

(No. 4276.)

"UTOPIA" (S.S.)

AND

H.M.S. "ANSON."

At a Marine Court assembled at the Port Office on the 23rd day of March 1891, in pursuance of a warrant from His Excellency the Administrator of the Government, dated the 21st day of March 1891, under the provisions of the Merchant Shipping Ordinance, Gibraltar, 1886, for the purpose of holding an investigation into the circumstances attending the casualty to, and shipwreck of, the steamship "UTOPIA," of Glasgow, Official No. 68,102, owned by Henderson Brothers, of Glasgow, built in 1874 by R. Duncan & Co., of Port Glasgow, of 1,734 tons register, with a crew of 59 hands all told, and 815 emigrants, 3 saloon passengers, and 3 stowaways, on a voyage from Genoa and Naples, laden with a general cargo, for New York, whereby a considerable loss of life was occasioned.

The Court is constituted as follows:—

CAVENDISH BOYLE, Esquire, C.M.G., Captain of the Port (Acting).

Commander HENRY D. BARRY, R.N., Her Majesty's Ship "Curlew."

Commander DAVID L. DICKSON, R.N., Her Majesty's Ship "Howe."

Staff Commander GEORGE A. BROAD, R.N., Her Majesty's Ship "Camperdown."

Captain ROBERT GREY, Commander of Telegraph (Eastern) Company's Cable Steamer "Amber."

Captain T. JACKSON SPENCER, Port Surveyor, Master Mariner.

Captain GEORGE W. LENNARD, Master Mariner.

CAVENDISH BOYLE, Esquire, C.M.G., Captain of the Port (Acting), was elected President of the Marine Court.

The President read the warrant from His Excellency the Administrator of the Government of Gibraltar to the Registrar of the Marine Court to assemble a Marine Court to inquire into the casualty to, and shipwreck of, the British steamer "Utopia," whereby a considerable loss of life was occasioned.

Robert French Sheriff, Esquire, Q.C., Her Majesty's Attorney-General, appears in Court for the Crown.

Anthony M. Coll, Esquire, Barrister-at-Law, appears in Court to watch proceedings on behalf of the master of the steamship "Utopia."

George Cornwell, Esquire, Q.C., Barrister-at-Law, appears in Court to watch proceedings in the interests of the owners of the steamship "Utopia."

John McKeague, master of the steamship "Utopia," states, on oath:—

I am master of the steamship "Utopia," and hold an extra master mariner's certificate, No. 98,004. I also hold a lieutenant's commission in the Royal Naval Reserve. I was in charge of the "Utopia" on the night of the 17th instant. After rounding Europa Point I steered about north (magnetic) until I came half way between Europa Point and New Mole Light. I then stopped engines altogether. Five minutes before they had been going slow. I stopped them to get the way off the ship. I then steered to keep the "Anson" right ahead, as she occupied the position outside the berth I was making for. I then observed the "Rodney" outside of her again, and they appeared to me very close together. I thought that the berth outside the "Rodney" would be too deep to let go my

