

(No. 7579.)

"SOUTHLANDS" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at the Law Courts, Cardiff, on the 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, and 18th days of February, 1913, before THOMAS WILLIAM LEWIS, Esquire, Stipendiary Magistrate, assisted by Commander L. WOOD BAYLDON, R.N.R., and Commander C. D. GOLDSMITH, R.N.R., into the circumstances attending the stranding of the British steamship "SOUTHLANDS," of Cardiff, about 6½ miles north-west of Sozonova Lighthouse, White Sea, on the 7th day of October, 1912, 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 and consequent loss of the vessel were due to (1) the negligent and erroneous estimate of the distance of Sozonova Light when abeam, (2) taking a departure from a position negligently and erroneously estimated and navigating the vessel on improper courses in dangerous proximity to the land, (3) bad steering, (4) neglecting to give heed to the warnings of danger conveyed by the quickly altering bearings of Sozonova Light and the report of the look-out.

The Court finds the master (Mr. Evan Jones) and the chief officer (Mr. Charles William Royall) in default, and suspends the master's certificate for three months, and also orders him and the chief officer to pay £50 and £10 respectively towards the cost of the Inquiry.

Dated this 18th day of February, 1913.

T. W. LEWIS,
Judge.

We concur in the above Report.

L. WOOD BAYLDON, } Assessors.
C. D. GOLDSMITH, }

Annex to the Report.

This Inquiry was held at the Law Courts, Cardiff, on the 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, and 18th days of February, 1913. Mr. Arthur Vachell appeared for the Board of Trade, and Mr. Gilbert Robertson for the master and chief officer.

The "Southlands," Official Number 113546, was a steel screw steamship, built at West Hartlepool, in 1901, by Messrs. William Gray & Company, Limited, and was classed 100 A1 at Lloyds. She was 324.5 feet in length, 47.1 feet in breadth, 22.5 feet in depth in hold from tonnage deck to ceiling at midships, and was schooner rigged. Her gross tonnage was 2,984.89 tons, and registered tonnage 1,921.02 tons. She was fitted with inverted direct-acting triple-expansion condensing engines of 300 nominal horse power. The engines and boilers were constructed by the builders of the vessel. She was owned by the Southlands Steamship Company, Limited, and Mr. Edward Oliver Jones, of 62, Merchants' Exchange, Cardiff, was designated manager by advice under the seal of the company, received 15th November, 1901.

The vessel had three compasses:—One (White Thomson) on the upper bridge by which the courses were set and steered and which the master states was magnetic, also an ordinary compass in the wheelhouse,

and one aft on the poop. They were last adjusted by Mr. T. J. Williams, of Cardiff, at Barry Roads, in May, 1912. She had two lifeboats, a gig, a jolly boat, 32 lifebelts, and 6 lifebuoys. She was supplied with Imray's blue-back chart of the White Sea, dated 1912, with the accompanying sailing directions.

The "Southlands" left Archangel about 9.30 a.m. on the 4th October last, bound for London. She had a cargo of 1,657 standards of timber. Her holds were full, and a quantity of timber was carried in the well deck—fore and aft. The deck cargo was stowed to a height of 16 feet above the main deck. Her draught on leaving was 20 feet 11 inches forward, and 21 feet 1 inch aft in fresh water, and in salt water 5½ inches less. She had a crew of 24 hands all told, and was under the command of Mr. Evan Jones, who held a certificate of competency as master, No. 08011. The vessel proceeded as far as the Custom House, but, owing to a heavy snowstorm, anchored off there until the following day. She then proceeded as far as the lightship, but the bad weather prevented the pilot being transferred, and she again anchored until the following morning. The pilot was then transferred to an inward-bound steamer, and the vessel proceeded to sea about 8.15 a.m. on the 6th. During the day and the night of the 6th, it was blowing a heavy gale, with the wind W.S.W. Between 8 p.m. and 10 p.m. of the 6th, owing to the heavy sea, and the effect of the wind on the deck cargo, the vessel became unmanageable. Between 12 midnight and 4 a.m. of the 7th there was also difficulty in keeping the vessel on her course. About 4 a.m. more steam was put on the steering gear which worked stiffly on the port helm. This effected an improvement in the steering of the vessel. The weather moderated during the 7th. About 4.40 p.m. Cape Orlov was abeam, distant about six miles. The course was then altered to N. by W. ¼ W. The weather had become fine with a moderate sea.

