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"SETOS" (S.S.)

AND

"DAGHESTAN" (S.S.).

Bombay,
Chief Presidency Magistrate's Court,
8th March, 1901.

In pursuance of the directions contained in Government Resolution No. 24, Marine Department, dated the 27th February, 1901, this Court, consisting of J. SANDERS SLATER, Esquire, Chief Presidency Magistrate, Bombay, Captain F. E. HARDCASTLE, Marine Surveyor, Captain J. L. PARFITT, Master, s.s. "Arabia," and Mr. R. WALTON, First Grade Pilot, assembled at the Esplanade Police Court, Bombay, on the 4th March, 1901, and proceeded to inquire into the circumstances attending the collision between the British steamer "DAGHESTAN" and the German East Africa Company's s.s. "SETOS," in Bombay Harbour, on the 14th February, 1901.

2. The collision, the subject of this inquiry, took place in the vicinity of Middle Ground, in Bombay Harbour, at about 7 p.m. on the 14th February, 1901, between the s.s. "Daghestan" and the s.s. "Setos." The "Daghestan" is a British screw steamship of 2,212 tons net register, built of steel at Sunderland in 1900, and registered at the port of Sunderland. She is propelled by bi-compound engines of 320 H.P. (nominal), and is owned by the Hindustan S.S. Company. At the time of the casualty she was commanded by Captain Frederick Littlehales, who holds a Board of Trade certificate of competency as master of a foreign trade steamship granted at London on the 10th December, 1892, and carried a crew numbering 63 all told, of whom 22 were Europeans or non-Asiatics, and the rest natives of India. She had chief, second, third and fourth officers, and chief and other engineers. On the date in question the vessel was under time charter to the British India Steam Navigation Company, and bound, with a full general cargo but no passengers, on a voyage from Bombay to Antwerp. She left the Prince's Dock at 6.40 p.m. on the 14th February, in pilotage charge of Mr. William Evans Vaughan, who holds a first grade pilot's license, No. 35, of 1899, granted by the Bombay Port Trustees on the 4th April, 1899, and also a chief mate's certificate granted by the Board of Trade on the 23rd May, 1885.

3. The "Setos" is a German screw steamship, owned by the German East Africa line, built of iron at Hamburg in 1883, and propelled by compound engines of 900 H.P. Her registered tonnage is 1,245. At the time of the casualty she was under the command of Captain Max Koppstaetter, who holds a certificate of competency as master of a foreign trade steamship, granted by the German Government at Aurich, on the 4th January, 1892, and she carried a crew of 60 hands all told, the chief, second and third officers, and the chief, second and third engineers being Europeans, and the fourth engineer and the remainder of the crew being natives of India. She was on a voyage from Zanzibar via Mombasa and east coast ports to Bombay. The last port at which she had touched was Goa, which she left on the 13th February, 1901, with between 170 and 180 passengers, of whom 14 were saloon and the remainder deck passengers. She carried very little cargo. At about 5.20 p.m., on the 14th February, she arrived off the outer

lightship, when Mr. Thomas Duff Blair, who holds a Bombay Port Trustees' license No. 27, of 1897, as second grade pilot, dated 30th November, 1897, and also a Board of Trade certificate as master of a foreign trade steamship, dated 23rd November, 1889, took charge of the ship to bring her into port. Under the provisions of Section 31 of Act X of 1889 (The Indian Ports Act), both these vessels were compelled to take pilots for the purpose of navigating within the limits of Bombay Harbour. The weather at this time was fine and slightly hazy, but not sufficiently hazy to interfere materially with navigation in the harbour. No question arises on this inquiry as to the seaworthiness or equipment of either of these vessels. The Court is satisfied that they were well found and in proper trim, and that the casualty is in no way attributable to any want of mobility or equipment.