anchor. Thinking the inside berth was all clear, I kept nearer to the breakwater. As I drew up towards the breakwater, the brilliant lights from the vessels inside dazzled me, and I could not see objects inside the "Anson." As I got clear of the rays from these vessels that were inside the Mole, I suddenly discovered that the inside anchorage was full of ships. The stern of the "Anson" seeming to overlap the ship inside, appeared to me to give me no room to pass in. I might say that I was close to the breakwater when these vessels fully came into my sight, and from the position I occupied they appeared to be very close together. As I considered I had more way on my ship than I expected, making it imprudent to let go the anchor, I found myself placed upon three evils. The first was, if I came full speed astern, my ship being light, her head would have canted to starboard, and before I got the way off her most likely I would have grounded on the breakwater, or if by any possibility she had gained stern way before reaching the breakwater and before being sufficiently distant from the breakwater to turn with the engines ahead, I should have drifted on the "Anson." The second difficulty appearing to me, on the spur of the moment, was that as the current was carrying me with such velocity, and the current being a very bad factor in causing the ship to steer, I thought if I reversed my engines slowly I might have stopped her steering way, as it was the current that was giving me the headway. I knew most assuredly that I would have lost control of my ship and would have smashed her into one of the ships inside. From my standpoint, thinking that the "Anson" was further off than what she really was, I considered that the least of the three evils was to come out again. I put my helm hard-a-starboard, my engines ahead, and did all that was possible to clear the "Anson" by passing ahead of her. When I had the "Anson" abreast of my bridge I put my helm hard-a-port so as to throw my ship's stern clear of the bows of the "Anson," which she would most assuredly have done if it had not been for some obstacle which caught the ship about the after part of the engine room, which I first thought was the cable-chain of the ship, but which I found, by the ship sinking, must have been something else. When I found the ship sinking I resolved to bring her into shallow water, and with this object kept helm hard-a-port, but the chief engineer came and reported to me that the engine-room was full of water and steam shut off, and nothing more could be done with the engines. I then gave orders to the men that were standing by the cable chain to come away from the anchor and get the boats out, sending the 3rd officer, who was with me on the bridge, to go aft and help the passengers and get the boats out. I then went down off the bridge, as the men did not hear me forward, and brought them along with me to the boats. I met the chief officer, who asked me if it was of any use to get the after boats out, as she was full of water aft, and I told him to do his best. While the men were up getting the boats out, the ship suddenly took a list about 70 degrees to port, making it impossible to stand on the decks or do any more with the boats. The port boats were all under water by this time. I then gathered around me as many of the passengers as I could possibly do, and told them to cling to the starboard rail of the ship, and as many as possible to get up the fore rigging, as it appeared to me then that there was no possibility of the ship sinking forward for quite a length of time. While I was among the passengers underneath the bridge, I was carried over with the sea with about fifty other people. After throwing off the most of my clothes, I tried to regain the ship, but I found it useless, on account of the current running so strong. I was picked up with several other people about a quarter of a mile from the ship by one of the boats which proved to belong to Her Majesty's ship "Immortalité." We were then driven astern of the Swedish man-of-war. At this time I went and helped at one of the oars, and told the men I would pilot them into a safe place where no obstacle would hurt their boat. The boat got under the forerigging, and succeeded in picking up 15 or 20 people, one woman being amongst them. They could not be induced to come into the boats. Two of the boat's crew jumped into the rigging and throw them into the

boat, one being a woman whose husband jumped into the boat after. After this we could do no more, the boat was taken in tow and brought into the New Mole, where we arrived at about half-past ten o'clock.

Questions by the Court:—She had six boats available. We lost one, but we intended replacing it at Gibraltar. It was ready for us there. Four of these were life-boats, the other two were large boats, as good as any of the life-boats. Her crew was composed of 59, all told, a great part of them were stewards. There were 7 A.B.'s., 4 quarter-masters, a boatswain, an apprentice and a boy, 6 firemen, 2 coal trimmers, 3 officers, 3 engineers, and 1 doctor. All the boats would approximately have held 460 people in moderate weather. I would have had accommodation for 460 people when the other boat had been replaced at Gibraltar. I had no life-rafts on board, but plenty of spars were on deck, and in the course of about twenty minutes could easily have been constructed to carry 200 people. I had sufficient life-belts, but could not say the number. The second engineer had shut off steam without orders from me, to save the explosion. The rush of water filled the engine-room in one minute. I did not give any orders for dropping the anchor. I have since heard that the anchor was let go, which was immaterial as the vessel was aground. I have no idea how far a ram projects from a man-of-war. I could not tell a ram ship from another vessel. It was practically dark when she struck. I was depending more upon lights than sight.

(Signed) JOHN M'KEAGUE.