Shortly before 8 p.m. of the 7th the second mate reported Sozonova Light to the master when the latter went on the bridge. The master states that it was on the port bow, between dead ahead and the four points. The vessel was proceeding at full speed, which was about eight knots, the weather being fine, the sky overcast, and a moderate breeze.

At 8 p.m. the chief officer relieved the second officer on the bridge, and the master also remained there until a few minutes before 10.50 p.m. when he went to consult the chart. The chief officer states that Sozonova Light was about two points on the port bow when he went on the bridge. An A.B. named Byrne was stationed as look-out on the fore-castle head from 8 p.m. till 9 p.m., and was then relieved by a sailor named Williams. The boatswain who took the wheel states that the man he relieved gave him the course as N. by W. ½ W., and that shortly after the course was altered to N.N.W. The master and chief officer state however that no alteration was made until 9.30 p.m.

The evidence is conflicting as to whether a four-point bearing was taken of Sozonova Light, and, if so, whether it was accurately taken. According to the chief officer's evidence, Sozonova Light was on the four points about 8.53 p.m. or 9 p.m.; either Williams or Byrne reported the reading of the log; and at 9.30 p.m., when the light was abeam, the log was again read and indicated four miles since the previous reading. The chief officer accordingly reported to the master, who was on the bridge, that the light was four miles distant. The master corroborates the chief officer as to this report, and states that he estimated the vessel was about four miles off—the land being plainly visible. Williams denies that he read the log on either occasion; and after 9 p.m. he could not have done so as he then relieved Byrne on the look-out, and remained there until the stranding. Byrne after leaving the look-out at 9 p.m., went to the fore-castle until about 9.15 p.m., and then stood by on the starboard side of the bridge deck. He states that afterwards the chief officer directed him on two occasions to read the log, i.e. about 9.20 p.m. and 9.30 p.m., but that he is unable to remember the readings he reported. Assuming the evidence of Williams and Byrne is to be believed, the log was not read until about 9.20 p.m., and if the vessel was then on the four points, and abeam at 9.30 p.m., the vessel must have been about 1½ miles, and not four miles, from

the light. But even assuming the bearing was taken at 9 p.m., the distance of four miles when the light was abeam at 9.30 p.m. cannot be reconciled with the courses subsequently steered—as deposed to by the master and chief officer—and the position where she actually stranded. Hence the Court is of opinion that even assuming a bearing was taken at 9 p.m., having regard to the courses steered and the locality where the vessel stranded at 10.50 p.m., it was not accurately taken.

At 9.30 p.m. the master altered the course to N.N.W. to give—he states—a wider offing to the land. This course was continued until 10 p.m. when the course of N.W. by W. was set with a view to passing about a mile to the eastward of Diana Reef, near Svyatoi Nos Light, which was expected to be made about 3 a.m. of the 8th. Shortly after the alteration in the course at 9.30 p.m. the master complained that the boatswain was not keeping the vessel on her course, and told the chief officer to take the wheel. The latter found the vessel was at least a point inside of her course when he took the wheel. Byrne was called to the wheel about 9.45 p.m., and states that he thought the master was under the influence of drink as he—the master—told the chief officer “to clear out of it as he was a b——y sight worse than the boatswain.” The chief officer states that the master was excited—but not under the influence of drink—and said to him, when Byrne came on the bridge, “get out of this and let this fellow have it.” Byrne states that the vessel was heading N.W. $\frac{3}{4}$ N. when he took the wheel, and that the master directed him to get the vessel on the N.N.W. course. Byrne also states that he found the vessel stiff on her port helm.

