

(No. 717.)

“ALBERT EDWARD” (S.S.) and
“ALEXANDRA” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

Report of Court.

In the matter of the formal investigation held at the Guildhall, Portsmouth, on the 31st of August and the 1st of September 1880, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain WHITE, R.N., Captain CASTLE, and Captain BEASLEY, as Assessors, into the circumstances attending the material damage sustained by the British steamships “ALEXANDRA” and “ALBERT EDWARD,” through collision with each other off Ryde Pier on the 5th ultimo.

The Court having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed,—

1. That the collision was due to the “Alexandra” having, after she had observed the green and mast head lights of the “Albert Edward” on her port bow, starboarded her helm, instead of either continuing her course, or if that was not possible, stopping to allow the “Albert Edward” to pass.

2. That the “Albert Edward” acted in compliance with the regulations for preventing collisions at sea, in going at a very moderate speed through the yachts, in porting her helm, and in stopping and reversing full speed, when the vessels were nearing each other; but that the “Alexandra” did not comply with the regulations in starboarding her helm, and in not stopping sooner, when she observed the lights of the “Albert Edward” approaching her on her port bow.

3. That there is no reason to think that there was not a good look out being kept on board both ships.

4. That the collision was caused by the default of the master of the “Alexandra” in starboarding his helm, and in not stopping his vessel sooner when he saw the “Albert Edward” on his port bow, coming through the yachts at anchor.

5. That the collision was also in part caused by the yachts being anchored so near the pier, thus rendering the navigation very difficult and dangerous.

The Court is, however, of opinion that the certificates of the master and engineer of the “Alexandra” should not be dealt with.

The Court is not asked to make any order as to costs.

Dated this 1st day of September 1880.

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

We concur in the above report.

(Signed) ED. WHITE, Captain R.N.,
J. S. CASTLE,
THOS. BEASLEY, } Assessors.

Annex to the Report.

This case was heard at Portsmouth on the 31st of August and 1st of September 1880, when Mr. Marsden appeared for the Board of Trade, and Mr. Ford for the Joint Committee of the London and South Western, and the London, Brighton, and South Coast Railway Companies, the owners of the “Alexandra” and the “Albert Edward,” Mr. Radcliffe, the secretary of the Ryde Pier Company, appeared to watch the case on behalf of that company. Eleven witnesses having been produced by the Board of Trade and examined, Mr. Marsden asked the opinion of the Court upon the following questions:—

- “1. What was the cause of the collision?”
- “2. Whether proper steps to prevent the collision were taken by both ships, in compliance with the regulations for preventing collisions at sea or otherwise?”
- “3. Was a proper look out kept on both ships?”
- “4. Was the collision caused by the wrongful act or default of the masters, mates, or engineers of the two ships, or any, and which of them?”

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“5. Was the collision caused wholly or in part by difficulty in approaching Ryde Pier by reason of yachts or vessels riding off the pier?”

Mr. Marsden also stated that, “In the opinion of the Board of Trade, the certificates of the master and engineer of the ‘Alexandra’ should be dealt with.”

All parties having stated that they had no further evidence to produce, and Mr. Ford and Marsden having been heard for their respective parties, application was made by Mr. Griffin, a passenger on board the “Alexandra” at the time of the collision, to be allowed to give evidence in the case. The Court accordingly adjourned the further hearing until the following day, when Mr. Marsden produced Mr. Griffin as a further witness, and Mr. Ford called four other passengers on behalf of his parties. All parties having then declared that they had no further witnesses to call, the Court proceeded to give judgment on the questions on which its opinion had been asked.

The object of the present inquiry is to ascertain the circumstances attending a collision which occurred on the 5th ultimo between two steam vessels, the “Alexandra” and “Albert Edward,” near the end of Ryde Pier. The peculiarity of the present case is that both vessels belong to the same owners, so that there was a not unnatural feeling that the inquiry might possibly not be quite so full and thorough, as if the ships had been owned by different persons. It was no doubt some such feeling as this which prompted Mr. Griffin, after all the witnesses produced by the Board of Trade had been examined, after the different parties had been heard, and when the Court was on the point of giving judgment, to tender his own evidence and that of other passengers on board the “Alexandra,” with the view of obtaining a full inquiry. It was an application, to which the Court could not, of course, refuse to accede, and accordingly Mr. Griffin and some more of the passengers have been examined, but they have not thrown much additional light upon the case, the crews of both vessels having, I am bound to say, given their evidence on the whole very fairly.

