

(No. 7128.)

"WELLINGTON" (S.S.)

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Law Courts, Cardiff, on the 26th, 27th, and 29th days of November, 1907, before THOMAS WILLIAM LEWIS, Esq., Stipendiary Magistrate, assisted by Captains W. H. SINCLAIR LOUITT and J. THOMAS, into the circumstances attending the stranding of the British steamship "WELLINGTON," of Cardiff, on Gadaro Reef, off Tenedos Island, Mediterranean Sea, on the 30th day of August, 1907.

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 stranding was due to the wrongful act of the chief officer in continuing, in disobedience of the master's instructions, to navigate the vessel on a course upon which she was heading directly to the land in close proximity to a visible light, and to his default in neglecting the warnings of approaching danger afforded by lights and land objects in view.

Dated this 29th day of November, 1907.

T. W. LEWIS,
Judge.

Annex to the Report.

This inquiry was held at the Law Courts, Cardiff, on the 26th, 27th, and 29th days of November, 1907. Mr. Ivor Vachell appeared for the Board of Trade, Mr. Downing for the master of the vessel, and Mr. Miller for the chief officer.

The "Wellington," Official No. 119967, is a steel screw turret steamship, built at Sunderland, in 1905, by William Doxford & Sons, Limited, of Sunderland. She is 390.3 feet in length, 55.2 feet in breadth, 27.25 feet in depth of hold, and is schooner rigged fore and aft, with 12 derrick posts and 2 topmasts. She is fitted with three triple expansion engines of 454 nominal horse power, made by her builders. Her gross tonnage is 5599.54 tons, and registered tonnage 3626.06 tons. She is owned by the Wellington Steamship Company, Limited, and Mr. William James Tatem, of Phoenix Buildings, Mount Stuart Square, Cardiff, has been designated manager by advice under the seal of the Company, received the 31st March, 1905.

The vessel when she stranded had four boats, two being lifeboats, and was well found and equipped. She had three compasses, two on the bridge and one aft. They were last adjusted by Messrs. Blair & Company, of Cardiff, on the 18th June, 1907. The vessel was supplied with Imray's chart of the Dardanelles and Tenedos Channel and the Admiralty Sailing Directions.

About midday on the 27th August last, the "Wellington" left Odessa with a cargo of about 8450 tons of grain, bound for Hamburg. Her draught of water was 24 feet forward and 24 feet 6 inches aft. She had a crew of 33 hands all told, and was under the command of Mr. Thomas Arthur Tait, who held a certificate of competency as master, No. 037981. She

180 Wt 29 12/1907 D & S 1 30681

proceeded across the Black Sea, and through the Bosphorus, the Sea of Marmora, and the Dardanelles.

About 12.20 a.m. on the 30th a bearing was taken of Cape Helles Light, which bore N.N.E. by compass. The course was then altered to S.S.W. by standard compass, so as to approach the channel between Gadaro and Tenedos Islands. In setting this course the master estimated that the speed of the vessel would be accelerated by the current to the extent of about 1½ knots. He states that about 97 per cent. of the steamers engaged in the Black Sea trade take this approach to the Gadaro Channel. During his 25 years' experience in this trade he has always passed through this channel, and he considers it safe and proper if carefully navigated. He told the chief officer and the man at the wheel, who had both come on the bridge at midnight, to keep Gadaro light a little open on the port bow. The light was then about 11½ miles distant, and the chief officer assured the master that he recognized the light. The vessel proceeded at full speed, which the master estimated—probably under-estimated—to be about 8½ knots. The master then told the chief officer to call him as she drew near to Gadaro Light. The chief officer considered that the master intended that he, the chief officer, should call him when the vessel was about 1½-2 miles from the light. After giving this instruction, the master went to the chart room, which was on the bridge deck, intending to rest for about half an hour. Without taking off any clothing, he sat down and fell asleep. He had been continually in charge of the vessel from 4 a.m. on the 29th until he retired between 12.20 and 12.30 a.m. on the 30th, and he was then suffering from rheumatic pains in his feet. After resting for half an hour, he intended to resume charge and navigate the vessel through the narrow channel between Gadaro and Tenedos. The weather was fine and clear and Gadaro Light was visible.

