

(N°. 705.) "HYDASPES" and "CENTURION." (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal investigation held at Westminster, on the 10th, 11th, 12th, and 13th August 1880, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain PARFITT and Captain CLARKE, as Assessors, into the circumstances attending the loss of the British sailing ship "HYDASPES," of London, through collision with the British steam ship "CENTURION," of London, off Dungeness, on the 17th July last.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reason annexed,-

1. That the deck cargo of esparto grass on board the "Centurion" did not interfere with the navigation of the vessel or contribute in any way to the casualty.
2. That both vessels before they sighted one another were going at a moderate and proper rate of speed, and that they so far complied with the regulations for preventing collisions at sea.
3. That the "Centurion," after shipping her pilot, was put upon an E.N.E. course, which was a proper course for her to take.
4. That both the tug and the "Hydaspes," on hearing the sounds of the "Centurion" approaching, took the proper course to avoid a collision; but that the "Centurion" in first porting and then hard-a-porting her helm, when she heard the tug's whistle, and in thus throwing herself across the track of vessels going up and down the channel, did not take the proper course, for that she ought to have waited, before altering her helm, to ascertain the course of the approaching vessels.
5. That both vessels were navigated with proper and seamanlike care and skill, save that the "Hydaspes," when the fog set in, should have shortened in her tow line sufficiently to have kept the tug in sight; and that the "Centurion" ought not to have ported until she had made out the course on which the approaching vessels were.
6. That the master of the "Hydaspes" and the pilot of the "Centurion" are both in default.

The Court is of opinion that the fault of the master of the "Hydaspes" is not such as would justify his certificate being dealt with.

The Court makes no order as to costs.

Dated this 13th day of August 1880.

H. C. ROTHERY,

Wreck Commissioner.

WM. PARFITT,

Assessors.

R. T. CLARKE,

## Report of Court.

### Annex to the Report.

This case was heard at Westminster on the 10th, 11th, 12th, and 13th August instant, when Mr. McConnell and Mr. Beaufort appeared for the Board of Trade, Dr. Phillimore and Mr. Bucknill for the owners, master, and chief engineer of the "Centurion;" Mr. Nelson for the pilot of that vessel, Mr. Baden-Powell for the owners and master of the "Hydaspes," and Mr. Beyfus, by permission of the Court, for four of the passengers, who were on board the last-named vessel. Eighteen witnesses having been produced by the Board of Trade and examined, Mr. McConnell stated that the Board of Trade desired the opinion of the Court upon the following questions:-

" 1. Did the deck cargo of esparto grass in any way " interfere with the navigation of the 'Centurion,' or " contribute to the casualty?

" 2. Did both vessels comply with the regulations " for preventing collisions at sea?

" 3. Were they both going at a moderate and proper " rate of speed?

" 4. Did the 'Centurion,' after shipping the pilot, " steer a proper course, having regard to the state of " the weather and to her position with reference to " ships bound down channel?

" 5. Did both vessels, on hearing sounds of approach- " ing one another, take proper measures, under all " the circumstances, to stop or in any way avoid a " collision?

" 6. Were both vessels navigated with proper and " seamanlike care and skill?

" 7. Were the masters, officers, engineers, or pilots " of either vessel, or of the tug 'Napoleon,' or any of " them, in default?"

Mr. McConnell also stated that "the Board of Trade " are of opinion that the certificates of both captains " ought to be dealt with."

All parties having stated that they had no further witnesses to produce, Mr. Bucknill, Mr. Nelson, Mr. Baden-Powell, and Mr. Beyfus addressed the Court on behalf of their respective parties, and Mr. McConnell having been heard in reply, the Court proceeded to give judgment on the questions on which its opinion had been asked.

