailed, the reason assigned by him and the chief mate why that course was not thought of and adopted being wholly inadequate. In those circumstances we have had it under very serious consideration whether, as suggested by the Board of Trade, our duty does not require us to deal with the master's certificate. He was undoubtedly guilty in more than one respect of grave error in judgment, but considering the suddenness and occult nature of the disaster, the consequent uncertainty as to the time at his disposal to combine all the interests which fell under his charge, and the result, which we think is fairly due to his management, that loss of life was averted, we are unanimously of opinion, subject to the views we have already expressed, that such fault is not qualified as would justify us in disturbing his position as a certificated master. The chief mate was practically superseded on the occasion, and the question of his liability does not arise. The chief engineer, in our opinion, acted with exemplary coolness and judgment in an emergency in which he was entitled to look for more assistance than he received.

The Court answered the questions of the Board of Trade as follows:—

(1) Whether, when the Bon-Accord left Blyth, she was in all respects in good seaworthy condition?—A. We answer this question in the affirmative, subject to the limitation contained in the foregoing statement.

(2) Whether the steel plates and other material used in the construction of the vessel were properly tested and examined; whether she was so constructed as to be free from structural weakness?—A. The steel plates and other material used in the construction of the vessel were properly tested and examined. We refer to the foregoing statement for our answer to the second part of the question.

(3) Whether the soil pipes and sea communications were properly fitted, and whether they were so arranged as to prevent the possibility of the vessel making water through them without it being discovered?—A. They were.

(4) Whether the bulkheads were properly constructed, and whether the openings in them were so arranged that they could be effectually closed?—A. They were.

(5) Whether the ventilators and all other deck openings were properly covered and secured?—A. They were.

(6) What was the cause of the vessel making water on the 15th March, 1890, and thereafter?—A. We are of opinion that the weight of the evidence favours the view, above all other suggestions, that the vessel made water on the 15th of March and thereafter through being strained in the bad weather which prevailed on that and the preceding day, but what was the cause of the straining we are unable to say.

(7) Was a proper and sufficient examination then made of the soil pipes, sea connections, and deck openings, and did the water find its way into the vessel through any of these?—A. A proper and sufficient examination was made of the soil pipes, sea connections, and deck openings, and the water did not find its way into the vessel through any of these.

(8) Were the openings in the bulkheads and the sluices closed, and, if so, how did it happen that the water was not confined to one compartment?—A. The openings in the bulkheads and the sluices were closed, but the water was not confined to one compartment. In explanation of this we consider it a probable view upon the evidence that there was a leak in the vessel's side on each side of the bulkhead.

(9) Was the ship so subdivided as to enable her to remain afloat with one compartment full of water, and if she was so subdivided, what occasioned her loss?—A. The ship was not so subdivided as to enable her to remain afloat when loaded, if any one of her compartments had been full of water.

(10) Were the pumps sufficient, properly placed and fitted for all requirements, and in good order?—A. The pumps were sufficient and properly fitted and placed, with the exceptions made in the foregoing statement.

(11) Was every possible effort made to ascertain the cause of the leak, and to stop it?—A. Every possible effort was not made to ascertain the cause of the leak, and to stop it.

(12) Was every possible effort made to save the vessel?—A. Every possible effort was not made to save the vessel.

(13) Whether the master, chief officer, first engineer, or either of them is in default?—A. We refer to the foregoing statement for our answer to this question.