

(No. 5875.)

“MOBILE” (S.S.)

Bombay, Chief Presidency Magistrate's Court,  
10th February, 1899.

In pursuance of the directions contained in Government Resolution No. 29, Marine Department, dated 28th January, 1899, this Court, consisting of J. SANDERS SLATER, Esquire, Chief Presidency Magistrate, Bombay, Captain K. MACAULAY and Mr. F. E. HARDCASTLE, Marine Surveyors, assembled at the Esplanade Police Court, Bombay, on the 3rd February, 1899, and proceeded to enquire into the circumstances attending the stranding and subsequent loss of the s.s. “MOBILE” near Suakin.

2. Upon perusal of the papers forwarded to the Court with the above mentioned Government Resolution, it appeared to the Court that this investigation was likely to involve the cancellation or suspension of the certificates of the master <sup>and</sup> <sub>or</sub> officers of the s.s. “Mobile,” and the Court therefore, under Section 13 of Act V. of 1883, constituted as its Assessors, for the purposes of the investigation, Captain G. K. Langborne of the s.s. “Egypt,” and Captain F. W. Vibert of the s.s. “Peshawur,” and proceeded to hear the evidence.

3. Upon the evidence it appears that the s.s. “Mobile,” whose official number was 82,278, was a British screw steam-ship, built of iron by Alexander Stephen and Sons, at Glasgow, in 1879, owned by the Bombay and Persia Steam Navigation Company, and registered at Bombay. Her register tonnage was 930-13. She was propelled by compound direct acting inverted engines of 140 horse-power, and held a passenger certificate for foreign trade, dated 3rd September, 1898. She was under the command of Captain David Miller, who holds a Board of Trade certificate as Master, granted at London in 1878. Her officers were Robert Lyle, chief officer, who holds a Chief Mate's certificate, granted at Hong Kong in May, 1884; Joseph Brierley, second officer, who holds a second mate's certificate, granted by the Government of Bombay, dated 22nd January, 1897; and William Holmes Macfarlane, third officer, who has no certificate, but who has been at sea as clerk and third officer for about six years; Samuel George Ellis, who holds a certificate as first-class engineer, granted by the Government of Bombay, dated 1st February, 1898; and two other engineers. Her quarter-masters and crew were natives of India, the crew numbering 60, all told. The “Mobile” steered by hand from the bridge; she carried a standard compass by Sir William Thompson, and two other compasses, three chronometers, duly corrected Admiralty charts for the voyage, and the latest edition of the Red Sea Pilot. She appears to have been properly found in all respects and in a seaworthy condition.

4. The “Mobile” left Bombay on the 23rd November, 1898, bound for Aden and Red Sea ports, with a general cargo. The voyage was uneventful as far as Aden, which the “Mobile” left on the 3rd December for Suakin. Off Perim, the usual Red Sea course was set, and at about noon on December 6th Suakin was sighted, and was approached by the southern channel. All went well until the ship entered the channel in the harbour, shortly after 2.30 p.m., when Captain Miller mistook No. 4 beacon for No. 5, and ran the ship's head ashore close to No. 4 beacon. As her engines were unable, with the help of a stream anchor run out astern, to get her off, lighters were brought alongside, and the ship was lightened forward, after which she came off at about 3 p.m. on December 7th and proceeded up the harbour. The ship sustained no injury by this stranding. Having regard to the fact that the beacons are all painted white, although on the chart they are described as being painted in distinguishing colours, the Court does not consider that serious blame can be attributed to Captain Miller for this accident.

5. When the “Mobile” had arrived off Cemetery Pier in Suakin Harbour, her starboard anchor was let go, and she was brought up on the South side of the channel, and was swung to port to enable her to be made fast to a buoy astern. In swinging, her propeller touched the

reef on the southern side of the channel, and about four inches were knocked off one of the blades. It is evident that she was brought up in dangerous proximity to the reef on the South side of the channel. While lying in Suakin Harbour, the ship was surveyed by the captain and chief engineer of the s.s. “Behera,” and was pronounced perfectly seaworthy.

