

KENYA

56867

Recd  
REGD 18 NOV 20

GVERNOR  
MUNHEY 1062

1920

30TH SEPTR

Last previous Paper.

CONTROL OF STEAMERS AND DHOWS ON LAKES VICTORIA & KIOGA

States there is evidence of desirability of introducing legislation. Encloses copy of draft rules prepared by Marine Supt. Believes that an Order - in - Council would be best so as to ensure uniform conditions. Asks may be prepared.

Mr. Wiley

I shall be glad if you will believe  
have your views as to the necessity  
for an Order in Council.

We should get B. G. T. views on  
the suitability of the Regulations.

G.S. 19.11.20

Mr. Bottomley

This raises once more the question of the  
extent of H.M.S. jurisdiction over the  
great African lakes.

I sent you the 1910-11 paper with the  
Million of Rupees

mo  
34462/11

signature The administration of the  
lakes is a matter of great importance

decided by a will  
determined as regards Victoria  
Nyanza? And the Belgians

B. G. T. recommended 1 Feb 21 20  
Copy above to Gov Kenya 7/4  
9 May 21 20  
3396/21  
1920

Last subsequent Paper.

3396/21

2<sup>nd</sup> "Navigation" power? or whether there  
is the whole entirely surrounded by territories  
in which it includes the same  
powers and jurisdiction.

No  
Yes  
No

Is the Lake, or being less entirely within  
the territory of the State?

If the lakes, consist entirely of British  
protected waters or would, prima facie  
be as much to regulate them  
as is done here to those of the  
Niger Navigation Trust?

What the other way require  
for the "safety" of navigation?

Is there case here as the question  
was applied to Treaty?

2/12/20

W. R. Tomlinson

As to other questions raised by Mr.  
Rusby please see my 4<sup>th</sup> memo.

As to the Treaty position, the provisions  
in the Convention on the Lakes "situated within the  
territories specified in Article 1" (including, of  
course, the Eastern Zone of Article (1) of the Geneva  
Act of Berlin) are contained in Articles 5 to 8 of  
the Convention signed at St. Germain-en-Laye on the 10<sup>th</sup>  
September, 1919. These Articles provide for freedom  
of navigation for ships of the Signatory Powers and  
States, Members of the League of Nations, which may  
where the Convention free from any taxes, dues,  
or duties, except such as should be equivalent for  
services rendered to navigation. There is nothing

orig. 2/12/20  
9/1  
50

in these Articles, so far as I can see which could  
prevent us from passing regulations such as are  
here proposed designed in case for the safety of  
navigation (occupies Article 5 of the Convention).

It is also necessary to consider in  
connection with this the draft Waterways Convention  
under ~~Article 5~~ of which, if it is passed in its  
present form, we shall apparently have to treat in  
practice Lakes Victoria, Tanganyika and Niassa as  
International Waterways for the purpose of this  
Convention. I have read through the draft Convention  
carefully and there is nothing in its provisions  
which would prevent us from passing  
regulations for the safety of shipping such as are  
here proposed.

There remains to be considered the  
Convention with Belgium <sup>(Article 5 of that Treaty)</sup>  
promises treatment "of equality" to Belgium ships and all international  
of East Africa and that "no other rules shall be  
placed in the way of the movements of persons and  
of animals, the trade and residence, the police  
and customs regulations, sanitary regulations, and  
rules governing emigration, immigration and the  
importation or exportation of prohibited goods.  
These regulations shall be fair and equitable  
and shall not unnecessarily impede traffic."  
Though no navigation regulations are mentioned, I  
presume that this paragraph could not be read as  
prohibiting us from applying to Belgian ships the  
regulations which might be necessary to impose in  
the interests of navigation generally,  
but if we are going to amend the draft Convention  
it would be as well, I think, to insert words to state

the regulations  
and by  
water

this

this absolutely clear. (see my minute of Dec 22, which  
is attached on page 118.)

W.H.

The Ministry

I had to keep this in connection  
with the Belgian agreement papers. That  
agreement will add nothing, for our  
present point of view, to the  
international provisions of the  
Convention of St. Germain. As regards  
the Waters of Convention, I state it  
that we must deal with the frontier  
as it exists, without regard to what  
may (or may not) emerge from the  
deliberations of the League of Nations.

W.H. 15.12.20

Sir H. D. G. D.

I think we may let the FO &  
Dep. T. the War, position in regard to  
the 2 letters and ask them if they  
see any objection to the issue of a  
short note under the Dept. for Air  
Facilities (as done the 1st Nov. 1920)  
One copy of the 1st of 1st note will  
for the supply of a list of information  
on the 2 letters and to the Dept.  
above the first quarter, which is  
the 1st note sent down to the  
for the purpose of the 1st note

ato

56867

31 September, 1920.

REC'D  
RES 18 NOV 20

My Lord,

I have the honour to inform Your Lordship that for some time past there has been evidence of the desirability of introducing legislation to control the steamers and dhows navigating on Lakes Victoria Nyanza and Kioga and that after consulting the Administrator of Tanganyika Territory and the Governor of Uganda, I believe that this may best be achieved by Order-in-Council, so as to ensure uniform conditions in all parts of Lake Victoria's portions of which fall within the territorial jurisdiction of all three dependencies.

2. It would be possible no doubt for legislation on similar lines to be agreed upon in this Colony, in Uganda and in Tanganyika Territory, but since it would not be practicable for local legislation to confer upon judicial officers in the respective dependencies power to deal with an offence committed in the jurisdiction of one of the other territories named, I am advised that local enactments would not meet

THE RIGHT HONOURABLE

V. SCOUNT MILNER, P.C., G.C.B., G.C.M.G., etc.

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

the case. I would therefore ask that an Order-in-Council may be prepared to give effect to the desired regulations, provided that Your Lordship agrees.

3. I enclose a copy of draft rules prepared by the Marine Superintendent, Uganda Railway, which were framed partly from the "Rule of the Road at Sea", and partly from the "Sudan Rivers Regulations 1911", and which incorporate also certain regulations which the Marine Superintendent considered necessary on the local conditions prevailing on Lakes <sup>Uganda</sup> and Kioga. These draft rules will convey to Your Lordship an indication of the nature of the proposed Regulations.

4. It should be noted that the necessity for legislation such as is now proposed has been evident for some years, and was brought to prominence by reason of an accident on Lake Victoria involving the running down of a dhow by a steamer, in which several lives were lost, and which occurred owing to the fact that the dhow carried no lights. The introduction of legislation was postponed until delimitation of the various portions of Lake Victoria falling under the different administrations had been completed, and now that this matter has been settled, I am convinced that early action should be taken to introduce the desired enactment.

5. It has been suggested that the most convenient form for the proposed legislation might be that the Order-in-Council should confer the necessary extra territorial jurisdiction in judges and magistrates of the respective Protectorates (including the Kenya Colony) and should appoint a local Lakes Navigation Authority with power to frame (and from time to time amend) the necessary regulations.

I have the honour to be,  
Your Lordship's  
humble, obedient servant,

*Edmund Anthony*

GOVERNOR.

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I have the honour to be,  
Your Lordship's  
humble, obedient servant,

*Edmund Anthony*

GOVERNOR.

1671

Preliminary Short Title and Commencement.

1. These regulations may be cited as the Lakes Victoria and Kioga navigation regulations 1916 and shall come into force at once.

Application.  
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2. These regulations shall be applicable to Lakes Victoria & Kioga except where the same or any of them are expressly limited to any particular lake.

Definitions.  
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2. In these regulations the words and expressions hereinafter mentioned shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction.

The word "Vessel" includes any ship, Lighter, dredger launch, pile driver, dhow, boat or craft whatever whether navigated by steam or otherwise; the word lighter means any lighter constructed to carry cargo and not propelled by any power the expression "Steam Vessel" includes any vessel propelled by Machinery.

