

"CHOCTAW" (S.S.)

AND

"WAHCONDAAH" (S.S.)

In the matter of a formal investigation, held in the Council Chambers, Kingston, Ontario, on 28th July, 1915, into the causes which led to the collision between the S.S. "Wahcondah" and S.S. "Choctaw," resulting in the sinking of the latter vessel, at a point about six miles off Presqu'île, in Lake Huron, about 5 or 5.30 o'clock on the morning of the 12th of July, 1915, before Captain L. A. DEMERS, F.R.A.S., F.R.S.A., Dominion Wreck Commissioner, assisted by Captain James MURRAY and Captain William MURPHY, acting as Nautical Assessors.

The owners of the s.s. "Wahcondah," the Canada Steamship Lines, Limited, were represented by Mr. Francis King, while John Birnie, K.C., appeared on behalf of the master, and the Imperial Guild of Shipmasters.

It was announced that the s.s. "Choctaw" was a vessel registered in the United States, and her crew, who were American citizens, had dispersed in the United States beyond the jurisdiction of this Court, which was therefore unable to summon them to attend. Notwithstanding this, it was decided to take the evidence of the crew of the s.s. "Wahcondah," and adjourn the Court *sine die*, in order to carefully study the matter.

The first witness called was Captain Cornelius Dineen, master of the "Wahcondah," who stated that he was 36 years of age; that he had been in command for three years, holding a Master's Certificate of Competency, Inland Waters, Passenger Steamers, No. 5453; that the "Wahcondah" was a steel single-screw vessel of 996 tons net and 1,554 tons gross, carrying a crew of twenty, including two certificated deck officers; that she was capable of making 12 miles an hour at full speed, and her average draught was 14 feet.

On the 12th July last, he had been on deck at various times after passing Detour at 2.10; that the weather was thick and getting thicker. Ten minutes prior to the collision he had left the bridge after giving instructions to the mate to call him if necessary, by sending down the look-out man; that he had reduced the speed of the ship to 9½ knots, sounding the whistle at regular one minute intervals; that he never heard, whilst in his room, the fog signal of another vessel, only hearing it when he was called on deck. After sounding the fog signal he gave a two blast signal, which was answered by the other vessel which could not be seen owing to the density of the fog. He gave an order to starboard, blew two more blasts and ordered hard-a-starboard, the latter signal also being answered by the unknown vessel. He did not diminish the speed of his ship, which swung eight points, from S.E. by E ¼ E., the course being steered, to S.W. by S. or thereabouts, being in that position when the collision occurred.

The "Wahcondah" struck the "Choctaw" on her port side, between No. 1 and No. 2 hatch. He ordered full speed astern immediately before the impact, and kept the engines moving in that manner until after the vessels parted, and the "Choctaw" disappeared in the fog, when he stopped his ship, ordered all hands on deck and the lifeboats made ready. The port boat was put in readiness, swung over, lowered to the rail and left hanging in the davits. Upon sounding the bells it was found the vessel was leaking badly in the fore peak.

Shortly afterwards the "Choctaw" was located, he seeing her funnel dimly through the fog, and after some conversation, the crew of the ill-fated vessel came to his ship in their own boat.

The weather being very thick, and calm, with smooth water, they resumed their course and landed the crew of the "Choctaw" at Sarnia. No lives were lost.

The mate, David Chambers, was then called and stated that he had been on deck since midnight. Shortly before the collision he heard the three blast signal of a vessel on his starboard bow, about two points, the bearing of the sound having been taken after other things had been attended to, such as giving an order to call the captain, sound the fog signal on the whistle. He did not reduce the speed of the vessel. He admitted that the captain left orders to be called if needed, and corroborated the evidence of the master as to the starboarding of the helm, the sounding of the two blast signals by the master, which were answered, after which the impact took place, and he left the bridge to call all hands and get the boat ready.

He acknowledged that when acting as master he had had an accident, the relating of which induced some merriment on his part, until the Court pointed out that his smiles were out of place and that he had to realize the seriousness of his position.