6. After discharging and taking in cargo at Suakin, the ship was ready to proceed on her voyage to Jeddah on December 8th, but was detained in harbour till the 9th, as the Agents had not got her papers ready. Shortly after 0.30 p.m. on the 9th December, the engines were moved slow ahead, and the ship commenced to make her way out of the harbour. There was then a strong wind blowing from the N.W. or N.N.W., and the ship, being very light in the bows, was carried across the channel before way could be got upon her, and her fore end touched the reef on the south side of the channel. She appears to have taken about three hours after this to get into position, and to have grazed against the reef whilst manœuvring to do so. At about 3.30 p.m. Her Britannic Majesty's Consul came off to the ship and warned Captain Miller not to proceed on his voyage at so late an hour, but Captain Miller, who had been in Suakin on several previous occasions, declined to listen to the Consul, and told him to mind his own business, whereupon the Consul left the ship. At about 4 p.m., the ship finally cleared the harbour, and when about half a mile beyond the outer beacon, Captain Miller set the course N. 12° W. by standard compass, N. 10° W. true. It would be well here to remark that the evidence as regards the courses set, and the manœuvring of the ship generally given by the captain and officers differs considerably from that now given by the sikannis and lascars who have been called. On careful consideration of the evidence, as a whole, with the aid of the chart, and also on comparison of some of the statements made by the deponents before the Consul at Suakin, which were amongst the papers forwarded to this Court, the Court has come to the conclusion that the evidence of the sikannis and lascars is, on all points on which they are at variance with the European witnesses, entirely unreliable. Under these circumstances, the Court adopts the account given by the captain and officers as a substantially correct account of the navigation of the vessel, although the Court is unable to concur in the correctness of the calculations and inferences upon which the various measures were taken.

7. It was apparently about 4.20 p.m., when the ship cleared the harbour, and a little later when her course N. 12° W. was set. It appears from the chart that this was a proper and safe course to steer for the whole length of the Northern Channel, which extends for a distance of some 23 miles north of Suakin, and varies in width from about one to three miles. The captain set this course after laying it down on the chart, and gave it to the third officer, who steadied the ship on her course. No alteration was made in the course up to 5.35 p.m. by the ship's clock, probably 5.48 p.m. actual time, as the clock was 13 minutes slow by sunrise next day at which time darkness had set in and the weather was hazy. At that time the look-out reported breakers on the port bow, about half a mile distant, and just at that time the ship touched the bottom lightly. The engines were at once ordered full speed astern, and the helm put hard-a-port. On heading E.N.E. the ship was steadied, when she struck again and remained ashore for about an hour and a half, after which she was got off. The captain marked a spot on the chart which he considers to be the place where the ship struck, about 19° 17' N., 37° 19' E. The chief officer agrees with the captain as to this being the spot where the ship struck, and the Court is of opinion that this position is practically correct. If so, and if the course had been correctly steered, the ship at the time she struck had been carried about three-fourths of a mile to the westward of her course in about an hour. It should be mentioned that there were no breakers in the immediate vicinity either of the place where she first touched, or where she subsequently stranded, and that, while her fore end was aground, there were 10 fathoms of water amidships.

8. At about 7 p.m. the ship came off. Captain Miller then determined to let her drift. It appears that he

came to this determination without consultation with his officers, and that they raised no objection to it. The night was dark, cloudy and hazy, and he had no means of ascertaining his position. The lead was cast, while the ship was drifting, every 15 minutes on the port and starboard sides alternately. At 8 p.m., the chief officer was relieved by the third officer, and went below, turning in at about 8.30 and remaining in his cabin till he was called at 3.45 a.m. on the 10th December. No bottom was found during the third officer's watch, and the second officer relieved him at midnight, the ship still drifting. At about 2.20 a.m. on the 10th, bottom was found at 15 fathoms, and the second officer reported the fact to the captain, who then ordered the engines to be moved half speed ahead, which order was carried out at 2.31 a.m. Captain Miller reckoned that the ship had been drifting at the rate of half a mile an hour in an E.S.E. direction, and he set a course N. 46° W. to take him back to the channel. At about 3.30 a.m. supposing that he had regained the channel, Captain Miller altered the course to N. 12° W. by compass, the engines still going half speed ahead. Shortly after 3.50 a.m., the look-out reported breakers ahead, and almost immediately after the ship struck. The engines were at once moved full speed astern and every effort was made to get the ship off, but in vain. Soundings were taken round the ship which gave 14 fathoms astern, 5 fathoms amidships, and 6 feet forward. The ship began to make water rapidly, and it was ascertained that the rivets in the landing of the plates three and four strakes from the keel had been torn out, and there was a rent some 16 inches in length between the plates, through which water was pouring fast into the ship. Efforts were made to stop the leak, and the pumps were set to work to keep down the water, but without success. The third officer was sent in charge of a boat to Suakin to procure assistance, and subsequently the British Consul, ship's agent, Commander of the Egyptian transport and the Commander of the H.M.S. "Salamander" rendered valuable assistance in salving the cargo and ship's stores. Efforts were also made to get the ship off the reef, but they were unsuccessful, and she was finally abandoned on December 24th; while lying on the reef a number of papers including some that would probably have been of assistance in this inquiry, were stolen or otherwise lost from the chief officer's cabin. The place where the ship finally stranded appears to be a portion of the Towartit reef, about 7½ miles N.N.E. of Saukin.