James Thomson, first mate of the British steamship "Utopia," states, on oath:—

I was on board the steamship "Utopia" on the 17th instant. I was forward on the fore-castle when she struck. I did not hear any orders given as to anchors. No anchor was let go to my knowledge. I have been in Gibraltar before in ships belonging to the same company. When we come in too late for pratique we usually anchor just about where the "Anson" was. When I first saw the "Anson" she was a little on the port bow nearly ahead. We were more than half way from Europa and the breakwater when I first saw the "Anson." Her speed was slackened about half way between Europa Point and the breakwater. Then the starboard anchor was lowered to the hawse pipe; after I had done so, I reported that it was all right—all ready for letting go. When we were nearing the "Anson" I noticed our vessel's head began to pay off to port. I then sung out "we are getting very close to this man-of-war; you had better starboard," and also said that the "Anson" was a little on her starboard bow. As we approached nearer, I shouted out, "hard-a-starboard, we are coming down on this man-of-war." The next thing that happened was we struck on the "Anson's" ram. Later on I was knocked off the ship and picked up. There was no order given me from the bridge. The boatswain, carpenter, and most of the crew were with me on the fore-castle. We had a proper stationary look-out. The carpenter was standing by the windlass. Both cables had a range on deck. She had, to the best of my knowledge, 880 passengers and crew on board. I know now from hearsay that the carpenter let go the starboard anchor. I heard no orders given for the anchors to be let go. The ship must have been on the bottom aft, or near to it, when the anchor was dropped. When the ship struck, I asked the carpenter if the water-tight doors were closed, and he said that they were. I do not know if there was a leadsmen in the chains at the time of entering the port. It was the second officer's duty to see to that. I could not say exactly how many life-belts we had on board—there were about 200. The boats were complete with life-belts, and the others were distributed in other parts of the vessel. The ship was surveyed before leaving Glasgow last November.

(Signed) JAMES THOMSON.

The Court is adjourned until 2 o'clock p.m.

Captain B. F. Clark, R.N., Her Majesty's ship "Anson," states, on oath:—

I was on board the "Anson" on the night of the 17th instant. I was in my cabin when the collision occurred. I heard and felt the shock, and, when going out of my cabin, was told that a steamer had run into us. It was about 6.30 p.m. When I got on the fore-

bridge I found the "Utopia" just clearing us, her stern being nearly clear of the bows. She fell off parallel to the "Anson" and so passed the stern, and as soon as she had got far enough off for me to see her stern I saw that she was sinking, and called all the boats away. I saw nothing before. The "Anson" was lying a cable and a quarter north by west of the New Mole Light, moored with both bow anchors east and west, with 90 fathoms on each. The wind was a moderate gale from the south-west. By my knowledge of all the circumstances of the case as I know them, and as they have been reported to me, the master of the "Utopia" committed, under the circumstances, a grave error in judgment in attempting to cross the bows of the "Anson." This is my opinion. There was plenty of room for the "Utopia" to pass between the "Anson" and the New Mole, but, of course, that would look less at night.

(Signed) BOUVERIE F. CLARK.

Captain Sir William Wiseman, Bart., of H.M.S. "Immortalité," states, on oath:—

I was on board my ship on the night of the 17th instant. I did not see the "Utopia" before she struck the "Anson." I heard some signal guns fired in quick succession. At the second gun I went on deck and ordered the boats away, presuming it was a ship in distress. Shortly afterwards by the electric search lights I saw a steamer with her stern under water apparently drifting in towards the land. Being engaged in despatching the boats, some time elapsed before I again looked at the wreck. When I did so, she was settling down, her rigging and fore-castle being crowded with people. Not being cognizant what course the master pursued, I cannot say whether he committed any error in judgment or not. I did not see the "Utopia" at any time until she was in a sinking condition. I consider it was blowing a gale on that night. The yard arm electric light of my ship was not burning during that evening at all. We had no search or yard arm electric lights burning.

(Signed) W. WISEMAN.

Frederick John Masterman Johnson, Gunner, R.N., Her Majesty's ship "Anson," states, on oath:—

I was on board Her Majesty's ship "Anson" on the night of the 17th instant. I was on the port side upper deck aft. I saw the collision. I saw the steamship "Utopia" about 50 yards distant before she struck us. I first caught sight of the vessel's red light and passed a remark she was very close. Shortly afterwards I looked again and caught sight of her green light. I passed the remark, "the fellow has starboarded his helm." I then said, "she will be into us, or shave us very closely." I ran forward, saw the vessel strike our ship, turned round and ran to the fore-hatch and yelled out, "close the watertight doors." On running down under the fore-castle I noticed the vessel was clear and so concluded the captain had ported his helm. The vessel ran down along our starboard side, and about six minutes after her stern disappeared. Between a quarter of an hour and twenty minutes after that her bows became submerged. When I first saw the "Utopia" her course was about north east. We were lying dead on to the wind which was south west. I went about ten or twelve paces and there might have been a minute elapsed from my first seeing her, and when I looked again she had altered her course. I find we were a cable and a quarter off the New Mole Head. When the "Utopia" struck the "Anson" she (the "Utopia") was at an angle of 60°. I should think she was going very slowly at the time. When she struck she had steerage way. I imagine she must have been thirty or forty yards from the "Anson's" bows when I saw her starboard light. When she altered her helm she appeared to me to be outside the New Mole Light. That light was shewing clear of the "Utopia" from where I was standing. There was plenty of room for the "Utopia" to pass between the New Mole Head and the "Anson." There was room for her to go under our stern and yet clear of the "Curlew." Had she kept exactly on her original course she might have struck the "Curlew." There was plenty of room between the Swedish man-of-war and the "Curlew." I have no idea of the depth of water in that locality.