And first I will deal with the case of the “Albert Edward.” She is a paddle wheel steamer of 268 tons gross, and 163 tons net register, and is fitted with engines of 120 horse power. She was built at Woolston in the year 1878, and is the joint property of the London and South Western and the London, Brighton, and South Coast Railway Companies. She left Ryde Pier at 8.37 p.m. of the 5th of August, bound to Stokes Bay, having a crew of 8 hands all told, and 6 passengers. As she lay alongside Ryde Pier, the vessel had her head to the westward, and accordingly on leaving, the helm was put to port with the view of bringing her on a course for Stokes Bay, which we were told was about N.N.E. It seems also that there was a greater number of yachts than usual lying chiefly to the northward and westward of the end of Ryde Pier, it being the regatta week; and accordingly the engines of the “Albert Edward” were set on slow, making only from 8 to 9 revolutions a minute, which gave a speed of about from 3 to 4 knots an hour, and that speed we are told was not exceeded up to the collision. Shortly after leaving the pier head the red and mast head lights of a steamer, which afterwards proved to be the “Alexandra,” were observed from 2½ to 3 points on the starboard bow, and the helm was kept to port to go astern of her. After passing several yachts the helm had to be steadied to clear a schooner yacht, which, we are told, was the outermost of all the yachts, the vessel still going at the same speed, and making from 3 to 4 knots an hour. After rounding the schooner yacht the helm of the “Albert Edward” was again put hard-a-port, which brought the red light of the “Alexandra” on the “Albert Edward’s” port bow. Seeing that the “Alexandra” continued to approach, the master of the “Albert Edward” ordered the engines to be stopped and reversed full speed, and the vessel had, we are told, just begun to get stern way, when the two vessels came into collision, the port fore sponson of the one striking the port fore sponson of the other vessel.

The case of the “Alexandra” is as follows:—She also is a paddle wheel steamer of 234 tons gross, and 97 tons net register, and is fitted with engines of 120 horse power. She was built at Greenock in the year 1879, and belongs to the same persons as the “Albert Edward.” She left Southsea pier at 8.20 p.m. on that evening bound to Ryde, having a crew of 9 hands all told, and about 40 passengers. After clearing the buoys,

the engines were put on at what is called ordinary full speed, making from 38 to 39 revolutions in the minute, which gave a speed of from 9 to 10 knots an hour. The course steered was W. by S., and that course was continued past the N.W. Sturbridge buoy, it being the master's intention to take a sweep to the westward and to bring his vessel up to the pier, with her head to the eastward, the tide having begun to make to the westward.

Before they had reached the yachts, which were lying at anchor to the northward and westward of the pier head, the green and mast head lights of the "Albert Edward" were observed about 3 or 4 points on the port bow, upon which the master of the "Alexandra" signalled to the engineer to stand by. Shortly afterwards the engines were eased, and the master of the "Alexandra," seeing what he believed to be a clear channel, which would lead him up to the pier head, ordered the helm to be starboarded, it being his intention to go round the same schooner yacht which the "Albert Edward" was rounding from the other side. Before, however, the "Alexandra" had reached the schooner yacht, and whilst still under a starboard helm, the red light of the "Albert Edward" appeared, upon which the master of the "Alexandra" immediately ordered the helm to be put hard-a-port, and the engines to be stopped and reversed full speed; but the vessels were already too close, and almost immediately afterwards they came together, the port sponson of the one vessel striking the port sponson of the other. The result of the collision was to disable temporarily the "Alexandra," a piece of timber having got entangled in the paddle wheel. Boats, however, from the surrounding yachts speedily came to their assistance, and in a short time all her passengers were landed, and ultimately both the "Albert Edward" and the "Alexandra" were got in to Ryde Pier. The damage appears not to have been very serious, the total cost of the repairs of both vessels, exclusive of the injury to the paddle wheel, being only from 60*l.* to 80*l.*

Now, the two first questions on which our opinion has been asked may perhaps be more conveniently taken together. They are—"What was the cause of the collision?" and "Whether proper steps were taken by both ships for preventing a collision, in compliance with the regulations for preventing collisions at sea or otherwise?" It is admitted that, until just before the collision, the red light of the "Alexandra" was seen from the starboard bow of the "Albert Edward," and the green light of the "Albert Edward" from the port bow of the "Alexandra;" and that the vessels were therefore crossing and not meeting vessels; and our attention has been called to the 14th Article of the Regulations for Preventing Collisions at Sea, which provides that "If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side, shall keep out of the way of the other." It was then the duty of the "Albert Edward," which had the "Alexandra" on her starboard side, to get out of her way, and she might do so either by porting her helm, and going under her stern, or she might starboard her helm, and go ahead of her, whichever she thought best. At the same time, it was the duty of the "Alexandra" to keep her course, for the 18th Article of the Regulations provides that, "Where by the above rules, one of two ships is to keep out of the way the other shall keep her course." Now the "Albert Edward" elected to port her helm, to go under the stern of the "Alexandra," which she had a perfect right to do. The "Alexandra," on the other hand, thought fit to starboard her helm, the effect of which was to bring her bows towards the "Albert Edward." The defence set up for the "Alexandra" is that she was in so narrow a channel that it was not possible for her to escape the "Albert Edward" except by running into the yachts, which were on her starboard side. Seeing, however, that she had observed the green and mast-head lights of the "Albert Edward" very soon after the latter had left Ryde Pier, and when she was yet a long distance from the yachts, and that she could see only this one clear passage through them, she had no right to enter that passage if it was not wide enough to allow two vessels to pass at the same time. It is clear however to us that the "Alexandra" had not entered the narrow channel of which she speaks when the collision occurred; for, according to the master of the "Albert Edward," it was not until after he had rounded the outermost yacht that he hard-ported his helm, and thereby brought his red light to bear on the "Alexandra;" and it was only after this that the order was given to stop and reverse the

"Alexandra's" engines. But, assuming that there were yachts further out, which the master of the "Albert Edward" did not see, and which prevented the "Alexandra" from porting her helm, her duty was to have stopped sooner. The 16th Article of the Regulations provides that "Every steamship when approaching another ship so as to involve risk of collision, shall slacken her speed, or if necessary, stop and reverse;" and seeing the "Albert Edward" coming through the mass of yachts she ought to have stopped sooner, and allowed the "Albert Edward" to pass, and not have continued her course until she was so near the yachts that a collision was almost inevitable. She ought to have stopped sooner, and in any case she did wrong to starboard.

