

1. Governor Byrne 554 (Am. 9/21) _____ 27 Nov 32

Re: the standing of N.Y. Oakbank within the
limits of Graham Act on 6 Oct 32. Enclosed investigation
report by the Resident Magistrate for a member of Board of Trade
requests that advice of Board of Trade may be obtained regarding
records of the Harbour Advisory Board & conveyed by tel

2. Subj. to many legal obses
send copy with copy notes to
B/T for persons in which the
news & particulars on the ^{question} ~~pages~~ (ii)
and (iii) of the minutes of the Harbour
Advisory Board

H.S. Parsons
29/11/32

This had better go to the B.T. et al.
regarding to new news report

28/11/32 H.S. Parsons

H.S. Parsons

29/11

at all

To BTT (21/11/32) (Am. 21/11/32)

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3. Board of Trade 9 Dec 32
Stated that provided the leading lights are in
order, navigating at night should not be fine weather
present serious difficulty & that pilots must should
not deter him from pilotage duties.

4. ^{Cas. No. 233} ^{10 Dec 32}
^{Request early reply to No. 1}
Submit a copy, inasmuch
* No. 4 when is a number in
Kanyo - Sustained.

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W. P. Ross's line
10/12/32
W. P. Ross

11 Dec
11/12

5. Sec 10267 B. Gov. Kanyo (Aransas) - 12/12/32
atdcl

3. Board of Trade _____ 9 Dec 32
Stated that provided the leading lights are in
order, navigation at night should not be fine weather
present serious difficulty & that pilots must not
not blame him from pilotage duties

4. Co. Yel. No. 235 10 Nov 32
Request 10 Nov Submit a copy 10 32

* No. 4 There is a number in
Kerry - enclosed.

For delivery to
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W. Ross's line
10/12/32

~~W. Ross's line~~
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3. See 10267 - Saw Kangal (11/11/32) 12/12/32
at all

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Telegram from the Governor of Kenya to the Secretary of State for the Colonies.

Dated 10th December. Received 10.44 a.m. 10th December, 1932.

LS:235

My despatch of 17th November, No. 554 Stranding of Motor Vessel *Col. Benz*.

I am anxious to publish conclusions reached in enquiry made by Resident Magistrate. For this and other reasons mentioned in paragraph 3 of my despatch early notification by telegram of Board of Trade's advice would be appreciated.

18325/34
12. 52
18325/34

TELEGRAMS - RAMP BUILDING, PAUL LONDON.
TELEPHONE - WHITEHALL 5140 East.

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Any further communication on this subject should be addressed to:-
The Assistant Secretary,
Mercantile Marine Department,
Great George Street,
Westminster, S.W.1.
and the following number quoted:-
N.18511/32.



MERCANTILE MARINE DEPARTMENT,
BOARD OF TRADE,
GREAT GEORGE STREET,
WESTMINSTER, S.W.1.

9th December, 1932.

Sir,

N02

Vol. to Gov. 12.12.32

With reference to your letter (18328/32) of the 3rd December, and its enclosures, regarding the stranding of the M.V. "Oakbank" in Mombasa Port on the 6th October, I am directed by the Board of Trade to state, for the information of Secretary Sir Philip Cunliffe-Lister, that they are advised that, provided that the leading lights are in order, the navigation at night, even with the Buoy light extinguished, should not, in fine weather, present any serious difficulty. The Black Buoy should be considered as a very useful aid to the safe navigation of the harbour but not a necessity.

The Board are further advised that the error of judgment on the part of the pilot was not of such a character as to make it necessary or desirable to debar him.

The Under-Secretary of State,
Colonial Office,
S.W.1.

/from

from carrying out pilotage duties at Mombasa Port.

I have the honour to be,

Sir,

Your obedient servant,

G. E. Baker

KENYA



GOVERNMENT HOUSE
NAIROBI,
KENYA

No. 534
BY AIR MAIL.

RECEIVED
29 NOV 1932
COL. OFFICE

17 NOVEMBER, 1932

Sir,

I have the honour to report that Motor Vessel "OAKBARK", the property of Messrs. Andrew Weir and Company, became stranded within the limits of Mombasa Port on the 6th October, 1932. The Port Manager, considering a formal investigation to be expedient applied under Section 23 of the Shipping Ordinance, 1930, to the Resident Magistrate to hear the case. At the request of the Resident Magistrate four assessors were duly appointed by me under Section 24 of the Ordinance to assist in the enquiry. A copy of the appointment is attached for information.

*Copy of Report sent to 7/11/32
Aired. Tel. 12/2/32*

2. The Resident Magistrate held the necessary enquiry on the 12th October with the assistance of two assessors only. A copy of a letter dated the 12th October, forwarding his report duly signed by the assessors, is transmitted, for the consideration of the President of the Board of Trade, as provided for in Section 23 of the Ordinance.

3. Before transmitting the Report, it appeared advisable, in view of the conclusions reached by the Resident Magistrate that the Pilot employed by the Kenya and Uganda Railways and Harbours Administration had committed an error of judgment, to obtain the comments of the General Manager of that Administration.

As/

HONOURABLE
MAJOR GILFILLAN CAMPBELL-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S.W.1.

As High Commissioner for Transport, I authorised the General Manager to lay the Report before the Harbour Advisory Board before tendering his advice in the matter.