(Signed) F. J. M. JOHNSON, Gunner, R.N.

Francis ship "Utopia"

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John "Utopia"

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The C at 10 a.

Francis Henry Wadsworth, third officer of the steamship "Utopia," states, on oath:—

I am the third officer of the steamship "Utopia." I hold a mate's certificate. We passed a quarter of a mile off Europa Point, and stood up for the Bay. I was standing by the engine-room telegraph. At 6.20 p.m. she rounded Europa Point. She was going at full speed. At 6.22 she went half speed, and at 6.24 she went slower. She continued slow until 6.30 when she stopped. At that time we were about half-way between Europa Point and the New Mole. At 6.35 she went on again slow ahead, her helm having been put hard-a-starboard previous to that. At 6.36 it was full speed, and she collided almost instantaneously. We went straight up, keeping the red light of the Mole on the starboard bow, and when we first sighted the "Anson" she was a little on the port bow. We came slowly up by degrees, rounding her slowly on her port helm. The first time I noticed the "Anson" we were considerably better than half-way between Europa and the New Mole Light. I have been in the Company's ships into Gibraltar Bay at night. On the only occasion I came into Gibraltar Bay in the "Utopia" we came in from the westward, and we stood across the Bay taking up a position now occupied by Her Majesty's ships. When the engines were put ahead at 6.35 I am unable to state the distance between the "Utopia" and the "Anson," the sea and the current tending to clear the "Anson." The lower hold was full with the exception of No. 5, where there was 90 tons of space. She answers her helm very readily. The engines were not stopped by telegraph order at the time of the collision. I noticed inside the Mole some very strong light, I suppose from some vessel. It was a very bright light, and seemed to throw a powerful ray forward. I think if it had not been for the sea and current the "Utopia" would have cleared the "Anson." I cannot say the exact distance, but I have seen her turning in less room than there was between the "Utopia" and the "Anson," supposing it was fine weather.

(Signed) FRANCIS H. WADSWORTH.

John Adam, third engineer of the steamship "Utopia," states, on oath:—

I was on duty on board the steamship "Utopia" on the 17th instant. The first and second engineers are missing. After rounding Europa Point between 6.20 and 6.30 p.m., first order "stand by," next "half speed," then "slow ahead," then "stop" at about 6.35 p.m., "slow ahead," and immediately after "full speed ahead." The telegraph had no repeating wire. We heard the crash and the water rush in instantly. The second engineer stopped the engines without orders. The three engineers were in the engine-room at the time. The second engineer was standing at the handles, and when he heard the crash stopped engines at once. Barely a second elapsed between the crash and the water entering the engine-room. The water would not have stopped the engines so quickly as by moving the handles. The main steam pipe was immersed a few minutes after the crash. There are three watertight doors in the ship which are in our charge. We had about six tons of coals on board. We coaled last at Naples and took about 100 tons. I would not be certain about the quantity of coal taken in Naples. We were consuming about 24 tons daily. I would not say that we had enough coal to have kept us under easy steam all night. She has a forced draught and would burn as much, under those circumstances, as under full steam. When we left Naples we had about 120 tons of coal on board. We had strong head winds since we left Naples, and a heavy sea a few days. The two watertight doors were shut, and I attempted to close the third. The two watertight doors in No. 4 hold were closed. After the collision I attempted to close the other watertight door (tunnel door); the water was too much for us and we could not do it.

(Signed) JOHN ADAM.

The Court is adjourned until the 24th March 1891, at 10 a.m.

The proceedings of the Marine Court were resumed at 10 a.m. on the 24th day of March 1891, when the following members were present:—

CAVENDISH BOYLE, Esquire, C.M.G., Captain of the Port (Acting).

