

(No. 7471.)

“CARDIFF HALL” (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at the Law Courts, Cardiff, on the 20th and 21st days of June, and the 4th, 5th, and 6th days of July, 1911, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Captains W. BARNETT BIGLEY and DAVID DAVIES, into the circumstances attending the stranding of the British steamship “CARDIFF HALL” near Miskhak Point, near the entrance to Novorossisk Bay, Black Sea, on the 19th day of March last, whereby she subsequently became a total loss.

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 of the vessel, whereby she sustained serious damage and consequently became a total loss, was due to the master's default in assuming a shore light to be a buoy light, and neglecting to give heed to the sailing directions for entering Novorossisk Harbour.

The Court severely censures the master for his default.

Dated this 6th day of July, 1911.

T. W. LEWIS,
Judge.

We concur in the above Report.

WM. BARNETT BIGLEY, } Assessors.
DAVID DAVIES, }

Annex to the Report.

This Inquiry was held at the Law Courts, Cardiff, on the 20th and 21st days of June, and the 4th, 5th, and 6th days of July, 1911. Mr. Arthur Vachell appeared for the Board of Trade, Mr. Gilbert Robertson for the master, and Mr. J. Lean watched the proceedings on behalf of the owners. The chief officer was not professionally represented.

The “Cardiff Hall,” Official Number 99150, was a steel screw steamship, built at Sunderland in 1895 by Messrs. John Blumer & Company, of Sunderland. She was 300 feet in length, 41 feet in breadth, 18.5 feet in depth of hold, schooner rigged, and was classed 100 A1 at Lloyds. Her gross tonnage was 2,604.54 tons, and registered tonnage 1648.65 tons. She was fitted with triple expansion engines of 200 nominal horse-power. The engines and boilers were constructed by Messrs. Blair & Company, Limited, of Stockton, in 1895. The engines were constructed for a speed of nine knots, but the master states that her full speed in fine weather, when laden, was about seven knots. She was owned by the Cardiff Hall Steamship Company, Limited, of Cardiff, and Messrs. Edward Nicholl and Ivor D. Griffin, of 125, Bute Street, Cardiff, were appointed managers by advice under the seal of the Company, received 31st July, 1909.

The vessel had on the bridge a standard compass, by which she was navigated, two compasses in the wheel-house, and one in the chart-room. They were last adjusted at Greenock in April, 1910. She was supplied with an Admiralty chart of Fort Anakria to Kertch Strait, and an Admiralty chart of Novorossisk Bay corrected to June, 1908, and also with the Admiralty sailing directions for the Black Sea. She had two life-boats, two small boats, about 30 life-belts, and a quantity of rockets.

The “Cardiff Hall” arrived at Novorossisk on the 14th February last and left there about 9 a.m. on the

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19th March bound for Antwerp with a cargo of 3,780 tons of grain, consisting of about 100 tons of maize, about 500 tons of barley, and the remainder wheat. Her draught in salt water on leaving was 20 feet 2½ inches forward and 20 feet 2½ inches aft, being thereby down to her winter loadline and giving her a freeboard of 8 feet 6 inches. She had a crew of 24 hands all told, and was under the command of Mr. John Steel, who held an ordinary master's certificate No. 032890. Whilst the vessel was at Novorossisk the master went almost daily to the British Consulate, but he states that he was neither informed nor did he see any notice that some of the buoys in the harbour approaches had broken adrift, and that the Sudzhuk Buoy Light had been substituted for another buoy. He however knew from the sailing directions that the buoys in Novorossisk Bay were not to be depended upon.

About 10.45 a.m. Sudzhuk buoy was abeam bearing N.W. by N., and distant about a quarter to half a mile. The master states that he looked at the buoy through his glasses and saw something on the top of it which appeared to be a lantern. A course of S.W. by W. ½ W. magnetic was then set, the patent log was streamed, and the vessel proceeded at full speed. There was a fresh to strong S.W. breeze with a rough sea. The weather increased in violence, and about 4 p.m. there was a heavy S.W. gale with heavy sea. The vessel had made bad weather, shipped heavy seas, and according to the patent log had covered only 15 miles since 10.45 a.m., although she had proceeded at full speed. After consultation with the chief officer the master decided to return and seek shelter in Novorossisk Harbour, as he states that he feared the ship would founder. No material damage had been done to the vessel before she turned round, and during the twenty minutes occupied in getting her before the wind no damage was done, nor did the master deem it necessary to use oil. About 4.30 p.m. a course of E.N.E. magnetic was set and she proceeded at full speed. About 5.35 p.m. Doob Point Light was clearly seen bearing E. by N. ½ N. by standard compass.