The accompanying copy of the General Manager's letter of the 10th November, with enclosures, is accordingly forwarded with a request that the President of the Board of Trade may be invited to furnish the Board of Trade's advice upon Recommendations Nos. (ii) and (iii) contained in Minute No. 715 of the Harbour Advisory Board's meeting held on the 24th November.

It would be appreciated if the required advice could be transmitted by telegram since an early decision regarding the future services of the Pilot concerned is desirable.

It will be observed that great weight is attached by the General Manager to the views expressed by the Port Captain. This fact appears of importance because perusal of the Resident Magistrate's Report might give rise to the presumption that the cause of the stranding of the vessel was, in part, at least, due to the arrangements whereby the Port Captain permits the entry of vessels into the port when the "black buoy" marked "E" on the chart has become extinguished. It will be seen from paragraph 2 of his comment on the Report that the Port Captain appears completely to exonerate himself and the Port Authorities from any blame in the matter.

Pending the receipt of the desired advice of the Board of Trade, I agree with the General Manager that publication of the Report made by the Resident Magistrate should be withheld.

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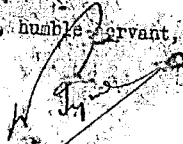
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6. As regards the remuneration of the two assessors who assisted the Resident Magistrate in conducting the enquiry I am giving the matter consideration with a view to the provision of funds to cover a suitable payment in each case.

I have the honour to be,

SIR,

Your most obedient, humble servant,


BRIGADIER GENERAL
GOVERNOR.

COPY.

Government Notice No. 655.

The following appointment is published for general information.

Nairobi,

This 10th day of October, 1930.

SD. C. W. HAYES-SADLER,
For Colonial Secretary.

THE SHIPPING ORDINANCE, 1930.

~~WHEREAS~~ the Port Manager, Mombasa, has applied to the Resident Magistrate, Mombasa, to hold a formal investigation into the case of the stranding of the ship Oakbank, under section 23 of the Shipping Ordinance, 1930.

And whereas it is provided by section 24 of the Shipping Ordinance, 1930, that a magistrate holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge to be appointed by the Governor.

~~Now~~ Therefore, I, Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, by virtue of the powers conferred upon me by section 24 of the Shipping Ordinance, 1930, do hereby appoint the following persons as assessors to assist the Resident Magistrate, Mombasa, in holding a formal investigation into the stranding of the ship Oakbank, namely:-

Captain

- Captain Marshall, of the East African Lighterage Company, Mombasa;
- Captain Belfrage, of the African Wharfage Company, Mombasa;
- Captain G.J. Graham, of the Shell Oil Company, Mombasa; and
- R.E. Dyde, Esq., of the East African Lighterage and Stevedoring Company, Mombasa.

GIVEN under my hand this 10th day of October, 1932.

Ed. J. MYERS
GOVERNOR.

Copy

H.M. 359/32.

28th October, 1932.

To
His Excellency,
The Governor.

Through
The Honourable,
The Colonial Secretary,
SECRETARIAT, NAIROBI.

Sir,

RE. THE STRANDING OF THE M.V. "OAKBANK".

In accordance with Section 23 of the Shipping Ordinance 1930, I have the honour to send herewith the Report.

(2). The Port Manager is desirous that a copy (3 enclosed herewith) should be sent to the General Manager of the Kenya and Uganda Railways and Harbours. May this please be forwarded if His Excellency thinks fit.

(3). In view of the great interest in local commercial circles I would respectfully suggest that the report be made public and would ask permission to send a copy to the Press for that purpose.

(4). Please acknowledge receipt.

I have the honour to be,
Your Excellency's,
Most obedient servant,

SA. G.G. FORTYMAN,
RESIDENT MAGISTRATE,
NAIROBI.

Copy.

THE REPORT ON THE STRANDING OF THE
M.V. "OAKBANK" WITHIN PORT LIGHT AT
MOMBASA ON 6TH OCTOBER, 1932.

(1) This formal investigation was applied for by the Port Manager under Section 23 of the Shipping Ordinance 1930.

Under Section 24 of the said Ordinance His Excellency the Governor appointed Captain Marshall, Captain Belfrage, Captain Graham and R.E. Dyus, Esq. Nautical Assessors (vide Official Gazette of 11th October 1932 page 1097). Captain James Beatson Belfrage and Captain Frederick Lumley Marshall sat as Nautical Assessors with me, the Resident Magistrate of Mombasa at the Enquiry.

(2) The investigation was held on 12th October 1932. Mr. Hawes, Solicitor, was present representing the Kenya and Uganda Railways and Harbours and Mr. Christie, Advocate, representing the Captain and owners of the Vessel. The following witnesses were heard:-

Owen King Holmes, Pilot, Kenya and Uganda Railways and Harbours, the Pilot in charge of the Vessel.

Sidney Letton, the Master of the Vessel.

George Howard, 3rd Officer and Officer of the Watch at the time of the accident.

John Henderson, Chief Officer.

Ben Nish, Chief Engineer.

Raymond Gustave Sargeant, Port Captain, Kenya and Uganda Railways and Harbours.

(3) The undisputed facts are as follows:-

On 6th October 1932 at 7.17 p.m. the M.V. "Oakbank" arrived on the leading line and stopped her engines.

At 7.20 p.m. Pilot Holmes was picked up. The Vessel was then about 1 1/2 miles from the Black Buoy at the usual place for picking up the Pilot. The Pilot proceeded to the bridge and/

and took charge from the Master who had never been into the Port before.