The case of the "Hydaspes" is as follows:-She was an iron sailing ship of 2,092 tons net register, and was the property of Mr. James Park, of Adelaide Chambers, Gracechurch Street, London, and two other gentlemen, Mr. James Park being the managing owner. She left Gravesend at 4.30 am. of the 17th of July last, with a crew of 47 hands all told, 40 passengers, and about 2,000 tons of cargo, bound to Melbourne, and in tow of a steam tug called the "Napoleon." At 2.30 p.m. the same day Dover Pier bore north magnetic, distant 1 to 3/4 of a mile. At 2.45 the Trinity House pilot left her, and the vessel proceeded on her course, steering S.W. by W., and making from 6 to 7 knots an hour. At this time the weather was rather hazy, but vessels could be seen from 3 to 4 miles off, the sea was perfectly smooth, the wind very light from the eastward, and the tide the last hour and a half of the westerly current. At 4.20 the weather began to set in thick, upon which orders were given for the tug to be eased; and at 4.30, on its becoming very thick, they were ordered to go "dead slow," the vessel

making, we are told, 1 1/2 to 2 knots an hour. From this time the "Napoleon's" steam whistle and the "Hydaspes'" fog horn were kept going alternately. At about 4.50 those on board the tug heard a faint whistle a little on the starboard bow. The vessel, however, kept moving slowly ahead, and soon afterwards another whistle was heard nearer and somewhat broader on the bow. This was followed by a third whistle, and at the same instant a vessel, which afterwards proved to be the "Centurion," was observed on the tug's starboard quarter, heading apparently about E. by S., and making directly for the "Hydaspes," upon which the captain of the "Napoleon" at once hailed her to "go astern full speed," telling them that he had a large vessel in tow; and at the same time he hailed the "Hydaspes" to hard-a-starboard her helm, as there was a screw inside of them. They were then hailed from the "Centurion" to cast off the tow line, which they immediately did, and the tug then hard-a-starboarded her helm.

In the meantime those on board the "Hydaspes" had heard the "Centurion's" whistle, but only faintly, and on being hailed to cast off the tow rope and starboard the helm, they at once did so; but it was too late, for almost immediately afterwards the "Centurion" was observed coming out of the fog and heading directly for them, and she came on and struck the "Hydaspes" just abaft the fore rigging on the starboard side, cutting her down below the water's edge. The "Centurion" at first rebounded, but on her engines being put on ahead easy, she was again brought alongside, and all the crew and passengers clambered or were hauled up on board the "Centurion," except the master, chief mate, and pilot of the "Hydaspes," who remained by their vessel, and then got into the tug boat, which had in the meantime come up on their port quarter; and very shortly afterwards the "Hydaspes" sank with everything on board. The tug then went alongside the "Centurion," took off the passengers and the remainder of the crew, and landed them the same evening at Dover. Such are the facts, so far as the "Hydaspes" is concerned.

The story told by the "Centurion" is as follows:-She is an iron screw steamship of 1,845 tons gross and 1,178 tons net register, and is fitted with engines of 150-horse power. She was built at Jarrow-on-Tyne in the year 1876, and at the time of the casualty was the property of Mr. William McMurray, of 39, Queen Street, Cheapside, London. She left Almeria, in Spain, on the 10th of July last, bound to the port of London, having a crew of 27 hands all told, about 700 tons of esparto grass in bales, and about 10 tons of ivory. In the afternoon of the 17th she had arrived to the east of Dungeness Point, and on sighting the pilot cutter she made towards her, upon which the pilot cutter lowered her boat and sent Mr. Pott, a pilot, to take charge of her. It was, we are told, 4.40 p.m. when Mr. Pott boarded the "Centurion," the vessel at the time being from half a mile to three quarters of a mile from the Newcombe Buoy, which bore from them about N.W. Finding the ship's head at N.E. by E., the pilot ordered the helm to be ported, and having passed under the stern of a yacht, which was there lying at anchor, he laid on an E.N.E. course to make Dover Pier. At this time the weather was hazy, and accordingly the engines were ordered to go at half speed. Five minutes afterwards they entered a thick bank of fog, and the pilot then ordered the engines to be slowed. After about five minutes a faint whistle was heard slightly on the port bow, upon which the pilot ordered the helm of the "Centurion" to be ported. Shortly afterwards another whistle as well as a fog horn were heard, somewhat louder, but still on the port bow, and thereupon the helm was hard-a-ported, which brought her head round from E.N.E. to about E. by S. The whistle was then heard for the third time, and the fog horn for the second time; and almost at the same instant the look-out man on board the "Centurion" observed the steam tug "Napoleon" crossing their bows from port to starboard, at a distance of about 50 yards. On his reporting it, the pilot at once ordered the engines to be turned full