Commander HENRY D. BARRY, R.N., Her Majesty's Ship "Curlew."

Commander DAVID L. DICKSON, R.N., Her Majesty's Ship "Howe."

Staff Commander GEORGE A. BROAD, R.N., Her Majesty's Ship "Camperdown."

Captain ROBERT GREY, Commander of Eastern Telegraph Company's Cable Steamer "Ambor."

Captain T. JACKSON SPENCER, Port Surveyor, Master Mariner.

Captain GEORGE W. LENNARD, Master Mariner.

CAVENDISH BOYLE, Esquire, C.M.G., Captain of the Port (Acting), was elected President of the Court.

Charles Loreth Coxwell, Sub-Lieutenant Royal Naval Reserve, Her Majesty's ship "Anson," states, on oath:—

I was officer of the watch on the "Anson" on the 17th instant between 6 and 8 p.m. I saw the s.s. "Utopia" at a quarter past six o'clock p.m. just rounding Europa Point. She appeared to be coming into the bay. I could not see her side lights when I first saw her. She came in a direct line towards the "Anson." I did not see the side lights until she got quite close. She had a masthead light. When abreast of the New Mole she starboarded her helm. When she was abreast of the New Mole she was pointing for the "Curlew" right angle to the New Mole. She starboarded her helm. She then moved slowly on and came into collision with the ram of the "Anson," a little abaft of the foremast. The distance from the "Anson" to the New Mole Head, as she lay, was from 100 to 200 yards. There was room between the "Anson" and the New Mole for the "Utopia" to have passed. She grazed along the ram of the "Anson." I could see her masthead light quite plain at 6.15 p.m. as she was coming up. There was no time to have slackened away the cables of the "Anson" to ease the blow. The "Anson's" lights were burning brightly at the time so as to warn the ships. I do not remember if there were any extra lights besides the regulation lights on the "Anson." I do not know whether the "Camperdown" had any extraordinary lights.

(Signed) CHARLES LORETH COXWELL.

Anthony Yome, messenger at Port Office, states, on oath:—

I saw the Registrar of the Marine Court address to Mr. John McKeague, captain of the steamship "Utopia," a document notifying the holding of the inquiry in the Marine Court. There was a white written paper attached to it. I delivered it personally to the master at the Calpe Hotel. I did the same exactly with Frank Wadsworth, John Adam, and James Thomson. I delivered them all personally. I swear this is true.

(Signed) ANTONIO YOME.

Richard Sullivan, Lieutenant R.N., Her Majesty's ship "Camperdown," states, on oath:—

I was officer of the watch on board the "Camperdown" on the 17th instant between 6 and 8 p.m. I had been relieved just after 7 p.m. Between 6.40 and 6.45 p.m. the "Utopia" was then abreast of the New Mole. She was steering parallel to the New Mole, outside. I could not see exactly what her course was, I could only see her lights. She was a cable off the Mole. I saw her coming right from the shore end of the Mole. She was about a cable's length from the Mole. She continued on her same course until she got abreast of the Mole Head, and then she appeared to be coming in between the New Mole and the "Anson," apparently on her port helm. I did not see her again, I thought all was clear and I went down on the quarter deck and there I received the report that she had fouled the "Anson." Before the collision we had the light forward on the "Camperdown," the ordinary lights, and an electric light on the port after-end of the after bridge shewed over the quarter deck. This light is in a brass reflector which is hollow, and the rays fall down almost directly aft. It would not throw any light forward, and would be visible abaft our beam. This light might have dazzled the "Utopia" when she was coming up from

Europa. I did not see the collision. After the collision, and directly it was reported to me, I went on the fore bridge, and the "Utopia" was clear of the "Anson." I called away both lifeboats, and went away in charge of one of them. I did not leave that boat that night until 10 p.m. In my opinion there was plenty of room for the "Utopia" to have come in between the "Anson" and the New Mole, and to have cleared the "Curlew" and the Swedish man-of-war. It was blowing half a gale and rained hard, and the tide was making with the wind. It was thick with rain. The wind was about south west.

(Signed) R. SULLIVAN.