At 7.25 p.m. the engines were put at "full speed ahead" and she continued on towards the Port.

At 7.30 p.m. the Port Engine was put to stop and full astern simultaneously. At 7.30 $\frac{1}{2}$ the vessel was stationary up on the reef broadside to the shore, heading towards the Port.

The times are accordingly to ship's time as recorded in the log which we have inspected.

(4) The course for entering Mombasa Port is clearly marked on the Chart attached to this Report and marked Exhibit 1. A vessel coming in is steered on the Ras Serani leading lights, marked "A" and "B", and then direction is changed and the course is continued with the Ras Muake Singe leading lights, marked "C" and "D", in line. The point of intersection of these 2 transits is only 600 ft. from the reef. It is obvious therefore that a navigator should not wait until that point before altering course, the risk of not being able to turn in time would be too great. Almost due South of the Ras Serani leading light is a Black Light Buoy, marked "E", which marks the Southernmost point of the Channel. It is said that this Black Buoy is merely a useful aid to navigation. If the Black Buoy were not there and it being admitted that the point of intersection of the two transits is too late to begin the turn, then helm would have to be altered on an estimation of the relative positions of the 2 Ras Muake Singe lights. This brings in an element of fallibility.

If the Black Buoy is there, the navigator can with safety leave the Ras Serani transit some long way before the point of intersection in order to get on to the line of the Ras Muake Singe Lights.

If it is at night and the Buoy is there but not lighted it may be said to constitute a danger rather than an aid to navigation, as the possibility of fouling the Buoy must be ever present in the navigator's mind.

On the night of the 6th October the Black Buoy was not lighted.

(5) The Pilot in his evidence stated that he fully realized that there was no light on the Black Buoy and when he could not see it in the moonlight, he did not waste much time looking for it. He did not rely on it but set his course by the shore lights.

At the turning point marked by the Ras Muske Singe lights ("C" and "D" on the Chart) he started to move under Starboard helm (this we doubt in view of the position of the Vessel when she stranded) giving the order "Starboard" and later "hard a Starboard". This would be about 1/2 mile from the Black Buoy which would give ample time for the ship to start coming in and he watched for the line of Ras Muske Singe ("C" and "D" on the Chart). He passed Ras Serani lights and found the ship was taking an acute sweep broadside on to the Island. The ship was heading the right way but was swept sideways towards the Island. This he described to a combination of natural forces. As soon as he realized the ship had passed the transit ("C" and "D") he used the engines to try and bring her back to position, putting the Port Engine full astern. This however did not have the desired effect and almost immediately afterwards he felt her Starboard side touching the reef.

(6) The Master who had never been to the Port before and who was therefore relying entirely on the Pilot stated that the Vessel came in on the Ras Serani lights and commenced to swing in in answer to the Pilot's orders when called upon to do so. He noticed that the Ras Muske Singe lights were opening but the first indication he had of any danger was when he heard the Pilot order the Port Engine full astern. This was at 7.30 p.m. The Vessel was then travelling at about 5 knots. Almost
irregularly/

Immediately thereafter the ship grounded on the reef, Starboard side to. He further stated that immediately prior to the stranding and whilst helm and engines were answering the Pilot's orders, the Vessel appeared to be set inshore by tide or current.

(7) The Chief Engineer in evidence stated that he felt the first grate at 7.30 p.m.

The evidence of the other Witnesses threw no further light on the stranding.

(8) The stranding took place at 7.30 p.m. High tide was just over 1 hour later. It was not a Spring tide, nor was there anything exceptional about it. Visibility was good, the moon being 7 days old and slightly clouded sky. The wind was E.S.E. light to moderate. It does not seem to us that there was anything in these conditions to substantiate the story of the ship being abnormally swept off its course broadside on to the Island.

(9) Captain Sargeant, Port Captain, stated in evidence that the Black Buoy had been reported out on the 4th October, 25 days before it was due to be changed. On account of the swell and swell, it had not been possible to re-light it. He stated that no Buoy can be regarded as an infallible mark, although this one is an additional and useful aid to navigation. Had one of the leading lights on shore been out he would not have permitted the "Oakbank" to have come in that night.

Ex. 2.

He also handed in Exhibit 2 showing the total actual expenditure incurred in connection with the assistance rendered in refloating the Vessel on 6th October, 1932, 7th October, 1932 and 8th October, 1932. The sum is Shs. 6,875.88 which figure shows nothing for salaries of the Supervising Staff.

(10) All the other Witnesses are agreed that the services of the Tug "Marie Pelling" were essential and her performance of them satisfactory in every way. They were rendered at the request of the Master of the Vessel. Without her aid the "Oakbank" would

not have been refloated at 00.15 a.m. on 9th October 1932.

(11) Likewise all the relevant Witnesses are agreed that no possible fault can be found with the Vessel, officers or crew. The Vessel answered her helm well and all orders were expeditiously and efficiently carried out.

(12) The place of stranding is marked approximately on the Chart ("B").

(13) Attached to this Report will be found the sworn evidence of the several Witnesses.