There is a conflict of evidence as to the courses steered from about 10 p.m. The master and chief officer state that at 10 p.m. the course was altered from N.N.W. to N.W. by W., and no alteration was thereafter made until the vessel struck on the rocks at 10.50 p.m. Byrne—who was at the wheel—states that about 10 p.m. the course was altered from N.N.W. to W.N.W.; that about 20 minutes later the look-out reported land on the port bow, and the course was shortly afterwards altered to W. by N. $\frac{1}{2}$ N.; and that this course was continued until the vessel struck. Assuming that the course of N.W. by W. was steered from 10 p.m., and that the vessel was about 4 miles off Sozonova Light at 9.30 p.m., having regard to the place where the master states the vessel stranded at 10.50 p.m., *i.e.* about $6\frac{1}{2}$ miles north-west of Sozonova Light, the vessel would have been deflected about three miles to the westward of the course laid down—a deflection which the master admits was impossible. On the other hand—assuming the vessel was about $1\frac{1}{2}$ miles off Sozonova Light about 9.30 p.m.—the courses deposed to by Byrne, if steered, would place the vessel in the immediate vicinity of the locality where she stranded. The vessel was deflected by the bad steering but it is impossible to estimate the extent of such deflection. But whatever the extent of the deflection may have been, whatever the point of departure may have been, and whatever may have been the courses actually steered, the varying bearing of Sozonova Light—in respect of which the master made conflicting and contradictory statements at the Inquiry—should have indicated to the master and chief officer that the vessel was being deflected from the course or courses set and was running into imminent danger.

According to the protest signed by the master, chief officer, Byrne, and Williams before the British Vice Consul at Archangel, about 20 minutes before the vessel struck, the look-out (Williams) shouted “land on port bow,” and after an interval of 10 minutes shouted it again. The chief officer states that land was not reported about 20 minutes before the vessel struck, and that he protested before signing the statement. The look-out—Williams—states that he only reported land on one occasion and did not report “land ahead.” Byrne states that “land right ahead” was reported on the second occasion when the chief officer ordered the helm hard-a-port, and two minutes later the vessel struck on the rocks. Another seaman—Normoyle—states that he heard the look-out report “land on port bow,” and also report “land right ahead.”

About 10.45 p.m. the master went to the chart room, leaving the chief engineer on the bridge. The weather was fine and clear, with a heavy swell; and the vessel was proceeding at full speed. About

10.50 p.m. the vessel bumped heavily twice and heeled over to starboard. The chief officer ordered the helm hard-a-port, and the master immediately went on deck.

The incidents subsequent to the vessel first striking and until she finally stranded and became fast on the rocks are the subject of much conflicting evidence. Different estimates of time as to the interval—varying from about seven minutes to 45 minutes—between the first striking and final stranding have been given by different witnesses. The master made self-contradictory statements. At the opening of the inquiry he stated that about 45 minutes elapsed from the time the vessel first struck until she finally stranded; and at the conclusion, after hearing the whole of the evidence, stated that he accepted the estimate of about seven minutes. The chief officer estimated the time to be about 15 minutes. Various descriptions of the character of the striking have been given, and the weight of evidence shows that the vessel slewed, dragged, or ripped along the ground, and in a few minutes was fast on the rocks.

When the master came on deck after the first striking he ordered the engines to be put full speed astern. Sozonova Light then bore S.E. and at a distance—which he subsequently estimated—of about $6\frac{1}{2}$ miles. After the engines were going astern for a few minutes, they were put full speed ahead. The helm was then put hard-a-starboard. Byrne states that the master remarked that he would beach the vessel so that no lives would be lost; and that he remained at the wheel about four minutes after putting the helm to starboard, and the vessel then became fast. Soundings of the tanks were taken and 4 feet of water was found in No. 1, 4 feet 6 inches in Nos. 2 and 3, and 5 feet in Nos. 4 and 5.

About five minutes after the vessel first struck, the bilges were full and the water was over the tank tops. The chief engineer reported to the master that the water was up to the crank pits. The pumps were put on, but the water which appeared to be coming from the stokehold continued to increase. According to the chief engineer the centre fires were out about 11.5 p.m., and about 11.15 p.m., when all the fires were out, the engineers left the engine room.

