

(No. 6040.)

"W.H.S."

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Guildhall, Plymouth, on the 15th and 16th days of May, 1899, before JOHN CUMMING, and ANDREW SAUNDERS HARRIS, Esquires, Justices of the Peace for the Borough of Plymouth, assisted by Captain WILLIAM PARFITT and Captain EDMUND MILLER HUGHES, into the circumstances attending the stranding of the British sailing ship "W.H.S.," of Plymouth, at or near Cape di Faro, Sicily.

*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 the cause of the stranding of the vessel was that the master unjustifiably assumed that the green light seen by him on Mazzoni Point was the starboard light of a sailing vessel, and on that assumption altering his course—which carried him ashore.

The Court finds the master, H. W. Huxham, in default, and suspends his certificate, No. 34,137, for three months.

Dated this 15th day of May, 1900.

JOHN CUMMING, }  
A. S. HARRIS. } Justices.

We concur in the above Report.

WM. PARFITT, }  
E. M. HUGHES, } Assessors.

*Annex to the Report.*

This Inquiry was held at the Guildhall, Plymouth, on the 15th day of May, 1900, when Mr. Wolferstan appeared on behalf of the Board of Trade, Mr. Percy Pearce on behalf of the master and mate of the "W.H.S." and Mr. Skardon on behalf of the owner.

The "W.H.S.," official number being 105,265, was a British wood sailing schooner, built and registered at the Port of Plymouth, on the 12th day of July, 1895. Mr. W. H. Shilston, of Plymouth, was the builder, and her dimensions were as follows, viz.:—Length, 98 feet 6 inches; breadth, 22 feet 5 inches; and depth of hold, 10 feet 9 inches. Her gross tonnage was 128·63 tons after deducting crew spaces, &c., she was 116·32 registered tonnage. She was owned by Mr. William Hole Shilston, of 3, Brunswick Terrace, Plymouth, who was designated managing owner, advice under his own hand received the 12th July, 1895.

The "W.H.S." left Plymouth on her last voyage in May, 1899, in good and seaworthy condition, being fitted with one lifeboat 18 feet long, two lifebuoys, and six lifebelts, with a crew of six including the master. She was also fitted with one compass placed in the skylight, by which the courses were set and steered; there were two spare compass cards on board. The above compass was last adjusted in May, 1895, when the vessel was new. The master stated in evidence that he had one new North Atlantic chart on board, the others which he had had for several years belonged to himself, they having been used for navigating other vessels. The ship proceeded to Newfoundland, where she loaded a cargo of cured fish for the Mediterranean. She arrived safely at Leghorn, and was then ordered to proceed to Patras (in Greece), leaving Leghorn on the 17th February, 1900. Her draft of water was 12 feet 4 inches aft, and 10 feet 2 inches forward. Sail was set and all went well. Stromboli Island was passed on the 21st February,

when a new departure was taken for the Strait of Messina. A S.  $\frac{1}{2}$  E. course was set and steered, with a fresh breeze from the N.W., speed being from 6 to 7 knots until midnight, when Cape Faro light was sighted bearing S. by E. A course was then steered at S. by E.  $\frac{1}{2}$  E., the breeze freshened and the speed increased to 7 knots, with clear weather. Cape Faro light being kept on the weather or starboard bow. At 2.30 a.m. on 22nd February, the master being on deck, a green light was sighted on the starboard bow bearing S.W. by S., which the master took to be the starboard sidelight of a sailing ship, but proved to be a green light on Mazzoni Point on the Island of Sicily. The master, in evidence, stated that he was misled by the above green light not being marked on his chart, also that the light on Cape Faro (Sicily) was differently described on his chart, which he said he had had for nine years.

On examining the charts and light book of the present date, the Court find that no alteration had been made in the light on Cape Faro since the year 1882. The green light is not marked on the general chart, but it is marked on the larger scale chart for Faro or Strait of Messina.

The master in haste altered his course to S.S.W. when sighting the green light on Mazzoni Point, taking it to be a vessel's light, whereas had he given a short consideration he would have found it to be impossible to see the green light of a vessel close hauled as this vessel must have been with the wind N.W. from his position.

About ten minutes after the course was altered to S.S.W. the vessel stranded on the coast of Sicily, north of Cape Faro, where she remained, and finally became a total wreck on the 31st March, 1900, when she was abandoned by the underwriters. The crew abandoned her on the 22nd of February, and were forwarded home.

At the conclusion of the evidence the following questions were submitted on behalf of the Board of Trade for the opinion of the Court, and Counsel having addressed it on behalf of their respective clients, the Court, after careful consideration, made the following replies:—

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when were they last adjusted?

2. Was the vessel supplied with proper charts and sailing directions, and did the master take proper measures to ensure that his charts contained the latest corrections?

3. Was the position of the vessel correctly ascertained at or about midnight on the 21st–22nd February, was a safe and proper course then set, and was due and proper allowance made for tide and currents?

4. Were proper measures taken at or about 2 a.m. on the 22nd February to ascertain the position of the vessel. Did the master then mistake the green light exhibited from Mazzoni Point for the light of a sailing vessel, and, if so, was the mistake justifiable?

5. Was a safe and proper alteration made in the course at or about 2 a.m. on the 22nd February, and was due and proper allowance made for tide and currents?

6. Was a good and proper look-out kept, and was the vessel navigated with proper and seamanlike care?

7. What was the cause of the stranding of the vessel?

8. Was the loss of the "W.H.S." caused by the wrongful act or default of the master and mate, or either of them?

1. One compass—fixed in the skylight—which appeared to have been in good order and sufficient for the safe navigation of the vessel. The compass was said to have been adjusted in 1895.

2. The vessel was not supplied with proper charts, and there was no evidence to show that she was supplied with any sailing directions, but the master said that he received the usual Board of Trade Notices to Mariners, and the Admiralty List of Lights for 1894 or 1895, just before sailing from Plymouth in May, 1899. The master did not take any measures to ensure that his charts contained the latest corrections.

3. The position of the vessel was correctly ascertained at or about midnight on the 21st–22nd February, and a safe and proper course was set, and due and proper allowance was made at that time for tide and currents.

4. At about 2 a.m. on the 22nd February the position of the vessel was correct. At 2.30 a.m., or soon after, the master mistook the green light exhibited from Mazzoni Point for the light of a sailing vessel—a mistake which was wholly unjustifiable.

5. A safe and proper alteration was not made in the course at 2.30 a.m. on the 22nd February, and no allowance was made for tide and currents.

6. A good and proper look-out was kept. The vessel was not navigated with proper and seamanlike care after 2.30 a.m.

7. The cause of the stranding of the vessel was that the master unjustifiably assumed that the green light seen by him on Mazzoni Point was the starboard light of a sailing vessel, and on that assumption altering his course, and this notwithstanding that the Faro light which had been visible from midnight, and by which he had been steering, was still in sight.

8. The loss of the vessel was caused by the wrongful act or default of the master alone, and the Court suspends the certificate, No. 34,137, of the master for three months.

JOHN CUMMING, } Justices.  
A. S. HARRIS, }

We concur.

WM. PARFITT, } Assessors.  
E. M. HUGHES, }

(Issued in London by the Board of Trade on the 31st day of May, 1900.)

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