The expression "Commander" when used in relation to any vessel means the person being in charge, command or management of the vessel for the time being;

The expression "Authorize Official" means any person authorized by the Governor to carry out or to supervise the carrying out of any of the provisions of these regulations;

The expression "Under Way" applied to a vessel that she is not at anchor nor made fast to the shore nor aground;

The word "Visible" when applied to lights means visible on a dark night with a clear atmosphere.



Regulations

Safety Provisions.

- 4. During the whole time a vessel is under way a proper person must be at the wheel of tiller and an efficient look out kept.
- 5. On Lake Kioga when a lighter is being towed or pushed all deck passengers shall, as far as is practicable, remain on it and not on board the Steamer.
- 6. Each steamer navigating on Lake Kioga shall tow alongside a life boat or canoe sufficiently large to accommodate all persons on board the vessel.
- 7. There shall be kept on board a sufficient number of life belts to provide for the entire crew of the vessel.

In addition there shall be kept in passengers' cabins or other easily accessible place as many life belts as there are bunks.

- 8. Every steamer shall carry at least six life buoys secured in such place and number that they may be readily used for saving life.
- 9. Fire buckets shall be kept filled with water and shall be placed in a convenient and easily accessible place.

10. Boats shall be invariably kept with the following equipment in them.

Oars, rudder & tiller, crutches, bailer & plug.

The plug shall be attached by a lanyard one end of which shall be made fast to a cleat in the vessel and the plug shall be kept in the vessel.

11. Fire & Boat stations shall be exercised every 14 days.

Part III.

Provisions as to lights & signals & steering & sailing.

Part II.Safety Provisions.

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8. Every steamer shall carry at least six life buoys secured in such place and manner that they may be readily used for saving life.
9. Fire buckets shall be kept filled with water and shall be placed in a convenient and easily accessible place.
10. Boats shall be invariably kept with the following equipment in them.

Oars, rudder & tiller, crutches, bailer & plug.

The plug shall be attached by a lanyard one end of which shall be made fast to a staple in the vicinity of the plug when

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Part III.

Provisions as to lights & signals & steering & sailing.

6. Insert here from B of T letter 23<sup>rd</sup> Feb 1901

"in steam vessels ... one or both sets of davits"

7. Insert here from B of T letter of 23<sup>rd</sup> Feb

"Each steam vessel ... carried on board the steamer"

-3-

613

General.

11. Nothing in these rules shall exonerate any vessel or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the cases.

In obeying and construing the following regulations relating to lights and signals and steering & sailing due regard shall be had to all dangers of navigation and of collision and to any special circumstances which may render a departure from them necessary in order to avoid immediate danger.

The regulations as to lights shall be complied with in all weathers from sunset to sunrise and during such time no other lights which may be mistaken for the lights prescribed shall be exhibited.

In the following regulations every steam vessel which is under sail and not under steam shall be considered a sailing vessel, and every vessel under steam whether under sail or not shall be considered a steam vessel.

12. (A) A steam vessel when under way shall carry, on or in front of the foremast, or if a vessel without a foremast, then in the forepart of the vessel, at a height above the hull of not less than 20 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(b) On the starboard side a green light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the port side a red light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(d) The red, green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

Light of steam vessels towing other vessels.

13. (a) A steam-vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Article 13. (a).

(b) Any vessel being pushed ahead or if there be more than one the foremost vessel or vessels of those being pushed ahead shall carry a bright white light of the same construction and character as the light mentioned in Article 13. (a) excepting that such light need only be visible for a distance of one mile.

It shall be carried at a convenient height above the hull of such vessel.

(b) On the starboard side a green light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the port side a red light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

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(b) Any vessel being pushed ahead or if there be more than one the foremost vessel or vessels of those being pushed ahead shall carry a bright white light of the same construction and character as the light mentioned in Article 13. (a) excepting that such light need only be visible for a distance of one mile.

It shall be carried at a convenient height above the hull of such vessel.

(c) The steersman of a vessel being towed shall show from the stern a white light of similar character as to be visible at a distance of at least one mile.

Such steam-vessel may carry a white light abaft the funnel or aftermost for the vessel towed to steer by, but such light shall not be visible forward of the beam.

- 14 15. A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Article 18 (a) where they can best be seen, and, if a steam-vessel, in lieu of that light two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and shall by day carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each two feet in diameter.

The vessels referred to in this Article, when ~~(these)~~ side-lights but when making way shall carry not making way through the water shall not carry them.

The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

- 15 16. Steam-vessels of less than 40 tons shall carry :-

In the forepart of the vessel <sup>or</sup> on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 20 feet, a bright white light constructed and fixed as prescribed in Article 18 (a) and of such a character as to be visible at a distance of at least 2 miles. -

Green and red side-lights constructed and fixed

(e) The sternmost of a vessel being towed shall show from the stern a white light of such a character as to be visible at a distance of at least one mile.

Such steam-vessel may carry a white light abeam of the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

- 14 15. A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Article 13 (a) where they can best be seen, and, if a steam-vessel, in lieu of that light two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and shall by day carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each two feet in diameter.

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- 15 16. Steam-vessels of less than 40 tons shall carry :-

In the forepart of the vessel, <sup>or</sup> on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as proscribed in Article 13 (a) and of such a character as to be visible at a distance of at least 2 miles.

Green and red side-lights constructed and fixed

- character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 8 feet below the white light.
16. 17. Dhows and Rowing boats, whether under oars, or sails, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.
17. 18. A vessel which is being overtaken by another shall show from her stern to such last mentioned vessel a white light or flare-up light.

The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

18. 19. A vessel when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.

Such vessels to carry whistles.

19. 20. Every steam vessel shall be provided with an efficient whistle sounded by steam or substitute for steam so placed that the sound shall not be interrupted



The words "prolonged blast" used in this Article shall mean a blast of from 4 to 6 seconds' duration.

by any obstruction, & also with an efficient bell.

20. In fog, mist, or heavy rainstorms, whether by day or night, the signals described in this Article shall be used as follows, *viz*:

(a) A steam-vessel having way upon her shall sound, at intervals of not more than 2 minutes, a prolonged blast.

(b) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, ~~two~~ prolonged blasts, with an interval of about 1 second between them.

(c) Sailing vessels and boats of less than 20 tons gross tonnage shall make some efficient sound-signals at intervals of not more than 1 minute.

(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about 5 seconds.

(e) Whistles shall not be used by vessels under way for any other purpose than giving warning.

(f) Long blasts at intervals of a few seconds may be sounded to call the attention of the master of any vessel approaching.

(g) When a steam-vessel is turning round or for any other reason is not under command or when it is unsafe or impracticable to keep out of the way of any other vessel

she shall signify the same by <sup>some series of short blasts</sup> a series of short blasts <sup>2 minutes, three blasts in succession, ~~two~~ prolonged blast followed by</sup> about one second's duration in rapid succession, <sup>short blast</sup>

Speed of ships to be moderate in fog.

21. Every vessel shall, in a fog, mist, or heavy rainstorm, go at a moderate speed, having careful regard to the existing circumstances and conditions.

22. When two steam-vessels are meeting end on or nearly end on, so as to involve risk of collision, each shall

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(b) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, two prolonged blasts, with an interval of about 1 second between them.

(c) Sailing vessels and boats of less than 20 tons gross tonnage shall make some efficient sound-signals at intervals of not more than 1 minute.

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Speed of ships to be moderate in fog, etc.

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Speed of ships to be moderate in fog, etc.

21. Every vessel shall, in a fog, mist, or heavy rain storms, go at a moderate speed, having regard to the existing circumstances and conditions.

