

(No S. 360)

Steam Trawler "LOYAL"

THE MERCHANT SHIPPING ACT, 1894.

REPORT OF COURT.

In the matter of a Formal Investigation held at the Town Hall, Grimsby, on the 16th, 17th, 18th, and 20th days of January, 1934, before Joseph Smith, Esquire, assisted by Lieutenant-Commander F. S. Murray, R.D., R.N.R., Captain W. E. Whittingham, O.B.E., R.D., R.N.R., and William Addy, Esquire, D.S.C., into the circumstances attending the stranding of the steam trawler "Loyal," of Grimsby, at Vadholmen, West Fjord, Norway, on the 22nd November, 1933.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in Annex hereto, and in the answers to the questions submitted by the Board of Trade, that the stranding of the "Loyal" was due to the default of the skipper, Sidney Sparkes, and that the loss of the life of Charles William Moore was a consequence of the stranding but immediately caused by the second hand and other members of the crew jumping together on to the gunwale of the ship's boat without orders, causing it to capsize.

The Court suspends the certificate as skipper of a steam fishing vessel (No. 18,845) of Sidney Sparkes for a period of six months, and refuses an application for a certificate of a lower grade during the period of suspension.

Dated this 20th day of January, 1934.

JOSEPH SMITH,
Judge.

We concur in the above Report.

FRANK S. MURRAY,
W. E. WHITTINGHAM, } *Assessors.*
WILLIAM ADDY,

Judgment.

As a result of the answers to the questions submitted by the Board of Trade, and having carefully inquired into the circumstances attending the casualty, the Court finds, for the reasons which will be stated in the Annex to the Report which will be forwarded to the Board of Trade, that the stranding of the vessel was caused by the default of the skipper, Sidney Sparkes, and finding so, the Court suspends his certificate for six months from the date hereof.

Mr. Malcolm Collinson, on behalf of the skipper, addressed the Court, and made application that a certificate of a lower grade should be granted to Skipper Sparkes during his period of suspension.

The President, in replying to Mr. Collinson's application, stated that he thought Mr. Collinson must realise that the application he had made could not be granted. The President stated that it was useless for the Court to suspend the certificate of a skipper for a grave act of carelessness if they gave him the certificate of a second hand, as that would mean possibly that the "Loyal" might sail with the present second hand as skipper, and this skipper as second hand, and as that would amount to no punishment at all he must refuse the application for a lower grade certificate.

Annex to the Report.

This Inquiry was held at the Town Hall, Grimsby, on the 16th, 17th, 18th, and 20th days of January, 1934.

Mr. Walter West, Solicitor, of Grimsby, appeared for the Board of Trade, Mr. H. S. Bloomer, Solicitor, of Grimsby, appeared for the owners and underwriters of the "Loyal," the Loyal Steam Fish-

ing Company, Limited, and the Grimsby Steam Fishing Vessels' Mutual Insurance and Protecting Company, Limited, respectively, and Mr. Malcolm Collinson, Solicitor, of Grimsby, appeared for the skipper of the vessel, Sidney Sparkes.

The "Loyal," official number 160,963, is a steel single screw trawler, ketch-rigged, built by Messrs. Cook, Welton and Gemmell, Limited, of Beverley, in the year 1929. Her tonnage is 325.61 gross and 132.57 net register. She is fitted with reciprocating steam triple expansion engines of 91 horse power nominal, giving her a speed of 10 knots. Her registered dimensions are as follows:—

Length	137 feet 2 inches.
Breadth	23 feet 6 inches.
Depth	12 feet 7 inches.

She is constructed with four bulkheads and carried a crew of 14 hands including the skipper, Sidney Sparkes, whose certificate is No. 18,845.

The "Loyal" carried one lifeboat fully equipped, which was stowed aft on chocks. She also had life-buoys and belts in accordance with the regulations. She had on board charts necessary for sailing to Iceland and also Blue Back Chart No. 99, Norway to Lapland, and one volume of Admiralty Arctic Pilot, which did not deal with the Norwegian fjords. She was fitted with three compasses, one overhead in the wheelhouse, one pole compass on the verandah outside the wheelhouse forward, and a spare compass in the roof of the chartroom under the wheelhouse, and fitted over the skipper's bunk.