The boats were ordered to be swung out, and lowered to the rails, but, owing to the heavy swell, the port lifeboat was smashed. Rockets were fired but there was no reply. Soundings taken amidships on both sides showed 18 feet of water. The master considered there was no danger so he determined to remain on the vessel until daybreak.

About 5.30 a.m. of the 8th the crew left the vessel in the starboard lifeboat and gig. The master states that the official log dropped into the water as he was getting into the boat, and was lost. It became necessary to tow the lifeboat, and the master states they did not get on shore until about 7 a.m. He estimated that the vessel was two miles from the shore, and the lighthouse about eight miles. The crew walked to the fog-signal station, where they arrived about 12.30 p.m.

On the 13th the master and some of the crew went on board in the salvage steamer “Jason,” and saved some of their effects. The master states that the lighthouse then bore S.E. $\frac{1}{2}$ E. A diver reported that all the bottom of the vessel was gone so far as he could examine it. After consultation with the master of the “Jason,” the master of the “Southlands” decided that nothing could be done to save the vessel. On the 14th, some of the cargo was jettisoned, and two salvage steamers made unsuccessful attempts to get her off. She was then abandoned as a total loss.

At the inquiry, the master marked on an Admiralty chart that the vessel first stranded about $9\frac{1}{2}$ miles N.W. by N. $\frac{3}{4}$ N. of Sozonova Light, and finally stranded $8\frac{3}{4}$ miles N.W. of the light. He also asserted that the vessel first stranded on an uncharted rock about $6\frac{1}{2}$ miles N.W. of Sozonova Light and within a mile to the eastward of the Eident Shoal marked on the Admiralty chart; and that she finally stranded on another uncharted rock about half-a-mile to the westward of the place where she first stranded.

His assertion is based—he states—on the bearing of S.E. of Sozonova Light which he took when the vessel first stranded; a subsequent bearing of S.E. $\frac{1}{2}$ E. of Sozonova Lighthouse, which he took when he returned to the vessel five days later; rough estimates of the distance of the vessel from the shore and the relation of the fog-signal station to the vessel and the light.

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According to the Admiralty chart, there are no rocks indicated in the places marked by the master as the places of stranding, but within a mile to the westward of the place marked as the first stranding there is a two-fathom patch or shoal marked on the chart which is about half-a-mile in diameter, the outer edge of which is over a mile from the shore, and is $6\frac{1}{2}$ miles off Sozonova Light.

The course laid down at 10 p.m.—as deposed to by the master and chief officer—does not put the vessel in the place where the master states she first stranded, which is in fact about four miles S.W. by W. of that course. The master's estimate of the vessel being two miles from the shore is supported by several witnesses, who roughly estimate with the eye the distance as being $1\frac{1}{2}$ to two miles. On the other hand some of the witnesses estimate the distance as being a quarter to half a mile.

The master states that the fog-signal station was the seaward side of an imaginary line from the vessel to Sozonova Light. This indicated that the vessel was within two miles of the shore, but it may be equally consistent with the vessel being on the shoal.

The bearings taken by the master were not verified by any other officer of the vessel. The master states that the bearing of S.E. $\frac{1}{2}$ E. and the estimated distance of the vessel from the lighthouse was verified on the salvage steamer "Jason" by the master of that steamer.

Information as to the exact position of the vessel might have been obtained from independent witnesses at Archangel or Sozonova Lighthouse if application had been promptly made to the Vice Consul at Archangel. But when the application was made in January last for the information the vessel had drifted from the place where she stranded, and only part of her remained.

Having regard therefore to the self-contradictory statements of the master, the unreliability of rough estimates of distance, and the absence of independent evidence as to the place of stranding, the Court is unable to state with precision whether the continuous reef of rocks upon which the vessel stranded is marked on the Admiralty chart, but considers that this reef is in the immediate vicinity of the Eident Shoal, which possibly extends a greater distance than marked on the charts.

At the conclusion of the evidence, Mr. Vachell submitted, on behalf of the Board of Trade, that there was a case of default against the master and 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 when she sailed from Archangel 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 when abeam of Cape Sozonova Light at about 9.30 p.m. on the 7th October last? Were safe and proper courses thereafter steered, and was due and proper allowance made for tides and currents?