22. When two steam-vessels are meeting end on or nearly end on, so as to involve risk of collision, each shall

The articles only apply to steam vessels in distress and to sea boats inasmuch as they have no light of collision, and do not apply to two vessels which cannot possibly keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases when the red light of one vessel is opposed to the red light of the other, or when the green light of one vessel is opposed to the green light of the other, or when a red light without a green light, or a green light without a red light, is seen ahead, or when both green and red light are seen anywhere but ahead.

alter her course to starboard, so that each may pass on the port side of the other.

23. When two steam-vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

24. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing vessel.

25. Where by any of these rules one of two vessels is to keep out of the way, the other shall keep her course and speed.

Sailing vessels approaching one anchor.

26. 261. When two sailing vessels are approaching each other, so as to involve risk of collision, the following rule shall apply.

(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(c) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(e) A vessel which has the wind abaft shall keep out of the way of the other vessel.

NOTE :- When in consequence of thick weather or other causes, such vessel finds herself so close that collision

These rules only apply to steam vessels and sailing vessels and only in such cases as to avoid risk of collision, and they do not apply to the vessels of the same kind of both keep on their respective courses, pass clear of each other.

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It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

After her course to starboard, so that each may pass on the port side of the other.

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NOTE :- When in consequence of thick weather or other causes, such vessel finds herself so close that collision

Interpret:

Every vessel coming up with another vessel from any direction more than two points abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward or abaft the direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

cannot be avoided by the action of the giving-way vessel alone, she also shall take the action so far as may be practicable to avoid collision.

- 27 26. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit avoid crossing ahead of the other.
- 28 27. Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her (if necessary) slacken her speed or stop or reverse.
- 29 28. Notwithstanding anything contained in these rules, every vessel, overriding another, shall keep out of the way of the overtaken vessel.
- 30 29. In narrow channels every steam vessel shall when it is safe and practicable, keep to the side of the fairway or mid-channel which lies on the starboard side of such vessel.
- 31 30. On Lake Kioga when rounding points, or in sharp bends, narrow or intricate channels, or when the current is strong or for any other reason there is danger of collision, the vessel navigating against the stream must keep clear of any vessel approaching from the opposite direction.

Sound signals for vessels in sight of the another.

The words "short blasts" used in this article shall mean a blast of about one second's duration.

32. When vessels are in sight of one another, a steam-vessel under way, in taking any course or maneuver required by these rules, shall indicate that course by the following signals on her whistle or siren, viz:—

One short blast to mean, "I am directing my course to Starboard".

Two short blasts to mean, "I am directing my course to Port".

Three short blasts to mean, "My engines are going full speed astern".

One short blast to mean, "I am directing my course to Starboard".

Two short blasts to mean, "I am directing my course to Port".

Three short blasts to mean, "My engines are going full speed astern".

PUBLIC RECORDS OFFICE		Reference	
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Typed  
Minutes of Enquiry  
into  
Collision of Dhew  
by  
S. S. "RUSINGA"  
on  
24th October, 1918.

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CHARACTER OF INCIDENT LEADING INTO SINKING OF DHOW Y.2 OFF  
 SEAVINIA ISLAND

Board consists of

President :- Mr. A. M. Dunbury, Acting District Engineer.  
 Members :- Lt. J. L. Marshall, R.N.R., Chief Officer U.R.M.  
 " Mr. A. B. Cameron, Asstt. Traffic Manager.

Watching proceedings :- Mr. J. M. Pearson, Dist. Commissioner.  
 Mr. C. F. Bristow, Asstt. Supt. Police.

(2) Witnesses examined as follows :-

Mr. Betschart	Smith Mackenzie representative.
Mr. Hasam Jamal	Owners of Dhow Y.2.
Mr. Merga	Acting Commander S. S. "Ausinga".
Alfadi	Quarter Master S. S. "Ausinga".
Musa bin Salim	Sailor on Dhow Y.2.
Mr. Mohd. Iqum	Ag. Chief Officer S. S. "Ausinga".

(3) The S. S. "Ausinga" was steaming off Seavinia Island on 24th October, 1948, and at 2.20 a.m. collided with a dhow loaded with K. Oil-sinking her, thereby drowning four of the crew - one being saved - and loss of 378 tons of Karung oil.

Mr. Betschart called and states that he is Smith Mackenzie representative.

- Q. Who does the dhow in question belong to?  
 A. Hasam Jamal and Co.
- Q. What interest have you in the case?  
 A. Representing owners of the cargo. Produced written statement Exhibit (A).
- Q. How much of the sail was furled?  
 A. I should say about 2 or 3 yards.
- Q. Where did you find the wreck?  
 A. About in the steamer's fair way.
- Q. How do you form your conclusion that the dhow was anchored?  
 A. By seeing the sail furled.
- Q. Can you give any evidence as to the position of the anchor?  
 A. No.

Mr. Hasam Jamal called and states :-

- Q. Are you owners of dhow Y.2?  
 A. Yes.
- Q. How long have you had her?  
 A. 24 years.
- Q. Where did you get her?  
 A. From Seavinia Island.
- Q. What age is the dhow?  
 A. Previous owner was using her for about 2 years.
- Q. Was the Dhow Captain drowned?  
 A. I believe so.

What nationality was the  
Swahili?

What were your instructions from Smith Mackenzie?  
Carriers.

When was it reported to you that the dhow had been sunk?  
On arrival of S. S. "Eulings" at Kisumu on the 24th October.

Who informed you.  
Mr. Ballerini of the S. C. I.

Did you go down on the "William Mackenzie" salvage operation?  
No.

Who was in charge of the dhow and what was the length of  
his nautical experience?  
Musa a Swahili - 5 years, that I am aware of.

What were his instructions?  
To proceed Kampala as he pleased.

What testimony did the Captain?  
First working with Alfidina Visram on Lake Victoria Nyanza  
and five years with me.

Had he any instructions as to burning lamps at night?  
Had one lamp and oil. No special instructions.

Do you instruct the dhow Serang or do you leave everything  
to the dhow Serang?  
Some-time back I instructed my Captain to keep his lamp  
outside.

Can you give me the names of the crew?  
No.

Do you know if the baharras had any nautical experience?  
No. I do not know.

What value do you place on the dhow?  
Ks. 2,000 but 3,500 rupees to replace it.

At what figure did you buy it?  
1,700 Rupees 2½ years ago.

Was the dhow or cargo insured?  
The dhow was not insured and I did not insure the cargo.

Mr. Marsh Acting Commander of "Musings" called.

- Q. Were you Commander of "Musings" on 24th October?  
A. Yes.
- Q. Tell us what happened on evening of 24th.  
A. I passed Ulu Pt. at 2 a.m. 24th October. 2.20 a.m. struck a dhow - no light showing on dhow - I stopped the engine, dropped life buoy over board, called Chief Officer and crew turned ship - lowered away two boats as soon as I heard a man singing out - proceed after the boat slowly and when anchored. Boat returned with one survivor - after making search for a hour boats were hoisted and ship proceeded to Kisumu.
- Q. Who was on the bridge - at the time of accident?  
A. Myself, Quarter Master Alfani, lookout man Agijia.
- Q. Was there a moon?  
A. About half moon.
- Q. Did you see dhow before striking?  
A. No.
- Q. Did you notice any lights on the dhow?  
A. None.
- Q. Was the dhow under way or stationary?  
A. I could not say.
- Q. Are you suppose to sail at night?  
A. Letter of instructions from Marine Superintendent handed in Exhibit "B".
- Q. Were you on the official course?  
A. Yes.
- Q. What do you understand by the phrase in the Marine Superintendent's instructions "weather permitting"?  
A. That if sea and other conditions are not too bad every effort must be made to comply with instructions.
- Q. Would low visibility stop you?  
A. No.
- Q. What was your speed at the time?  
A. 7 1/2 to 8 knots.
- Q. Did either the Quarter Master or the lookout report the dhow?  
A. No.
- Q. What position was the dhow in when you struck?  
A. About 1/2 Sentinel Island.
- Q. I understand there is a general prohibition against running at night, can you give the authority?  
A. Section 15 of Rules and Regulations for the Marine Department.
- Q. Who has authority to make exception?  
A. The Marine Superintendent.
- Q. Under what circumstances has he powers to make exception?  
A. His own discretion.