4. The circumstances which brought about the collision between these vessels, which resulted in the sinking of the "Setos" and immaterial damage to the "Daghestan," are, to a certain extent, in dispute, and therefore the evidence from each ship must be stated separately. We will begin with the story as told by those on board the "Daghestan." The pilot, Mr. Vaughan, took charge of the vessel as she passed out of the dock gate at 6.40 p.m., and proceeded by the usual, the north, channel. He was stationed on the upper bridge, and with him were the captain, the third officer, the fourth officer, and a sukani at the wheel. The fairway was clear as far as Cross Island. She passed to the north of the north channel beacon, and to the north of the P. and O. buoys in order to go to the eastward of the shipping lying in the harbour, altering her course after she had done so from time to time to avoid native craft. Rule 538 in the Pilot's Hand-book requires all vessels leaving the docks for sea or for the outer harbour to proceed to the eastward of the shipping, and prohibits the use of the inner channel through the shipping, unless absolutely necessary. There was a bulk-oil vessel then lying in the harbour, which was lying at the place prescribed by the rules for the control of bulk-oil vessels in the port, half a mile to the east of the shipping. This vessel, the "Attaka," the "Daghestan" passed on her port hand. Just before this, and after the Sunk Rock Light had been opened in the proper sector for passing down the harbour, the captain, after warning the third officer to keep a sharp look-out, left the upper bridge and went into the chart-room on the lower bridge to consult the chart and the compass deviation book. The pilot was then on the upper bridge, with the third officer standing by the telegraph, and the fourth officer standing by the wheel. When Middle Ground was about half a mile distant and about two points on the starboard bow, the masthead and red lights of an approaching steamer, which eventually turned out to be the "Setos," were sighted slightly on the port bow and about three-quarters of a mile distant. Thereupon the pilot gave the order "port a little" to the sukani at the wheel. The order was promptly obeyed, and a few seconds later the pilot ordered the helm hard-a-port, which order was also promptly carried out. Immediately after this the look-out reported a green light on the port bow, and the red light was shut out and the green light appeared about a point on the "Daghestan's" port bow. At this moment Middle Ground was four cables' length distant, and the other vessel was about half a mile from the "Daghestan." The pilot immediately ordered the helm hard-a-starboard, which was at once obeyed, and, at the pilot's order, two blasts of the whistle were given and the engines were stopped and moved full speed astern. Just then the "Setos" gave two blasts with her whistle. As the telegraph rang and the whistle of the "Daghestan" sounded, the captain hurried up on to the upper bridge, and, at the pilot's order, gave three blasts with the whistle. Up to this point the engines had been going full speed ahead, and the ship was going about nine knots or less through the water. The captain had only time to order the third officer to tell the chief officer to get all hands to station when the "Daghestan" struck the "Setos" on the starboard side, just abaft the

bridge, cutting into her a considerable distance. The engines of the "Daghestan" were then stopped and moved slow ahead, to keep her bows in the hole she had made, for a few seconds, when, in consequence of a hail from the "Setos," she backed out and subsequently anchored a couple of ship's lengths off the "Setos" and lowered and sent off her boats to render assistance.

5. The story of those on board the "Setos" is as follows:—After picking up the pilot she proceeded to enter the harbour, and when abreast of the Prongs Light her lamps were lighted, and the signal for the Port Health officer, red, white, and red lights at the main, was hoisted. She was going at full speed, between nine and ten knots, and after passing the Sunk Rock Light she passed the French mail steamer. In order to do so, or at least to give her more room, the helm of the "Setos" was ported, and she stood off to the eastward a little. About five minutes later her engines were altered to half speed, the helm having been starboarded to bring her back to her original course. At the time Middle Ground was about one mile distant and about two points on the port bow. When about abreast of Middle Ground, the masthead and red lights of an approaching steamer, the "Daghestan," were sighted about a mile distant. The captain and pilot say that these lights appeared to them to be about a point or a point and a half on the starboard bow. The third officer, who was standing at the telegraph half way between the centre and the starboard side of the bridge, says it appeared to him to be a little on the port bow. On seeing this light the engines were put to slow, and shortly after as the pilot was in doubt what the other ship was going to do, he stopped them when about abreast of the north end of Middle Ground. About five minutes later, the pilot says, the "Daghestan's" red light was shut out and the green came into view, both lights being in view simultaneously for only about a second. The ships were then, the pilot says, about half a mile apart. The helm of the "Setos" was then put hard-a-starboard, two blasts given with the whistle and the engines put slow ahead. The other vessel answered with two blasts, which were returned by the "Setos." Then, as the "Setos" had the "Daghestan's" green light about three points on her starboard bow, the pilot again stopped the engines and steadied the helm. After about five minutes, the pilot says, both lights of the other ship appeared at a distance of about 900 feet, and the helm of the "Setos" was put hard-a-port and the engines full speed ahead and the "Daghestan" struck the "Setos" almost amidships on the starboard side.

6. After the collision, and after the "Daghestan" had extricated herself from the "Setos," prompt measures were taken for the safety of the passengers and mails in the "Setos," which was badly damaged. These measures appear to have been entirely successful. So far as the "Setos" herself, however, was concerned, it was considered inadvisable, having regard to the heavy list she had taken by the time steam assistance was available (her own engine-room fires having been extinguished by the water a very few minutes after the collision took place), to attempt to place her on the ground, lest any endeavour to tow her to shallow water might capsize her with her crew on board. Salvage boats were brought alongside to keep the water down, and an attempt was made to stop the hole by laying a mainsail over the fracture; but these efforts were unsuccessful, and at about 3 a.m. on the 15th February she foundered.

7. The "Daghestan" on the 15th February entered the docks and discharged her cargo, and subsequently went into dry dock. On examination, it was found that her stem was broken at the 10-ft. rark and completely turned round to port. Her starboard hawse-pipe was carried away and the anchor forced through the plates and some plates below the water-line were fractured. Her cargo, however, suffered little or no damage, as the water did not penetrate abaft the fore peak.