In reply to the third question, whether a proper lookout was being kept on board both ships, we have only to say that we have no reason to think that a proper lookout was not being kept on board both ships, each vessel having sighted the other in ample time to have avoided the collision, had proper steps been taken on board the "Alexandra."

The fourth question on which our opinion has been asked is, "Was the collision caused by the wrongful act of the masters, mates, or engineers of the two ships, or any, and which of them?" As regards the "Albert Edward," she appears to have been going at a very moderate rate of speed, not above 3 or 4 knots an hour, and being in a narrow channel between the yachts, she ported her helm, thus keeping on the starboard side of that channel, which was the proper course for her to pursue; she seems also to have stopped and reversed her engines, and to have brought herself to a stand, if not to have got stern way, before the collision took place. No blame, therefore, in our opinion attaches to her. With regard to the "Alexandra," we think that she is to blame not only for having starboarded her helm when she observed the "Albert Edward's" green light on her port bow, but for not having stopped to allow the "Albert Edward" to get clear of the ruck of yachts before attempting to make her way towards them.

The fifth question on which our opinion has been asked is, "Was the collision caused wholly or in part by the difficulty in approaching Ryde Pier by reason of yachts or vessels riding off the pier?" It seems that, owing to its being the regatta week, there were a great number of yachts lying more especially to the northward and westward of the pier head, obstructing the approach, and rendering the navigation extremely difficult. We think that there can be no doubt that, if there had been no yachts in the way, the "Albert Edward" would, on leaving the pier, have kept her helm to port until she had got upon a N.N.E. course, and would thus have brought her red light sooner into view, and in that case there would probably have been no collision, the vessels passing port side to port side. So far, therefore, the yachts, by rendering the navigation difficult, did in our opinion contribute to the collision; and we have no hesitation in saying, seeing the large number of passenger vessels which have to call in at Ryde, both by day and by night, that it would be very desirable that some regulations should be laid down in regard to the anchoring of the yachts, and that they should not be allowed to anchor where they please. There is no evidence before us to shew with whom the power to make regulations on the subject rests, but it is a matter to which we think that the attention of the authorities should be directed; the more so, as there appears to be no reason why they might not be kept well away to the westward of the pier. If this were done, the approach to the pier would be much less difficult and dangerous, and the convenience of the public would be thereby greatly promoted.

Lastly, it is said that in the opinion of the Board of Trade, "The certificates of the master and engineer of the 'Alexandra' should be dealt with." So far as the engineer is concerned, we think that no blame whatever attaches to him; he seems to have obeyed promptly all the orders that were given to him. As regards the master, however, he is, as I have already said, to blame for having starboarded his helm as he did, and for not having stopped when he saw the "Albert Edward" approaching, and allowed her to pass out before he ventured to approach the mass of yachts which were there lying at anchor. At the same time we cannot conceal from ourselves that he was placed in a position of very great difficulty owing to the large number of yachts which were lying at anchor to the northward and westward of the pier head. At the utmost he has been guilty of an error of judgment, for which we are not

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disposed either to deal with his certificate or even to reprimand him. As regards the master of the "Albert Edward," it seems that he holds no certificate, and we were asked to say whether he ought not to have had one, the 136th Section of the Merchant Shipping Act, 1854, providing that "No foreign-going ship, or home-trade passenger ship, shall go to sea from any port in the United Kingdom, unless the master thereof," &c., holds a certificate either of competency or of service. There is a similar provision in a subsequent Act in regard to the engineer of a passenger ship. It was said, however, that the voyage from Southsea to Ryde was not going to sea within the meaning of the Act. Whether this is so or not, I am not prepared to say; nor does the question arise in the present case, the casualty not having been occasioned by any neglect or default on the part of the master or engineer of the "Albert Edward." It is, however, a question to which the atten-

tion of the companies, who are the owners of these vessels, ought to be called, with the view of ascertaining whether it is obligatory that they should be navigated by certificated officers. At the same time we are bound to say that, so far as he is personally concerned, judging from the way in which the master of the "Albert Edward" gave his evidence, and the careful way in which he seems to have navigated his vessel, we do not conceive that any great advantage would result from putting a certificated captain in his place. But we must all obey the law.

No application, and no order was made as to costs.
 (Signed) H. C. ROTHERY,
 Wreck Commissioner.

We concur.
 (Signed) ED. WHITE, Captain R.N., }
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