What were the circumstances that made night running necessary on this trip? One ship was doing the work of two.

Have you noticed dhows sailing at night without light? Yes.

Do you know of any law governing light for dhows? No, simply custom.

Do you consider that the Marine Superintendent's instructions order you to steam 24 hours a day weather permitting? Yes.

Does that mean an officer has to be on the bridge the whole time? Yes.

What should be the complement of Officers on Lake Victoria Steamers? One Commander and two Officers.

What was the single complement that night? Commander and Chief Officer.

How many hours work did you and your Officer do each day? On 23rd October work commenced 6 a.m. at Officer in charge. Cargo work finished sailed 2 a.m. when I took charge remained until 9 p.m. Chief Officer then took over again at midnight continued on duty until 8.15 a.m. 24th October. I relieved him myself.

What were you doing between 9 a.m. and noon? Was not actually on duty but unable to rest. I had three hours rest out of 16.

During to your receiving bridge do you apply for an extra officer? It was no use applying - there was none.

Why did you keep the lookout man on the bridge? Because of the number of deck passengers and also the certainty of his being awake.

Had the dhow been more substantially built would you have suffered damage? Yes.

You were carrying passengers and by your boat suffering damage would their lives have been endangered? Yes.

Had there been a spare officer would he have been allotted to you? Yes. I think so.

Did you see how you saw the dhow? I should imagine head on.

What was your draft forward? Aft 7.6 - Forward 2.6 to 3.0.

- Q. What distance is obscured ship being in that trim?  
A. About 80 to 100 yards.
- Q. Did your Chief officer see the bow or wreckage after striking?  
A. Reported he saw a small amount of wreckage.
- Q. How soon were the boats lowered away?  
A. In about 5 minutes and the survivor was in the boat within ten minutes of striking.
- Q. How long were the boats away?  
A. Half an hour searching.
- Q. Did you thoroughly satisfy yourself that there were no survivors claiming to wreckage?  
A. The Chief Officer reported no more survivors.

Agilia, Quartermaster S. S. "Haislers" states :-

"I was on the bridge at the time of the collision. I could not see ahead because of a sort of mist like smoke. I heard noise of the ship crashing into something and I received an order to port. The Captain blew a whistle because we heard someone crying in the water.

The Captain told the boats to fall quickly and Mr. McCullum went into the boat and took the man out of the water. The ship stopped but we saw nothing so we weighed anchor and went on.

Q. Did you see any light ?

A. I did not see any lights.

Q. Did you see the dhow ?

A. No.

Q. Who else was on the bridge besides you ?

A. The Captain and the lookout Agilia.

Q. Where was the Captain when she struck ?

A. Next to me and I was at the wheel.

Q. Did you feel any shock ?

A. I heard it. It was just as if we had gone aground.

Q. Did you see any dhows with lights that night ?

A. Yes. I saw one, after the collision.

Q. How many men did you hear in the water ?

A. I heard the cries of two, that was just after the collision and before we turned.

Francis, Quarter Master S. S. "Husings" states :-

I went on duty at 11 p.m. yesterday. I don't recall seeing any lights at 500 yards because of a sort of mist like smoke. I heard noise of the ship crashing into something and I received an order to port. The Captain blew a whistle because we heard someone crying in the water.

The Captain told the boats to fall quickly and Mr. McCullum went into the boat and took the man out of the water. The ship anchored but we saw nothing so we weighed anchor and went on.

Did you see any light ?

I did not see any lights.

Did you see the dhow ?

No.

Who else was on the bridge besides you ?

The Captain and the lookout Agitia.

Where was the Captain when she struck ?

Next to me and I was at the wheel.

Did you feel any shock ?

I heard it. It was just as if we had gone aground.

Did you see any dhows with lights that night ?

Yes. I saw one, after the collision.

How many men did you hear in the water ?

I heard the cries of two, that was just after the collision and before we turned.



Musa bin Salim Msooga called and states :-

An employed by Hassan bin Ismail, a sailor. We were going at night under full sail and Hassan had the tiller. All of us were asleep except the Serang. All at once we were hit by the "Rusinga". I woke up in the water and found the dhow had sunk with all my companions.

Only the mast head was showing. I got hold of a bit of wood and made a noise and kept on shouting until the "Rusinga" boat came and took me in. I was taken to the Captain who questioned me and I told him that there were five of us and I was the only one left. I told him that our cargo was 400 tins of oil. I did not see the "Rusinga" coming. I was asleep.

- Q. Is it usual to sail at night ?
- A. Yes, all dhows do.
- Q. At what time did you go to sleep ?
- A. At about 9 p.m.
- Q. Do you know if there were any lights showing on the dhow ?
- A. Yes a lamp was kept burning in the bottom of the dhow for the benefit of the men below.
- Q. Could the dhow have been captured without your knowledge ?
- A. No, we should all have been called to assist.
- Q. Was the dhow a strong one ?
- A. Did not reply.

Mr. McCallum Acting Chief Officer "Husings" called.

How long have you been in the Pacific Mailway service?  
Since July.

How many times have you been on the same course of Sentinel  
Island?  
About 5 or 6 times.

Do you remember the "Husings" colliding with the dhow?  
Yes.

Where were you at the time?  
I was in my cabin off duty - half dressed.

What orders did you get from the Commander?  
He came to the door told me he had struck a dhow and told me to  
get out and lower the boats as quick as possible and pick up  
survivors if any.

How long did it take you to get the boats in the water?  
Boats in the water and men picked up in five or seven minutes.

Did you feel the collision?  
No.

Were you asleep or awake?  
I was asleep.

Had the "Husings" stowage way when boats were lowered?  
Yes.

How many natives did you pick up?  
One.

Did you see anything of the dhow?  
No, but I saw some wreckage.

Was there any reason for your not undressing?  
It is my custom to keep handy in case I am required.

Can you give further particulars as to wreckage?  
Some tins of oil, gress ropes, nothing larger than a 3 feet spar.

Are you conversant with the Lake course so to be able to take  
the steamer yourself if required?  
Yes.

Was it an exceptionally dark night?  
Overcast cloudy, moon cleared 4 a.m.

How many men did you hear shouting?  
One.

Did you rescue him?  
Yes, and he informed me that there was no one else but I still  
continued searching.

What was your draft forward?  
Draft obscured in fog.

Did the condition of draft obscure the lookout from bridge in  
any way?  
Yes.

For how far?

About 100 yards.

Do you think that it is better to keep a lookout on the bridge rather than in the engine room?

Yes, because if the lookout is kept forward would probably be asleep or chatting with the deck passengers.

Had the lookout man been working cargo previously at Jinja?

No, he came on duty at 6 pm.

## FINDINGS.

We are of opinion that the dhow had no lights showing and was run down in the early morning of the 24th October, 1918, at 2.20 a.m. by accident at a point No. 60 W. 1' Sentinel Island.

No blame is attached to the Commander who was Officer of the watch.

Weather was overcast with low visibility which would make it impossible to see the dhow at a distance; whilst nearer vision was excluded by the relative height of the bows to the bridge.

The accident was caused partly by the absence of any laws with reference to lights on vessels plying on Lake Victoria Nyanza.

We consider that the prompt action of the Commander and Chief Officer in getting away the boats is highly commendable, and that everything that could possibly have been done was accomplished.