(14) The conclusions we come to are:-

(1) The stranding was due to an error of judgment on the part of the Pilot. We think that he was overcautious in not leaving the Ras Serani transit in time to pick up the Ras Munka Singe lights. It would seem that he waited until he reached the point of intersection when, with the tide and wind helping the ship on to the reef, it was too late safely to negotiate the violent change of course. We think that the Pilot's judgment must have been affected by the fact that the Black Buoy was not lighted (vide Paragraph 4 of the Report).

(2) When the Pilot realized, just before the stranding, the dangerous position in which the Vessel was he did everything it was then possible to do to avert the accident, and thereafter until the ship was refloated he displayed good seamanship and worked unremittingly to refloat the Vessel. After the refloating at 00.15 a.m. on 9th October 1932 he took the Vessel out to the anchorage and brought her safely into Port under her own power later in the morning.

(3) No blame can attach to the Port for the Black Buoy not being lighted. We accept absolutely

the

the explanation given that the light failed 25 days before its time and that owing to the weather conditions and the swell it was impossible to relight it. However we cannot agree that this Buoy is only an additional and useful aid to navigation. We think that as the shore lights are at present arranged the Buoy is necessary and we doubt the wisdom of permitting Vessels to enter the Port at night unless the Buoy is lighted. (Vide Observation infra).

(4) The Vessel, Master, Officers and Crew should be exonerated entirely. The Master had never entered the Port before and he could only rely on the local knowledge of the Pilot. The Vessel Officers and Crew did all that was required of them immediately and efficiently.

(5) The services rendered by the Tug "Marie Felling" and other Port craft, at the request of the Master, were well carried out and good seamanship was displayed throughout. We believe the Tug played an essential part in getting the Vessel off the reef.

(6) Although outside the scope of this Enquiry, we accept that Shs. 6875.88 represent the total actual expenditure incurred by the Port in connection with the services rendered. As we have held that the Master and Ship should be exonerated absolutely we do not think it right that the Vessel should be called upon to pay anything. If however it subsequently transpires that the ship is liable in any event, then the sum should not exceed Shs. 6875.88.

OBSERVATION:-

We respectfully suggest that when the Black Buoy is not lighted

lighted Ships should not be brought in at night. In cases of necessity the Pilot boat, in charge of a Pilot or a European should take up her position beside the unlighted Buoy before the Pilot in charge of the Ship proceeds towards the Port.

In our opinion the Black Buoy is a necessary aid to navigation in entering the Port, marking as it does a safe course from the Ras Serani leads to the Ras Naake Singe leads. It has been urged that under no circumstances should a Buoy be relied on owing to the possibility of its moving, but we do not think this applies with any force to a Buoy such as this one which is kept under constant observation, both by day and by night.

Sd. G.G.ROBINSON.

RESIDENT MAGISTRATE.
28.10.32.

Sd. P.L.MARSHALL.
ASSESSOR.

Sd. J.B.BELFRAGE.
ASSESSOR.

CHAIRMAN'S NOTE:-

I would respectfully submit that in accordance with Section 25 of the Shipping Ordinance the Assessors should be remunerated as His Excellency the Governor thinks fit. No Order otherwise as to Costs.

Sd. G.G.ROBINSON.
RESIDENT MAGISTRATE.
28.10.32.

Copy.

TOTAL ACTUAL EXPENDITURE INCURRED IN CONNECTION WITH ASSISTANCE RENDERED TO M.V. "OAKBANK" ON 6.10.32, 7.10.32 & 8.10.32.

Lost and/or damaged Gear.

	Shs. Cts.
50% value of 17" spring.	1,372. 00.
90% " " 5" wire.	1,332. 00.
1 Harbour Towing Spring.	269. 00.
1 Trotman's anchor.	560. 00.
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	3,473. 00.

3,473. 00.

Other Gear and stores etc.
LOST AND/OR DAMAGED:

150 fathoms Manila Rope.	298. 02.
60 " " "	66. 90.
2 Life buoys.	22. 12.
1 Coil heaving line.	15. 64.
3 English Hides.	289. 92.
2 Thimbles for 18" Rope.	41. 38.
1 Shackles.	15. 80.
1 Dicks Lamp.	5. 00.
1 Car Ash.	25. 50.
40 Fathoms 14" Manila Rope.	16. 04.
1 fathom 17" iron chain.	35. 04.
Anchor Grapple.	17. 40.
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	872. 58.

872. 58.

Consumable Stores:
S.L. Maria Polling.

Fuel Oil 12 1/2 tons @ 54/- per ton.	675. 00.
Other petty Stores.	75. 25.

S.L. "Mvita".

Coal 3 1/2 tons @ 24/- per ton.	84. 00.
Other petty Stores.	416. 58.

Launches.

Petrol 56 gallons.	56. 86.
Mobil Oil 3 gallons.	11. 56.
Other petty Stores.	2. 60.
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	70. 02.

70. 02.

Staff:- Wages & Overtime:-

Tug Staff (Deck) wages.	179. 73.
255 hours Overtime.	311. 25.
Tug Staff (Engine Room) wages.	105. 75.
160 hours Overtime.	241. 91.
Pilot boat crew, wages.	51. 83.
221 hours Overtime.	112. 00.
"Mvita" Staff wages.	61. 26.
119 hours Overtime.	110. 50.
Mooring Staff wages.	109. 51.
462 hours Overtime.	286. 60.
Stores Clerk's wages.	7. 74.
19 hours Overtime.	19. 00.
Head Signaller's wages.	9. 68.
36 hours Overtime.	22. 68.
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	1,609. 36.