The overhead compass by which the vessel was steered, and the pole compass, were last adjusted by Messrs. H. A. Johannessen (Grimsby), Limited, on the 31st March, 1933, and a deviation card applying to both compasses, was supplied to the skipper.

The card showed no deviation on the overhead compass, but on the pole compass showed a deviation of one-quarter to one-eighth of a point on S.S.E., S. by E., and southerly and westerly courses.

The "Loyal" was equipped with steam-steering gear and carried an echometer patent sounding machine, three deep-sea leads with lines, and three patent logs.

The skipper was asked if he checked his compasses by observation, and stated that he did so, but the Court is in some doubt as to whether he had done so, and comes to the conclusion that no observation had been made and that the skipper did not know or apply any correction on southerly courses.

The "Loyal" left Grimsby at 4 a.m. on the 31st October, 1933, on her intended voyage to the Bear Island fishing grounds, her draught at the time of sailing being 9 feet forward and 15 feet aft. She was well found and in good condition in all respects.

Before leaving Grimsby the skipper, Sidney Sparkes, had an interview with Messrs. Albert and William Butt, Junr., two directors of the company owning the "Loyal," who gave him instructions to proceed to the Bear Island fishing grounds by the outside course, keeping to the open water.

Mr. Albert Butt stated in his evidence that owners strongly objected to skippers going through the fjords, and for that reason did not supply large-scale charts of the fjords.

In cross-examination, he stated there might be circumstances compelling skippers to go inside and that in this case it was necessary for the "Loyal" to go to Tromsø for coal. This witness also stated that he knew it was the practice for vessels which had taken coal at Tromsø to continue on the inside passage, and he thought that the skipper of the "Loyal" was justified in so doing, but expressed the opinion that the skipper could have procured a chart at Lødingen.

After hearing the evidence of Mr. Butt, the Court is of opinion that in the circumstances the owners should have provided the skipper with a large-scale chart of the fjords, and recommends that trawlers proceeding to Bear Island should be supplied with such charts.

After leaving Grimsby, the "Loyal" proceeded down the Humber, and on reaching the mouth of

the river a course of N. $\frac{1}{4}$ W. was set for Rattray Head. After steaming on this course for about fifteen hours the wind, which had been fresh when they left the River Humber, increased, and the skipper decided that in view of the prevailing weather, it would be quicker to go through the Norwegian fjords; consequently when Rattray Head was abeam a course was set for the Outer Skerries from where the usual courses were set for Skomvaer in the Lofoten Islands.

The skipper admitted that he did not carry out the owners' instructions to "keep outside," and after reaching Skomvaer, entered the West Fjord and navigated his vessel up the fjord to Lodingen where he arrived just as darkness was setting in. The lights in the fjord were lit at the time and the skipper referred to having seen the Barøy Island Light on his way to Lodingen on the outward voyage, although it was daylight practically throughout the passage up the fjord to Lodingen.

A pilot was taken at Lodingen, and the vessel then proceeded through the fjords on her voyage to Bear Island. The pilot taken at Lodingen was dropped at Honningsvaag, and the vessel then proceeded to the Bear Island fishing grounds where she fished until the morning of the 19th November, 1933. A course was then set for Honningsvaag where a pilot was taken, after which the course was continued to Tromsø where the skipper stated he went for bunkers, having only 60 tons of coal left owing to bad weather, a quantity insufficient to bring the vessel to Grimsby.

The "Loyal" arrived at Tromsø during the afternoon of the 20th November, and according to the evidence, she had to wait about three hours before she was able to get bunkers. It took about three hours to complete the operation of taking in 40 tons of coal. The Court concludes that the vessel arrived in Tromsø at about 4 p.m. on the 20th November, 1933, and that she was ready to sail between 9 and 10 p.m. on the same day.

