

(No. 6714.)

"KATE B. JONES" (S.S.)

AND

"INVERIC" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Town Hall, Cardiff, on the 30th and 31st days of August and the 1st, 2nd, and 3rd days of September, 1904, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Captain A. ANDERSON, Captain KIDDLE, R.N., and Captain W. COSENS, into the circumstances attending the collision of the s.s. "KATE B. JONES" with the s.s. "INVERIC," in latitude 40° 32' N. and longitude 9° 46' W., on the 6th day of June, 1904, whereby loss of life ensued.

*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 collision was caused by the excessive speed at which the "Kate B. Jones" was navigated in dense fog, and by the improper starboarding of her helm. The loss of life was an accidental consequence of the collision, due to the capsizing of a boat.

Dated this 3rd day of September, 1904.

T. W. LEWIS,  
Judge.

We concur in the above report.

ABSM. ANDERSON, }  
JAMES KIDDLE, } Assessors.  
WILLIAM COSENS, }

*Annex to the Report.*

This inquiry was held at the Town Hall, Cardiff, on the 30th and 31st days of August and the 1st, 2nd, and 3rd days of September, 1904. Mr. A. Vachell appeared for the Board of Trade, Mr. Lean for the master of the "Kate B. Jones," and Mr. Miller for the master of the "Inveric." The first and second officers of the "Kate B. Jones" were not represented by counsel, but appeared in person. The owners of the "Inveric," represented by Mr. Stephens, requested to be allowed to become parties, and this request was acceded to.

The "Kate B. Jones," official number 95152, is a steel screw steamship built at Wallsend in 1887 by Schlesinger, Davies & Co. She is 270 ft. long, 37.1 ft. broad, and 20.5 ft. in depth of hold. She is schooner-rigged and fitted with triple expansion direct-acting engines of 162 h.-p. (combined). The diameter of the cylinders is 18 $\frac{1}{2}$ , 34, and 58 ins., respectively, and the length of stroke 39 ins. The engines were made by the Tydfil Engineering Co., Cardiff, in 1898. The gross tonnage is 1,981.17 tons and the registered tonnage 1,251.19 tons. The vessel is owned by Frederick William Hutchins

and Arthur John Hutchins, and Mr. Arthur John Hutchins, of 5, Dock Chambers, Cardiff, is designated managing owner.

The "Kate B. Jones" left Swansea bound for Catania, in Sicily, on the 2nd day of June, 1904, with a crew of 21 hands, all told, 2 passengers, and a cargo of 2,300 tons of coal and patent fuel. She was under the command of Mr. William Thomas Pearn, who holds a certificate of competency numbered 89073. The draught of water was 20 ft. 7 ins. forward and 20 ft. 9 ins. aft. She carried 2 life-boats, 1 gig, and 1 working boat, capable of carrying the whole crew and passengers, and was fully equipped with all life-saving appliances as required by the statute. She had the usual pumps.