6. Was a good and proper look-out kept?

7. Was the lead used after the vessel passed Cape Orlov about 4 p.m. on the 7th October last, if not, should it have been used?

8. Where and upon what did the vessel first strand at or about 10.50 p.m. on the 7th October? Is the obstruction marked on the Admiralty chart?

9. Where and upon what did the vessel finally strand, and is this obstruction marked on the Admiralty chart?

10. What was the cause of the strandings and loss of the vessel?

11. Was the vessel navigated with proper and seamanlike care?

12. Was the loss of the steamship "Southlands" 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 "Southlands" cost her owners, when built in 1901, £45,572, and £21,000 have since been expended on her in repairs. The managing owner states that her value to her owners on the 4th October, when she sailed from Archangel on her last voyage, was £28,000. Having regard to the condition of the freight market in October, 1912, the market value of the vessel was probably considerably more than £28,000.

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

	£
Hull and machinery	26,000
Freight	4,200
Disbursements	5,000
Premiums	2,400
Total	£37,600

2. The vessel had three compasses. They were in good order and sufficient for her safe navigation. They were last adjusted by Mr. T. J. Williams, of Cardiff, at Barry Roads in May, 1912.

3. 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. He states that there were no errors obtained on north-westerly courses since leaving West Hartlepool.

4. The vessel was supplied with proper and sufficient charts and sailing directions.

5. On the 4th October, 1912, the "Southlands," with 1,657 standards of timber, laden in the holds and to a height of 16 feet above the fore and after main decks, left her moorings at Archangel for a voyage up the White Sea, along the east coast of Lapland, and around the North Cape to London. Owing to bad weather she anchored until 8.15 a.m. on the 6th, when in a heavy gale she proceeded on her voyage. In consequence—the master thought—of the deck load the vessel steered badly during the gale on the 6th and also on the 7th, when the gale had ceased and the weather became fine and clear. A few minutes before 8 p.m. on the 7th, the second officer reported Sozonova Light to the master. (The second officer is absent from this Inquiry, and there is no evidence as to the precise time and bearing at which the light was made.) When reported, according to the master's evidence, the light, which is 180 feet high and has a range of visibility of 18 miles, was made on the port bow, between right ahead and the four points. The vessel proceeded at full speed—about eight knots—the weather being fine, with a moderate breeze, the sky overcast, and the land in sight, and about 10.50 p.m. she struck and then stranded, within range of Sozonova Light, and became a total wreck.

The incidents of the navigation of the vessel between 8 p.m. and 10.50 p.m., the interval of time between the first striking and the final stranding, and the precise situation, distance from the shore, and bearing from the lighthouse of the place of stranding, are subjects of much conflicting evidence. But it is undisputed and indisputable that from 8 p.m. until 10.50 p.m. the land was visible and Sozonova Light was visible from the vessel; and that about 9.30 p.m. Sozonova was abeam, that about 10.50 p.m. she struck some object, and shortly afterwards finally stranded. It is also common ground that between 9.30 and 10.50 p.m. the vessel was deflected landwards from her course by some cause or causes, the operation of which was not detected by observation of the quickly altering bearing of the light. The master estimated the extent of the deflection as about three miles. The extent of the deflection depends on her distance from Sozonova when abeam about 9.30 p.m., the courses subsequently set, and the courses subsequently steered. Now, what was the distance from Sozonova at 9.30 p.m.? The chief officer states that about 8.53 p.m. or 9 p.m.