Henry Beresford, Second Yeoman of Signals, Her Majesty's ship "Camperdown," states, on oath:—

I was on watch on board the "Camperdown" between 6 and 8 p.m. My station is on the bridges. I first saw the "Utopia" at 6.20 p.m. coming up from Europa Point, and about four cables from the shore. She came round the point and then came straight along two cables or two and a half cables off the Mole. About 6.40 she was abreast of us. She was near the end of the breakwater at about 6.45. The next time I saw her she was close on the "Anson's" bows, going straight course. Then afterwards I saw her on the stern of the "Anson." When I heard the screaming I reported it. I did not see the steamer alter her course as I was called away. I thought she had gone clear, and did not know there had been a collision until I heard the screaming. I should think there was room for a steamer to pass between the "Anson" and the New Mole if she were coming right in. The weather was clear at 6.20, and then it gradually got thick with rain. There were no extra lights on the "Camperdown." The electric light is a little higher than the coal shed. I could see the ship from the bridge, and the light is above me when I am on the bridge.

(Signed) H. BERESFORD.

William J. Colbron, of New York, states, on oath:—

I was a first-class passenger on board the screw steamer "Utopia." I came from tea on deck a few minutes before rounding Europa Point, and I was looking at the lights on shore when I noticed that we were in imminent danger of collision with a vessel. Everyone on deck had noticed the same thing, and had commenced to shriek and shout before she struck. The men on board the man-of-war also shouted. We collided. It did not seem to me that much damage had been done. The concussion did not seem very great to me, and not knowing anything about the ram I did not feel particularly alarmed. I was not alarmed until the third officer rushed aft with the life-belts for the ladies. I asked him if we were seriously hurt; he replied "Get on board the other boat if you can." Looking over the side I noticed that we were settling very rapidly. I ran to the stairs leading to the saloon, threw off a heavy ulster I had on, and I heard the water rushing in to the saloon. I only had time to get to the very stern of the boat when she went down. I do not think more than three minutes elapsed from the time I saw we were in imminent danger until I was in the water. The second officer was standing by me at the time she struck, as well as Mr. Davis and the doctor. I do not think any of us realized that she was in such imminent danger. There were only two gentlemen first class passengers and one lady, and I was thrown very much in the company of the captain and the officers during the five days' passage from Naples to Gibraltar, during which time one can well form an opinion of their capabilities. I think they one and all were capable men. The captain appears to me to be particularly so. I have done a good deal of travelling in my life, more so than most men. The rumours about the master being drunk are absolutely untrue, the master not having touched any spirits during the voyage.

(Signed) W. J. COLBRON.

George Miller, quartermaster of the steamship "Utopia," states, on oath:—

I was on board the steamship "Utopia" on the 17th instant. We rounded Europa Point at a quarter of a mile off, and kept on the shore the same distance, coming round on her port helm. The master asked me how she was heading, I said about north by the compass. Next he said "port," I ported, and he said "steady." Then he asked me how her head was. I said north-north-east. He sent the third officer to the standard compass to see how her head was. He told

him north-north-east, and both compasses were the same. The next order I got was "starboard immediately." I starboarded a point north by east. The next was the chief officer sang out about something being ahead. I then got the order "hard-a-starboard," and the engines full speed ahead. The next was "hard-a-port." That was the last order I got. She is a good steering ship, and answered her helm readily. I have been many times in here at night. We generally take a berth where the "Utopia" was making for that night. I have been here before when the British fleet has been anchored in this port. We called here on the outward voyage at night time. I could not say when, and I am not aware whether there were any men-of-war then. We anchored on that occasion near the New Mole head light. I saw the lights from the men-of-war on coming up from Europa Point, and they were very bright. If the "Utopia" had continued the course north-north-east, she would not have cleared the breakwater and the ship. We had steam steering gear in good order.

(Signed) GEORGE MILLER.

Hugh Taggart, carpenter of the steamship "Utopia," states, on oath:—

I was carpenter on board the steamship "Utopia." I was forward at the time she struck. One anchor was then hanging to the bows, and the other one was at the hawse pipe. One anchor was let go a couple of minutes after the collision. I heard a voice saying something about the anchor, and I let it go, taking it for an order to let go. Her stern was almost if not quite aground when the anchor was dropped. I have been in here before at night in the company's ships. We have before anchored somewhere where the "Utopia" was steering for. I have never been here when there have been ships of war in port.

(Signed) HUGH TAGGART.

John Flatt, A.B. of the steamship "Utopia," states, on oath:—

I was at the compressor standing by when she struck.