According to the master's evidence, about 6.40 p.m. Penai Point Light was seen, bearing N.E. ¼ E. by standard compass, and Doob Point Light was also in sight. The lights were immediately afterwards obscured through a squall which lasted a few minutes. When it became clear Penai Point Light was seen, but Doob Point Light was not then or thereafter seen. According to the chief officer's log-book the vessel had then made 14 miles (by patent log) since 4.30 p.m. The master states that he estimated the vessel was about two miles from the land, and that after consulting the chart, considered she was outside the sector of Doob Point Light, and inside the sector of Penai Point Light. According to this position, the vessel was about 3½ miles to the S.W. of Sudzhuk Buoy. No other measure was taken by the master to ascertain his position. Having regard to the vessel's speed, which the master estimated to be about 5½ knots, to the courses subsequently steered, and the position where she subsequently stranded at 7.30 p.m., viz:—about two miles to the northward of this assumed position, the master's estimate as to her position was incorrect. The Court considers that she must have been about three miles to the westward of her assumed position and about two miles from the shore. Further, according to this position—being about six miles to the westward of Sudzhuk Buoy—it does not appear to the Court that she would have been within the white and green sector of Penai Point Light. The master states that he continued to keep Penai Point Light in sight, except during the squalls.

According to the master's evidence, about 7.20 p.m. he saw a light about three points on the port bow, and Penai Point Light, which was practically ahead, became obscured. The vessel had since 4.30 p.m. been proceeding on the E.N.E. course at full speed, which the master estimated to be about 5½ knots. After consulting with the chief officer he considered that the light three points on the port bow was an occulting light. He went to the chart-room, examined the chart, and found that the Sudzhuk Buoy Light was a flash light. He returned to the bridge and continued to watch the light, and still considered that it was an occulting, and not a flash light. He went to the chart-room and consulted the Notices to Mariners, dated June 1910, which described the Sudzhuk Buoy Light as an occulting light. He states that he was then satisfied that it was the Sudzhuk Buoy Light. He had, however, not seen the East Mole Light of

Novorossisk Harbour, which had a range of 11 miles in clear weather.

If the vessel had been in the position assumed by the master at 6.40 p.m., and, having regard to her speed of about 5½ knots and the course of E.N.E., the Sudzhuk Buoy should have been at 7.20 p.m. abaft the beam and not three points on the port bow. Further, from this assumed position the bearing of Penai Point Light at 7.20 p.m. on the course of E.N.E. if steered, would not be practically ahead, but about 3½ points on the port bow. It would also have been necessary to steer N.N.E. magnetic from the assumed position at 6.40 p.m. to the place where the vessel stranded at 7.30 p.m. But if the vessel was at 6.40 p.m. about six miles to the westward of Sudzhuk Buoy, and having regard to the course E.N.E., the white and green sector of Penai Point Light could not be seen at 7.20 p.m. Further, on this course of E.N.E. the bearings of Sudzhuk Buoy, and of Penai Point Light would be practically ahead.

After, the master states, he was satisfied that the light he had seen was the Sudzhuk Buoy Light, the course of E.N.E. magnetic was altered point by point for about four points with a view of rounding the Sudzhuk Buoy, and about 7.30 p.m. the vessel stranded. The helm was then put hard-a-port, but she would not answer it. The engines were put full speed astern and kept so for about 10 minutes, but she could not be moved. The seas broke over the vessel and put out the fires, and swept her round until she was broadside on to the land. Rockets were fired, and blue lights and flares burnt, but no assistance came to the vessel. About midnight the weather became clearer, and it was found that the light assumed to be Sudzhuk Buoy Light was the light from an ordinary lamp in a room in the coastguard's house near the shore. The chief officer also states that he then saw the loom of the lights of Novorossisk. The vessel was found to be on hard ground, about 300 feet from the shore. During the night, the two boats on the port side were washed away, but the starboard boats were not damaged, and the hatches were not stove in. The vessel however had no list, and her head was swept round to the westward. About 11 a.m. on the 20th, the crew were safely landed in the starboard life-boat without any difficulty. The weather had by then considerably moderated. On the 21st the master made arrangements for the salvage of the vessel, and on the 22nd salvage operations were commenced, and a quantity of the cargo was discharged. It was found she had sustained serious damage, and she eventually became a constructive total loss.