Grand Total.

1,609. 36.
6,925. 83.

Copy.

STRANDING OF THE S.V. "OAKBANK" AT
RAS-SERANI, MOZAMBA, ON 6TH OCTOBER, 1952.

FRAGMENTS OF THE EVIDENCE OF PILOT OWEN FLEMING HOLMES,
PILOT ON BOARD THE S.V. "OAKBANK".

Pilot Holmes was asked:

Pilot Holmes stated that he had been a Pilot at the Port of Mozambique since July 1929. On the evening of October 6th he went out in the pilot boat and boarded the "Oakbank" while she was about 14 miles from Ras-Serani black buoy, which is the usual boarding position. The times he used in his evidence were ship's time. It was 7.20 p.m. when he boarded the vessel and gave the order to proceed full speed ahead. He proceeded towards Ras-Serani in the customary manner, along the line of the Ras-Serani lights. The black buoy was not carrying a light on this occasion. At the turning point marked by the Ras-Mwaka Single Lights he started to move under starboard helm, giving the order "starboard" and later "Hard a starboard". This would be about half a mile from the black buoy, which would give ample time for the ship to start coming in, and he watched for the line of Ras-Mwaka Single. He passed Ras-Serani lights and found the ship was taking an absolute sweep broadside on to the island. The ship was heading the right way under the influence of starboard helm, but was swept towards the island. This he ascribed to a combination of natural forces.

As soon as he realised the ship had passed the transit point, he used the engines to try and bring her back to position, putting the port engine full astern. This, however, did not have the effect of bringing her into the line of the beacons, and he felt her starboard side touching in a very short space of time. He remained on board the ship the whole time, and eventually brought her into port and anchored her.

He had no complaint to make about the ship, which answered helm correctly. The orders given by him were all carried out correctly.

After the grounding, the engines reversed in an effort to get the ship into deep water again. When the starboard side touched on the reef the starboard engine was full ahead and the port engine full astern.

The Port Tug "Marie Pelling" came out and connected to the ship in an effort to tow her stern round. The tow wire, however, parted.

The ship touched on the reef at 7.30 p.m. ship's time, i.e. 7.15 p.m. Mozambique time, high water being 8.31 p.m. Mozambique time. The ship continued manoeuvring

that

that night until about midnight.

In the light of subsequent events he was satisfied with all he did that night. There was a tidal current from south to north - the general direction on this coast for flood. Some extra force took the ship broadside, something more than pilots usually experience at that point. The night was moonlit and cloudy, the moon being bright at intervals. The direction of the wind was southerly, and it was moderate in strength.

The proper guides are the shore lights. The black buoy had, however, been in use for years, and was a thing which pilots at Mombasa had been used to. He had had its assistance during the whole of his pilotage service.

He stated that he had done everything with regard to the "Oakbank" that he had done previously to other vessels, and had made no alteration in his usual practice.

With regard to the towage assistance rendered by the tug "Marie Felling", Pilot Homes said that this had tended to keep the ship's screws clear aft and to help the ship astern. The tug worked on the Friday morning, but in the afternoon she had difficulty in maintaining position, when a hawser fouled her screws. The ship would not have floated off without tug assistance, although at midday on the Saturday (October 8th) the vessel was in a favourable position but the tug was not available.

Replying to questions, Captain Holmes stated that when he altered course in the first instance he could not see the black buoy. Had the buoy been lit in the ordinary way, he would have rounded it a little to windward of the channel line in order to get on to the Ras Mwake Sings marks in good order and in right time. Pilot Homes indicated to the Nautical Assessors on the chart the various positions of the "Oakbank" when his relative orders were given. He could not say whether the Master of the vessel had been advised that the black buoy was not lit.

He quoted the last vessel arriving at night as the s.s. "Alice" on the 29th July 1932 between 8 and 9 p.m. He piloted this ship in and had the assistance of all the lights. Vessels have gone to sea at night since that date.

Sd. O. E. HOLMES.

Copy.

STRANDING OF THE S.V. "OAKBANK" AT
RAS SERANI, SOMALIA, ON 6TH OCTOBER, 1932.

PRECIS OF THE EVIDENCE OF CAPTAIN SYDNEY LETTON,
MASTER OF THE S.V. "OAKBANK".

Captain Letton was sworn.

The Master of the "Oakbank" stated that he arrived off Bombasa from Tanga on October 6th, the Pilot boarding his vessel just off the anchorage grounds at 7.20 p.m. ship's time. The Pilot proceeded on to the bridge and took charge, full speed ahead being ordered.

The vessel then came in on the line of the Ras Serani lighthouse and leading light, and commenced to swing in in answer to the Pilot's orders, when called on to do so. Not having been to the Port before, Captain Letton thought that everything was safe until the Pilot gave the order "full astern on the port engine". He noticed that the Ras Wwake Singe leading lights were opening, but the full astern on the port engine order was the first indication he had of danger. Almost immediately the ship grounded on the reef, starboard side to. Immediately prior to the stranding, and whilst helm and engines were answering Pilot's orders, the vessel appeared to be set inshore by set of tide or current; Ten minutes only had elapsed between the time the Pilot boarded, and the time the vessel grounded on the reef.

The "Oakbank" is an easy ship to handle, and quick on helm controls. The officers and crew obeyed the orders of the Pilot absolutely. It was an ideal night for visibility, quite moonlight - the moon being seven days old - with a slightly clouded sky.

