

(No. 7623.)

"DEVON" (S.S.).

"The Shipping and Seamen Act, 1908."

(Wrecks and Casualties.)

Dominion of } REPORT on a Shipping Casualty to the
New Zealand, } S.S. "DEVON."
to wit.

To the Honourable the Minister of Marine, New Zealand.

I, the undersigned, Stipendiary Magistrate, having been on the 30th day of August, 1913, applied to by Edward Thomas Woodford Maceaurin, Esquire, Acting Collector of Customs at the Port of Wellington for a formal investigation pursuant to section 235 of "The Shipping and Seamen Act, 1908," and other provisions of the said Act, respecting a shipping casualty to a certain British ship called the "Devon," of the Port of London on the 25th day of August last, at Pencarrow Head, did duly proceed with the said investigation, to wit, on the 1st day of September instant, and had before me, and examined on oath, divers persons and witnesses to wit:—

Arthur Henry Caunce,
William Noble Edmonds,
Thomas Moore,
Philip le Masurier,
Francis Hugh Roberts,
Leon Titterton,
John George Maurice,
Edward Goal Rapley,
Archibald Walker,
Henry Johnson,
Alex. Mitford Edwin, and
David James Watson,

the original depositions of whose evidence are hereunto annexed,* signed by me, being assisted therein by Captain John Bollons, holding a certificate of competency, No. 547, from the New Zealand Government, and Felix Black, holding a certificate of competency, No. 430, from the New Zealand Government, who were duly appointed by me to act as Assessors; and upon such investigation and examination of witnesses as aforesaid, I find and report as follows, that is to say:—

I. That the official number of the said ship, called the "Devon," is 108171, of which Arthur Henry Caunce is Master, who holds a certificate of competency No. 03683L, issued by the Board of Trade, and which ship belonged to the Federal Steam Navigation Company, of Wellington.

II. That the loss or damage herein more particularly mentioned happened on the 25th day of August, 1913, at about 7.43 o'clock in the evening at Pencarrow Head.

III. That the loss or damage appears by the evidence to have been caused by the vessel stranding on a reef at Pencarrow Head.

IV. That the nature of the loss or damage done was the vessel became a wreck. That it is not known if the vessel was insured. That the "Devon" is schooner rigged. Her port of registry London, her registered tonnage 3,934. That no lives were lost through the casualty.

In the matter of a formal investigation held at Wellington on the 1st day of September, 1913, before me, assisted by Captain Bollons and Captain Black, into the circumstances attending the wreck of the "Devon," the Court, having carefully inquired

into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the annex hereto.

See answers to questions.

Dated this second day of September, 1913.

A. McARTHUR,
Stipendiary Magistrate.

I concur in the above report.

J. BOLLONS,
Assessor.

I concur in the above report, and ordering the captain to pay the costs of this Inquiry, but dissent from that part of the judgment suspending the captain's certificate for three months as, in my opinion, I think he has been sufficiently punished.

FELIX BLACK,
Assessor.

Annex to the Report.

The cause of the stranding was that the way was not taken off the vessel so as to allow of her being handled expeditiously in narrow waters, that the master mistook the lights and that the vessel was navigated too closely to the Pencarrow side of the entrance.

The stranding was contributed to by the default of the master, who was a stranger to the port, in not having made himself acquainted with the leading lights of the port, and, when these were obscured by the squally conditions of the weather prevailing at the time, in not heading the vessel out clear of the land to await clearer weather or daylight. To judge from the masters own evidence as to his bearings, he did not, as he thought, open up the white sector of the Somes's Island Light.

The master's certificate is suspended for three months and he is ordered to pay the costs of this Inquiry, £16.

IN THE SUPREME COURT OF NEW ZEALAND,
WELLINGTON DISTRICT.

In the matter of the "Shipping and Seamen Act, 1908," and of the wreck of the steamer "Devon."

This is a proceeding by way of rehearing ordered by the Honourable the Minister of Marine pursuant to S. 243 of "The Shipping and Seamen Act, 1908." The subject-matter is an inquiry into the circumstances attending the wreck of the steamer "Devon," a British vessel, No. 108174, of a tonnage of 3,934. The steamer was stranded on the rocks at Pencarrow Head on the east side of the entrance to Wellington Harbour at 7.43 p.m. on the evening of August 25th, 1913.

The following are the facts and conclusions ascertained and arrived at by the Court:—

The master passing Taurakirae Head fixed his position by bearings taken in daylight at 1½ miles, which is a safe distance. He passed Baring Head without seeing it clearly enough to get further bearings, and continued his course from Taurakirae Head until as he thought he clearly saw that he had entered the white sector of Somes Island Light. This course was N. 52 W. true, and had been run from Cape Palliser.