The vessel proceeded on her voyage and all went well until June 6th. At 2.5 a.m. on that date she was about 70 miles northward of the Burlings, steering S. by W. by compass or S. by W.  $\frac{1}{4}$  W. magnetic, and was going at full speed. She came into fog at 2.5 a.m. but continued to proceed at full speed until 2.30 a.m. when a whistle was heard two points on her starboard bow. This was answered by two blasts. Then two blasts were again heard, and replied to. At 2.31 a.m. the speed was reduced to slow, and almost immediately after the mast-head light of a steamer was sighted about 1 $\frac{1}{2}$  points before the starboard beam, at about 2 lengths distance. The oncoming steamer then gave three blasts, whereupon the master of the "Kate B. Jones" ordered the helm hard-a-starboard and the engines full speed ahead in the hope that he would be able to cross the oncoming steamer's bows and avoid the collision. The orders were immediately obeyed, but the manœuvre proved unsuccessful, and the vessels collided, the oncoming steamer (which afterwards proved to be the "Inveric") striking the "Kate B. Jones" a stem-on blow at right angles at about the main rigging. The master of the "Kate B. Jones," thinking his vessel was sinking, gave orders for all hands to be called and the boats to be put out, and stated in evidence that he gave orders for the engines to be stopped, and, finding this order was not carried out, he shouted down the engine room, "Stop the ship, and all hands come on deck and take to the boats." The order to stop the ship was not heard in the engine room and the vessel continued at full speed ahead. While the two vessels were in contact the officers and crew called out to the "Inveric" to throw ropes over the bow, but this was not done. Either their request was not heard by those on board or the look-out man on the "Inveric" (a Lascar) was unable to understand. The first and second officers and an A.B. got on board the "Inveric," leaving their master entirely alone at a very critical time, to superintend the lowering of the boats, the saving of life, and the navigation of the vessel. The master first got out the starboard gig and placed in it the two passengers—namely, the master's wife and a Miss Yates, of Chester—and the cook, the steward, and a fireman. This boat was lowered over the side and remained suspended half-way between the lower bridge and the water. The port life-boat was then lowered and the greater part of the crew got into it. An examination of the vessel proved that she had sustained considerable damage to her bulwarks, plates, rails, and stanchions. The plates were indented in two places from the deck downwards, but no plates were broken. The ship was making but little water. The crew in the port boat were ordered to return and did return to the vessel. The master then sent one of the engineers to the engine room to stop the engines, which was done, this being about half-an-hour after the collision. It was then discovered that the starboard boat was in the water towing by the stern tackle only, and that the occupants were missing. It appears that the sea had struck the bottom of the boat's bow thereby unhooking the forward tackle and causing the boat to swing round, which resulted in the occupants being thrown into the water. The two passengers, the cook, and the steward were

never seen again, but the fireman was found clinging to some wreckage about half-an-hour afterwards, and was picked up by the "Inveric" crew. He was in an exhausted condition, but recovered and was taken back to the "Kate B. Jones."

The "Inveric," official number 113994, is a steel screw steamship, built at Port Glasgow in 1901, by Messrs William Hamilton & Co. She is 369.5 ft. long, 52 x 1.5 ft. broad, and 27 x 2.5 ft. in depth of hold. She is schooner-rigged, and is fitted with triple expansion engines of 406 n.h.p. The diameter of the cylinders is 27 ins., 43½ ins., and 72½ ins., respectively, and the length of stroke is 48 ins. She has two steel boilers of 180 lbs. pressure, and both engines and boilers were made by David Rowan & Co., Glasgow, in 1901. The gross tonnage is 4,788.56 tons, and the registered tonnage 3,112.80 tons. She is owned by the Steamship Inveric Co., Ltd., of Glasgow, and Andrew Weir is the person to whom her management is entrusted. The "Inveric" left Calcutta bound for Hull, on the 1st day of May, 1904, with a crew of 54 hands, all told (12 of whom were Europeans, the remainder being natives of India), no passengers, and a cargo of 6,500 tons of general goods. She was under the command of Mr. Robert White, who holds a certificate of competency numbered 013040. The draught of water was 25 ft. 3 ins. forward and 25 ft. 5 ins. aft. She had four boats capable of carrying the whole crew and was fully equipped with all life-saving appliances as required by statute. The vessel proceeded on her voyage, and at about 11.30 p.m. on June 5th she was 35 miles northward of the Burlings, steering N. by E. ¼ E. by compass, and going at full speed in fine and clear weather. The master went below at that time, instructing the officer on watch to call him in case of any change in the weather. At midnight the second officer relieved the chief officer. At 2.20 a.m. on the 6th a bank of fog was seen ahead, and the master was called and came on deck. The pressure of steam was reduced, and when the vessel ran into the fog the engines were stopped. Two minutes later, a steamer's whistle was heard some distance away 2 points on the port bow. The "Inveric" sounded her fog-whistle and ported half a point. Two blasts were heard from the other steamer and were returned. Shortly afterwards the masthead and starboard lights of the "Kate B. Jones" were seen on the port bow. The "Inveric" immediately reversed her engines full speed and gave three blasts with her whistle. About two minutes after the lights were sighted the vessels collided, the "Inveric's" stem being twisted from port to starboard, with the result that the forepeak filled with water. The "Kate B. Jones" disappeared in the fog on the starboard side of the "Inveric," apparently at right angles. The first and second officers and an A.B. of the "Kate B. Jones" were now discovered on board the "Inveric." The jolly boat was lowered, manned by the second officer of the "Inveric" and the officers and an A.B. of the "Kate B. Jones," and towed in the direction of the "Kate B. Jones' " whistle, which was sounded at intervals. About 40 minutes later the fog lifted, and the "Kate B. Jones" was sighted. The "Inveric" came up and the first and second officers and A.B. of the "Kate B. Jones" were taken back to their vessel.