The Pilot Launch was carrying lights when she brought the Pilot out to his ship.

Replying to questions, Captain Letton stated that on October 6th the wind was a gentle breeze, and towards the land as he approached. Even though the Ras Wwake Singe lights were opening, he was confident that the ship was sufficient in absolute safety until he heard the Pilot issue the emergency orders. He had naturally been relying on the Pilot's local knowledge, although he realized that the point of intersection of the lights had been passed.

The starboard side of the ship touched the reef first. On grounding, he made the request for a tug, hoping to get the ship off immediately. The tug "Marie Zelling" arrived without delay, but had no heavy towing gear with her. The "Oakbank" gave her a heavy wire which, however, parted. The tug then returned to harbour for her own heavy gear. This was used on the next tide. During Friday

Afternoon

afternoon he requested the tug to hold the ship off to save her propellers. Everybody was doing the best possible both on the ship and the tug in an endeavour to get the "Oakbank" clear. He had no complaint to make regarding the manner in which towage assistance had been rendered by the "Marie Pelling". The tug was instrumental, in conjunction with the ship's engines, in eventually getting the "Oakbank" floated at 00.15 hours on Sunday morning, the 9th October. Without a tug the ship would not have come off at this time. She might have come off on the next spring tide, but the danger would have been present of her breaking her back if she took up a position, which he had in mind. The tug also helped to get the ship's starboard propeller clear prior to the re-floatation.

The deck house of the "Oakbank" is, in his opinion, quite normal, and he had never had any complaint to find with it in the two years he had been on the ship.

Captain Letton thought that, had the black-buoy off Ras-Grani been of any considerable value, there was no reason why the Pilot, knowing the buoy to be built, should not have used his lighted launch for the purpose. Such a course would have added to the safety of the ship.

According to ship's time, the "Oakbank" went aground at 7.30 p.m. on October 6th and re-floated at 00.15 a.m. on October 9th.

Sd. S. LETTON,
MASTER.

Copy.

STRANDING OF THE U. V. "OAKBANK" AT
RAS SERANI, OMBASA, ON 6TH OCTOBER 1952.

PRECIS OF THE EVIDENCE OF THIRD OFFICER GEORGE HOWARD,
OFFICER OF THE WATCH, U. V. "OAKBANK".

Mr. Howard was sworn.

The Third Officer was on the bridge at the time the Pilot boarded and took charge of the ship. The "Oakbank" was then put at full speed ahead.

The first he knew of any trouble was at the time the port engine was ordered astern, and immediately afterwards the vessel went aground. The ship was on the swing from Ras Serani lights when she grounded. Being in the wheelhouse, he was not in a position to see the other lights on Ras Muake Singe. He could not say that he noticed any sideways movement of the ship prior to her grounding, nor had he happened to notice the position of the Ras Serani lights when the port engine was put astern, his concern being with seeing that the helm and engine room orders were carried out.

The Log was made up from times taken by him and entered in the Movement Book.

The engines had been stopped at 7/17 p.m. Pilot boarded 7/20 p.m.; engines were ordered full ahead at 7/22 p.m.; stop and full astern, a simultaneous movement, on the port engine 7/30 p.m. The vessel would have been doing eight or nine knots before the "stop and full astern" engine order was given.

Sd. G. HOWARD,
3RD OFFICER.

STRANDING OF THE S. S. "OAKBANK" AT
RAS SERANI, SOFALABA, ON 6TH OCTOBER 1932.

PRECIS OF THE EVIDENCE OF CHIEF OFFICER JOHN HENDERSON
S. S. "OAKBANK"

Mr. Henderson was sworn.

This officer was on the fore-castle at the time of the stranding. The first indication he had that anything was wrong was the fact that the ship was near the shore. This was about one minute before she grounded. He did not notice the position of the leading marks on Ras Serani or Ras Maake Singe. Being on the fore-castle, he was not in touch with the bridge so far as orders to the man at the wheel and to the engine room telegraph were concerned.

It was a fine clear night, with good visibility. He did not see the black buoy, but noticed that the ship was swinging sharply to port. It is difficult, however, to tell exactly from the fore-castle how a ship is swinging. The vessel would have been making a speed of about eight knots.

The Log Book was made up by him from the Third Officers note-book. It is not an exhaustive record of the orders given to the engine room.

Regarding tug assistance, the Port tug was bunt for when the vessel grounded. He thought that the tug worked well, and that there could be no complaint in this direction.

Sd. J. HENDERSON,
Chief Officer.

Copy.

STRANDING OF THE M.V. "OAKBANK" AT
RAS BAHARI, SOBABA, ON THE 6TH, OCTOBER, 1932.

PRECIS OF THE EVIDENCE OF MR. BEN NISH, CHIEF
ENGINEER, M.V. "OAKBANK".

Mr. Nish was sworn.

