

(No. 7377.)

“KILBURN” (S.S.).

IN the matter of a Formal Investigation held at Suva Police Court, 17th day of June, 1910, before HERBERT HENNIKER HEATON, Esquire, Acting Chief Police Magistrate, President, assisted by SYDNEY K. SMYTH, Lieutenant, Royal Navy, CHARLES WOOLEY and GEORGE SAVAGE, Master Mariners into the circumstances attending the wreck of the s.s. “KILBURN, on Ethel Reef, off the Yasawas Group, on the 20th May, 1910.

Report of Court.

1. Pursuant to Section 34 of the Fiji Marine Board Ordinance, 1899, an Inquiry was held by the Marine Board of Fiji, on the 15th day of June, 1910, into the circumstances attending the wreck of the s.s. “Kilburn,” on Ethel Reef, off the Yasawas Group, on the 20th May, 1910. The Board decided that a formal investigation was necessary (Appendix I*), and communicated this decision to His Excellency the Governor.

2. Under Section 36 of the Fiji Marine Board Ordinance, His Excellency the Governor appointed Herbert Henniker Heaton, Esquire, Acting Chief Police Magistrate of Fiji, to be President of a Court of Investigation, to be held at Suva Police Court, on the 17th day of June, 1910, at 11 a.m. (Appendix II*).

3. The President of the Court and the President of the Marine Board, jointly, chose and appointed Sydney K. Smyth, Lieutenant, Royal Navy, Charles Wooley and George Savage, Master Mariners, to be Nautical Assessors in the said Court of Investigation (Appendix III*).

4. Written notices of the fixing of the Court of Investigation, and a copy of the report upon which the said investigation had been ordered were, on the 16th June, 1910, served upon Welburn John Henry Bland, master, Thomas Henry Hember, mate, Alfred Wainwright, second mate, Karl Kalnin, A.B., William Arthur Spence, Albert Edward Straw, apprentices, and Eason James Clode, second engineer of the s.s. “Kilburn,” pursuant to section 37 of the said Ordinance (Appendix IV*).

5. On the 17th day of June, 1910, Welburn John Henry Bland, Thomas Henry Hember, Alfred Wainwright, Karl Kalnin, William Arthur Spence, Albert Edward Straw, Eason James Clode, aforesaid, and William Maxwell Law Campbell, chief engineer of the s.s. “Kilburn,” and Thomas Morton, pilot, gave evidence on oath, before the said Court of Investigation (Appendix V*).

6. Mr. Henry Milne Scott, a member of the Fiji Bar, appeared for the master, officers and crew at the Investigation. The Marine Board was not represented.

7. The facts as disclosed by the evidence put before the Court were as follows:—

The “Kilburn” is a steel screw steamer of 2,111 net tonnage. She is owned by the Britain Steamship Company, Limited; Watts, Watts & Company are the managing owners. She was stated to be insured against total loss. She was under charter from J. J. Moor, of San Francisco, and she was engaged in carrying a cargo of coal from Newcastle, New South Wales, to Guaymas, Mexico.

On the 11th May, 1910, the vessel left Newcastle for Mexico. She was well found and the engines were in good order. The ship’s company consisted of master, three mates, three engineers, four apprentices, and 22 men.

At 12.30 p.m. on the 20th May, Viwa, the westernmost island of the Fiji Group, was sighted two points on the starboard bow. It is a low-lying island with full-grown cocoa-nuts on it. The weather was quite clear and the sea smooth. The ship’s position at noon was 17°18 S. and 176°45 E., and the course was N.E. by N. (magnetic). At 1.30 p.m. the course was altered to N.E. ½ N (M) and at 3 p.m. to N.E. (M). The latter

course was maintained until 5 p.m., when the vessel struck the Ethel Reef in 20 feet of water. She was drawing 23 feet forward and 24 aft. After striking it was found that there was a one-knot current setting to the S.E.

There was no loss of life and all the stores were brought off on the following days.