(Signed) JOHN FLETT.

James Thomson, recalled, on his former oath:—

The look-out man was John McInnes. He has gone home to England.

(Signed) JAS. THOMSON.

John McKeague, master of the steamship "Utopia," recalled, on his former oath:—

I know Gibraltar well. I thought there would be too much water to let go the anchor outside the "Rodney." I consider I was justified in trying to pass between the "Anson" and the New Mole Head on that night. The shortness of coal was a great factor in inducing me to go where I did. We had about 122 tons on leaving Naples, which would have brought us here with 36 tons to spare under ordinary circumstances. What we had was equivalent to 5½ days at full steam. I am allowed to take any quantity of coal I consider necessary at any port. The coal I got at Naples is not such good steaming coal as I get here.

(Signed) JOHN McKEAGUE.

*Decision.*

Having considered the evidence, we, the undersigned, members of the Marine Court, are unanimously of opinion that the master of the steamship "Utopia," John McKeague, committed a grave error in judgment, by which his ship was sunk and loss of life occurred.

Firstly. In attempting to enter the anchorage behind the New Mole without having first opened out and ascertained what vessels were there.

Secondly. In attempting to turn his ship out across the bows of Her Majesty's Ship "Anson."

(Signed) CAVENDISH BOYLE, Acting Captain of the Port.

H. D. BARRY, Commander Her Majesty's Ship "Curlew."

D. L. DICKSON, Commander Her Majesty's Ship "Howe."

G. A. BROAD, Staff-Commander Her Majesty's Ship "Camperdown."

T. JACKSON SPENCER, Port Surveyor.

ROBT. GREY, Commander Cable Ship "Amber."

GEO. W. LENNARD, Master Steamship "Transition."

The Court is adjourned until Wednesday the 25th day of March 1891, at 11.30 a.m.

The following documents of the Marine Court 1891, on A. M. C. Counsel for John McKeague "Utopia":—

The Merchant Ship  
In the matter of  
of the British

Sir,—Please take  
Marine Court of In  
follows:—

"The Court are  
master of the stea  
committed a grave  
was sunk and loss of

"1. In attemptin  
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ascertained what ve

"2. In attemptin  
bows of her Majesty

(Signed)

The charge inv  
that of a grave  
into by the said  
fifth day of March

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to do so, and of ca  
wish to examine.

The duty of the  
certificate, confer  
chant Shipping A  
or cancelled.

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To John McKea  
Master of s

N.B.—The loca  
Robert French S  
Attorney-General

The proceeding  
11.30 a.m. on th  
following membe

CAVENDISH B  
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Staff-Comm  
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Captain T. J  
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Captain Geo

In accordance  
McKeague, mas

The following document was served by the Registrar of the Marine Court on the evening of the 24th March 1891, on A. M. Coll, Esquire, Barrister-at-Law, Counsel for John M'Keague, master of the steamship "Utopia":—

## GIBRALTAR:

The Merchant Shipping Ordinance, Gibraltar, 1886.

In the matter of the casualty and shipwreck of the British steamship "UTOPIA."

Sir,—Please take notice that the finding of the recent Marine Court of Inquiry in the above matter was as follows:—

"The Court are unanimously of opinion that the master of the steamship 'Utopia,' John M'Keague, committed a grave error in judgment, by which his ship was sunk and loss of life occurred.

"1. In attempting to enter the anchorage behind the New Mole without having first opened out and ascertained what vessels were there.

"2. In attempting to turn his ship out across the bows of her Majesty's ship 'Anson.'

(Signed) CAVENDISH BOYLE, Acting Captain of the Port.

H. D. BARRY, Commander Her Majesty's Ship 'Curlew.'

D. L. DICKSON, Commander Her Majesty's Ship 'Howe.'

G. A. BROAD, Staff-Commander Her Majesty's Ship 'Camperdown.'

T. JACKSON SPENCER, Port Surveyor.

ROBT. GREY, Commander Cable Ship 'Amber.'

GEO. W. LENNARD, Master Steamship 'Transition.'

The charge involved in the above finding, namely, that of a grave error in judgment, will be inquired into by the said Court at the Port Office the twenty-fifth day of March instant, at 11.30 in the forenoon.

This notice is served upon you in order to afford you an opportunity of making a defence if you should desire to do so, and of calling any witnesses whom you may wish to examine.