The "Inveric" stood by until 5.20 a.m., and, after a consultation between the two masters, it was arranged that the "Inveric" should continue her voyage and that the "Kate B. Jones" should proceed to Lisbon. The "Kate B. Jones" arrived safely at Lisbon the same night, and the "Inveric" at Plymouth on the 11th June.

Mr. Vachell submitted the following questions upon which he desired the opinion of the Court:—

- (1) Were both vessels supplied with the boats and life-saving appliances required by the statute?
- (2) Should the vessels have slackened their speed or stopped or reversed their engines at any time; and, if so, did either of them fail to do so?
- (3) Was the weather thick with fog at or about 2.25 a.m. of the 6th June last; if so, were both

vessels navigated at a moderate speed and did they comply with Article 16 of the Regulations for Preventing Collisions at Sea? Did the vessels properly sound their whistles for fog and comply with Article 15 of the said Regulations?

(4) Was a good and proper look-out kept on board both vessels?

(5) What was the cause of the collision and loss of life; and was every possible effort made by those on board the "Inveric" to render assistance?

(6) Were both vessels navigated with proper and seamanlike care?

(7) Was serious damage to the s.s. "Kate B. Jones" and s.s. "Inveric" and the loss of life caused by the wrongful act or default of the master, chief, and second officers of the "Kate B. Jones" and the master of the "Inveric," or of any of them?

The Court then considered the questions and answered as follows:—

(1) Both vessels were supplied with the boats and life-saving appliances required by the statute.

(2 and 3) The weather was thick with fog at 2.25 a.m. on the 6th of June. The "Kate B. Jones" ran at full speed into thick fog at 2.5 a.m. and continued at full speed (according to the admission of the master and second officer, until 2.20 a.m.), according to the weight of evidence and the finding of this Court, until 2.30 a.m. Thus her speed was not moderate in the existing conditions, and she thereby failed to comply with Article 16 of the Regulations for Preventing Collisions at Sea. The "Kate B. Jones" did not slacken her speed until 2.30 a.m., and she neither stopped nor reversed her engines before the collision with the "Inveric," which took place about 2.35 a.m. These omissions on the part of the master of the "Kate B. Jones" constitute a grave default.

The "Inveric" immediately she saw fog in the distance slackened her speed for about four minutes, and, on running into the fog, stopped her engines. Three minutes later the "Inveric," when proceeding at a speed of 2 or 3 knots, saw the "Kate B. Jones" masthead light and reversed her engines full speed astern. The "Inveric" therefore complied with Article 16 of the Regulations, and duly slackened, stopped, and reversed her engines. Both vessels properly sounded their whistles for fog, and thereby both complied with Article 15 of the Regulations.

(4) On the "Kate B. Jones" a look-out is said to have been stationed on the fore-castle head, and the master and second officer were on the bridge; but the Court is of opinion that the look-out was not an efficient one.