The vessel continued at full speed on her course. The man at the wheel did not experience any difficulty in steering her. A Greek seaman was on the lookout on the fore-castle head from midnight until 1 a.m. when he was relieved by an apprentice, aged 17 years. The latter then saw a revolving light ahead but did not report it. The chief officer observed Ponente Light on Tenedos Island becoming shut in, but this did not suggest to him that the vessel was rapidly approaching Gadaro Light and in a position of danger. He states that Gadaro Light seemed to him very dim until the vessel nearly approached it. The man at the wheel states that he experienced difficulty in keeping the light ahead as he was occasionally unable to see it. He also states that at 1.15 a.m. the chief officer said to him "We are very near the light—port a bit," and that about five minutes later the chief officer ordered him to put the helm hard-a-port. The chief officer, however, states that he gave no order to alter the course until about 1.15 a.m. when he noticed the vessel was getting close to Gadaro Light, and he then ordered the helm to be put hard-a-port and that after giving this order he immediately went to the chart room, called the master who was asleep, and told him the vessel was getting very close to the light. The master came on deck at once and found the ship was about half a ship's length from the light. The atmosphere was very clear and he was able to see plainly all the surrounding objects. He immediately ordered the helm to be put hard-a-port, but the chief officer told him that the helm was already hard over. The master then asked the chief officer why he had not obeyed his instructions. The chief officer said he had been deceived with the light and that he had no idea the vessel was so close to it. They both considered that it was then impossible to prevent her from going ashore. While they were speaking she suddenly took the ground and ran up some seven feet forward on the ground. The master subsequently found that the stern of the vessel was about 100 feet from Gadaro Light. He states that she grounded about 1.20 a.m. and about half a minute after he came on deck. When she grounded he immediately ordered the engines to be stopped. Soundings were taken and it was

24

found that the vessel was solid on the ground fore and aft. The tanks and bilges were sounded and it was found that she was making water. The master instructed the chief engineer to keep the pumps going on certain parts of the vessel so as to save the cargo.

She remained aground until the afternoon of the 8th September last. About 2,000 tons of cargo had to be taken out of her before she could be got off. She sustained considerable damage, seven new plates having to be put in, and forty straightened.

At the conclusion of the evidence at the inquiry Mr. Vachell submitted to the Court that there was some evidence upon which the Court might deal with the master's certificate, and that there was strong evidence upon which the Court could deal with the chief officer's certificate.

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

- (1) What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when and by whom were they last adjusted?
- (2) Did the master ascertain the deviation of his compasses by observation from time to time, were the errors correctly ascertained and the proper corrections to the courses applied?
- (3) Was the vessel supplied with proper and sufficient charts and sailing directions?
- (4) Were proper measures taken to ascertain and verify the position of the vessel at about 0.20 a.m. of the 30th August last, was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tide and currents?
- (5) Did the master leave proper and sufficient instructions with the chief officer before going to the chart room at about 0.20 a.m. of the 30th August last, and did the master act properly in then retiring to the chart room as he did?
- (6) Was a safe and proper alteration made in the course at about 0.30 a.m. of the 30th August last and was due and proper allowance made for tide and currents?
- (7) Were proper measures taken for the safety of the ship after 0.30 a.m. of the 30th August last?
- (8) At what time on the early morning of the 30th August last was the master called, and what was the distance of Gadaro Light at that time? Did the master promptly come on deck?
- (9) Was a good and proper look-out kept?
- (10) What was the cause of the stranding of the vessel and was she seriously damaged thereby?
- (11) Was the vessel navigated with proper and seamanlike care?
- (12) Was serious damage to the s.s. "Wellington" caused by the wrongful act or default of the master and chief officer or of either of them?

