

(No. 984.)

“KINGSTON.” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster, on the 13th of April 1881, before H. C. ROTHERY, Esquire, Wreck Commissioner assisted by Captain KENNEDY and Captain CLARKE, as Assessors, into the circumstances attending the stranding and loss of the steamship “KINGSTON,” of London, on Shab Ali Reef, at the entrance to the Gulf of Suez, on the 16th of February 1881.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the stranding and loss of the said ship, was due to Thomas Richard Cousins, the master, in having neglected, when passing Ras Gharib and Ashrafi Lighthouses, to take proper measures to ascertain the exact position of the vessel and her distance from those lights; and in having, when off Ashrafi, allowed her to get so far to the eastward, that the course steered necessarily took her on the Shag Rock, at the S.W. extremity of the Shab Ali Reef.

For these wrongful acts and defaults, the Court suspends the certificate of the said Thomas Richard Cousins for six months from this day, but recommends, that during the suspension of his master's certificate, he be allowed a first mate's certificate.

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

Dated this 13th day of April 1881.

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

We concur in the above report.

(Signed) H. C. KENNEDY, } Assessors.
R. T. CLARKE, }

Annex to the Report.

This case was heard at Westminster on the 13th of April 1881, when Mr. Israel Davis appeared for the Board of Trade, Mr. Greenwell for the owners, and Mr. Botterell for the master of the “Kingston.” Eight witnesses having been produced by the Board of Trade and examined, Mr. Israel Davis handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. A witness was then produced on behalf of the owners, and the master having been recalled by Mr. Botterell for further examination, Mr. Greenwell and Mr. Botterell addressed the Court on behalf of their respective parties. The second mate was also heard on his own behalf. And Mr. Israel Davis having been heard in reply, the Court proceeded to give judgment on the questions on which its opinion had been asked. The circumstances of the case are as follow:—

The “Kingston” was an iron screw steamer ship, belonging to the Port of London, of 1,448 tons gross, and 922 tons net register; and was fitted with engines of 130 horse power. She was built at Pallion, near Sunderland, in the year 1871, and at the time of her loss was the property of the Commercial Steamship Company Limited, Mr. John Sheriff Hill, of No. 32, Great St. Helens, London, being the managing owner. She left Cardiff on the 28th of January last, bound to Aden, with a crew of 25 hands, all told, and having on board a cargo of 1,210 tons of coal, besides 530 tons in her bunkers, and drawing 20 feet 2 inches aft, and 18 feet 6 inches forward. Having passed through the canal, she left Suez at 8.15 a.m., on the 16th February last, and was kept on a south course until abreast of Newport light ship, when the course was altered to S. $\frac{1}{2}$ E. At about 12.45 p.m. she passed Zafarand Light, distant, according to the master, from 2 $\frac{1}{2}$ to 3 miles, when the course was altered to S.S.E. At 6 p.m. they were abreast of the Ras Gharib Lighthouse, distant, according to the master, about 3 miles, when the course