the patent log was read by one of two seamen Williams or Byrne—that Sozonova Light was then on the four points, and that at 9.30 p.m., when the light was abeam, the log was again read and showed the vessel had run four miles on the four points. The master states that the chief officer reported the light as being four miles distant, and that this agreed with his (the master's) eye estimate of the distance. Byrne states that he read the log about 9.20 p.m. and also at 9.30 p.m. and reported the readings to the chief officer. Williams was on the look-out from 9 p.m. until after the stranding, and he denies having read the log either before 9 or afterwards. Byrne was on the look-out from 8 to 9, in the fore-castle from 9 to about 9.15, and then was standing-by at about 9.20 when ordered to read the log. Byrne denies having read the log before 9.20. If the evidence of the master and mate is correct, the vessel was four miles from Sozonova at 9.30, and she was deflected about three miles from her course between 9.30 and 10.50. Having regard to the evidence of Williams and Byrne, to the courses steered between 9.30 and 10.50 (whether those deposed to by the master and chief officer or those deposed to by Byrne), and to the approximate locality where the vessel stranded, the Court is satisfied that the log was not read except at 9.20 and 9.30.

If—as the weight of evidence establishes—the light was not on the four points until about 9.20 p.m., and was abeam at 9.30 p.m., then the vessel must have been about $1\frac{1}{2}$ miles and not four miles from the light at 9.30. Hence, the Court is of opinion that the vessel was not deflected three miles from her course between 9.30 and 10.50, but her distance from the land at 9.30 was erroneously estimated at four miles, whereas, in fact, it was about $1\frac{1}{2}$ miles, and therefore at 10.50 she was about $2\frac{1}{2}$ miles nearer the land than estimated by the master and chief officer. But irrespective of the reading of the log, if the distance from the light at 9.30 p.m. was about four miles, the vessel was deflected three miles to the westward of her course and towards the land between 9.30 and 10.50, and the changing bearing of the light should have made the deflection obvious to the master and chief officer. If, on the other hand, the distance from the light at 9.30 was about $1\frac{1}{2}$ miles, the rapidity with which the vessel passed from the four points to abeam of the light should have made it obvious that she was nearer the land than estimated, and was running into danger. Both the master and chief officer admit that they omitted to observe the changing bearing of the light after 9.30. Hence, although the taking of the four-point bearing by the chief officer was, if taken, a proper measure to ascertain and verify the position of the vessel at 9.30 p.m. when abeam of Sozonova Light, the distance was erroneously ascertained.

Now, what were the courses steered after 9.30 p.m.? The master states that at 10 p.m. the course of N.W. by W. was laid down with a view to passing about a mile off Diana Rock, near Svyatoi Nos Light. Assuming this course was laid down and steered—even if the master had accurately estimated the vessel was about four miles off Sozonova Light at 9.30 p.m.—having regard to the bad steering of the vessel that had been experienced, the probability that later the flood tide would set her in to the shore, and the sparsely marked soundings on the chart, such a course was too fine. Again, if the vessel had been, in fact, four miles from Sozonova when abeam, and, as deposed to by the master, was deflected three miles to the westward between 9.30 and 10.50, having regard to the admitted impossibility of such deflection being due to the compasses or tide, the N.W. by W. course could not have been steered. If, in fact, the N.W. by W. course was set but not steered, it is incomprehensible that the master and chief officer—both on the bridge and the vessel within sight of the light and the land—could fail to detect steering so bad as to deflect the vessel three miles off her course towards the land in 1 hour and 20 minutes. It is unnecessary further to examine the highly improbable operation of remote causes, there being present strong evidence of the operation of proximate causes to account for the position of the vessel at 10.50, viz.:—

- (1) An erroneously estimated position at 9.30 p.m.
- (2) From such erroneous position setting courses too near the land.

(3) Bad steering.

(4) Neglecting to heed the warning of the light and the report of the look-out on the fore-castle head.

If the courses steered were as deposed to by Byrne, who was at the wheel from 10 to 10.50 p.m., *i.e.*, W.N.W. from about 10 p.m. until about 10.20 p.m., and afterwards W. by N. $\frac{1}{2}$ N. until the stranding; and assuming that the vessel was about $1\frac{1}{2}$ miles distant from the light at 9.30 p.m. (with a very small allowance for the admitted bad steering—about half-a-mile) between 9.30 p.m. and 9.45 p.m., such courses would put the vessel in close proximity to the place where she stranded.

Hence, the Court is satisfied that neither the courses set nor the courses steered after 9.30 p.m. were safe or proper.