speed astern; but it was too late, for before the vessel, which had before been making between 2 and 3 knots, could get any stern way she struck the "Hydaspes" just abaft the fore rigging on the starboard side in the manner already described, cutting her down to the water's edge, and causing her to sink soon afterwards.

Now the first question on which our opinion has been asked is, "Did the deck cargo of esparto grass in any way interfere with the navigation of the 'Centurion,' or contribute to the casualty?" It seems that the deck cargo of the "Centurion" consisted of bales of esparto grass, 2 feet 6 inches long by about 2 feet 1 or 2 high, and 2 feet 1 or 2 broad. They covered the deck two deep from the forecastle to the bridge, and from the bridge aft to the mizenmast, except between the foremast and forecastle, where some 3 or 4 bales were laid upon the tiers. Being all of the same size, and having been packed with hydraulic pressure, they formed, we are told, an excellent platform. They rose about 3 inches above the ship's rail; but as the bridge and forecastle were about 7 feet above the deck, it is not easy to see how the deck cargo of esparto grass could have interfered with the navigation, or, at all events, how it could have contributed to the casualty.

The next question is, "Did both vessels comply with the regulations for preventing collisions at sea?" This will be best answered by the answers which we shall give to the questions which follow.

The third question is, "Were they both going at a moderate and proper rate of speed?" It is an admitted fact in the case that there was a very thick fog at the time of the collision, and that it was therefore the duty of both vessels to go at a moderate speed in accordance with the provisions of the 16th article of the steering and sailing rules, which directs that "Every steamship shall, when in a fog, go at a moderate speed." Each vessel, however, accuses the other of going at too great a speed, and as having thereby contributed to the casualty; and what we have to ascertain is whether the charge is well founded.

And first as to the "Hydaspes." It seems that she passed Dover Pier at 2.30 p.m., and that from that hour until 4.20 she was going full speed, which, we are told, was from 6 to 7 knots an hour, in addition to which she had for the first hour and a half a westerly current of about a mile an hour in her favour, so that during that time she would make some 13 or 14 miles. From 4.20 to 4.30, we are told that she was going half speed, and from 4.30 to the time of the collision, which occurred within a few minutes of 5, she was going dead slow, making only from 1 1/2 to 2 knots an hour, and she had for the last hour an easterly current of about a knot an hour against her. Seeing, however, that the distance from Dover Pier to the place of the collision is only 14 miles, it is obvious that she must have done nearly the whole of the distance in the first two hours, and that she could have made little, if any, way against the easterly current after the fog set in. But the case of the "Hydaspes" does not rest here. It seems that as soon as the fog set in a man was put in the chains to keel the lead going at 10 fathoms, a very proper precaution, seeing that it would have been dangerous for the vessel to have got within the line of the 10 fathoms' soundings; and we were told that she had so little way upon her that the lead line hung nearly right up and down. We were told also by Mr. Wyke, a passenger on board the "Hydaspes," that shortly before the collision he was arranging his fishing tackle, and had the line over the side hanging in the water, and that he could see from the line that the vessel was making very little way. From all these circumstances, I think that there can be no doubt that the "Hydaspes" was, before she sighted the "Centurion," going at a very moderate speed.

