

(No. 7159.)

"IVYDENE" (S.S.).

JUDGMENT of Special Court appointed by His Honour the Lieutenant-Governor of Burma, under the provisions of Section 7 of the Indian Merchant Shipping Act, 1883, to investigate the circumstances attending the stranding of the s.s. "IVYDENE" (owners Messrs. J. T. Lunn & Co., Newcastle-on-Tyne, 3540 gross and 2277 registered tonnage), which stranded on the Oyster Reef (latitude 20° 5' N., longitude 92° 38' 45" E., Admiralty Chart, Elephant Point to Cheduba Straits, Bay of Bengal, No. 821, corrected up to June, 1906).

Copies of the charges framed against Mr. A. Yule, master of the s.s. "Ivydene," and against Mr. P. J. Shea, second mate of the s.s. "Ivydene," and of the report or statement of the case, were delivered to both Mr. Yule and Mr. P. J. Shea, and also to the representative of the Local Government, Commander Huddleston, R.I.M., Port Officer, Akyab, in accordance with Rule IX. of the Rules for the guidance of Special Courts appointed under the Indian Merchant Shipping Act, 1883.

The procedure followed will be found fully set forth in the diary of this proceeding.

2. The steamship "Ivydene," Official Number 114405, belonging to J. T. Lunn & Co., Newcastle-on-Tyne; Andrew Yule, master, certificate of competency No. 029845, left Akyab on Sunday, the 23rd February, 1908.

The pilot left the vessel just inside the outer buoy at 11.45 a.m. apparent time. The weather was fine and clear, and all went well about 2.4 p.m., when the vessel brought upon Oyster Reef, and remained fast till about 1.30 p.m. on Tuesday, 25th February, 1908, when she had jettisoned 700 tons of the cargo of paddy and rice. The s.s. "Ivydene" got off with the assistance of the port buoy vessel "Wanderer," and returned to Akyab. She received material damage to her hull, having 15 feet 6 inches of water in it, and her double bottom being filled.

3. The pilot, Mr. A. D. Storey, left the vessel at 11.45 a.m. apparent time, having given the master a course south by east, until abeam of the table land on the Western Borongos. The vessel held on that course for 1½ to 2 miles outside the buoy. Then the course was set south-west till 1.5 p.m., when the master set a course for Mutla light-vessel W. by N.½ N. magnetic, allowing for easterly set of current. The lighthouse (Savage Island) and outer bar were nearly in line when the departure was taken.

The master states that the Flat Top Hill (Beacon Hill) was E.N.E. northerly. The standard compass was corrected for deviation and the bearings given are correct magnetic. The ship was navigated on a blue back chart corrected up to 1900, which is out of date and does not agree with the Admiralty chart. The master states he tried to get an Admiralty chart both in Madras and Akyab, and failed to do so.

The master left the bridge at 1.15 p.m., stating that before leaving he gave Mr. Shea orders to call him when he sighted Oyster Island Lighthouse, which he expected to pass six or seven miles off. He did not call Mr. Shea's particular attention to the chart, which was on the chart-room table, and to which the officers have free access, but he did tell Mr. Shea to keep a good look-out, and, in case of necessity, to call him at any time. He did not mention the Oyster Reef at all.

Mr. Shea says he got the course from the chief officer, Mr. Newton, who was on the bridge with the master. The master then left the bridge, and the

chief officer had already left. Mr. Shea was on watch. Cameron, A.B., was at the wheel from 12 noon till 2 p.m., when he was relieved by John Peterson. The A.B. Cameron also calls himself Wolsey.

Between 1.15 p.m., when the master left the bridge, and 2 p.m., Mr. Shea says he kept a good look-out, walking up and down the bridge and checking the course several times. This is corroborated by the helmsman, Cameron (*alias* Wolsey). At 2 p.m. the helmsman was relieved by Peterson.

Mr. Shea looked at the compass when the relief took place, which he says was about five minutes before the ship struck.

Mr. Shea says he did not look at the compass again before the ship struck, but the helmsman, Peterson, says Mr. Shea did again look at the compass.

Mr. Shea says Peterson is a careless helmsman, and requires watching.

When the vessel struck Mr. Shea says he was on the port side of the bridge, and, feeling the ship strike, he started to call the master, but when he had got down two steps of the ladder he saw the captain coming out of the chart-room. He turned back and went to the telegraph and stopped the engines. Having done this, he ran to inform the chief officer.