was altered to S.E. $\frac{1}{2}$ S.; and at 10 p.m. Ashrafi Light-house was sighted, bearing S.S.E., distant, according to the master, from 9 to 10 miles. At this time the weather was fine, but cloudy, the wind moderate from the N. W., and the sea smooth, and the engines were going at full speed, the vessel making from 9 to 10 knots an hour. At 10.50 p.m. they were abreast of Ashrafi Light, and, according to the master, passed at a distance of about 3 $\frac{1}{2}$ miles from it; when thinking that the vessel was pulling, as he described it, against the port helm, he altered the course $\frac{1}{4}$ of a point to the southward, to S.E. $\frac{1}{2}$ S. At 11.45 the master, who was on the bridge, ordered the second mate to go and set the fore topsail. The latter accordingly left the bridge for that purpose, and having sent the extra hand aloft to loosen the sail, called the look-out man away from his post to assist in hauling the sheet home. As soon as the sail was set, the extra man came down, and he and the second mate went aft to trim the yards, and whilst they were in the act of doing so the vessel struck; it was then 11.50 p.m. Orders were at once given to sound, and it was found that there were 1 $\frac{1}{2}$ fathoms forward, from 3 to 4 fathoms abreast of the forerigging, 5 fathoms amidships, and 7 $\frac{1}{2}$ fathoms aft. An anchor was accordingly carried out astern, and the engines were set on, and were kept going full speed astern till 2 a.m., when finding that she did not move, they began to jettison the cargo. In the course of that day the steamship “F. W. Ward” came up, and whilst declining to assist in towing the vessel off stated that, if they wished to leave her, she would take them on board; this, however, they refused to do, and she accordingly proceeded on her voyage. They continued to jettison the cargo, and by breakfast time of the 18th had succeeded in throwing overboard from 60 to 70 tons of the cargo. On that day another steamer, the “Columbian,” came up, and having offered her services they were accepted, and a hawser was thereupon carried out astern, and she commenced towing; finding, however, that she could not move the “Kingston,” she also left. That evening the vessel began to make water, and on the following day, the 19th, the master, seeing that there was no hope of saving the vessel, gave permission to the crew to leave her, and at about 2 p.m. the same day the mate and 16 of the hands went on board a passing vessel called the “Almora.” The rest, consisting of the master, the chief engineer, the second mate, and five seamen remained on board until about 6 p.m. of the 20th when, the fires being out and the vessel sinking, they got into the boat, and after lying to under the shelter of the reef through the night, they succeeded at about 3 p.m. of the following day in landing on Jubal Island. There they remained until the 24th, when being short of water, they pulled out into mid-channel, and were taken on board a passing steamer called the “Strathmore,” which landed them on the following day at Suez. The place where the vessel grounded and where she ultimately went to pieces, was on the S.W. extremity of Shab Ali Reef, on a rock called the Shag Rock.

These are the facts of the case, and the questions on which the Board of Trade have asked for our opinion, are the following:—

1. Whether safe and proper courses were set and steered on the 16th of February?
2. Whether proper alterations, or a proper alteration, was made in the course after sighting Ashrafi Light, and after 10.50 p.m. on the 16th of February?
3. Whether due and proper allowance was made for the tide and currents?
4. Whether due and proper regard was had to the sailing directions for the Gulf of Suez?
5. Whether the bearings and distance of the Ashrafi and Ras Gharib Lights were properly estimated, and whether proper bearings were taken of the Lights, and the distances and courses correctly, and with seaman-like skill and care noted and compared?
6. Whether any other measures were duly taken to accurately estimate the position of the vessel?
7. Whether a good and proper look-out was kept?
8. Whether the lead ought to have been used?
9. Whether an excessive rate of speed was maintained, having regard to the vessel's position?
10. Whether it was safe and prudent to set the fore-

topsail at the time and in the circumstances of the case, and if not, who was in default?

11. Whether the number of the crew was sufficient?

12. Whether the vessel was navigated with proper and seamanlike care and skill?

13. What was the cause of the casualty?

14. Whether the master and second officer were, or either of them was in default?

It was also said that in the opinion of the Board of Trade, "the certificates of Thomas Richard Cousins, the master, and Harry Taylor, the second mate, should be dealt with."

The master told us that before this last occasion he had been three times down the Gulf of Suez, once as master, and twice as officer of a ship, but whether at night or by day we were not informed. Not being therefore personally very familiar with the navigation, he told us that he consulted the "Red Sea Pilot," a work of high authority, and finding it stated at page 13 that in the Straits of Jubal the tides within 2 miles of the reefs are uncertain in their direction, he determined to keep her in mid-channel; and believing, as he said, that they were about $3\frac{1}{2}$ miles from Ashrafi Point when they passed it, he laid her from that point on a S.E. $\frac{1}{2}$ S. course, which he thought would take her through the Straits clear of all dangers on either side; and he attributed the loss of the vessel to a strong current which had set him to the eastward of his course. Whether a S.E. $\frac{1}{2}$ S. course from off Ashrafi Lighthouse would take him clear of Shab Ali Reef, would of course depend upon the distance at which he was from the lighthouse when he passed it. If, indeed, he was further to the east at that point than he imagined, and than he should have been, we can well understand how a S.E. $\frac{1}{2}$ S. course might have taken him directly on the Shag Rock. It was therefore of the utmost importance for him to ascertain precisely his distance from Ashrafi Lighthouse when he was abreast of it. Let us see what steps he took for this purpose. He said that when he first made the light it bore S.S.E., distant, as he supposed, from 9 to 10 miles; that he kept on his course S.E. $\frac{1}{2}$ S., and in 50 minutes, during which he supposed he had run 9 miles, he found himself abreast of it; and that he therefore concluded that he was $3\frac{1}{2}$ miles from the light when he passed it. I fail, however, to follow his reasoning, or to understand how this would shew him that he was $3\frac{1}{2}$ miles from Ashrafi Light when he passed it. Whether the master meant by this that, having estimated the distance of the light correctly when he was from 9 to 10 miles off, he would probably estimate it as correctly when he got so much nearer to it, I am not able to say; but the master could give no other reason for thinking that they were only $3\frac{1}{2}$ miles from Ashrafi Light when they passed it.