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

- (1) The vessel had three compasses, two on the bridge and one aft. They were in good order, sufficient for her safe navigation, and were last adjusted by Messrs Blair and Company, of Cardiff, on the 18th June last.
 - (2) The master ascertained the deviation of his compasses by observations from time to time, their errors were correctly ascertained and the proper corrections applied to the courses.
 - (3) The vessel was supplied with proper and sufficient charts and sailing directions.
 - (4) Proper measures were taken to ascertain and verify the position of the vessel at or about 0.20 a.m. of the 30th August last by taking a bearing of Cape Helles Light which bore N.N.E. by compass. A safe and proper course, S.S.W. by standard compass, keeping Gadaro light slightly on the port bow, was then set and, except as hereinafter mentioned, was steered.
- In setting the S.S.W. course no allowance was made or was necessary for deflection by tide or current but it was estimated that the extent to which the speed of the vessel would be accelerated by the current by which she would be influenced on this course would be about 1½ knots. Probably both the

speed of the vessel and the accelerating influence of the current were underestimated by the master, for she covered the distance of 11½ miles in about an hour. This under-estimate would, however, have been readily detected by a vigilant officer on the bridge observing the time in which the vessel drew down to and passed Rabbit Island, and Ponente Light, and approached the shore objects that were visible on Tenedos.

(5, 6 and 7) When the master went to the chart room between 12.20 and 12.30 a.m. on the 30th August last, leaving the chief officer in charge of the ship, he instructed the latter to call him as the ship drew near to Gadaro Light, which was then about 11½ miles distant, was distinctly visible and was pointed out by the master to both the chief officer and the man at the wheel. The chief officer states in evidence that he considered at the time the master gave his instructions that he, the master, meant that he should be called when the ship was about 1½–2 miles from the Gadaro Light. The master states, and the evidence proves, that he had been engaged in navigating the vessel from 4 a.m. of the 29th until about 12.20 a.m. of the 30th August—over 20 hours—, that he was then suffering from rheumatic pains in his feet, and that he intended to rest in the chart room for about half an hour, not to sleep, but that he, however, fell asleep. The chief officer had come on the bridge at midnight. The instructions clearly expressed and given by the master to the chief officer and, admittedly, clearly understood by the chief officer, were (assuming the master was in the circumstances justified in delegating his authority) proper instructions; and the contention on behalf of the chief officer that they were insufficient and indefinite is met and answered by the chief officer's admission as to his own interpretation of the instructions.

It is indisputable, for the evidence is conclusive—

- (1) That the instructions as understood by the chief officer were not obeyed by him.
 - (2) That the proximate consequence of the disobedience was the stranding of the vessel.
 - (3) That if the instructions had been obeyed, the master, who was in the chart room a few feet from the bridge, would have had ample time (as he had intended) to alter the course of the vessel and personally navigate her in safety through the narrow channel between Gadaro Island and Tenedos.
- The answer to the question as to the propriety of the master's delegating his authority to the chief officer depends on the particular circumstances of the case. As a general proposition, it is obvious that certain indispensable requirements of human nature, such as food, sleep, &c., render it necessary for a master periodically to delegate his authority. It is also obvious that to the full extent of his physical and mental capacity, a master should refrain from delegating his authority when the atmosphere is thick, the weather bad, the navigation difficult, the vessel in narrow channels and crowded shipping, or in an uncertain position.

To determine in a particular case whether a master is or is not justified in delegating his authority it is essential to consider the position of the vessel, the character of the sea or channel she has recently navigated, and is about to navigate, the length of time the master has been on watch, his physical condition, the condition of the atmosphere, the sea, the wind, objects in sight, the purpose for which the master delegates his authority, the time for which he delegates it, and the person to whom the authority is delegated.