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant R. N. R.

(SIGNED) A. B. CALVERT,  
Act. A. S. T. M.

RECOMMENDATIONS.

That in view of such accidents, sailing by night should be reduced to a minimum; until navigation laws for Lake Victoria Nyanza have been promulgated.

Blue print of chart attached showing position of accident (Sentinel Island).

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant, R. N. R.

(SIGNED) A. B. CALVERT,  
Act. A. S. T. M.

Kisumu, 30th October, 1918.

Report of attempted salvage of Dhow "Kavirondo" and its cargo of 400 tins of kerosene, sunk by S. S. "Husinga" on the 27th instant at 2.30 a.m. in Kavirondo Gulf off Sentinel Island.

I, Godfrey Betschart, Manager of the Kisumu Branch of Messrs. Smith Mackenzie & Co., on behalf of Principals and/or Underwriters of the cargo of 400 tins of Crown Kerosine Oil consigned to Kampala Sub Agency in conjunction with Messrs. Hasham Jamal & Co., owners of the Dhow "Kavirondo" Kisumu Registered No. Y2, chartered the S. S. "William Mackinnon" and sailed from Kisumu, on board that steamer on the 27th instant at 10.30 a.m. Vicinity of reported wreckage reached at about 6.00 p.m. on the same day. On the 28th at 7 p.m. a couple of feet of what appeared to be a sail-yard sighted; on reaching same, it was discovered that the main mast, with its sail-yard had broken away from the dhow; however, a rope, still attached to the mast was stated by two native sailors to be connected with the anchor of the sunken Dhow which I believe is correct, and such is the opinion of the skipper of the "William Mackinnon". It was very difficult to locate the Dhow in a depth of 40 feet; a grappling iron made fast to 50 feet of rope was dropped from the stern of the steamer which circled round unsuccessfully for about two hours between "Husinga" and Sentinel Islands; grappling iron sunk successively in several places and caught wreck at about 10 a.m. in about 40 feet. Dhow brought up by its stern, its name "Kavirondo" Kisumu Y2 plainly visible. Up to 6 p.m. unsuccessful efforts were made to raise the rest of the wreck; 27 tins of oil were collected, floating, which had escaped from the Dhow when an attempt was made by the steamer, steaming astern to tow the wreck. Two natives then dived and reported that only half of the Dhow was there and no further cargo inside. Wreck was then sunk at 6 p.m. At 6 a.m. of the 29th instant wreck was brought up again and towed off Husinga Island (Mavita) and sunk in 30 feet at 10 a.m. with a buoy consisting of 4 pieces of timber, as it was considered of no further use, trying to salvage the wreck. Before sailing I sent letters ashore addressed to the Mission station and to the local native chief, with instructions to collect all stranded and floating life which may come that way, take them and advise Messrs. Smith, Mackenzie & Co., at Kisumu. S. S. "William Mackinnon" sailed again at 11 O'clock, reaching Kisumu at 5 p.m. the same day.

Useless efforts were made by the skipper to raise the anchor of the Dhow Kavirondo with the steamer's steam winch, but the anchor rope made of coconut fibre broke.

It would appear, on account of the impossibility to raise the anchor of the Kavirondo that the dhow was at anchor when the S. S. "Husinga" collided with it, and it may be possible to confirm this belief through the fact that a certain portion of the sail was noticed by me made fast to the sail-yard.

Mr. Moraffi, Hasham Jamal & Co.'s representative was on board the S.S. "William Mackinnon" and he signs below corroborating this report.

p.p. Smith, Mackenzie & Co.  
Sd. G. Betschart.  
" " Moraffi.

Signed in my presence

.....Silvester.

A.D.C.

For how far?  
About 100 yards.

Do you agree that it is better to keep a lookout on the  
Bridge sooner than in the bows?

Yes, because if the lookout is kept forward would probably  
be asleep or chattering with the deck passengers.

Had the lookout man been working cargo previously at Jinja?  
No, he came on duty at 6 pm.

REPORT.

We are of opinion that the dhow had no lights showing, and was run down in the early morning of the 24th October 1918, at 2.20 a.m. by accident at a point No. 50 W. 1<sup>st</sup> Sentinel Island.

No blame is attached to the Commander who was Officer of the watch.

Weather was overcast with low visibility which would make it impossible to see the dhow at a distance; whilst nearer vision was excluded by the relative height of the bows to the bridge.

The accident was caused partly by the absence of any laws with reference to lights on vessels plying on Lake Victoria Nyanza.

We consider that the prompt action of the Commander and Chief Officer in getting away the boats is highly commendable, and that everything that could possibly have been done was accomplished.

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant R. N. R.

(SIGNED) A. B. CALVERT,  
Ag. A. A. T. M.

NOTE.

That in view of such accidents, sailing by night should be reduced to a minimum; until navigation laws for Lake Victoria Nyanza have been promulgated.

Blue print of chart attached showing position of accident (Sentinel Island).

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant R. N. R.

(SIGNED) A. B. CALVERT,  
Ag. A. A. T. M.

Kisumu, 30th October, 1918.

Report of attempted salvage of Dhow "Kavirondo" and its cargo of 400 tins Kerosine Oil, sunk by S. S. "Rusinga" on the 14th instant at 2.30 a.m. in Kavirondo Gulf off Sentinel Island.

I, Godofroy Betschart, Manager of the Kisumu Branch of Messrs. Smith Mackenzie & Co., on behalf of Principals and/or Underwriters of the cargo of 400 tins of Crown Kerosine Oil consigned to Kampala Sub Agency in conjunction with Messrs. Hasham Jamal & Co., owners of the Dhow "Kavirondo" Kisumu Registered No. Y2, chartered the S. S. "William Mackinnon" and sailed from Kisumu, on board that steamer on the 27th instant at 10.30 a.m. Vicinity of reported wreckage reached at about 6.00 p.m. on the same day. On the 28th at 7 p.m. a couple of feet of what appeared to be a sail-yard sighted; on reaching same, it was discovered that the main mast, with its sail-yard had broken away from the dhow; however, a rope, still attached to the mast was stated by two native sailors to be connected with the anchor of the sunken Dhow which I believe is correct, and such is the opinion of the skipper of the "William Mackinnon". It was very difficult to locate the Dhow in a depth of 40 feet; a grappling iron made fast to 50 feet of rope was dropped from the stern of the steamer which circled round unsuccessfully for about two hours between "Rusinga" and Sentinel Islands; grappling iron sunk successively in several places and caught wreck at about 10 a.m. in about 40 feet. Dhow brought up by its stern, its name "Kavirondo" Kisumu Y2 plainly visible. Up to 6 p.m. unsuccessful efforts were made to raise the rest of the wreck; 27 tins of oil were collected, floating, which had escaped from the Dhow when an attempt was made by the steamer, steaming astern to tow the wreck. Two natives then dived and reported that only half of the Dhow was there and no further cargo inside. Wreck was then sunk at 6 p.m. At 6 a.m. on the 29th instant wreck was brought up again and towed off Rusinga Island (Mavita) and sunk in 30 feet at 10 a.m. with a buoy consisting of 4 pieces of timber, as it was considered of no further use, trying to save the wreck. Before sailing I sent letters ashore addressed to the Mission Station and to the local native chief, with instructions to collect all stranded and floating tins which may come that way, store them and advise Messrs. Smith, Mackenzie & Co., at Kisumu. S. S. "William Mackinnon" sailed again at 11 O'clock, reaching Kisumu at 5 p.m. the same day.

Useless efforts were made by the skipper to raise the anchor of the Dhow Kavirondo with the steamer's steam winch, but the anchor rope made of coconut fibre broke.