Now in default of obtaining cross bearings, which is the surest way of ascertaining a vessel's position, there is a very simple and easy method by which the distance of a point or light can be ascertained with sufficient accuracy, and which is known as the "four-point bearing." At page 8 of the work to which the master referred us, the "Red Sea Pilot," we find the following remarks:—"It is a necessary practice, and one common to mariners who regularly navigate the Red Sea, to determine the distances of the various points of departure by the changes of bearing in a given time; and in the Gulf of Suez, at night, the practice cannot be too strongly recommended, for it is at all times difficult to judge the distance of a light with sufficient accuracy." It then goes on as follows:—"Although not strictly within the scope of this work, the method of what is known as the *four-point bearing* may be briefly mentioned, as it will be found very useful. It consists in noting the time when the object bears four points on the bow, and again when it is abeam. The distance run by the ship in the interval is the distance of the object at the second observation, provided that the vessel has kept the same course during that interval." The plan which is here pointed out is so simple, so easy of application, that it ought to be well known to seamen; and yet I am told by the Assessors that few masters follow it; and although it is, as I have shewn, expressly enjoined in his "Book of Directions," the master of the "Kingston" admitted that he had himself never practised it; nor did he take any other means to ascertain the distance of the light. It is clear, therefore, that his estimate must have been pure guess-work.

But there are two or three circumstances, which came out in the course of the master's examination, which seem to show that the vessel, when off Ashrafi Lighthouse, must have been further to the eastward than the master thought, and than she ought to have been.

And, first, we are told that they passed Ras Gharib

at 6 p.m., and that it then bore W.S.W., distant about 3 miles, and that from that point a S.E. $\frac{1}{2}$ S. course was steered till they were abreast of Ashrafi Lighthouse. But at page 12 of the "Red Sea Pilot" we are told that, when Ras Gharib bears W.S.W., distant from 3 to 4 miles, "a course S.E. by S. should be shaped to pass to the westward of Moresby Shoal, a coral patch of 3 fathoms depth, lying E. by N., $9\frac{1}{2}$ miles from Ras Shukheir." In steering therefore a S.E. $\frac{1}{2}$ S. course the vessel would seem to have been kept $\frac{1}{2}$ a point to the eastward of her proper course, which would of course put her considerably to the eastward of her proper position when she passed Ashrafi Lighthouse at 10.50 p.m., even assuming that the master had correctly estimated his distance in passing Ras Gharib, but of which we have no sufficient proof. Why too the master should have kept the vessel so far to the eastward, we are at a loss to conceive, seeing that the "Red Sea Pilot" tells us that "it is better to keep the western side of the gulf on board," for that "from Ras Abuderaj to Ras Zeiti, with the exception of part near Zafarana Point," the western side "may be approached to the distance of a mile and a half."

Again we find at page 12 of the "Red Sea Pilot," where it speaks of the Straits of Jubal, that "Ashrafi Lighthouse should be passed from one to two miles distant, to ensure clearing Shab Ali Reef on the eastern side of the strait." But according to the master they passed it at a distance of $3\frac{1}{2}$ miles, and possibly even as we have seen, at a still greater distance. But whether this be so or not, it is clear from the master's own statement that, when off Ashrafi Lighthouse, they were further to the eastward than they should have been, and further than is recommended by the "Master's Book of Directions"; and this too, although it is stated at page 13 of that work that "the west side of the Strait" (that is of Jubal Strait) "is preferable to keep on board," and that strict attention must always be paid "to the bearings and marks given."