The evidence of all the ship's witnesses was to the effect that notwithstanding the fact that the "Loyal" was ready for leaving Tromsø at about 10 p.m. on the 20th November, 1933, she did not sail from there until about noon on the following day, the 21st November, 1933.

The skipper, in his evidence, advanced no reason for remaining in Tromsø after obtaining bunkers, but the second hand stated that the skipper informed him that there was no urgency in leaving Tromsø as he did not wish to land his fish at Grimsby before the Monday's market, meaning Monday, the 27th November, 1933. It was explained by the skipper that he considered the fish on board the vessel was less likely to deteriorate by remaining in Norwegian waters, but no explanation was offered as to why the vessel could not have proceeded at reduced speed.

The Court is of opinion that even accepting the skipper's reason for remaining at Tromsø, no allowance was made by him for adverse weather conditions, and that the time allowed by the skipper for steaming from Tromsø to Grimsby was only just sufficient for him to land for Monday's market providing conditions were favourable. The Court does not accept the explanation put forward as to why the vessel remained in Tromsø for some twelve to fourteen hours after being bunkered, and is of opinion that the skipper should have left Tromsø as soon as the bunkers had been obtained and by so doing he would have been passing through the West Fjord in daylight.

The "Loyal" with her pilot on board, left Tromsø about noon on the 21st November, 1933, and arrived at Lodingen at about 3 a.m. on the 22nd November, 1933, where she dropped her pilot, and at 3.20 a.m. proceeded on her voyage down the West Fjord.

The skipper, the second hand, and the deckhand, Preston, were in the wheelhouse. The skipper was in charge, the second hand at the wheel and the deckhand keeping a lookout.

When the vessel left Lodingen the skipper set a course of S.S.W. by the overhead compass, the

Barøy Island Light bearing S. by E., the vessel being in the fixed red sector at the time the course was set.

The weather was fine and clear, but dark; there was no wind and the sea was smooth. The skipper stated in evidence that there were occasional showers of rain but he made no reference to them in his deposition made at Grimsby on the 30th November, 1933.

The course of S.S.W. was set by the skipper after reference to Blue Back Chart No. 99, Norway to Lapland. The skipper stated that he laid his course on the chart above referred to, but the Court finds that this chart was quite inadequate for navigating the waters in which the vessel was.

At 3.50 a.m. the skipper estimated that Barøy Island Light was abeam and that it was from one to two miles distant. He took no bearings, but his estimate was approximately correct, the distance being about one and a quarter miles. The skipper stated that when the light was abeam he had entered the white occulting sector of the light, but he must have been still in the red sector although shortly afterwards the vessel entered the white occulting sector. In cross-examination the skipper admitted that there were other lights which should have been visible to him at the time, but said that he did not see any lights other than the Barøy Island Light.

After the Barøy Island Light was abeam the "Loyal" continued on the S.S.W. course for about ten minutes, when the course was altered to W.S.W.

The skipper in his evidence and also in his deposition stated that the course of S.S.W. was altered at 4 a.m. The second hand had no recollection of the time of alteration, and the deckhand, who had been keeping a lookout, stated that he relieved the second hand at the wheel at 4 a.m. and was given the course of S.S.W., which he steered until about 4.20 a.m. when it was altered to W.S.W.

The speed of the vessel on leaving Lodingen was between seven and eight miles per hour, the engines working full ahead and gradually working up to a full speed of nine and a half miles per hour.

The Court finds that the course of S.S.W. was steered until about 4.10 a.m., when it was altered to W.S.W. This course was an unsafe and improper course and took the vessel directly on to the rock on which she afterwards stranded.

Although no bearings were taken, it was stated in evidence that the skipper continued to watch Barøy Island Light by looking aft through the port after door of the wheelhouse. At the time the course was altered, the deckhand was at the wheel, the skipper being on the lookout at the starboard side front window of the wheelhouse, the second hand standing by him, but none of the other forward windows, of which there were five, was open.