It would appear, on account of the impossibility to raise the anchor of the Kavirondo that the dhow was at anchor when the S. S. "Rusinga" collided with it, and it may be possible to confirm this belief through the fact that a certain portion of the sail was noticed by me made fast to the sail-yard.

Mr. Moraffi, Hasham Jamal & Co.'s representative was on board the S. S. "William Mackinnon" and he signs below corroborating this report.

p.p. Smith, Mackenzie & Co.  
Sd. G. Betschart.

Signed in my presence

..... Silvester.

A.D.C.



No. G. 20. D/2194.

Kisumu, 19th October, 1918.

Mr. Marsh,  
Kisumu.

Please take over temporary command of the  
"BUSINGA".

The "BUSINGA" will leave to-morrow in place  
of the "CLEMENT HILL" sailing as soon as cargo work is  
finished.

Weather permitting you must steam all night  
and arrange to arrive in Kisumu as early on Thursday  
as possible.

You will leave again on Friday October 25th  
for the round lake trip making Mwanza your first port.

You must steam all Friday night weather  
permitting and you can again steam at night from Mwanza  
to Bukoba.

I wish you to reach Kisumu by 8 a.m. on  
Saturday November 2nd.

ED/- B. M. REYNOLDS,  
COMMANDER, R. N. R.  
MARINE SUPERINTENDENT,  
UGANDA RAILWAY.

No. G. 30. 2/579.

Kisumu, 19th October, 1918.

Mr. Marsh,  
Kisumu.

Please take over temporary command of the  
"MUSINGA".

The "MUSINGA" will leave to-morrow in place  
of the "CLERMONT HILL," sailing as soon as cargo work is  
finished.

Weather permitting you must steam all night  
and arrange to arrive in Kisumu as early on Thursday  
as possible.

You will leave again on Friday October 25th  
for the round Lake trip making Mwanza your first port.

You will steam all Friday night weather  
permitting and you can again steam all night from Mwanza  
to Nakoba.

I wish you to reach Kisumu by 5 a.m. on  
Saturday November 2nd.

Yours,  
R. H. REYNOLDS.

CHANDLER, R. H. R.

MARINE SUPERINTENDENT,

UGANDA RAILWAY.

Typed  
Minutes of Enquiry

into

Collision of Dhow

by

S. S. "MUSINGA"

on

24th October, 1918.

---

WITNESSES EXAMINED INTO COLLISION OF DHOW Y.2 OFF SENTINEL ISLAND BY S.S. "RUSIAGA" ON THE 24TH OCTOBER 1918.

Board consists of :-

President :- Mr. C.M. Bunbury, Acting District Engineer.  
Members :- Lt. J.L. Marshall, R.N.R. Chief Officer U.R.M.  
" Mr. A.B. Cameron, Asstt. Traffic Manager.

watching proceedings :- Mr. J.M. Pearson, Dist. Commissioner.  
Mr. O.F. Bristow, Asstt. Suptd. Police.

(2) Witnesses examined as follows :-

Mr. Betschart	Smith Mackenzie's representative.
Mr. Hasam Jamal	Owners of Dhow Y.2.
Mr. Marsh	Acting Commander S. S. "Rusiaga".
Alfadi	Quarter Master S. S. "Rusiaga".
Musa bin Selim	Sailor on Dhow Y.2.
Mr. McCallum	Act. Chief Officer S. S. "Rusiaga".

(3) The S. S. "Rusiaga" was steaming off Sentinel Island on 24th October, 1918, and at 2.20 p.m. collided with a dhow loaded with k. oil sinking her, thereby drowning four of the crew - one being saved - and loss of 378 tons of kerosine oil.

Mr. Betschart called and states that he is Smith Mackenzie's representative.

Q. Who does the dhow in question belong to?  
A. Hasam Jamal and Co.

Q. What interest have you in the case?  
A. Representing owners of the cargo. Produce written statement Exhibit (A).

Q. How much of the sail was furled?  
A. I should say about 2 or 3 yards.

Q. Where did you find the wreck?  
A. Right in the steamer's fair way.

Q. How do you form your conclusion that the dhow was anchored?  
A. By seeing the sail furled.

Q. Can you give any evidence as to the position of the anchor?  
A. No.

Mr. Hasam Jamal called and states :-

Q. Are you owners of dhow Y.2?  
A. Yes.

Q. How long have you had her?  
A. 28 years.

Q. Where did you get her?  
A. From the Sultan of Brunei.

Q. What use is the dhow?  
A. Previous owner was using her for about 2 years.

Q. Was the Dhow Captain drowned?  
A. I believe so.

Q. What nationality was he?  
A. Swahili.

Q. What were your instructions from Smith Mackenzie?  
A. Carriers.

Q. When was it reported to you that the dhow had been sunk?  
A. On arrival of S. S. "Husinge" at Kisumu on the 24th October.

Q. Who informed you?  
A. Mr. Bellair of the S. O. I.

Q. Did you go down on the "William Mackinnon" salvage operation?  
A. No.

Q. Who was in charge of the dhow and what was the length of his nautical experience?

A. Musa a Swahili - 5 years, that I am aware of.

Q. What were his instructions?  
A. To proceed Kampala as he pleased.

Q. What testimonials had the Captain?  
A. First working with Alidia Visram on Lake Victoria Nyanza and five years with me.

Q. Had he any instructions as to burning lamps at night?  
A. Had one lamp and oil. No special instructions.

Q. Do you instruct the dhow Serang or do you leave everything to the dhow Serang?

A. Some-time back I instructed my Captain to keep his lamp outside.

Q. Can you give me the names of the crew?  
A. No.

Q. Do you know if the beharrias had any nautical experience?  
A. No. I do not know.

Q. What value do you place on the dhow?  
A. Rs. 2,000 but 3,500 Rupees to replace it.

Q. At what figure did you buy it?  
A. 1,700 Rupees 2 1/2 years ago.

Q. Was the dhow or cargo insured?  
A. The dhow was not insured and I did not insure the cargo.

What nationality was he ?  
A Swahili.

What were your instructions from Smith Mackenzie ?  
Carriers.

When was it reported to you that the dhow had been sunk ?  
On arrival of S. S. "Kusilaga" at Kisumu on the 24th October.

Who informed you.  
Mr. Bellerini of the S. S. I.

Did you go down on the "William Mackinnon" salvage operation ?  
No.

Who was in charge of the dhow and what was the length of his nautical experience ?  
A Swahili - 5 years, that I am aware of.

What were his instructions ?  
To proceed Kampala as he pleased.

What testimonials had the Captain ?  
First working with Alfidia Visram on Lake Victoria Nyanza and five years with me.

Had he any instructions as to burning lamps at night ?  
Had one lamp and oil. No special instructions.

Do you instruct the dhow Serang or do you leave everything to the dhow Serang ?  
Some-time back I instructed my Captain to keep his lamp outside.

Can you give me the names of the crew ?  
No.

Do you know if the beharries had any nautical experience ?  
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What value do you place on the dhow ?  
Rs. 2,000 but 3,500 Rupees to replace it.

At what figure did you buy it ?  
1,700 Rupees 2 1/2 years ago.

Was the dhow or cargo insured ?  
The dhow was not insured and I did not insure the cargo.

Mr. Marsh Acting Commander S. S. "Husings" called.