8. On consideration of the evidence above recapitulated, the Court entertains no doubt as to where the culpability for this collision should rest. Taking the tale as told by the "Setos" to be, as far as it can be taken, correct, it was distinctly the duty of the "Setos" to avoid the "Daghestan." The duty lay upon her to get out of the way of the "Daghestan," and that duty was not performed by merely stopping the engines under the circumstances of this case. It may well be that, in some cases, all a vessel need do to avoid collision is to

stop her engines, but, in other cases, some other operation may be imperatively necessary, as in the opinion of the Court was the case here. Besides, after the "Setos" had stopped her engines, they were again moved ahead while she was in a position of peril. The Court is clearly of opinion that the only way in which all three lights could have been seen immediately prior to the collision was by the "Setos" coming right across the bows of the "Daghestan," so that even accepting the story of the "Setos" as correct, it was she which was to blame for the collision. At the same time the Court does not consider that the story told by the "Setos" is the probable one. It appears much more probable that the story told by the "Daghestan" is correct, in which case the collision would be equally clearly the result of the "Setos" crossing the bows of the "Daghestan" in order to reach her anchorage ground. The Court is further of opinion that the pilot of the "Setos" considerably underrated the speed at which his vessel was moving through the water after the speed of the engines was reduced, and that his estimate of the periods of time which elapsed between the various events to which he refers is excessive. It is extremely unlikely that the mere slackening and stopping of the engines which he speaks to would so greatly reduce the speed of the vessel as he deposes to, and the fact that the "Daghestan" was, up to almost the last moment, going at full speed, about seven knots, over the ground would of itself more than cover the space between the vessels in considerably less time than the pilot says elapsed after her lights were sighted. He says that it was not over a mile from the spot where he first sighted the "Daghestan" to his anchorage, which he had not reached when the collision took place, and he then altered the rate of the engines from half speed to slow. He went slow for about a minute while considering the position of the vessels; then he stopped the engines for about five minutes, the vessels then being in his opinion half a mile apart, that is to say, that the vessels were approaching each other at less than five knots an hour; then he put his engines slow ahead and helm hard-a-starboard, and at the end of another five minutes the vessels were still about 900 feet apart, that is, approaching at the rate less than five and one-half knots an hour. The Court understands that the distances and times given are only approximate, but the mere consideration of these results is sufficient to convince the Court that Mr. Blair's estimates of time and distance at least were wrong.

9. The question next arises whether the action of the "Daghestan" and any neglect or default of those on board of her contributed to the casualty. Mr. Vaughan states that when he put the helm hard-a-starboard, the vessels were in a dangerous position, and he immediately stopped and reversed the engines. He says that this movement was forced upon him by the "Setos," and that he could not go further to starboard, which, the Court finds, was the case. There can be no doubt that the "Setos" was coming up the harbour a great deal further to the westward than she should have done. She had to port to get out of the way of the French mail steamer, but she again came back to the westward side of the channel and attempted to thrust herself in so as to pass the "Daghestan" green to green. This was the whole cause of the casualty, for she not only broke the rule of the road in narrow channels by endeavouring to pass green to green, but she also, as is above pointed out, failed to keep out of the way of the "Daghestan," as it was incumbent upon her to do. The Court considers that the manœuvres adopted by the pilot of the "Daghestan" were forced upon him by the improper navigation of the "Setos," and that the steps he took were not only excusable but the best that he could have taken.

10. The Court finds that all orders given by the pilots on both the vessels were promptly and correctly executed by the officers and crews respectively. They do not consider that Captain Littlehales was in any respect to blame for leaving the upper bridge with competent officers to receive and transmit the pilot's orders, or that his doing so in any way contributed to the casualty.

11. The Court thinks it advisable to place upon record their opinion that the interpretation sought to be placed upon the words "inner channel" in Rule 538 in the Pilot's Hand-book by Mr. Blair and his learned counsel is incorrect. The Court understands the words "inner channel" to signify that part of the channel lying to the

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westward of a line passing through the buoy at the north end of Middle Ground and the Sunk Rock Light, and not an undefined division of the channel to the eastward of this line. The word "shipping" in this rule, the Court considers, includes only the shipping lying in the inner channel.

12. There is one point further to which the Court desires to draw attention, and that was the infraction of Article 28 of the Rules for the Prevention of Collisions by the pilot, Mr. Vaughan. That rule distinctly states that when vessels are in sight of each other, any alteration of the helm shall be notified as therein laid down. No notification was given by the pilot of the "Daghestan" of the porting or hard-a-porting of his helm. It does not appear that this omission in any way

contributed to the casualty, but the Court considers it necessary to draw attention to the compulsory character of this article.

J. SANDERS SLATER,
Chief Presidency Magistrate.

F. E. HARDCASTLE,
Marine Surveyor.

JAMES L. PARFITT,
Master of the s.s. "Arabia."

RICHARD WALTON,
First Grade Pilot.

(Issued in London by the Board of Trade on the
7th day of June, 1901.)