Shortly afterwards, the second hand left the wheelhouse for a time. After his return to the wheelhouse, the skipper went down to his bunk for the purpose, he said, of consulting his chart for soundings, as the echometer, while appearing to be in working order and showing the light on the dial, was not recording. The second hand then went to the open window, but was only there two or three seconds, when he went to the companionway of the skipper's chartroom and sang out to the skipper for two tins of cigarettes. Immediately afterwards the vessel struck.

At that time the skipper was in his berth, the second hand at the top of the companionway, the deckhand at the wheel and no one on the lookout. The Court is of opinion that a good lookout was not kept.

After the vessel struck, the second hand rang the engines full speed astern, but she did not come off and commenced to list to starboard, and the engines were stopped by the skipper who had come up into the wheelhouse as soon as the vessel struck. The helmsman was ordered forward to see what was ahead, and he returned and reported that he could

see two small rocks, one on the port bow and one right ahead.

Soundings were at once taken with the hand-lead, and gave a depth of one and a half fathoms on the port side, and four to five fathoms on the starboard side aft.

The engines were again put astern, but they had no effect.

By this time the list had increased to 45 degrees, and the water was up to the fishroom hatch coamings on the starboard side, and the trawler being at a dangerous angle the skipper ordered the engineroom crew on deck, and the small boat to be launched. The whistle was blown for assistance, bedding was burnt on the forecastle head as a distress signal, and distress rockets were fired.

The boat was launched by knocking the chocks away and sliding the boat down a deck board which had been placed on the starboard rail.

When the boat was free to slide down the plank it was so hurriedly thrust into the water stern first that it became half filled with water. The second hand, who was in charge of the launching of the boat, ordered four of the deckhands to get into it and bale out the water, and four of the crew got into the boat and commenced baling.

While the soundings were being taken, and after the second attempt to get the vessel off by working the engines astern, the chief and second engineers, after making endeavours to get more water into the boiler and opening the furnace doors, came on deck and sat on the grating aft, and afterwards, while baling was still in progress, entered the small boat by orders of the second hand.

Evidence was given that when they came on deck, both engineers were dressed in firing boots, dungaree trousers, grey shirts and shore jackets and waistcoats. Very shortly after the engineers got into the boat, the trawler gave several lurches and settled further into the water, and the second hand and all the crew, with the exception of the skipper and third hand and two deckhands, jumped on to the gunwale of the small boat all together, without orders, and of their own volition, with the result that the small boat capsized, and all those in it were thrown into the water. The skipper and the third hand, and the two deckhands, who had remained on board the vessel, used every effort to rescue those in the water.

The second engineer stated that when the boat capsized he was thrown into the water with the other occupants of the boat, and that when he rose to the surface of the water he found he was under the upturned boat, but eventually and with great difficulty at the third attempt got from under the boat and found that although the boat capsized on the starboard side aft, he came to the surface on the port side aft. He, together with a deckhand, supported themselves on a bundle of oars, and having put the oars across the small boat, which had righted itself, climbed into it. A line was thrown from the trawler and the small boat was hauled round to the starboard side and the men were assisted on board by the third hand. He never saw the chief engineer after the boat capsized.

When all those who were to be seen had been got on board, it was found that Charles William Moore, the chief engineer, was missing, and undoubtedly he lost his life in consequence of the capsizing of the boat. He was not seen by anyone after the capsizing of the boat, and although every effort was made to find him, and all the decklights were on, the dynamo continuing to run all the time, the search was unsuccessful.

Shortly afterwards, the vessel, which continued to move from time to time, gave a heavy lurch and righted herself, but, when the engines were again put astern, still refused to move.

An interior examination of the vessel showed that she was not making any water with the exception of a slight trickle in the fishroom.

About two hours after the stranding, a small coasting steamer came along in answer to the vessel's signals of distress, and a warp being passed to her, she endeavoured to tow the vessel off, trying from both stem and stern for about twenty minutes. Eventually the rope parted, and she gave up the attempt and proceeded on her way.