- Q. Were you Commander S. S. "Husings" on 24th October?  
 A. Yes.
- Q. Tell us what happened on morning of 24th.  
 A. I passed Ulugi Pt. at 2 a.m. 24th October; 2.20 a.m. struck a dhow - no light showing on dhow - I stopped the engine, dropped life buoy over board, called Chief Officer and crew-turned ship - lowered away two boats as soon as I heard a man singing out - proceed after the boat slowly and then anchored. Boat returned with one survivor - after making search for 4 hour boats were hoisted and ship proceeded to Kisumu.
- Q. Who was on the bridge - at the time of accident?  
 A. Myself, Quarter Master Alfani, lookout man Agijia.
- Q. Was there a moon?  
 A. About half moon.
- Q. Did you see dhow before striking?  
 A. No.
- Q. Did you notice any lights on the dhow?  
 A. None.
- Q. Was the dhow under way or stationary?  
 A. I could not say.
- Q. Are you suppose to sail at night?  
 A. Letter of Instructions from Marine Superintendent handed in Exhibit "R".
- Q. Were you on the official course?  
 A. Yes.
- Q. What do you understand by the phrase in the Marine Superintendent's instructions "whether permitting"?  
 A. That if sea and other conditions are not too bad every effort must be made to comply with instructions.
- Q. Would low visibility stop you?  
 A. No.
- Q. What was your speed at the time?  
 A. 7 1/2 to 8 knots.
- Q. Did either the Quarter Master or the lookout report the dhow?  
 A. No.
- Q. What position was the dhow in when you struck?  
 A. N. bow of Sentinel Island.
- Q. I understand there is a general prohibition against running at night, was you given the authority?  
 A. Section 42 of Rules and Regulations for the Marine Department.
- Q. Who has authority to make exception?  
 A. The Marine Superintendent.
- Q. Under what circumstances has he powers to make exception?  
 A. His own discretion.

- Q. What were the circumstances that made night running a necessity on that voyage?
- A. One ship was doing the work of two.
- Q. Have you noticed dhows sailing at night without light?
- A. Yes.
- Q. Do you know of any law governing light for dhows?
- A. No, simply custom.
- Q. Do you consider that the Marine Superintendent's instructions order you to steam 24 hours a day weather permitting?
- A. Yes.
- Q. Does that mean an officer has to be on the bridge the whole time?
- A. Yes.
- Q. What should be the complement of Officers on Lake Victoria Steamers?
- A. One Commander and two Officers.
- Q. What was the ship's complement that night?
- A. Commander and Chief Officer.
- Q. How many hours work had you and your Officers completed 24 hours prior to your arrival?
- A. On 23rd October work commenced 6 a.m. at Jinja. Chief Officer in charge. Cargo work finished 1.30 p.m. ship sailed 2 a.m. when I took charge remained on duty myself until 9 p.m. Chief Officer then took over. I relieved him again at midnight continued on duty until arrival at Kisumu 8.15 a.m. 24th October.
- Q. What were you doing between 6 am. and noon on the 23rd?
- A. Was not actually on duty but unable to rest because of cargo work. I had three hours rest out of 26 hours.
- Q. Owing to your receiving orders to run at night, did you apply for an extra officer?
- A. It was no use applying - there are none.
- Q. Why did you keep the lookout man on the bridge?
- A. Because of the number of deck passengers and also the certainty of his being awake.
- Q. Had the dhow been more substantially built would you have suffered damage?
- A. Yes.
- Q. You were carrying passengers and by your boat suffering damage would their lives have been endangered?
- A. Yes.
- Q. Had there been a spare officer would he have been allotted to you?
- A. Yes. I think so.
- Q. Can you tell how you found the dhow on the sound?
- A. I should imagine heard on.
- Q. What was your draft forward?
- A. Aft 2.6 - Forward 2.6 to 3.0.



- Q. What were the circumstances that made night running a necessity on that voyage?
- A. One ship was doing the work of two.
- Q. Have you noticed dhows sailing at night without light?
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- Q. Do you know of any law governing light for dhows?
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- A. Yes.
- Q. You were carrying passengers and by your boat suffering damage would their lives have been endangered?
- A. Yes.
- Q. Had there been a spare officer would he have been allotted to you?
- A. Yes. I think so.
- Q. Can you tell how you took the dhow from the sound?
- A. I should imagine head on.
- Q. What was your draft forward?
- A. Aft 7.5 - Forward 2.5 to 3.0.

- Q. Does that obscure your views ?  
A. Yes.
- Q. What distance is obscured ship being in that trim ?  
A. About 80 to 100 yards.
- Q. Did your Chief Officer see the dhow or wreckage after striking ?  
A. Reported he saw a small amount of wreckage.
- Q. How soon were the boats lowered away.  
A. In about 5 minutes and the survivor was in the boat within ten minutes of striking.
- Q. How long were the boats away ?  
A. Half an hour searching.
- Q. Did you thoroughly satisfy yourself that there were no survivors claiming to wreckage?  
A. The Chief Officer reported no more survivors.

Alfania, Quarter Master S. S. "Alfania" states:

I went on duty at 11 p.m. about 2.30 pm. I could not see ahead because of a sort of mist like smoke. I heard noise of the ship crashing into something and I received an order to port. The Captain blew a whistle because we heard someone crying in the water.

The Captain told the boats to fall quickly and Mr. McCallum went into the boat and took the man out of the water. The ship anchored but we saw nothing so we weighed anchor and went on.

Q. Did you see any light ?

A. I did not see any lights.

Q. Did you see the dhow ?

A. No.

Q. Who else was on the bridge besides you ?

A. The Captain and the lookout Agijia.

Q. Where was the Captain when she struck ?

A. Next to me and I was at the wheel.

Q. Did you feel any shock ?

A. I heard it. It was just as if we had gone aground.

Q. Did you see any dhows with lights that night ?

A. Yes. I saw one, after the collision.

Q. How many men did you hear in the water ?

A. I heard the cries of two, that was just after the collision and before we turned.

... bin ... and states :-

An employed by Hassan bin Jamal as a sailor. We were sailing at night under full sail and the Serang had the tiller. All of us were asleep except the Serang. All at once we were hit by the "Rusings". I woke up in the water and found the dhow had sunk with all my companions.

Only the mast head was showing. I got hold of a bit of wood and made a noise and kept on shouting until the "Rusings" boat came and took me in. I was taken to the Captain who questioned me and I told him that there were five of us and I was the only one left. I told him that our cargo was 400 tons of oil. I did not see the "Rusings" coming. I was asleep.

- Q. Is it usual to sail at night ?
- A. Yes, all dhows do.
- Q. At what time did you go to sleep ?
- A. At about 9 p.m.
- Q. Do you know if there were any lights showing on the dhow ?
- A. Yes a lamp was kept burning in the bottom of the dhow for the benefit of the man baling.
- Q. Could the dhow have been anchored without your knowledge ?
- A. No, we should all have been called to assist.
- Q. Was the dhow a strong one ?
- A. Did not reply.

Mr. McGuffey Acting Chief Officer "Lansing" fitted.

643

How long have you been in the Canada Railway service?  
Since July.

How many times have you been on the same course off Sentinel  
Island?

About 5 or 6 times.

Do you remember the "Lansing" colliding with the dhow?  
Yes.

Where were you at the time?

I was in my cabin off duty - half dressed.

What orders did you get from the Commodore?

He came to the door told me he had struck a dhow and told me to  
get out and lower the boats as quick as possible and pick up  
survivors if any.

How long did it take you to get the boats in the water?

Boats in the water and men picked up in five or seven minutes.

Did you feel the collision?

No.

Were you asleep or awake?

I was asleep.

Did the "Lansing" steerage way when boats were lowered?  
Yes.

How many natives did you pick up?

One.

Did you see anything of the dhow?

No, but I saw some wreckage.

Was there any reason for your not addressing?

It is my mission to keep handy in case I am required.

Can you give further particulars as to wreckage?

Some tins of oil, grass ropes, nothing larger than a 3 foot spar.

Are you conversant with the Lake course so to be able to take  
the steamer yourself if required?

Yes.

Was it an exceptionally dark night?

Very dark cloudy, moon obscured 4 a.m.

How many men did you hear shouting?

One.

Did you rescue him?