At 2.20 a.m. on the 6th of June, the second officer of the "Inveric"—who, with a Lascar at the wheel, were the only persons on the bridge of the "Inveric"—seeing a fog ahead, left the bridge and went down to the chart room to call the master. He was absent for a few seconds only, but the temporary absence from the bridge of the only officer or responsible person on duty is censurable. He should have sent one of the crew to summon the master to the bridge. At the time of the collision there was a Lascar on the look-out on the fore-castle head, and the master and second officer were on the bridge; but, although the bridge is 150 ft. distant from the fore-castle head, the master and second officer saw the lights of the "Kate B. Jones" before they were reported by the look-out. The Court is therefore of opinion that the look-out on the fore-castle head was not an efficient one.

(5) The collision was caused by the excessive speed at which the "Kate B. Jones" was navigated, and by the improper starboarding of her helm.

The loss of life was an accidental consequence of the collision, due to the capsizing of a boat in which two lady passengers and the cook and steward of the "Kate B. Jones" had been hurried by the captain, and very properly hurried—according to the judgment he then formed—immediately after the collision. Every possible effort was made by those on board the "Inveric" to render assistance.

(6) The "Kate B. Jones" was not navigated with proper and seamanlike care. The "Inveric" was navigated with proper and seamanlike care. The "Kate B. Jones" was not navigated with proper and seamanlike care where a crew is composed exclusively of natives of India. There should be a look-out on the fore-castle head. The bridge should be manned.

The Court is of opinion that the look-out on the fore-castle head was not an efficient one.

(7) Serious damage to the s.s. "Kate B. Jones" and the s.s. "Inveric" and the loss of life was caused by the wrongful act or default of the master, chief, and second officers of the "Kate B. Jones" and the master of the "Inveric," or of any of them.

The loss of life was an accidental consequence of the collision, due to the capsizing of a boat in which two lady passengers and the cook and steward of the "Kate B. Jones" had been hurried by the captain, and very properly hurried—according to the judgment he then formed—immediately after the collision. Every possible effort was made by those on board the "Inveric" to render assistance.

Although the "Kate B. Jones" was not navigated with proper and seamanlike care, she was a proximate cause of the collision. The "Inveric" was navigated with proper and seamanlike care.

(6) The "Kate B. Jones" was not navigated with proper and seamanlike care. The actual navigation of the "Inveric" was conducted with proper and seamanlike care; but the Court is of opinion that where a crew on a vessel such as the "Inveric" is composed exclusively of Lascars, in foggy weather there should be two men on the look-out on the fore-castle head and their means of reporting to the bridge should be close at hand.

The Court also emphasizes its disapproval of the practice of leaving the bridge even momentarily without an officer.

(7) Serious damage to the s.s. "Kate B. Jones" and the s.s. "Inveric" was caused solely by the wrongful act and default of the master of the "Kate B. Jones." Having regard, however, to all the circumstances, the Court refrains from dealing with his certificate but severely censures him.

The loss of life was not caused by the wrongful act or default of the master, chief officer, or second officer of the "Kate B. Jones," or of the master of the "Inveric."

Although neither the damage nor loss of life was a proximate consequence of any act or default of either James Robertson Beatt, the first officer, or Henry Prance Robinson, the second officer of the "Kate B. Jones," the conduct of these two

officers immediately after the collision was most culpable and without precedent in the history of British officers of mercantile marine. They made no effort to maintain discipline, to allay panic, or to assist the captain in his efforts to get out the boats and save life, but, forgetful of their duty to stand by their captain in the moment of peril, forgetful of the duty to set an example to the crew, and forgetful of the duty to try to save the lives of women or crew, they clambered on to the bow of the "Inveric" to place themselves in safety. Such misconduct on the part of these two officers this Court has no jurisdiction to punish except by exposure to the reprobation it deserves.

T. W. LEWIS,  
Judge.

We concur.

ABSM. ANDERSON, }  
JAMES KIDDLE, } Assessors.  
WILLIAM COSENS, }

(Issued in London by the Board of Trade on the  
20th day of September, 1904.)