

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of The  
Steamship "Nord Kap" v. The Steamship  
"Sandhill," from Her Britannic Majesty's  
Supreme Consular Court, Constantinople ;  
delivered 28th July 1894.*

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Present :

LORD WATSON.

LORD MACNAGHTEN.

LORD MOERIS.

LORD SHAND.

SIR RICHARD COUCH.

[*Delivered by Lord Macnaghten.*]

This is an appeal from a judgment and from two decrees or orders of the acting Judge of Her Majesty's Supreme Consular Court, Constantinople, sitting in Vice Admiralty in a cause of collision brought by the "Nord Kap" against the "Sandhill" and in a cross cause brought by the "Sandhill" against the "Nord Kap."

The two causes were heard at the same time and upon the same evidence. Only one judgment was delivered but separate decrees or orders were made.

The collision occurred in the Bosphorus about mid-day on Sunday the 12th of February 1893.

The "Nord Kap" is a Danish steamship about 250 feet in length. The "Sandhill" is a British steamship of 1,335 tons register. The length of the "Sandhill" is not stated in the evidence nor

is the tonnage of the "Nord Kap." It was assumed that the two vessels were of about the same length and tonnage.

The two vessels entered the Bosphorus from the Black Sea about 11.30 a.m. the "Nord Kap" on the Asiatic side the "Sandhill" on the European side and a little in advance. Both vessels were making for Kavak Bay for the purpose of obtaining pratique and taking a pilot on board.

Kavak Bay is on the Asiatic side of the Bosphorus immediately below Kavak Point which is about one mile from the entrance from the Black Sea. There is a quarantine establishment there. All vessels bound for Constantinople as these vessels were are required to obtain pratique at Kavak Bay.

The "Sandhill" was coming down the Bosphorus at half-speed. Finding that the "Nord Kap" was gaining upon her the master of the "Sandhill" put on full speed and then when he had got a lead of about two lengths he slackened speed again and the "Nord Kap" going a little faster somewhat lessened the distance.

On nearing Kavak Point both vessels seem to have eased and then stopped their engines.

A current sets through the Bosphorus from the Black Sea. There is no evidence as to the strength of the current at the time of the collision. It was assumed to be running at about the rate of two miles an hour, an estimate probably below the mark.

The position of the vessels at Kavak Point seems to have been this:—The "Nord Kap" was still on the Asiatic side about two lengths from the shore. The "Sandhill" was about a length and a half from the "Nord Kap" on her starboard bow and about a length in advance. Neither vessel had much way on, both intending

to bring up in Kavak Bay. But the "Nord Kap" was moving perhaps a little faster than the "Sandhill."

The "Sandhill" then starboarded meaning to cross the bows of the "Nord Kap" and to select her own position in the Bay regardless of the situation of the "Nord Kap." The "Nord Kap" starboarded also meaning to keep the inside position, and moved her engines two or three revolutions to get steerage way. Then finding that there was no room to go inside and that the "Sandhill" was actually crossing her bows she reversed her engines. But before she could get any stern way on she ran into the "Sandhill" about the fourth hatchway and both vessels were injured.

The acting Judge who had not the assistance of nautical assessors found that the "Nord Kap" alone was to blame.

Their Lordships' opinion is that neither vessel can be absolved from blame. Each vessel was intent on taking up the most favourable position. The view of the master of the "Sandhill" was that as he had reached Kavak Point before the "Nord Kap" he was master of the situation. "I did not notice "her" he said "we don't take a following steamer "in consideration; we look out ahead. She "looks out for herself." In crossing the bows of the "Nord Kap" he executed a most dangerous manœuvre—a manœuvre rendered doubly dangerous by the proximity of the land the set of the current and the fact that neither vessel had on it much steerage way. The "Sandhill" was to blame in the first instance. But their Lordships are also of opinion that the master of the "Nord Kap" was not free from blame. If he had not been so intent on cutting out the "Sandhill" and had reversed at once when the object of the "Sandhill's" manœuvre

was or ought to have been apparent to him the probability is that the collision would have been avoided.

Their Lordships think that the orders of the Consular Court should be discharged, that both vessels should be pronounced to have been in fault, and that the causes should be remitted to the Consular Court for the purpose of ascertaining damages upon that footing, and that there should be no costs in the Court below or of the Appeal to this Board.

Their Lordships will therefore humbly advise Her Majesty accordingly.

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