Now the evidence in this inquiry clearly establishes the facts of the following narrative. On the 27th August at mid-day the "Wellington" left Odessa for Hamburg with a cargo of 8450 tons of grain. Through the narrow channel of the Bosphorus across the Sea of Marmora and through the narrow channel and shipping of the Dardanelles into the Archipelago, the master was on the bridge in charge of the vessel; and at about 12.20 to 12.30 a.m. on the 30th August, the vessel was in a safe position with Capes Helles bearing N.N.E. and Gadaro Light plainly visible bearing S.S.W., distant 11½ miles. The atmosphere was clear, the sea smooth, the weather fine, with a gentle breeze and, as already stated, the master having been on the bridge for over 20 hours and suffering from pains in

his feet, gave special instructions to his chief officer (on the deck), and then the master intended the vessel was put in charge and navigated the channel between Tenedos without taking of his chart room and held a master's certificate at the time he had sailed. He had been competent on many occasions and was familiar with the foregoing facts. He acted properly in the chart room for a half an hour, taking a subsequent look-out and that the reasonable ground of authority to his

I also am of the opinion that the sequences of the subordinate to such circumstances

(8) The chief officer at 1.20 a.m. on the 30th August promptly went to the chart room and gave the ship's length of the vessel ground September 8th.

(9) At 1 a.m. aged 17 years, head. He then he did not report suddenly "look-out." He was up then being been noticed a to make any and vigilant, but failed in an look-out.

(10, 11, and 12) In my opinion the wrongful act in disobedience of the master's heading direction of Gadaro Light in neglecting to afford by the objects in sight running in the vessel, for the navigated was sustained serious damage was the chief officer.

In my opinion the chief officer's conditions, and in within a few seen by his certificate should have learned as a technical nature. I am unable through his act and default of obedience to have no jurisdiction certificate.

Hence, a who it is clear with his eyes feet of a light moment, appeared was guilty inquiry is a incurred to

I invite the given at the

his feet, gave specific, proper, and sufficient instructions to his chief officer (who had not long been on deck), and then retired to his chart room. The master intended resting for about $\frac{1}{2}$ an hour whilst the vessel was proceeding towards the light ahead and intended when she drew near Gadaro to resume charge and navigate her through the much narrower channel between Tenedos and Gadaro. The master without taking off any article of clothing sat down in his chart room and fell asleep. The chief officer had held a master's certificate for 20 years, and during the time he had sailed with the master appeared to have been competent and reliable. The chief officer had on many occasions been down through the channel, and was familiar with the locality. Having regard to the foregoing facts, I am of opinion that the master acted properly and prudently in retiring to his chart room for a half hour's rest preparatory to undertaking a subsequent more dangerous bit of navigation, and that the circumstances constituted good and reasonable ground for temporarily delegating his authority to his chief officer.

I also am of opinion that it is repugnant to reason and justice to hold a master responsible for the consequences of the misconduct and disobedience of a subordinate to whom he delegates his authority in such circumstances as above stated.

(8) The chief officer called the master about 1.20 a.m. on the 30th August last. The master promptly went on deck, and found the vessel in inevitable danger. Gadaro Light was about half a ship's length distant, and about half a minute later the vessel grounded and remained aground until September 8th.

(9) At 1 a.m. on the 30th August, an apprentice, aged 17 years, went on the look-out on the fore-castle head. He then saw a revolving light right ahead, but he did not report it. Subsequently he saw the light suddenly "loom up" brightly and the land "show up." He was going to report this, but as the vessel was then being swung round he thought the light had been noticed and it was therefore unnecessary for him to make any report. The look-out was competent and vigilant, but he omitted to report, and therefore failed in an important duty of a good and proper look-out.

(10, 11, and 12) The stranding was due to the wrongful act of the chief officer alone in continuing, in disobedience of the master's instructions, to navigate the vessel on a course upon which she was heading directly to the land in close proximity to Gadaro Light which was visible, and to his default in neglecting the warnings of approaching danger afforded by the shutting in of Ponente Light, the land objects in sight, and the time the vessel had been running in the direction of the Gadaro Light. The vessel, for the reasons above mentioned, was not navigated with proper and seamanlike care. She sustained serious damage by the stranding; and such damage was due to the wrongful act and omissions of the chief officer.