About 8 a.m. the salvage steamer "Ula" arrived with a diver on board. The diver went down and reported that the vessel was very little damaged. The "Ula" then made fast to the stern of the vessel and after towing for ten minutes the vessel came off, and at about 11 a.m. proceeded to Lodingen under her own steam with the "Ula" in attendance, and arrived there between 2 and 3 p.m.

A further examination was then made by the diver, after which Lloyd's agent granted the vessel a certificate of seaworthiness, and at 1.30 a.m. on the following day, the 23rd November, she left Lodingen, and proceeding through the South Fjords under the charge of pilots to Koppervoik, where the pilots were discharged, arrived at Grimsby in due course at 1 a.m. on the 28th November.

Having regard to the fact that the vessel's full load of 220 tons of bunker coal might well prove insufficient for the voyage to Bear Island, the term of fishing there, and the return journey, and to the fact that the owners knew that the usual place to replenish the supply was Tromsø, and that it was the practice of skippers coaling at Tromsø to continue the voyage down the northern part of the fjords, the Court is of opinion that the owners were remiss in not supplying the vessel with a large-scale chart to enable the skipper to navigate the vessel from Lodingen, the southern limit of the compulsory pilotage area, through the West Fjord to the open sea.

With regard to the skipper, the Court is further of opinion that as he had no sufficient previous knowledge of the locality, he was greatly to blame for leaving Lodingen without a large-scale chart which would have enabled him to lay off safe courses through the West Fjord to the open sea and would have shown him what lights to look out for and their position.

For the reasons stated above and in the answers to the questions submitted by the Board of Trade, the Court is of opinion that the stranding of the "Loyal" was due to the default of the skipper, Sidney Sparkes, and that the loss of the life of the chief engineer, Charles William Moore, was a consequence of the stranding, but that the immediate cause of the loss of life was the capsizing of the ship's boat, which was brought about by the second hand and several other members of the crew jumping together on to it in an improper manner and without orders.

After the evidence had been heard, Mr. Walter West, for the Board of Trade, submitted the following questions for the consideration of the Court:—

Questions.

(1) When the steamship "Loyal" left Grimsby on the 31st of October, 1933, was she in good and seaworthy condition?

(2) What charts and "Admiralty Pilots" had she on board when she left Grimsby on the 31st October, 1933? Were such charts and "Admiralty Pilots" properly corrected up to date?

(3) What compasses did the vessel carry and where were they situated? When and by whom had they last been professionally adjusted? Were deviation cards supplied to the skipper after such adjustments?

(4) Were the compasses sufficient for the safe navigation of the vessel? Had the skipper corrected the compasses by observation from time to time and did he know the proper corrections to apply to the compasses?

(5) Had the skipper received from the owners of the vessel any, and if so what, instructions as to navigating the vessel through the Norwegian fjords?

(6) Did the owners of the vessel provide the skipper with adequate charts and "Admiralty Pilots" to enable him to navigate the fjord, in which the vessel stranded, with safety?

(7) When did the vessel leave Lodingen on the voyage in the course of which she stranded?

(8) When the vessel left Lodingen had the skipper at his disposal on board adequate charts and "Admiralty Pilots" to enable him to navigate the vessel from Lodingen to the sea? If not, was he justified in undertaking the voyage on the sources of information which were on board the vessel?

(9) What was the distance and bearing of Barøy Island Lighthouse when it was first seen?

(10) At what distance was the vessel from Barøy Island Light when it was abeam? Was this distance ascertained by taking proper and adequate bearings or was it merely estimated?

(11) Was any, and if so what, alteration in the course made after the vessel passed Barøy Island Light? Was the course set after passing the light a safe and proper one?

(12) Was a good lookout kept on board the vessel?

(13) Was the vessel navigated with proper and seamanlike care?

(14) When and where did the vessel strand?

(15) What was the cause of the vessel stranding?

(16) After the vessel stranded did she develop any, and if so what, degree of list?

(17) Did the skipper order the vessel's boat to be lowered? If so, was the boat lowered with proper and seamanlike skill?

(18) Did water enter the boat when it was lowered and, if so, were proper steps taken to bale the water out of her?