The master set the courses and the evidence shows that the N.E. course set at 3 p.m. was steered until the steamer struck the reef. The officers of the watch did not verify the course made good by taking bearings. The master says that the course set should have taken them 4 miles clear of the reef. He alleges that the reef on which the ship struck is 3 miles to the westward of the Ethel Reef as charted (Admiralty Chart 2691). The first mate and Thomas Morton, the leading pilot in Fiji waters, say that it is 2 miles to the westward. The latter says that he took bearings 30 years ago and discovered this but never reported it.

8. There was no evidence brought before the Court to prove that the Ethel Reef is incorrectly charted, for though the first and second mates say that they took the bearings they were unable to show any record of them. The evidence given in this and other particulars was unsatisfactory.

9. The Court took into consideration the fact that the course set by the master might have carried the vessel clear of the reef had the current not set inward, but in view of the fact that the master admitted ignorance of the currents in the vicinity of dangerous shoals and that there was unlimited sea room to the westward, the Court came to the conclusion that the master was in default in setting too fine a course by twice hauling in to the land after sighting Viwa Island. There was no apparent excuse either for this or for the master leaving the bridge for half an hour at the time he did.

10. At the conclusion of the evidence, Sydney K. Smyth, Charles Wooley, and George Savage gave their written opinions for the information of the Court (Appendix VI).

11. The decision the Court came to was as follows:—

(1) The British ship “Kilburn,” registered in London, stranded on the Ethel Reef off the Yasawas Group on the 20th May, 1910, at 5 p.m.

(2) By such stranding the s.s. “Kilburn” became a constructive total loss.

(3) The weather was fine and clear and the sea smooth.

(4) The vessel was well found and the engines in good order.

(5) The stranding on the Ethel Reef was caused by the wrongful act of the master in setting too fine a course through dangerous waters, and further there was negligence shown by the officers in not verifying the course set, having special regard to the admitted ignorance of the set of the current in the vicinity of dangerous shoals. Also the master should not have left the bridge at the time he did.

(6) The vessel was not navigated with proper and seamanlike care.

The Court orders that the certificate of the master, Welburn John Henry Bland, issued by the Board of Trade, dated the 30th day of August, 1888, and numbered 015269, be suspended for a period of three months from the 20th May, 1910. The Court further considers that Thomas Henry Hember, first mate, and Albert Wainwright, second mate, are deserving of censure for not showing reasonable diligence in the execution of their duties.

12. In accordance with Section 39 of the Fiji Marine Board Ordinance, the certificate of the master of the s.s. “Kilburn” is sent herewith.

HERBERT HENNIKER HEATON,
President.

S. K. SMYTH,
Lieut., R.N., } Assessors.
CHAS. WOOLEY,
GEORGE S. SAVAGE, }

Dated the 17th day of June, 1910

* Not printed.

Opinions of Assessors.

I am of opinion that the stranding of the s.s. "Kilburn" was due to the negligence of Captain Bland in not fixing the position of the ship with greater accuracy when passing Viwa Island, also in not attempting to check the course made good from when abeam Viwa Island; also in not keeping a better look-out himself when in the vicinity of dangerous shoals apparently inaccurately chartered *vide* Pacific Island Sailing Directions, Vol. II., 1908. The course steered was too fine (clears N. point of Ethel Reef by 2½') considering that the currents were unknown.

S. K. SMYTH,
Lieut., R.N.

I am of opinion that the cause of the loss of the s.s. "Kilburn" was that the master set too fine a course (from the position when Viwa Island was abeam) to clear Ethel Reef. And being so close in was therefore more

under the influence of the currents which run strong between the islands. From the evidence shown the officers took no steps to satisfy themselves that the course was a safe one.

C. WOOLEY,
H.M. "Suva."

I am of opinion that the wreck of the s.s. "Kilburn," Captain Bland, was caused by the careless way in which he navigated his ship in not taking bearings to verify the course he was steering, and to find out if he was being set towards the reefs, and I consider he was steering too fine a course in such dangerous waters.

GEORGE SAVAGE,
Master s.s. "Suva."

(Issued in London by the Board of Trade on the
16th day of August, 1910.)

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