Between 9.30 and 10.50 p.m. the tide was ebbing and no allowance was made, nor at that time was any necessary, for tide and currents.

6. The look-out, stationed on the fore-castle head, reported land to the bridge after 10 p.m. Some witnesses depose to two reports from the look-out—the second being “Land ahead.” The look-out on the fore-castle head was good and efficient.

The master and chief officer were keeping a look-out from the bridge. Such a look-out was proper; but having regard to their omission to observe the change in the bearings of Sozonova Light, before and after it was abeam, and their failure to see that the vessel was approaching the land, or give heed to the report from the fore-castle head, the look-out on the bridge was inefficient.

7. The lead was not used after the vessel passed Cape Orlov about 4 p.m. on the 7th October. Having regard to the character of the soundings, the fine weather, and the land being clearly visible, the use of the lead was unnecessary.

8 and 9. The vessel struck about 10.50 p.m. on a continuous reef over which she dragged, backed, and slowed round. The place of stranding was in close proximity to the first striking.

The evidence establishes that the reef is in the vicinity of the Eident Shoal, which is $6\frac{1}{2}$ miles north-west of Sozonova Lighthouse and about a mile from the land. If the vessel stranded $1\frac{1}{2}$ to 2 miles from the land, as deposed to by many witnesses, either the shoal, the extent of which is not clearly defined, extends further to the north-eastwards than one mile from the land, or the vessel stranded on some other shoal in the vicinity which is not marked on the chart. The master did not take sufficient measures to locate with precision the place of stranding, an omission that is incomprehensible if he considered he had struck an uncharted reef. Whether the place of stranding is or is not charted, it is within a zone of danger to which there is no justification for having navigated the vessel.

10. The stranding and consequent loss of the vessel were due to (1) the negligent and erroneous estimate of the distance of Sozonova Light when abeam, (2) taking a departure from a position negligently and erroneously estimated, and navigating the vessel on improper courses in dangerous proximity to the land, (3) bad steering, (4) neglecting to give heed to the warnings of danger conveyed by the quickly altering bearings of Sozonova Light and the report of the look-out.

11. For the foregoing reasons the vessel was not navigated with proper and seamanlike care, and her loss was caused by (1) the acts and default of the master and (2) the default of the chief officer in negligently and inaccurately discharging a duty that had properly been delegated to him by the master, viz., taking a four-point bearing of Sozonova Light and his default in omitting to keep a good look-out.

12. Seven members of the crew, who were called as witnesses including Byrne, Normoyle, the assistant cook, and the mess room steward made allegations of insobriety against the master.

According to their evidence, several bottles of vodka were taken on board before leaving Archangel, and some were put in the cabin; the master was on several occasions, before and after leaving Archangel, under the influence of drink; and the indications of such insobriety were, flushed features and blood-

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shot eyes, excitability, abusive language, assault on the chief officer at Archangel, and rough conduct towards the chief officer when Byrne relieved the wheel about 9.45 p.m. on the 7th October.

The master denies the allegations, and states that there was no vodka on board; that it was his practice to take ginger ale on the vessel, and that he never drank to excess on board.

The master is corroborated negatively by the officers and several members of the crew, who state that they had never seen him under the influence of drink.

The master's conduct on the night of the stranding affords some circumstantial evidence of the truth of the allegations of insobriety. His careless navigation in setting a fine course, in failing to observe the changing bearings of Sozonova Light, and the deflection of the vessel from her course, and failing on a fine night, with light and land in sight, to see the vessel's drawing in to the land, or give heed to the report of the look-out, seem to be consistent with either insobriety, insanity, or a deliberate intention to cast the vessel away. There is no other circumstance in the case indicating insanity, there is no other circumstance, suggestion, or ground for even suspicion that the vessel was cast away, and the Court, therefore, can but say that the master's conduct affords some circumstantial evidence supporting the allegations of insobriety.