The fact too that when the vessel first made Ashrafi Light, it bore S.S.E., or a point and a half on the starboard bow, seems to show that even then she must have been considerably to the eastward of her proper course; for I am told by one of the Assessors, whose assistance I have on the present occasion, and who has served for many years in the Red Sea, on board the Peninsular and Oriental Company's vessels, that their invariable practice was to make Ashrafi a little on the starboard bow, and to pass, as the Directions recommended, within one or two miles of it, there being deep water, with the light as a guide on the west side, whilst on the east side of the Straits lie the dangerous Shab Ali Reefs.

That the tides could have set the vessel on the Shag Rock, which is the excuse that the master offers for getting upon it, cannot for one moment be admitted, if we assume that the vessel was on her proper course, or even in mid channel when passing Ashrafi Lighthouse; for the "Red Sea Pilot," speaking of the tides, tells us, page 13, that "in the Straits of Jubal, the channel being narrowed by the islands and reefs lying therein, the rate is from $1\frac{1}{2}$ to 2 miles per hour, the flood stream running to the S.E., and the ebb to the N.W., or nearly in the direction of the axis of the channel," but that "within 2 miles of the reefs, the tides are uncertain in their direction." So long then as the vessel was kept in mid stream or to the westward thereof, the tide would be merely setting her either up or down the strait, and it is only when she gets within 2 miles of the reefs, which are on the east side, and where she should never have been, that the tides become at all uncertain. In our opinion the cause of the stranding of the vessel was that she was allowed to get too far to the eastward of her course before reaching Ashrafi Lighthouse, and that a course was then steered which took her directly on to the Shag Rock.

Our answer then to the first six questions, which have been put to us, must be,—

1. That safe and proper courses were not set and steered on the 16th of February.

2. That proper alterations were not made in the courses after sighting, and after they were abreast of Ashrafi Light.

3. That no allowance need have been made for tide or current, had she been in her proper course, and on the west side of the straits.

4. That due and proper regard was not paid to the sailing directions.

5. That the distance of Ashrafi Lighthouse was not properly estimated; and

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6. That proper measures were not taken to determine accurately the vessel's position.

The seventh question which we are asked is, "Whether a good and proper look-out was kept." It seems that there was a look-out man stationed forward on the top-gallant fore-castle, but that a few minutes before the vessel struck, he was called off by the second mate to assist in setting the fore topsail. According to the second mate he had the master's orders to do so, but this is distinctly denied by the master. The way, however, in which the second mate gave his evidence, did not impress us in his favor, and we should hesitate to accept his testimony in preference to that of the master. The question, however, is not of much importance in the present case, as the Assessors are of opinion that, even had the look-out man been at his post, it is very doubtful whether he would have seen the reef in time to have avoided it. It is true that white water was observed by the crew under the vessel's bows soon after she had struck, but I am told that with the weather as it then was, the sea smooth, and the reef from 1½ to 3 fathoms below the surface, the broken water would probably not have been seen by the look-out man (seeing that the vessel was going at from 9 to 10 knots) in time to have prevented her striking. Whether, therefore, the look-out man had remained at his post or not, would probably have made no difference in the present case.

The eighth question which we are asked is, "Whether the lead ought to have been used." Seeing that there is deep water within a short distance of Ashrafi Lighthouse, and that the light was visible until the vessel grounded, there seems no reason why the lead should have been used, the light was a much better guide in this case to fix the vessel's position.

The ninth question which we are asked is, "Whether an excessive rate of speed was maintained, having regard to the vessel's position." The Assessors are of opinion that the speed, at which the vessel was going, was not under the circumstances excessive; the night was clear, the light distinctly visible, and the master might, had he taken the proper measures, have easily ascertained the vessel's exact position. There was therefore no reason why the speed should have been slackened.