Then he returned to the bridge, where he found the master, who called his attention to the beacon and lighthouse, which Mr. Shea had not previously observed.

The beacon was about two cables off the ship, and had been passed about that distance before the vessel stranded.

The master says there was broken water on the reef, but Mr. Shea says he did not notice it.

Mr. Shea has no explanation to give as to how the vessel grounded.

4. The Court are satisfied that the compasses were in good order and sufficient for navigation.

5. A record of deviation was kept in the log book, and was ascertained from time to time.

6. The Court are of opinion that the chart and sailing directions were out of date and required special caution in using them.

7. The Court are of opinion that sufficient measures to verify the position of departure were not taken, as there was no check by third bearing or sounding. The log book materially differs from the master's evidence.

8. The Court consider that a safe and proper course was not set, taking into consideration the scale of the chart on which the master projected his course.

9. A proper allowance was made for current.

10. The Court are of opinion that the lead should have been used.

11. A proper look-out was not kept.

12. *Nature of loss and damage.*—Material injury to hull, cargo jettisoned about 700 tons.

13. The Court is of opinion that the vessel was not navigated with proper and seamanlike care, inasmuch as the master failed to draw the particular attention of the officer on watch to the dangers of the Oyster Reef, although the master did order Mr. Shea to call him as soon as the Oyster Island Lighthouse was sighted.

14. The vessel was stranded by default of the master, A. Yule, and the second mate, P. J. Shea.

15. The reasons we consider the master to blame are:—

(i) The point of departure was not verified by a third bearing.

(ii) He erred in not specially drawing the attention of the second officer to the dangers of Oyster Reef, and in not coupling the beacon with the lighthouse when he gave orders to be called.

(iii) He erred in not giving the Oyster Reef a wider berth considering the small scale of the chart.

The reasons we consider the second officer, P. J. Shea, to be in default are:—

(i) That he did not keep a proper look-out. The beacon and lighthouse were visible

for some miles before the vessel struck. It was a fine clear day and the beacon must have been visible quite half an hour before the vessel struck.

- (ii) By not keeping a look-out he failed to obey the master's order to call him when the Oyster Island Lighthouse came into sight, by reason of which warning was not given to the master.

16. The Court attach to the proceedings the log books of the chief officer and the chief engineer, as true copies have not been supplied. The Court examined the copies and find that they are not true copies.

17. The Court has considered the opinions of the two assessors, given in writing, dated the 16th March, 1908, and attach the same to the proceedings.

18. The Court hereby caution Andrew Wilson Yule, Board of Trade certificate as master, No. 029845, for not using sufficient care in navigation in the close proximity of land.

The Court hereby suspend the certificate of competency as first mate of a foreign-going ship granted to Patrick John Shea, Board of Trade, No. 037821, dated Liverpool, 14th July, 1905, and recommend that during the period of suspension he be granted a certificate as second mate.

The period of suspension to be six (6) months from this date, 16th March, 1908.

The certificate of competency is attached.

W. R. STONE,
District Magistrate, President.

16th March, 1908.

J. W. ROBERTSON,
Master Mariner.
R. A. SCOTT,
Manager, the
Arracan Company,
Limited. } Members.

Opinions of Assessors.

I, William Tod Stewart, Master of s.s. "Upada," being one of the Assessors on the Court of Enquiry into the stranding of s.s. "Ivydene," on Oyster Reef, on the 23rd February, 1908, am of opinion that the 2nd mate of the said steamer is responsible for the stranding in not keeping a proper and efficient look-out and neglecting to make himself acquainted with the chart.

At the same time I do not think sufficient care has been exercised by the master and officers in the navigation of the ship, due regard being taken that the master tried in vain to get proper charts.

W. T. STEWART.

W. R. STONE,
President, Court of Special Enquiry.

16th March, 1908.

I, Cyril Edmund Hodgson, Master of the British steamship "Ula," of Glasgow, having being called upon to act as an Assessor in an enquiry into the grounding of the s.s. "Ivydene," on Oyster Reef, Arakan Coast, on the 23rd of February, 1908, do give as my opinion that the grounding was due to the inefficient lookout kept by the officer of the watch at the time, and to the vessel having had to be navigated on a very small scale blue back chart. The master having tried to obtain an Admiralty large scale coast sheet at Madras, and also at this port, and been unable to do so.

C. E. HODGSON.

W. R. STONE,
President, Court of Special Enquiry.

16th March, 1908.

(Issued in London by the Board of Trade on the 19th day of June, 1908.)

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