The first engineer was called, but could not throw any light as to the orders which were given prior to the collision as he was off duty.

The second engineer, Thomas Edward Hurl, stated that he was on watch; that he received the order full speed astern from full speed ahead without the telegraph being put at stop, which order he obeyed immediately, and then the collision occurred. He stopped his engines and went up on deck, knowing that something untoward had happened, and returning, some ten minutes later, he got the order slow ahead. He noticed when on deck that the weather was very thick. The ship had been going her ordinary full speed, 83 revolutions, 10½ knots, during his watch, and no order had been received, either verbally or by telegraph, to reduce the number of revolutions.

This statement flatly contradicts that of the Master as to the speed of the vessel.

He further averred that the ship will take a good while in coming to a standstill from full speed ahead, owing probably to her weight in the water, and possibly to the shape of the blades of the propeller; but on this point he was not quite clear.

The wheelsman, Alex. McDonald, said that he first heard the running fog signals of a vessel about a quarter to half a point on the starboard bow; that two blast signals were sounded from his ship and answered by the other vessel, the sound of the latter not appearing to vary in bearing. The fog signals were sounded regularly throughout the trip; the ship answered her helm promptly and steered well.

The look-out proved to be so unimportant a witness that his statements need not be quoted. He was practically a novice, and more or less ignorant of the duties of a look-out man.

At this point the Court adjudged that sufficient evidence had been adduced to permit it to arrive at a finding; but nevertheless advised counsel that if they had any further evidence to submit the Court was willing that it should be produced.

Upon being advised that no other witnesses were necessary the Court adjourned.

FINDING.

The Court having carefully enquired into the evidence submitted, though the crew of the "Choctaw" has not been heard, they being American citizens, and on American soil, we find that the master and mate of the s.s. "Wahcondah," on their own evidence, contributed to the sinking of the s.s. "Choctaw."

The seamanship displayed and the navigational methods used by them are inexcusable.

We have to level at the captain bitter criticism on the three following points:

(1st) He was not at his post, though he admits the weather was thick, and getting thicker; (2nd) he allowed his vessel to be navigated at full speed during such existing climatic conditions, and (3rd) after the collision he did not make any attempt to lower his boat or boats to go to a possible rescue of the crew of the ship he had collided with. The boat was made ready; but only for the purpose of their own salvation. He admits he did not send the boat because he was afraid to lose it in the fog, notwithstanding the fact that his vessel, though injured, was afloat, and his whistle and other devices for signalling were still in good order. Had there been lives lost he would have been accused of criminal negligence.

We claim that in this instance, Captain Cornelius Dineen navigated his ship in a careless and negligent manner, and if no lives were lost in this disaster he does not deserve any praise for it.

Hence, for the reasons above mentioned, the Court suspends Captain Cornelius Dineen's Master's Certificate, No. 5453, for a period of twelve months from July 29th, 1915, to July 29th, 1916. The Court will permit that on the 1st of April, 1916, a certificate as mate be granted to him until the expiration of the 12 months' suspension.

With respect to the mate, David Chambers, who was on duty at the time, we find that in the absence of the captain from the bridge, upon hearing the first signal from the "Choctaw," he should have stopped his ship immediately, taking a bearing of the sound at the same time, and then called the captain.

He failed to exercise the caution which is required by all rules of navigation. He admitted having been in trouble before, and evidently considered the matter of grounding his ship whilst master a matter for levity.

The Court realises that this officer does not seem to execute his duties with the seriousness, attention and judgment which they demand. Therefore, in view of his actions and in order that he may be made to perform in the future his duties in a more seamanlike manner, we suspend his certificate, No. 6,912, for the balance of the present season of navigation, from 28th July, 1915, until the 28th January, 1916.

Dated and read in open Court at Montreal, this 3rd day of August, 1915.

L. A. DEMERS,

Dominion Wreck Commissioner.

We concur:

JAS. MURRAY, }
WM. MURPHY, } *Assessors.*

(Issued in London by the Board of Trade on the 31st day of August, 1915.)