The Court concludes that he had in fact entered the white sector. In addition to the master, the chief officer, who was on the bridge, the fourth officer, who was on the upper bridge, and the look-out man all say that they saw a strong white light. The fourth officer, from the upper bridge, took a bearing of that light by the standard compass, which confirmed their observations. The bearing was communicated to the captain on the bridge. The fourth officer had been told off for the purpose of

* These documents are not printed.

taking the bearings. No suggestion has been made as to the existence of any white light that could be mistaken for *Somes Island Light*. The Court has, however, considered whether it is possible that the lower light at *Pencarrow Head* has been mistaken for it, and is of opinion that this is met by the evidence that both the *Pencarrow Lights* were continuously visible on the starboard bow from a time prior to the sighting of the white light on which the master relied. The Court is also of opinion that in squally weather, such as prevailed, it is by no means an exceptional experience that a navigator should cross the green sector without seeing it. The area of that sector is about two cables in width. According to the evidence of the officers the master ran well into the white sector before altering the course of the vessel. He then headed her for the white light already referred to. When this course had been run for some minutes a squall passed and obscured the white light by which the vessel was being steered, without obscuring the *Pencarrow Lights*. When this squall had passed a red light was observed right ahead, the white light being then invisible. The master judged that he had got too far to the West, and had entered the red sector of *Somes Island Light*. The area of the white sector is at this point about $3\frac{1}{2}$ cables in width. The Court is quite satisfied that what the master saw after this squall had passed the ship was the *Falcon Shoal Buoy Light*, which is of the same colour as *Somes Island* red sector. It is by no means an uncommon experience that this light should be visible when *Somes Island Light* is shut off by a rain squall such as was then passing up the harbour practically from south to north. The *Falcon Buoy Light* stands on the line of division between the white and red sectors on *Somes Island Light*. Its distance was then four miles. Though it is a small light, and in ordinary circumstances can easily be distinguished from the powerful light on *Somes Island*, the Court is of opinion that in squally weather such as prevailed the mistake may be made. The argument of counsel for the department that the difference in height should have been observed is inconclusive, as, under conditions which obscure *Somes Island Light* and give no horizon to assist the eye, it is not always possible to form an opinion as to the height of an object, the distance of which must be assumed to be unknown. Mr. Archibald Walker, surveyor to Lloyd's Register, has frequently been out to the wreck since the first inquiry was held. He thus states his experience as to the lights: "Up to that time I had no knowledge of the various sectors. I gained some knowledge after my operations at the wreck. I have had the experience similar to the officers of the "*Devon*" being in the white sector, then a squall coming, then a red light appearing, which appeared to be the red light of *Somes Island*. We were in the white sector all the time, but we seemed to be in the red." That, in the opinion of the Court, was the condition which led to the master thinking that he was looking at the red sector, when in reality he was in a safe position in the white sector.

It was suggested that if a navigator, in fact, saw the red light of *Somes Island* he ought then to see the small light in front of it. That argument, however, cannot apply under all conditions of atmosphere, especially as the strong light of *Somes Island* while in view would tend to render the smaller light inconspicuous at a distance of four miles. Having lost the white sector and seen a red light which he took for the red sector, the master had to determine what to do. He in fact altered the vessel's course

in such a way that she got into danger in a few minutes, and he was unable to get her out before she went ashore. She now lies on the rocks seriously damaged, and in all probability a total wreck. The Court is of opinion that with what he had observed of the lights in mind the master not unnaturally altered his course to the eastward, feeling certain that he would in a very short time re-enter the white sector. It is suggested that his proper course was to have circled to the west and headed to sea. As he did not know his exact position this might have been a very dangerous manoeuvre as, with a ship 420 feet long, he might have touched the rocks of the *West Ledge*. The Court is satisfied that he acted without doubting his position as he should have acted had he suddenly found himself across the line between the white and red sectors. He was confirmed in his confidence as to his position by the fact that before the white light of *Somes Island* was obscured he had not merely had a glimpse of it but had run for about 12 minutes covering a distance of about two miles direct for that light, and guided by it, both the *Pencarrow Lights* being then in view.

As to the speed of the vessel the chief engineer states that with a following wind it was between 10 and 11 knots. As the master felt certain as to his position, and the evidence shows that he was right as to this, the question of speed does not really arise as the vessel was six miles away from the anchorage.

The master was not altogether a stranger to the port of Wellington, but he had not previously commanded a vessel entering it. The master of an ocean steamer cannot be expected to have all the minute knowledge of local objects and local conditions acquired by experienced navigators commanding local vessels. He had, however, made himself familiar with the lights which serve to guide vessels entering the harbour. Lights present different appearances under varying atmospheric conditions and these become known to local commanders.

The questions put by the Minister are:—

1. What was the cause of the stranding?
2. Was the stranding due to or contributed to by the negligence or wrongful act or default of the master?

The answer to both these questions is:—In the opinion of the Court the vessel was stranded through the master mistaking the *Falcon Shoal Buoy Light* for the red sector of *Somes Island Light* in such circumstances that it holds that he is not to blame for the disaster.

(Sgd.) FREDK. R. CHAPMAN,
Judge.

W. J. NEWTON, } Assessors.
WILLIAM WALLER, }

A true copy.

GEORGE ALLPORT,
Secretary.
Marine Department.

(Issued in London by the Board of Trade on the
13th day of January, 1914.)

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