9. Having heard the evidence adduced in the case, the Court framed charges against Captain Miller of having caused the stranding of the ship on the 9th December at about 5.30 p.m. by wrongfully proceeding on his voyage up the Northern Channel at a late hour of the afternoon of that day knowing that the navigation of that channel by dark was rash and dangerous, and also of having caused the loss of the "Mobile" by his wrongful act in permitting her to drift to an unknown position after she had stranded, and then proceeding on the voyage to Jedda in the dark, in so dangerous a locality. The Court also framed a charge against the chief officer for not rendering proper assistance to Captain Miller in the navigation of the vessel, and thereby contributing to the casualty. Both these officers thereupon stated their defence to the charges, which practically amounted to averring that they did everything that they could do in the circumstances. With regard to the first charge against Captain Miller, it appears clear that he was well aware of the dangers of this channel. Though he had been through it on several occasions he had never navigated it himself by night, nor had he ever known any body else to do so. It is a long and narrow channel encompassed on either side by coral reefs, and as Captain Miller must have known, for the caution is conspicuously given in the chart he had in use, liable to strong current setting across the channel. In addition to what his own experience must have taught him of the danger of attempting to navigate such a channel after dark, he had a distinct and friendly—though he does not appear to have treated it as such—warning from the British Consul at Suakin, not to attempt to go out so late in the day; but he rejected this advice, and rejected it after he had been struggling for nearly three hours to get his ship straight in the harbour channel, and had been scraping and grazing upon the reef in consequence of the high wind and the light condition of his ship. It is true that his voyage had already suffered serious delay. He had lost a day by reason of grounding at the entrance to the harbour, and he had lost another

day waiting for the ship's papers from the Agent; but this Court is of opinion that no ship-master is entitled to plead anxiety to get to the end of his voyage as an excuse for such rash navigation as Captain Miller was guilty of in attempting to navigate this channel after dark, and this Court finds that the stranding of the ship on the evening of the 9th December was due to Captain Miller's wrongful act in so proceeding.

10. With regard to the second charge against Captain Miller, this Court is of opinion that the proper course for him to have adopted under the circumstances in which he was placed was to have anchored the ship, as the evidence shows he might have done, and to have waited until daylight. Supposing that he was absolutely correct in his location of the spot on which the ship had grounded, and that she was drifting due E. S. E. after she came off, a glance at the chart would have shown him that the drift of the ship would take her within a quarter-of-a-mile of the southern end of the Towartit Reef, which was only three miles distant from the spot on which he supposed she had grounded. But he not only allowed his ship to drift in the manner described, but when he reckoned that he was four miles from the channel, *i.e.*, when bottom was found at 15 fathoms, Captain Miller set the course N. 46° W. which, supposing his previous calculations to be correct, would have taken the ship right across the reef, which he had been fortunate enough to miss while drifting. The Court considers that in adopting the course he did, Captain Miller was guilty of the most reckless navigation, which resulted in the ship being stranded, and ultimately totally lost, upon the Towartit Reef.

11. With reference to the charge framed against the chief officer, Mr. Lyle admits that he did not perform the duty, which his position placed upon him, of verifying the courses as laid down by the Captain. He, however, excuses himself by saying that in the merchant service the chief officer never does verify the course, and that the captain would resent any interference on his part with the navigation of the ship. That does not exonerate the chief officer from blame for not performing the duty cast upon him. It appears that in the case of the "Mobile" Captain Miller was content to dispense with any aid in prescribing the navigation of the vessel from his chief officer, to whom he merely communicated his intentions, and it appears that Mr. Lyle carried out the Captain's orders. The Court, however, is of opinion that if Mr. Lyle had taken the trouble to work out the path of the ship while drifting, he could not have failed to have noticed the danger attendant upon permitting such a course to be adopted, and to have drawn Captain Miller's attention to it. The Court also noted with some surprise that when Mr. Lyle's watch was up at 8 p.m. on the 9th December, and while the ship was drifting close to the reef, he went to his cabin and did not take any part or interest in the navigation of the ship until she struck the following morning. He said he thought that she was safe drifting, that he did not know the engines had been started at 2.30 a.m., and that he had been on deck for fifteen hours before he turned in, besides having had long spells of work and little or no rest for several days previously, so that had he remained on the alert after 8 p.m., he would have been unfit from exhaustion to take his morning watch. Upon consideration of all these circumstances, the Court is of opinion that the chief officer is to blame for not having verified the course set by the captain, for not having satisfied himself as to the positions of the vessel when she stranded on the evening of the 9th December, and for not having pointed out the risk involved in allowing the ship to drift. Under the circumstances proved the Court does not attach blame to Mr. Lyle for turning in as he did at 8.30 p.m., which seems to afford very satisfactory evidence of his belief in the safety of the ship while drifting. The Court, however, must remark that, as mentioned above, Captain Miller did not invite assistance from his officers, and that it does not therefore appear that the neglect on Mr. Lyle's part to volunteer his opinion contributed to the casualty. The Court, therefore, returns to Mr. Lyle his certificate, but at the same time feels bound to reprimand him for the slackness he displayed.