Secondly, as to the "Centurion." We are told that when the pilot boarded her at 4.40 p.m., Newcombe Buoy bore N.W., distant about from a half to three-quarters of a mile. For the first 5 minutes she was going half speed, making about 4 knots an hour; after which, for nearly a quarter of an hour, she went, we are told, dead slow, making only from 2 to 3 knots; and during all this time she would have a current of about 1 knot setting her on her course to the eastward. Now the distance from where the pilot boarded her to the place of the collision is, as nearly as we can ascertain, about 1 1/2 to 1 1/2 miles. It is obvious, therefore, that she must have been going at a moderate speed from the time that she got under weigh, otherwise she would have covered more ground within the time.

Everything therefore points to the fact that neither of these vessels was going at other than a moderate and proper rate of speed previous to their sighting one another; and so far, therefore, they have both complied with the regulations.

The next question upon which our opinion has been asked is, "Did the 'Centurion,' after shipping the " pilot, steer a proper course, having regard to the " state of the weather and to her position with reference " to ships bound down the channel?" According to the pilot, as soon as he had boarded her and had passed under the stern of the yacht, which was lying at anchor, he laid the vessel on an E.N.E. course, which would be a proper course for making Dover Pier, which, we are told, it was the master's intention to do, for the purpose of signalling to the shore; and, as a fact, she did afterwards pass within a cable's length of the pier. We cannot, therefore, say that an E.N.E. course was an improper course for the pilot to take after boarding the vessel.

The 5th question upon which our opinion has been asked is, "Did both vessels, on hearing the sounds of " one another, take proper measures, under all the " circumstances, to stop, or in any other way avoid a " collision?" Let us first take the case of the tug and of " the 'Hydaspes.'" The tug on first hearing a whistle on her starboard bow continues her course, making from 1 1/2 to 2 knots an hour; presently she hears another whistle, louder and broader, on the bow; then she hears a third whistle further aft, and at the same time sees the "Centurion" on her starboard quarter heading directly for the "Hydaspes." She immediately hails the "Centurion" to back astern, telling her that she has a large ship in tow, and at the same time casts off the tow line, starboards her own helm, and hails the "Hydaspes" to starboard her helm. The "Hydaspes," for her part, as soon as she is aware of the "Centurion's" approach, casts off the tow line and hard-a-starboard's her helm. We do not think that either of these vessels could have taken any better course under the circumstances than they did. And now as to the "Centurion." She hears 3 whistles and 2 fog horns, all on her port bow. On hearing the first whistle she ports; at the second whistle she hard-a-ports; and at the third whistle, at which time her head has been brought round from E.N.E. to E. by S. she sees the tug crossing her bows from port to starboard, and immediately gives orders to put the engines full speed astern. Now, so far as the orders to stop and reverse the engines, after the tug was sighted, we do not think that any blame attaches to the "Centurion." The orders appear to have been promptly given, and to have been promptly executed. Where, however, we think that she was to blame was in porting her helm as soon as she heard a faint whistle slightly on her port bow, and before she knew in what direction the vessel was approaching her. The effect of porting her helm was to keep the tug upon her port bow; had she waited until she heard the second whistle, she would have found that the vessel was drawing ahead of her and was passing her to starboard, and the fog horn would have told her that it was probably a ship in tow of a tug, and that it would be dangerous to port her helm and thus run the

risk of colliding either with the tug or the ship; for it must be remembered that although the "Centurion's" course was at first E.N.E. she had, before she sighted the tug, ported her helm so as to bring her head to E. by S., which would be directly across the track of vessels passing up and down channel. It appears to us, therefore, that the "Hydaspes" and her tug took all proper measures, after hearing the sound of the approaching vessel, to avoid a collision; but that the "Centurion" ought not to have at once ported her helm when she heard the tug's whistle, but should have waited to see on what course the approaching vessel was.