The tenth question which we are asked is, "Whether it was safe and prudent to set the fore topsail at the time, and in the circumstances of the case, and if not, who was in default?" It was no doubt the master who gave the order to the second mate to set the fore topsail, but he told us that he expected they would only loose the sail and then wait until the watch was relieved, and when they would have plenty of hands on deck to set it. At the same time he admitted that he saw them proceeding to set the sail before the watch had come up from below, and that he did not stop them from doing it, he therefore must bear the responsibility, if any such exists, for what was done. No doubt it would have been better to have waited for the watch to come up before setting the topsail, as in that case the look-out man need not have been called away from his post, but as we have already said, this circumstance did not in the opinion of the Assessors contribute in any way to the casualty, and it is therefore not necessary to decide it.

The eleventh question which we are asked is, "Whether the number of the crew was sufficient?" It appears that she had altogether 25 hands, of whom 12 were engaged in the navigation of the ship, namely, the master, two mates, the boatswain, carpenter, six A. B.'s, and an ordinary seaman. They would thus have had, exclusive of officers, three A.B.'s at least for each watch, one for the wheel, one for the look out, and an extra man; and I am advised by the Assessors that, according to modern practice, seeing the greater facilities which vessels now have for doing the work on deck, seeing also that this vessel was fitted with steam winches to

assist in setting the sails, they think that the crew was not insufficient.

The twelfth question which we are asked is, "Whether the vessel was navigated with proper and seamanlike care and skill?" In our opinion she was not. In neglecting to take the usual and ordinary methods to ascertain the distances at which the vessel was when she passed Ras Gharib and Ashrafi Lighthouses, and in merely guessing at those distances; and in allowing the vessel to get too far to the eastward when it was his duty to have kept her near the west side of Jubal Strait, the master has in our opinion shewn great want of seamanlike care and skill.

The thirteenth question which we are asked is, "What was the cause of the casualty?" The cause, no doubt, of the casualty was, that the master allowed the vessel to get too far to the eastward, and instead of being within one or two miles of Ashrafi Lighthouse when he passed it, he was at least 3½ miles and probably much further off, and that he then laid the vessel on a course which, had he been in a proper position, would have taken him clear of Shab Ali Reef, but being as he was too far to the eastward, took him directly on the Shag Rock, which is at the south-western extremity of the reef.

The fourteenth question which we are asked is "Whether the master and second officer were, or either of them was in default"; and whether, therefore, their certificates should not be dealt with. And, first, as regards the second officer, if he did take it upon himself to remove the look-out man from his post without the master's orders, he was no doubt greatly to blame; but, as we have already said, this did not in our opinion conduce in any way to the casualty, and consequently we have no power to deal with his certificate. As regards the master, however, it is admitted that he was solely responsible for the navigation of the vessel; he laid the courses and it was his duty to have ascertained the exact distance at which they were from Ashrafi Lighthouse when they passed it. He is, therefore, solely to blame for this casualty. It has been urged by Mr. Botterell in his behalf that the error, of which he was guilty, was merely an error of judgment; but with every desire not to press too hardly upon him, seeing that he was on deck, attending to his duties, and not below in his cabin, we are not able to regard his conduct as the result of a mere error of judgment. It was said that masters are now expected to lose no time on their voyages and to keep their vessels, whenever it is possible, going at full speed; but that only renders it the more incumbent upon them to exercise greater vigilance and care. To run, however, at full speed through a narrow and dangerous channel, without regarding the printed directions for his guidance, and without taking any steps to ascertain his exact position, is in our opinion not a mere error of judgment, but very unseamanlike conduct. In this case it is not owing to the master that there were no lives lost; had the weather been other than it was, in all probability every soul on board would have perished. The Assessors are of opinion that, although the master has, as we are informed, been already suspended by the Company since the casualty, and has consequently been receiving no pay for the last two months, he ought still further to be suspended for six months, and in that opinion I entirely concur. At the same time, as Mr. Botterell has asked us to do so, we shall recommend that during the time of the suspension of his master's certificate, he be allowed a first mate's certificate.

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

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

We concur.

(Signed) H. C. KENNEDY, }
R. H. CLARKE, } Assessors.