In my opinion, as the judge of this Court, the chief officer's conduct in disobeying the master's instructions, and in navigating the vessel at full speed to within a few feet of a light well known to him and seen by him, is of so culpable a nature that his certificate should be dealt with. As, however, the learned assessors, who are here to assist me in technical nautical matters, are of opinion, for reasons I am unable to appreciate, that the master is responsible through his absence from the deck for the wrongful act and default of the chief officer (although in disobedience of the master's express instructions), I have no jurisdiction to deal with the chief officer's certificate.

Hence, a chief officer, holding a master's certificate, who it is conclusively proved, whilst of sane mind, and with his eyes open, ran his vessel ashore within a few feet of a light he knew and could see, escapes punishment, apparently on the ground only that the master was guilty of contributory negligence. Thus, the inquiry is abortive, and great public expense has been incurred to no purpose.

I invite the attention of the solicitor to the evidence given at the inquiry.

T. W. LEWIS,
Judge.

Sir,

We herewith beg to detail our reasons for differing from the report of Court on the stranding of the s.s. "Wellington" on the 30th day of August last, on Gadaro reef, off Tenedos Island.

We are of opinion that the master of the "Wellington" committed a serious dereliction of duty, amounting to a default, at 0.20 a.m. of the 30th August last, under the following circumstances. According to the evidence, the vessel was at that time about 1 mile to the S.S.W. of Cape Helles, when the master shaped a course S.S.W. by Standard compass, making S. by W. $\frac{3}{4}$ W. magnetic, for Gadaro Light, which was then $11\frac{1}{2}$ miles distant and plainly visible; then, as he felt tired, he went into the chart room for rest, having previously left orders with the chief officer to be called "as we draw down towards the light." The master, without intending to do so, fell asleep in the chart room until about 1.20 a.m., when he was called by the chief officer, who said "we are getting very close to Gadaro Light"; the master, running quickly on deck, saw the light about half a ship's length off and remarked "how did you get the ship here? hard aport the helm"; the chief officer replied "that the helm was hard aport, and the vessel's head was swinging round under its influence"; but almost immediately the vessel grounded, running up for some seven feet on a rocky bottom, and sustained serious damage.

We consider that the master should not have left the deck whilst his vessel was approaching a narrow channel of three-quarters of a mile in width, without giving explicit orders to the officer of the watch to note the distance the vessel made over the ground from the point of departure by patent log or otherwise, or without naming a certain time at which he was to be called. There was, moreover, no necessity for the master to use this channel, as he had an alternative one to the west of Tenedos Island, where he would have had a perfectly clear run of some fifty miles free from danger.

The master stated that his reasons for using this Gadaro Channel were—that 97 per cent. of the vessels in the Black Sea trade used it, and that he had done so for many years, and had never experienced any difficulty,—but had always been on deck himself.

With regard to the conduct of the chief officer, we hold that he was in default in failing to carry out the master's orders to call him when drawing near to the Gadaro Light, and shewed a lack of seamanship and judgment, in not keeping the vessel out of danger when she was running directly towards the reef, and approaching it too closely; he stated that he intended to call the master when the vessel was one and a half to two miles distant from the light, but that he misjudged his distance from it, as the light varied so much in brilliancy. It is to be noted that about 5 minutes before he called the master, Ponente Light on the western extreme of Tenedos Island was shut in, but this does not appear to have given him warning of the dangerous proximity of the Gadaro Light; nor did the master warn him that the shutting in of this light would indicate danger on the course then being steered. The variability of the Gadaro Light's brilliancy was remarked during the time that the "Wellington" remained on the reef, one witness stating that at times it could hardly be seen. Be this as it may, we cannot absolve the chief officer of blame, but we attach it in a greater degree to the master; his excuse for not remaining on deck for another hour after clearing the Dardanelles, viz., that his feet ached after being on deck for some 20 hours, we do not consider sufficient. It was not imperative for him to have thus remained, as there were intervals during that time when he might have had relief. For instance, when his vessel was crossing the Black Sea from Odessa to the Bosphorus, and in the Sea of Marmora. In any event, the fact remains, that had any physical disability necessitated his retiring from the deck, he had the alternative of a perfectly clear and safe run of many miles had he chosen to take the channel to the westward of Tenedos Island, guarded by a 15 miles light. We, therefore, hold that after he had decided to take his vessel through this narrow channel three-quarters of a mile wide at night, he committed a grave default in retiring to the chart room to