The sixth question upon which our opinion has been asked is, "Were both vessels navigated with proper " and seamanlike care and skill?" I have already answered this question as regards the "Centurion," by saying that she was to blame for having ported her helm as soon as she heard the whistle of the approaching tug, and thus put herself across the track of vessels bound up and down the channel. As regards the "Hydaspes" also there is one point in which she appears not to have been navigated with proper care. It seems that she had about 75 fathoms of tow rope out, and that there was a distance of something like from 70 to 72 fathoms between the stern of the tug and the stern of the "Hydaspes;" and the weather was so thick that at that distance the tug could not be seen from the "Hydaspes," nor the "Hydaspes" from the tug. We were told by one of the Trinity House pilots that when the weather becomes so thick that they have to slacken their speed, their practice is to shorten in the tow rope so as to keep the tug in sight, and thus be in a position to regulate the courses of both vessels. No doubt there is a great advantage, when the weather is clear and there is plenty of sea room, to have a good scope of tow rope out, for the vessel then tows more easily; when, however, the weather becomes so thick that they have to slacken speed, it is proper to shorten in the tow-line so as to keep the tug in sight. Had the tow-line been shortened in to 20 fathoms instead of having between 70 and 72 fathoms between the two vessels, it is quite possible that this collision might have been avoided. Taking the length of the tug at say 60 feet, the length of the tow rope between the vessels at 420 to 430, and the length of the "Hydaspes" at 263 feet, we get a total of nearly 750 feet or 250 yards covered by the tug and the "Hydaspes," which in such intensely foggy weather as then prevailed, must have been a serious danger both to herself and to other passing vessels. It appears to us that in such thick weather, not only have vessels no right to cover so large a space of water, but that with a shorter tow rope they would be much more under control. Nor would there have been any danger of the tug being run down, as she would have had no difficulty in getting out of the way had it been necessary suddenly to alter the course, the speed of the two vessels being, as it should have been, very moderate. Had there been a space of only 20 fathoms, instead of from 70 to 72 fathoms, between the tug and the "Hydaspes," the "Centurion," even after porting her helm, would have passed clear astern of the latter.

The last question upon which our opinion has been asked is, "Were the masters, officers, engineers, or " pilots of either vessel, or of the tug 'Napoleon,' or any " of them, in default?" No blame appears to attach to any one on board the "Napoleon;" she seems to have been keeping a good look-out, to have blown her whistle frequently, to have warned the "Centurion" that she had a ship in tow, to have cast off her tow line, and hard-a-starboarded her helm; so far, therefore, she is not in any way to blame for the collision. As regards the "Hydaspes," the only blame which we are disposed to attribute to her is for not having shortened in her tow rope when the weather came on so thick as to cause her to lose sight of the tug; and, inasmuch as Hodges, the person who was acting as pilot on board her, was not licensed, the blame for this default must rest with the master of the "Hydaspes." In all other respects she seems not to have been to blame. As regards the "Centurion," I have already

stated that in our opinion she was to blame for having ported her helm as soon as she heard the tug's whistle, and thus throw herself across the track of vessels bound up and down the channel; she should have waited to have ascertained on what course the approaching vessel was, and have then starboarded her helm. For this fault, however, the blame must rest with the pilot who was in charge of her, he being duly licensed and the pilotage being compulsory. In no other respects does any blame appear to attach to her.

Lastly, it is said that the Board of Trade are of opinion that the certificates of both captains should be dealt with. So far as the captain of the "Centurion" is concerned, no blame in our opinion attaches to him, and therefore we should not be disposed to touch his certificate. As to the captain of the "Hydaspes," the default of which he has been guilty in not shortening in his tow rope, and which no doubt contributed to the casualty, is not one for which we think that his certificate should be dealt with; we trust, however, that it will be a warning to him for the future. As regards the pilot of the "Centurion," although he is, in our opinion, to blame for having ported his helm as soon as he heard a faint whistle so little on his port bow, and before he had ascertained the course of the approaching vessel, we think that the mistake which he committed arose, not from any neglect, but that it is a mere error of judgment; and we therefore trust that our decision will not lead to the suspension of his certificate. The Court made no order as to costs. "