Mr. Nish, who had been in the engine room at the time of the stranding, gave the following particulars (Ship's time) from the Sovereign Book:-

Engines stopped	7/17 p.m.	6/10/32
Full steam ahead both engines	7/23 p.m.	"
Port engine put to stop and full astern, simultaneously	7/30 p.m.	"
Starboard engine stopped	7/30 1/2 p.m.	"
Both engines full ahead	7/51 p.m.	"
Starboard engine to stop and full ahead	7/51 1/2 p.m.	"
Port Engine stopped	7/51 1/2 p.m.	"
Port engine full ahead	7/52 p.m.	"
Starboard engine stopped	7/59 1/2 p.m.	"
Port engine stopped	7/52 p.m.	"
Starboard engine half astern	7/50 p.m.	"
Port engine half ahead	7/50 p.m.	"

The engines were finally stopped at 11/55 p.m.

The Chief Engineer felt a slight grate at 7:30 p.m.

When both engines were going full ahead, he would infer that an order to stop and full astern on one engine meant that an effort was being made to swing the ship on a sharp turn.

Sd. B. NISH.

STRANDING OF THE M.V. "QAKBANK" AT
RAS BERANI, SOERABAYA, ON 6TH, OCTOBER, 1932.

PRECIS OF THE EVIDENCE OF RAYMOND GUSTAVE SARGEANT, M.B.E.,
PORT CAPTAIN, PORT OF SOERABAYA.

CAPTAIN SARGEANT WAS SWORN.

The Port Captain did not see the M.V. "Qakbank" coming in from sea, but he indicated to the Nautical Assessors on the chart the course which he would expect the pilot to take. The wind on the evening in question is logged as having been moderate and in an E.S.E. direction.

He agreed that under no circumstances should a ship go past the point of intersection of the Ras Kuske Binge lights. The Port Captain, in reply to a question to this effect, stated that the buoy had been reported out on the 4th October, and that, on account of sea and swell, it had not been possible to re-light it. He stated that no buoy can be regarded as an infallible mark, although the black buoy off Ras Berani was an additional and useful aid to navigation. The essential marks, however, are the leading marks on shore, and had one of these lights been out, he would not have permitted the "Qakbank" to come in that night. During his pilotage service he had often experienced a set-in at the turning point, but had always allowed sufficient time for this.

Regarding the assistance rendered by the "Marie Pelling", this, together with launch expenses, and the Port Administration Plan 6875/33, and a detailed schedule was produced in this connection. In a reply to a question, he stated that no complaint had been made relative to the tug assistance. A certain amount of difficulty had been experienced during the operations owing to heavy ropes having to be handled in deep water, with fresh wind and considerable swell.

The Port Captain stated that Pilot Hoces has a very good reputation at the Port, and had not previously been involved in any mishap during his pilotage service.

Ed. R.G. SARGEANT.

Telegraphic Address:
RAILWAYS, NAIROBI

P.O. Box No. 121

TELEPHONE NO. 2101

GENERAL MANAGER'S OFFICE

NAIROBI, 11th November, 1952
Kenya Colony

In reply please quote ref.

No. 117/1200 and date

The Hon. the Colonial Secretary,
Colony and Protectorate
The Secretariat,
NAIROBI.

With reference to your letter No. 117/1200
13/11/52 of the 11st ult., I forward herewith:-

- (1) Copy of the record of the Harbour
Advisory Board's consideration
of the report of the inquiry into
the sinking of the "Solbank".
- (2) Copy of the Port Captain's advice
on the Report of the inquiry.
- (3) Copy of the Harbour Board's report
in the Port Captain's advice.

I have to request that, when the report of the
inquiry is, in accordance with section 23 of the
Shipping Ordinance, sent to the Secretary of State for
transmission to the Board of Trade, the documents (1),
(2) and (3) also be forwarded, with a request that the
Board of Trade be asked to furnish the advice indicated
in paragraphs (ii) and (iii) of the Board's Minute.

I would also ask that the Secretary of State
may be informed that, pending the receipt of advice
from higher authorities, I attach great weight to the
views expressed by this Administration's official adviser
(the Port Captain).

I trust it will be possible for the despatch
to the Secretary of State to be forwarded by the ordinary
air mail.

As far as paragraph (1) of the Harbour Board's
recommendation is concerned, I consider that the report
of the inquiry should not, in view of the conflicting
views, be published until the Board of Trade's advice
has been received.

6. So far as paragraphs (iv) and (v) of the Memo, as well as the concluding paragraph thereof are concerned, I may say that this Administration is dealing with those issues. For your information, I would add that the Pilot has been relieved of all piloting duties pending a final decision regarding his case.

G. D. RHODES.

1/1/53

CONFIDENTIAL

1/1/53

MINUTES OF THE SIXTY-SIXTH MEETING OF THE HARBOUR
ADVISORY BOARD, HELD IN MOMBASA ON FRIDAY, THE
4th NOVEMBER, 1932.

715. STRANDING OF THE M.V. "OAKBANK" ON 6th OCTOBER, 1932.

In connection with the stranding of this vessel within Port limits at Mombasa, a Formal Investigation had been held under Section 85 of the Merchant Shipping Ordinance, 1930 - the Resident Magistrate having sat with two Nautical Assessors.

Copies of the Report of this Enquiry had been circulated confidentially to Members of the Board, accompanied by the Port Captain's comments.