12. The Court regrets to feel bound to deal more severely with Captain Miller. His disregard of warning and experience, and his reckless navigation at night, have resulted in the total loss of the vessel under his command. The Court believes that he and those working under him did all that could be done to save the

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ship after she had gone ashore, and that they stood by the vessel as long as any advantage was to be gained by doing so. Taking all the circumstances into consideration, the Court considers it necessary to suspend Captain Miller's certificate for six months from this date; and recommends that during that period a chief mate's certificate be granted to him.

13. The Court thinks it proper to add that upon the evidence given in this inquiry it appears that the allegation that Captain Miller was in a state of intoxication when leaving Suakin is entirely unsubstantiated.

J. SANDERS SLATER,  
Chief Presidency Magistrate.  
K. MACAULAY,  
Marine Surveyor.  
F. E. HARDCASTLE,  
Marine Surveyor.

*Charges preferred against the Master and First Mate.*

The Court frames the following charges:—

This Court charges you, David Miller, that you being in command of the S.S. "Mobile," did on the 9th December, 1898, while on a voyage from Bombay to Aden and Red Sea ports, cause the stranding of the said steamship by your wrongful act in proceeding on your voyage from Suakin towards Jeddah at a late hour in the afternoon, you knowing that the navigation of the ship in the northern channel from Suakin in darkness was rash and dangerous.

Secondly, that you did on the 9th and 10th December, 1898, cause the loss of the S.S. "Mobile" by your wrongful act in allowing the said steamship to drift to an unknown position after she had stranded, and then proceeding on your voyage in the darkness in a locality which you knew to be dangerous by reason of the number and proximity of reefs.

Dated this 6th day of February, 1899.

J. SANDERS SLATER,  
Chief Presidency Magistrate.  
K. MACAULAY,  
Marine Surveyor.  
F. E. HARDCASTLE,  
Marine Surveyor.

This Court charges you, Robert Lyle, that you being the chief officer of the s.s. "Mobile" did on the 9th and 10th December, 1898, while on a voyage from Suakin to Jeddah, wrongfully neglect to assist the Master, Captain David Miller, with your advice as to the navigation of the ship, and that you exhibited an entire indifference to your duties by turning in at the expiration of your watch and remaining below while the ship was drifting in the darkness in a dangerous position, and that such wrongful neglect on your part contributed to the stranding and loss of the said steamship.

Dated this 6th day of February, 1899.

J. SANDERS SLATER,  
Chief Presidency Magistrate.  
K. MACAULAY,  
Marine Surveyor.  
F. E. HARDCASTLE,  
Marine Surveyor.

*Opinions of Assessors.*

1. I do not think Captain Miller was justified in leaving at 4.35 p.m.; in my opinion he ought to have anchored for the night.

2. He ought not to have allowed the ship to drift for the time he did without putting out a kedge.

3. I do not think Mr. Lyle, the chief officer, rendered the master the assistance he ought to have done under the circumstances, taking so little interest in the navigation.

GEO. L. LANGBORNE,  
Commander, P. & O. S. S. "Egypt."

1. I consider Captain Miller showed great want of judgment in leaving Suakin at such a late hour, knowing the dangerous stretch of reefs he would have to go through after dark.

2. I consider Captain Miller should not have allowed the ship to drift after striking, but should have anchored near the reef.

3. I consider Mr. Lyle did not take sufficient interest in the navigation of the ship or render the master the assistance he should have done under the circumstances.

F. W. VIBERT,  
Commander, P. & O. S. S. "Peshawur."

(Issued in London by the Board of Trade on the  
14th day of April, 1899.)