Yes, and he informed me that there was no one else but I still  
continued searching.

What was the name of the dhow?

About 200 but am not certain.

Did the condition of draft obscure the lookout from bridge in  
any way?

Yes.

For how far?

About 100 yards.

Do you agree that it is better to keep a lookout on the

Bridge sooner than in the bows?

Yes, because if the lookout is kept forward would probably  
be asleep or chatting with the deck passengers.

Had the lookout man been working cargo previously at Jinja?

No, he came on duty at 6 pm.

FINDING.

We are of opinion that the dhow had no lights showing, and was run down in the early morning of the 24th October 1918, at 2.20 a.m. by accident at a point No. 60 W. 1' Sentinel Island.

No blame is attached to the Commander who was Officer of the watch.

Weather was overcast with low visibility which would make it impossible to see the dhow at a distance; whilst nearer vision was excluded by the relative height of the bows to the bridge.

The accident was caused partly by the absence of any laws with reference to lights on vessels plying on Lake Victoria Nyanza.

We consider the prompt action of the Commander and Chief Officer in getting away the boats is highly commendable, and that everything that could possibly have been done was accomplished.

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant R. N. N.

(SIGNED) A. B. CAMERON,  
AG. A. T. N.

REMARKS.

That in view of such accidents, sailing by night should be reduced to a minimum; until navigation laws for Lake Victoria Nyanza have been promulgated.

Blue print of chart attached showing position of accident (Sentinel Island).

(SIGNED) C. BUNBURY,  
Actg. D. E.

(SIGNED) J. MARSHALL,  
Lieutenant, R. N. N.

(SIGNED) A. B. CAMERON,  
AG. A. T. N.





Liguanu, 30th October, 1918.

Report of the wrecked schooner "Kavirondo" and its cargo of kerosene oil, sunk on the 27th instant at 2.30 p.m. in Kaviroko Gulf off Bougainville Island.

1. Geoffrey Batters, manager of the firm of Messrs. Smith Mackenzie & Co., on behalf of Principals and/or Superintendents of the cargo of 400 tons of Crown Kerosene Oil assigned to Kimpaka Sub Agency in conjunction with Messrs. Hargreaves & Co., owners of the show "Kavirondo" (Kavirondo) registered No. 2, and the S.S. "William Mackinnon" and sailed from Liguanu, on board the steamer on the 27th instant at 7.30 a.m. A faintly reported wreckage was observed at about 6.00 p.m. on the same day. On the 28th at 7.00 a.m. a boom of what appeared to be a sail-yard sighted. It was ascertained that the mainmast, with its sail-yard broken away from the show, however, a rope, still attached to the mast, was stowed by two native crew in a cage with the anchor of the sunken show which I believe is correct, and also is the opinion of the skipper of the "William Mackinnon". It was very difficult to locate the show in a depth of 40 feet; a grappling hook made fast to 50 feet of rope was dropped from the stern of the "William Mackinnon" and sent in unsuccessfully for about two hours. A buoy which circled round and round wreck at about 400 yards progressively in several places and caught wreck at about 10.00 a.m. about 40 feet. Show brought up by its stern, its name "Kavirondo" Liguanu Y2 plainly visible. Up to 6 p.m. unsuccessful efforts were made to raise the rest of the wreck; 27 tons of oil was collected, floating, which had escaped from the show when it was broken up by the steamer, steaming astern to tow the wreck. Two natives they saved and reported that only half of the show was there and no further cargo inside. Wreck was then taken up at 6 p.m. At 6 a.m. on the 29th instant wreck was brought up and towed off Kaviroko Island (Navy) and sunk in 30 fathoms at 11 a.m. with a buoy consisting of 4 pieces of timber, as it was considered of no further use trying to raise the wreck. A letter addressed to the skipper of the "William Mackinnon" was sent to the local native chief, with instructions to collect all stranded and floating live cargo and to report the same to the local native chief. Smith, Mackenzie & Co., at Liguanu. The S.S. "William Mackinnon" sailed again at 11 o'clock, returning to Liguanu at 6 p.m. the same day.

Useless efforts were made by the skipper to raise the show of the show "Kavirondo" with the steamer's stern winch, but the anchor rope and its support broke.

It would appear, on account of the impossibility to raise the anchor of the "Kavirondo" that the show was at anchor when the "Kavirondo" collided with it, and it may be possible to confirm this belief through the fact that a certain portion of the show will be applied to the mainmast.

R. H. Hargreaves, Hargreaves & Co.'s representative was on board the S.S. "William Mackinnon" and he signs below corroborating this report.

R. D. Smith, Mackenzie & Co.  
 Sd. G. Batters.  
 R. Hargreaves.

..... Silvester.  
 A.D.C.

56867/20

Kenya

28

29 Dec. 1920

Sir

**DRAFT.**

S. Inceps Office - and 3396/21  
Secretary  
Board of Trade

I am etc. to request you to inform the

17 Earl Curzon of Kedleston

Board of Trade that he has had under  
consideration the question of introducing legislation

**MINUTE.**

- Mr. Spranger 20 16 20
- Mr. Bottomley 24
- Mr.
- Mr. Grindle.
- Sir H. Lambert.
- Sir H. Read.
- Sir G. Fiddes.
- Cpt. Amery
- Lord Milner

Copy for Kenya 731 - 9 May 21 2121/21 EA 939/21

to control the steamers & shows navigating  
Lakes Victoria Nyanza & Kioga in E. Africa.

2. The provisions as to navigation on the Lakes  
situated within the territories specified

Article 5 (including the eastern zone of Article  
11 of the General Act of Berlin) are contained in  
Articles 6-9 of the Convention signed at St. Germain  
en-Laye on the 17th Sept. 1919.

for

for ships of the flag, houses & other  
incidents of the flag, and  
as here to be concerned free from any  
duty or duties, except such as may be required  
for services rendered to navigation, and articles & definitely  
resolving to have to do with safety & control of navigation

3. ~~That~~ ~~the~~ ~~provision~~ ~~that~~ ~~there~~ ~~is~~ ~~nothing~~  
in ~~the~~ ~~articles~~ ~~which~~ ~~would~~ ~~prevent~~ ~~or~~ ~~opposing~~  
~~regulations~~ ~~designed~~ ~~to~~ ~~make~~ ~~for~~ ~~the~~ ~~safety~~ ~~navigation~~

3. I am to enquire whether <sup>in</sup> <sup>the</sup> <sup>case</sup> <sup>of</sup> <sup>land</sup> <sup>navigation</sup> <sup>was</sup>  
directed to the <sup>Board</sup> <sup>to</sup> <sup>enquire</sup> <sup>whether</sup> <sup>the</sup> <sup>Board</sup> <sup>shall</sup> <sup>any</sup>  
that is.  
in relation to the <sup>provision</sup> <sup>of</sup> <sup>the</sup> <sup>Act</sup> <sup>in</sup> <sup>Council</sup>  
made for <sup>the</sup> <sup>purpose</sup> <sup>of</sup> <sup>the</sup> <sup>Act</sup> <sup>1890</sup> <sup>enabling</sup>  
the <sup>Board</sup> <sup>to</sup> <sup>make</sup> <sup>rules</sup> <sup>for</sup> <sup>the</sup> <sup>safety</sup> <sup>&</sup> <sup>control</sup> <sup>of</sup> <sup>navigation</sup> <sup>on</sup>  
these two lakes.

4. I am to enquire <sup>further</sup> <sup>whether</sup>, in the <sup>cases</sup> <sup>of</sup> <sup>land</sup> <sup>navigation</sup> <sup>and</sup>  
water-in-Council being issued, the Board can settle  
that the enclosed <sup>clauses</sup> <sup>shall</sup> <sup>be</sup> <sup>made</sup>

6/21/1901