On the other hand, the similarity of the terms and the expressions used by the witnesses in describing the symptoms of insobriety, the facts that the allegations were not made to the Consul at Archangel or to the Board of Trade on arrival in England, or made to the Board of Trade until after the men had made claims to the owners for wages and loss of effects, and the claims were rejected, raise some presumption that there was collusion between the men and that the allegations were fabricated (as suggested by Mr. Robertson, the able advocate representing the master). But the conduct of the men is also consistent with the view that they did not wish injuriously to affect the master's reputation by disclosing the circumstances of his insobriety and that they refrained from doing so until they felt aggrieved that their wrongs would not be remedied. Some of the witnesses keenly felt and resented what they deemed an injustice in receiving no wages during several weeks after the stranding, and receiving no compensation for loss of their effects. Weighing the evidence for and against the allegations of insobriety, the Court finds that the evidence does not warrant a confident conclusion (essential on an issue so grave to a master mariner), and therefore exonerates the master.

The managing owner of the "Southlands" acted on his strict legal rights in declining to satisfy the men's claims for loss of wages and loss of effects due to the wreck. Moreover, if he had paid more than was legally due he might have been exposed to a charge of seeking to corrupt the men's evidence, and there is therefore no ground for imputing blame to him. On the other hand, British sailors wrecked on a foreign coast, having no wages accruing, having lost their effects, who have suffered great hardships, and returned home as distressed seamen, are in a position that not unnaturally generates a sense of injustice and resentment in their minds. The Merchant Shipping Acts contain salutary provisions for the temporary relief and maintenance of shipwrecked and distressed seamen, and such enactments might mercifully and justly be extended to the provision of compensation for loss of effects.

The crew of the "Southlands," after remaining for five weeks as distressed seamen at Archangel, late in November arrived by different vessels at different ports in the United Kingdom. They arrived having

no money and few clothes. On and after the 6th December the statements of such members of the crew as were available were taken by the Board of Trade. (The second officer had then gone to sea, and a foreign seaman, who was ignorant of the English language, had disappeared.) The Board of Trade then determined to hold this Formal Inquiry, and the men available were ordered to be detained. The men jumped from penury to comparative affluence, for from early in December until February 12th they have been detained for this Inquiry at the rates of 4s. a day for the mess room steward, 5s. 6d. a day for sailors, and 15s., 12s. 6d., and 10s. a day for officers, the total cost, with expenses, amounting to over £400. Hence, the total cost of this Inquiry, including Board of Trade solicitors and Court fees, must exceed £500.

The cost might not be incurred in vain if the result were the complete discovery of truth and the complete vindication of justice. But this is one of many cases in this Court (cases to which the attention of the Board of Trade has been called, viz., the steamship "Ouse" Inquiry, May, 1911) where delay in holding an Inquiry has resulted in confusion of testimony and suggested fabrications of testimony. Where members of a crew are kept weeks ashore in idleness, waiting for an Inquiry, have discussed amongst themselves and with others, from many points of view, their grievances and the incidents of a casualty (as in this case), their statements are liable to be confused, contradictory, and sometimes corrupt, thereby increasing the difficulty of ascertaining the truth, and thereby increasing the risk—where there are grievances—of exposing officers and owners to grave, groundless charges. The Court draws the attention of the Board of Trade to the following matters disclosed at this Inquiry:—

- (1) The employment of at least one foreign seaman, ignorant of the English language, in contravention of Section 12 of the Merchant Shipping Act, 1906.
- (2) The delay, the cost of delay, and mischief arising from delay in holding a Shipping Inquiry.
- (3) The absence of just provision for compensation for British seamen's loss of effects by shipwreck.

Negligent navigation by the master and chief officer caused the loss of the "Southlands," valued, as above stated, at £28,000, and insured with freight, disbursements, and premiums for £37,000. Such loss endangered the lives of the crew. The master's certificate is suspended for three months.

The chief officer is ordered to contribute £10 towards the costs of this Inquiry.

T. W. LEWIS,
Judge.

We concur.

L. WOOD BAYLDON, } Assessors.
C. D. GOLDSMITH, }

The Court finds that the cost of this Inquiry exceeds £500, and the master is ordered to contribute £50 towards this cost.

T. W. LEWIS,
Judge.

(Issued in London by the Board of Trade on the
7th day of March, 1913.)