It was found that she had stranded about two miles W. by S. of the Sudzhuk Buoy.

At the conclusion of the evidence, Mr. Vachell, on behalf of the Board of Trade, submitted that there was a case of default against the master, but no case of default against the chief officer. He also submitted the following questions upon which he desired the opinion of the Court:—

(1) What was the cost of the vessel to her owners? What was her value at the time she left on her last voyage? What insurances were effected upon and in connection with her?

(2) 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?

(3) 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?

(4) Was the vessel supplied with proper and sufficient charts and sailing directions?

(5) Were proper measures taken to ascertain and verify the position of the vessel at or about 5.35 p.m. on the 19th March last, when Doob Point Light was sighted? Was a safe and proper course or were safe and proper courses then and thereafter set and steered until 6.40 p.m.?

(6) Were proper measures taken to ascertain and verify the position of the vessel at or about 6.40 p.m. on the 19th March last, when Penai Point Light was sighted? Was a safe and proper course or were safe and proper courses then and thereafter set and steered until 7.20 p.m.?

(7) What was the occulting white light which was sighted at about 7.20 p.m. on the 19th March last? Was the master justified in taking it for Sudzhuk Buoy Light? Were proper measures then taken to ascertain and verify the position of the vessel, and were safe and proper alterations then and thereafter made in the course?

(8) Was the lead used? If not, should it have been used?

(9) Was a good and proper look-out kept?

(10) What was the cause of the stranding of the vessel? Was she seriously damaged thereby?

(11) Was the vessel navigated with proper and seaman-like care?

(12) Were the stranding of and serious damage to the s.s. "Cardiff Hall" caused by the wrongful act and/or default of the master and chief officer or either of them?

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

(1) The "Cardiff Hall" had four compasses. They were in good order, sufficient for her safe navigation, and were last adjusted at Greenock in April, 1910. The master is unable to state the name of the adjuster.

(2) The master ascertained the deviation of his compasses by observation 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) About 4 p.m. on the 19th March, the vessel being about 15 miles from the entrance to Novorossisk Harbour, there was a heavy S.W. gale with heavy sea. She was then turned round with the view of returning for shelter to Novorossisk Harbour. She had made bad weather and, according to the patent log, had covered only 15 miles at full speed since leaving Sudzhuk Buoy at 10.45 a.m. About 4.30 p.m. a course of N.E. magnetic was set and she proceeded at full speed. About 5.35 p.m. Doob Point Light was seen bearing E. by N. ½ N. by standard compass. No measures, however, could then be taken to ascertain and verify the position of the vessel. The course of E.N.E. thereafter steered was until 6.40 p.m. safe and proper.

(5) According to the master's evidence, about 6.40 p.m. Penai Point Light was seen, bearing N.E. ¾ E. by standard compass. Doob Point Light was also in sight. Immediately afterwards the lights were obscured owing to a squall which lasted a few minutes. When it became clear Penai Point Light was seen, but Doob Point Light was not then or thereafter seen. The master consulted the chart, and states that he considered the vessel was outside the sector of Doob Point Light and inside the sector of Penai Point Light. According to this position the vessel was about 3½ miles to the S.W. of Sudzhuk Buoy. The master, however, took no other measure to locate his position. He should have promptly proceeded to take a cross bearing of the Doob Point and Penai Point Lights when simultaneously visible, or if the bearing could not have been completed before they became obscured, an approximate bearing could and should have been taken immediately afterwards of Penai, when visible, and of the approximate position of Doob that had become obscured. Having regard to the vessel's speed, the courses subsequently steered, and the position where the vessel subsequently stranded at 7.30 p.m., viz., about two miles to the northward of this assumed position, it is obvious that the master's estimate as to her position was incorrect. Hence proper measures were not taken to ascertain and verify the position of the vessel at 6.40 p.m.

The course of E.N.E. magnetic which was steered after 6.40 p.m. until about 7.20 p.m. was not unsafe, but it was not in accordance with the particular direction in the sailing directions as to approaching Novorossisk Harbour, which is as follows:—

"As a faint light may be visible beyond the limits of these sectors (i.e. the sectors of Penai Point Light), vessels entering or leaving should keep within the illuminated portions."

