

(No. 4771.)

"BOYNTON" (S.S.)

AND

"TOLEDO" (S.S.)

In the matter of a formal Investigation held at Valetta, Malta, on the 14th and 15th days of August, before GIO. B. MISSUD, Doctor of Laws and Stipendiary Magistrate for the Island of Malta, assisted by Captain FRANK LAMB and Captain SALVATORE STIVALA, Masters in the Merchant Service, into the circumstances attending the collision of the S.S. BOYNTON with the S.S. "TOLEDO," off the coast of Portugal, on the 5th day of August 1893.

Report of Court.

The Court having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds for the reasons stated in the annex hereto, that William Thomas Irving, the master of the s.s. "Boynton" of London, on the evidence collected by this Court, cannot be held to have contributed to the collision of his ship with the s.s. "Toledo" of Sunderland, on the morning of the 5th August 1893, in latitude 45° 11' N. and longitude 9° 17' W.

Dated this sixteenth day of August 1893.

(Signed) G. B. MISSUD, Magistrate.

We concur in the above report and finding.

(Signed)	FRANK LAMB, Master s.s. "Camper- down,"	} Assessors.
	S. STIVALA,	

Annex to the Report.

The "Boynton" is a steam vessel of 2,577 gross registered tonnage, official number 101,918, and belonging to the port of London.

It appears from the evidence given before this Court that she sailed from Penarth on the 2nd day of August 1893, bound for Malta with a cargo of coals.

Nothing noteworthy occurred during the voyage until the ship, on the 4th August 1893, had passed latitude 45° 11' N. and longitude 9° 17' W., when a misty fog came on, which at 11.30 p.m. obliged the master to slacken the speed of the ship until 1.50 a.m. of the 5th August. The air then becoming clearer, the engines were set at full speed ahead, but at 2.45 a.m., the ship being again enveloped in the fog, her speed was reduced by half, and the whistle was set going every one or two minutes, giving prolonged blasts. The master of the s.s. "Boynton," William Thomas Irving, whose certificate of competency is 3,805, was then on the bridge, and had been there since before midnight in command of the ship. He at 2.55 a.m. heard a prolonged blast of a whistle ahead, which subsequently was heard again nearer from the same direction, thus indicating the approach of a steamer from right ahead. The engines, then being 3 a.m., were made to work at slow speed, and immediately after stopped. When the engines had ceased to work and the ship was scarcely gliding through the water, the master of the ship from the bridge made out in the mist a masthead light right ahead, a little on the port bow if anything, and before he had made out any one of the side lights of that steamer, ordered the helm to be put to port, and gave one short blast of the whistle to indicate to the other vessel that he was directing the course of his vessel to starboard. But hardly had the helm been put to port by means of the hand-steering gear, than Captain Irving ordered the helm to be put to hard-a-starboard and the engines to work full speed astern, and the corresponding signal of three short blasts with the

whistle to be made, as he had always in the direction of right-ahead made out the green light of the steamer in such proximity as to involve the risk of collision. In fact, after the engines had been going full speed astern for about one or two minutes, a collision occurred between the s.s. "Boynton" and the other steamer, which afterwards proved to be the s.s. "Toledo," of the port of Sunderland.

The s.s. "Boynton" had struck with the bluff of the starboard bow the s.s. "Toledo" about amidships on the starboard side, the "Boynton" suffering material damage in the fore peak and the wake of the collision bulkhead and the "Toledo" at her engine-room bulkhead. The "Toledo" passed on to the stem of the "Boynton" with the same good way she had approached the "Boynton," and from this circumstance the master of the s.s. "Boynton" inferred that the s.s. "Toledo," though responding to his three short blasts with three equally short blasts, had not succeeded at the time of the collision in checking the speed with which the "Toledo" was proceeding when first sighted.

That the s.s. "Boynton" had gone sternway at the time of the collision seems to be established by the fact that the collision occurred about 3.10 a.m., whilst the engines had been stopped at 3 a.m. and made to work full speed astern at 3.7 a.m., and by the circumstance that the log line when hauled in just after the ships had cleared of each other was found to be trending forward.

After the collision both ships remained in proximity (though not in sight, on account of the mist and fog) till daybreak, when each proceeded on her journey, after ascertaining that neither required the assistance of the other.

Having regard to the fact that this description of the casualty was derived from the evidence of the master and the crew of the s.s. "Boynton" only, and that the master and the crew of the s.s. "Toledo," not being in this island, were not heard in explanation of such circumstances as appear in the narration above made to require elucidation.

Considering that it is manifest that Captain Irving has misapplied the rules relating to ships meeting end on, as he ported his helm on seeing only the mast-head light of the other steamer, and after that he had intimated with the steam whistle that he was directing his course to starboard, hard starboarded his helm without giving notice thereof to the approaching steamer.

Considering that it was not sufficiently established that these mistakes actually contributed to the collision with the s.s. "Toledo," inasmuch as the course of the s.s. "Boynton" could not be altered after sighting the s.s. "Toledo," for the good reason that the ship had then scarcely any way on sufficient to answer any turning of the helm.

Considering that the presence of a steamer approaching right ahead in the fog was ascertained long before the collision occurred, but that the mast-head light of that steamer was made out when the ships were in close proximity, that is, when the collision was unavoidable, as the look-out man testifies.

We believe that with the evidence before the Court no judgment should be formed attributing the collision to any fault on the part of the s.s. "Toledo" for not clearing out of the way of the s.s. "Boynton" she must have had on her starboard bow, crossing her bow, and possibly for not going at a moderate speed in a misty fog, and not stopping and reversing when approaching the s.s. "Boynton," so as to involve risk of collision.

Similarly we cannot with the evidence in our possession attribute the collision to any mismanagement on the part of the master of the s.s. "Boynton." He appears to have navigated carefully his ship during the fog, moderating his speed and attending to the whistle, and to have stopped and reversed in time when the risk of collision first appeared.

(Signed)	FRANK LAMB, } Assessors.
	S. STIVALA, }
	D. G. MISSUD, Magistrate.

16th August 1893.