The Board, PROCEEDINGS:-

- (i) That the Enquiry having been open to the public, and the matter being one of public interest, this Report should be published in the Press without delay.
- (ii) That a copy of the Port Captain's comments (together with a marked chart) be forwarded, with the Finding of the Enquiry, through the Secretary of State, to the President of the Board of Trade, and his views obtained relative to the conflict of opinion in regard to the part played by the black buoy in navigating the entrance channel, and as to the bringing in of ships during hours of darkness should it become extinct.
- (iii) That when the Report and Finding of the Enquiry is forwarded to the Secretary of State for transmission to the President of the Board of Trade, his attention be drawn to the fact that the pilot concerned might be debarred from carrying out pilotage duties at the Port of Mombasa in the future.
- (iv) That the pilot concerned be employed forthwith on duties other than pilotage pending the receipt of advice from the President of the Board of Trade (which the Secretary of State should be requested to cable) and the High Commissioner's final decision in the matter.
- (v) That no action should be taken by the Port Administration in regard to the collection of charges from the Shipping Company concerned, in respect of the special sewage assistance rendered in re-floating the "Oakbank" pending review of the finding by the President of the Board of Trade.

For the future, the Board holds the view that where a ship has met with a serious marine casualty while under pilotage, it will be best for all concerned that the pilot should, wherever practicable, be employed forthwith on duties other than pilotage, pending the Finding of the Enquiry held under the Merchant Shipping Ordinance.

STRANDING OF S.V. "OAKBANK"

I have to comment as follows on the Report of the formal investigation into the stranding of the S.V. "Oakbank" on Ras Serani, on the 6th October, 1928:-

2. (a) In paragraph 4, lines 13 to 19 of their Report, the Court states that "If the black buoy were not there, and it being admitted that the point of intersection of the two transits is too late to begin to turn, then the helm would have to be altered on an estimation of the relative positions of the two Ras Muaka-Singe lights".

(b) This is not correct. No estimation on the relative position of these lights is necessary. As I pointed out on the chart in giving my evidence, when bringing a ship in, her position on the Ras Serani line is indicated by the relative positions of the beacon carrying a green light on the edge of Andromache Reef, on the chart, and the upper Ras Muaka-Singe mark. When these marks come in transit, the Pilots should and do begin to give helm. This occurs 1/2 cables (800 yards) before reaching the point of intersection of the Ras Serani and Ras Muaka-Singe lines, and thereby allowing ample margin of safety before arriving on the line of the Ras Muaka-Singe marks.

(c) All leading lights and beacons were lit on the night in question, therefore the above manoeuvre was possible, and the Pilot states that he carried it out.

(d) In view of this, I regard it as a safe proceeding to allow the entry of shipping after dark when the black buoy may be extinguished, except, possibly, in the case of especially unfavourable weather conditions.

3. (a) In regard to paragraph 14(3) relative to the part which the black buoy plays in the safe navigation of the approaches to the Port, this buoy was only lit in 1928 as part of the general Harbour lighting programme. Prior to this, an ordinary unlighted black can buoy was used in this position.

(b) Ships frequently entered and left port during hours of darkness under these conditions. As a general rule, only the Ras Muaka-Singe leading marks were lit on such occasions, apart from the Ras Serani lights.

I myself took ships in and out under these conditions, and both the Senior Pilots also did so.

(c) I agree that as suggested in the final observation to the Report, the Pilot boat can, when circumstances permit, take up a position beside the unlighted buoy. This has been done in the past, but is a matter in which the Pilot concerned must use his own discretion, as it may not always be practicable to take this course. For instance, with a strong flood tide and fresh following wind, it would not be possible to keep the ship stopped and in position long enough to allow the Pilot boat to get ahead of her and up to the buoy in sufficient time to be of any use.

(d)/

(d) I disagree that the term "necessary" can be applied in regard to the black buoy.

While the buoy is a guide to navigation, particularly in regard to marking the proximity of Andromache Reef, it is in no sense a necessity for effecting the turn into the Quaka Single Channel, for reasons which I have given in para. 2. above.

In addition to these theoretical considerations, I would mention my practical experience as a Pilot in this port, from which I am convinced of the correctness of this conclusion, and I would have no hesitation in piloting a ship into port, no matter whether the black buoy were extinguished or otherwise.

(e) Also, with reference to the remark made in the final observation to the Report that "a buoy such as this one is kept under constant observation both by day and by night", the fact remains that any buoy is liable to go adrift or to become extinguished at any moment.

I desire to lay the strongest emphasis upon the warning issued by both the Admiralty and the Board of Trade, in regard to the degree of reliance to be placed on buoys. The following is an extract from the Admiralty sailing directions:

"Buoys: It is emphatically impossible that any reliance can be placed on buoys always retaining their exact position. Buoys should therefore be regarded as warnings and not as infallible navigation marks, especially when in exposed positions; and a ship should always, when possible, be navigated by bearings of fixed objects on shore or angles between them and not by buoys.

"Light-buoys: The lights shown by light-buoys cannot be implicitly relied on, as, if occulting or flashing, the apparatus may get out of order, or the light may be altogether extinguished."

(f) In view of the above, I am convinced that an Admiralty Court in England would not accept the fact of a buoy being unlighted as a primary cause of the stranding of a ship.

In regard to the finding of the Enquiry, in so far as it affects the Pilot, I share the opinion that the stranding was caused by an error of judgment, which, in many cases, capable search have been unfortunate enough to commit. Mr. Holmes has been four years in the service, one year as Tug-master and three years as Pilot. I would like to state that I have never had any reason to find fault with his general conduct or with his seamanship either before or since this accident. In fact, I have always had and still have full confidence in him.

Sd. R. G. SARGEANT,
PORT CAPTAIN.