(6) The master states that about 7.20 p.m. he saw a light about three points on the port bow, and that Penai Point Light, which was practically ahead, became obscured. After consulting with the chief officer he considered that the light three points on the port bow was an occulting light. He examined the chart and found that Sudzhuk Buoy Light was a flash light. He returned to the bridge, and again watched the light and considered it was an occulting, and not a flash, light. He then consulted the Notices to Mariners, which described the Sudzhuk Buoy Light as an occulting light. He states that he was then satisfied that it was Sudzhuk Buoy Light. The vessel was hauled round about four points, and at 7.30 p.m. she stranded. It was subsequently

ascertained that this light was from an ordinary lamp in the window of a coastguard's house near the shore. The light which had previously been on the Sudzhuk Buoy had been removed and another buoy had been substituted. Public notice had been given of this removal. The master, however, states that he was not aware of its removal. He acted too hastily in assuming from the character of the light that it was the Sudzhuk Buoy Light. Having regard to the position assumed by the master at 6.40 p.m. being about 3½ miles from the Sudzhuk Buoy, the course steered, the vessel's speed, the relative bearings of Penai Light and the light assumed to be Sudzhuk Buoy Light, and to the harbour light not being seen, the master was not justified in taking the light for Sudzhuk Buoy Light.

No measures were taken to ascertain and verify the position of the vessel about 7.20 p.m., and safe and proper alterations were not thereafter made in the course. The master's sailing direction for entering Novorossisk Harbour from the westward is as follows:—

"To enter the bay by the western channel at night, Penai Point Light should be steered for, within the sector of white and green alternating light (visible between the bearings of N. 40 E. and N. 57 E.) until the sector of white light with red flashes, shown from the lighthouse on the East Mole head of Novorossisk Harbour, is seen (visible between the bearings of N. 19 W. and N. 29 W.) when it should be steered for, which will lead up to the harbour entrance."

(7) The lead was not used. Having regard to the weather conditions and to the Doob and Penai Lights having been seen continuously except during squalls, the use of the lead was unnecessary.

(8) A good and proper look-out was kept.

(9), (10), and (11) The stranding of the vessel, whereby she sustained serious damage and consequently became a total loss, was due to the master's neglect to give heed to his sailing directions for entering Novorossisk Harbour. Although the master erroneously and, having regard to the bearing in relation to Penai Light, unwarrantably, assumed a shore light to be a buoy light, had he heeded the warnings of sailing directions and chart by making the sector of white light of the East Mole Harbour Light and passing into the red sector before altering his course towards the land, the vessel would have made the harbour in safety.

For the reasons above mentioned, the vessel was not navigated with proper and seamanlike care, and the stranding was due to the default of the master. Having regard, however, to all the circumstances the Court

refrains from dealing with his certificate, but severely censures him for his default.

(12) The vessel was purchased by her owners in May, 1909, for £11,250. Mr. Edward Nicholl, one of the managing owners, states that her value when she left on her last voyage was £11,250, a value the Court accepts and adopts.

The following insurances were effected upon and in connection with the vessel:—

Hull and machinery	£19,000
Freight	1,000
Total	£20,000

Hence the loss of the vessel yielded £7,750 in excess of her cost and of her value.

According to the evidence of Mr. Nicholl, and according to the correspondence with his insurance brokers, produced by him, the underwriters refused to accept the insurance of the vessel on hull and machinery at a lower valuation than £19,000, and at a lower premium than 8 guineas per cent. No representative of the underwriters or insurance brokers appeared at the Inquiry and there is no evidence before the Court as to the reason of underwriters' refusal to accept a lower valuation.

If underwriters accept premiums on total loss insurances based on valuations far in excess of the real value of the vessels insured, and shipowners are prepared to pay premiums based on such excessive values, both parties presumably consider such arrangements as good business policy. Underwriters and owners are, however, not the only parties concerned. The officers and crews are concerned; for, as has been frequently disclosed in this Court, over-insurance is frequently associated with losses due to negligent navigation, and unseaworthiness, or with losses due to mysterious causes; and such losses have involved peril to the lives of officers and crews. Accordingly, the Court is of opinion that casualties to over-insured vessels (over-insurance not being at present expressly prohibited by law) urgently call for particular attention and searching investigation by the Board of Trade.

T. W. LEWIS,
Judge.

We concur.

WM. BARNETT BIGLEY, } Assessors.
DAVID DAVIES, }

(Issued in London by the Board of Trade on the
4th day of August, 1911.)