rest (using his own words), even for a few minutes, without giving explicit orders to the officer of the watch (who was, in this case, the chief officer) to keep the vessel out of danger. The course the master had set was a fine one, leading if anything to the eastward of the Gadaro Light, and it required the closest attention of the navigating officer to keep the vessel in a suitable position for negotiating the channel in safety. In our opinion, the master was over confident, from having used this channel so frequently, and thereby omitted to take sufficient precautions to ensure safety. He did not, in fact, navigate his vessel with proper and seamanlike care.

We, therefore, feel compelled to differ from the finding of the Judge in this important particular, as he held the master blameless and the chief officer to be alone in default for the stranding and damage to the "Wellington." Whereas we are of opinion that the master and chief officer are both in default.

We attach the questions (*see page 2*) submitted by the solicitor for the Board of Trade for the opinion of the Court and our answers, which express our views as to the causes of the stranding.

We are, Sir,

Your obedient servants,

W. H. SINCLAIR LOUTIT, } Assessors.
J. THOMAS, }

Dated the 2nd December, 1907.

The Assistant Secretary,
Marine Department,
Board of Trade.

(1) The vessel had three compasses, one by Lord Kelvin on the roof of the chart room, by which the vessel was navigated, one by the same maker in the wheel-house, by which the vessel was steered, and one ordinary compass aft. They were in good order and sufficient for the safe navigation of the vessel, and were last adjusted by Messrs. Blair & Co., of Cardiff, in June, 1907.

(2) The master did ascertain the deviation of his compasses by observation from time to time. The

errors were correctly ascertained and the proper corrections to the courses applied.

(3) The vessel was supplied with proper and sufficient charts and sailing directions.

(4) Proper measures were taken to ascertain and verify the position of the vessel at about 0.20 a.m. of the 30th August last. A safe and proper course, if not continued too long, was set and steered. Due and proper allowance was made for tide and currents.

(5) The master did not leave proper and sufficient instructions with the chief officer before going to the chart room at about 0.20 a.m. of the 30th August last. The master did not act properly in then retiring to the chart room as he did.

(6) The answer to this question is contained in that given to No. 4.

(7) Proper measures were not taken for the safety of the vessel after 0.30 a.m. of the 30th August last.

(8) The master was called by the chief officer at 1.20 a.m. of the 30th August last. Gadaro Light was then close on board. The master did come promptly on deck, but not in time to avert the stranding.

(9) Technically, a proper look-out was kept, as the men were in the proper positions, but the quality of the look-out was bad.

(10) The stranding of the vessel was caused by her being kept too long on a course leading directly on to the Gadaro Light. She was seriously damaged thereby.

(11) The vessel was not navigated with proper and seamanlike care.

(12) Serious damage was caused to the s.s. "Wellington" by the default of the master in not personally directing the navigation of the vessel at a time when she was approaching a narrow and dangerous channel. It was contributed to by the default of the chief officer in not calling the master in sufficient time, as he was instructed to do, and by his failure to act promptly to avoid the stranding before it became inevitable.

W. H. SINCLAIR LOUTIT, } Assessors.
J. THOMAS, }

(Issued in London by the Board of Trade, on the 24th day of December, 1907.)