The duty of the Court will be to decide whether your certificate, conferred under the provisions of the Merchant Shipping Acts, 1854 to 1880, shall be suspended or cancelled.

(Signed) JOHN H. IMOSI,  
Registrar of the  
Marine Court.

To John M'Keague,  
Master of steamship "Utopia."

N.B.—The local Government is complainant, and Robert Ffrench Sheriff, Esquire, Q.C., Her Majesty's Attorney-General, will appear on its behalf.

The proceedings of the Marine Court were resumed at 11.30 a.m. on the 25th day of March 1891, when the following members were present:—

CAVENDISH BOYLE, Esquire, C.M.G., Captain of the Port (Acting).

Commander HENRY D. BARRY, R.N., Her Majesty's Ship "Curlew."

Commander DAVID L. DICKSON, R.N., Her Majesty's Ship "Howe."

Staff-Commander GEORGE A. BROAD, R.N., Her Majesty's Ship "Camperdown."

Captain ROBERT GREY, Commander Eastern Telegraph Company's Cable Steamer "Amber."

Captain T. JACKSON SPENCER, Port Surveyor, Master Mariner.

Captain GEO. W. LENNARD, Master Mariner.

In accordance with the above notice to John M'Keague, master of the steamship "Utopia," the

Marine Court has assembled this day in order to afford the said John M'Keague an opportunity of making a defence, if he should desire to do so, and of calling any witnesses whom he may wish to examine with regard to the charge involved in the finding of this Marine Court of Inquiry.

The Local Government is complainant, and Robert Ffrench Sheriff, Esquire, Q.C., Her Majesty's Attorney-General, appears on its behalf.

John M'Keague, master of the steamship "Utopia," is defendant, and A. M. Coll, Esquire, barrister-at-law, appears for him.

Cavendish Boyle, Esquire, C.M.G., captain of the port (acting), is elected president.

John H. Imossi, Registrar of the Marine Court, deposed, on oath, that he served a document yesterday evening on Mr. Coll, barrister-at-law, representing the master, stating the finding of the Marine Court of Inquiry, and giving him an opportunity to make his defence.

Mr. Coll, counsel for the master, does not wish to call any witnesses.

Lombardi Nicola, Italian passenger on board the steamship "Utopia," on the 17th inst., states, on oath, through an interpreter duly sworn:—

I saw the accident. I am a farrier by trade. On the 17th instant I was looking at the lights of Gibraltar, and I heard a crash. On looking down I saw the man-of-war just opposite. While this noise was taking place, I heard all the people calling out we are lost. I jumped overboard. I saw the ship heel over and many people jumped overboard. I was picked up by one of the men-of-war's boats. I told the consul when I was in hospital what I knew of the accident. I have no complaint to make against any one connected with the management of the ship. I only have my own thoughts.

(Signed) LOMBARDI NICOLA.

Michele Antonio Scoto de Chicarena, Italian seaman, states, on oath:—

I was on board the "Utopia" on the 17th instant. I saved myself by jumping overboard, and was picked up by a boat from a man-of-war. I saw the vessel founder. I have nothing to say beyond that I know the anchor was let go after the collision. I have nothing further to say.

Michele Antonio Scoto Chicarena, being illiterate, made a mark.

Anthony M. Coll, Esquire, counsel for the master, John M'Keague, addressed the Marine Court of Inquiry.

Robert Ffrench Sheriff, Esquire, Q.C., Her Majesty's Attorney-General, appearing for the Local Government (complainant), also addressed the Marine Court of Inquiry.

## Decision.

The Court having further heard the evidence of the two Italian passengers, and the address of the counsel for the defence, and also of Her Majesty's Attorney-General, who appeared for the Government, are unanimously of opinion that the decision already recorded sufficiently marks the finding of the Court, and that it is not deemed by the Court necessary to deal in any way with the master's certificate.

(Signed) CAVENDISH BOYLE, Acting Captain of the Port.

H. D. BARRY, Commander H.M.S. "Curlew."

D. L. DICKSON, Commander H.M.S. "Howe."

G. A. BROAD, Staff-Commander H.M.S. "Camperdown."

T. JACKSON SPENCER, Port Surveyor.

ROBERT GREY, Commander Cable Ship "Amber."

GEORGE W. LENNARD, Master s.s. "Transition."