(19) Who embarked in the boat after she was lowered? Did they embark by orders of the skipper or of their own volition?

(20) What happened to the boat and those who embarked in her after she was lowered?

(21) Did anyone, and if so who, lose his life after embarking in the boat?

(22) Were the stranding of the s.t. "Loyal" and the subsequent loss of life caused or contributed to by the wrongful act or default of Sidney Sparkes, the skipper of the vessel?

Answers.

(1) When the steam trawler "Loyal" left Grimsby on the 31st October, 1933, she was in good and seaworthy condition.

(2) When the "Loyal" left Grimsby, she had on board one Blue Back Chart, No. 99 Norway to Lapland, corrected to 1st October, 1933, and a volume of the Admiralty Arctic Pilot, but this volume did not deal with the Norwegian fjords. She also carried the 1933 edition of Olsen's Fisherman's Almanack.

(3) The vessel carried three compasses; (1) an overhead compass fitted in the roof of the wheelhouse and by which the vessel was steered; (2) a pole compass on the verandah outside the wheelhouse forward, and (3) a spare compass in the chart-room fitted over the skipper's bunk.

The wheelhouse, overhead and pole compasses were last adjusted by Messrs. H. A. Johannessen (Grimsby), Limited, compass adjusters, of Fish Docks, Grimsby, on the 31st March, 1933.

(4) The compasses were sufficient for the safe navigation of the vessel. The skipper stated that he corrected his compasses by observation, but the Court is not satisfied that he had done so. The skipper did not know of, or apply, any corrections.

(5) The skipper had received orders from the owners to proceed to Bear Island keeping in the open water outside the Norwegian fjords. The skipper had no instructions as to navigating the vessel through the Norwegian fjords.

(6) No, the owners of the vessel did not provide the skipper with adequate charts and editions of the Admiralty Pilot to navigate the fjord in which the vessel stranded, with safety.

(7) The "Loyal" left Lodingen at about 3.20 a.m. on the 22nd November, 1933.

(8) The skipper was not justified in undertaking the voyage from Lodingen to the sea on the sources of information which were on board the vessel.

(9) On leaving Lodingen a course of S.S.W. was set. The bearing of Barøy Island Light was at that time S. by E. The skipper did not know the distance of the light when first seen, but the Court finds it was three and three-quarter miles distant.

(10) When Barøy Island Light was abeam, the distance of the vessel from it was approximately one and a quarter miles. The distance was not ascertained by taking proper and adequate bearings, but was merely estimated. The estimate was, however, correct.

(11) The course of S.S.W. was continued for about ten minutes after passing the Barøy Island Light, and was then altered to W.S.W. which was not a safe and proper course for passing through the West Fjord.

(12) A good lookout was not kept on board the vessel.

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

(14) The vessel stranded on one of the rocks to the southward and westward of Vadholmen in the West Fjord, Norway, at about 4.50 a.m. on the 22nd November, 1933.

(15) The causes of the stranding were as follows:—

(i) Continuing on the W.S.W. course set ten minutes after passing Barøy Island Light, when that course had become unsafe and improper;

(ii) The lack of acquaintance of the skipper with the locality he was navigating;

(iii) The insufficiency of the only chart he had on board by reason of the smallness of the scale;

(iv) The failure of the skipper to observe the lights in the vicinity.

(16) After the vessel stranded she developed a list of about 45 degrees to starboard.

(17) The skipper did order the boat to be launched. The boat was not launched with proper and seamanlike skill.

It was launched on the rail with the aid of a plank and was so hurriedly thrust into the water that the stern went under, and when the boat righted it was half full of water. The Court is of opinion that it would have been better to use the derrick provided for the purpose.

(18) A considerable quantity of water entered the boat when it was launched.

Proper steps were taken to bale the water out of the boat, the second hand of the vessel ordering four members of the crew into the boat for this purpose.

(19) While baling was going on the chief and second engineers embarked in the boat in accordance with the orders of the second hand. Shortly after this, and before the baling was finished, the trawler gave a lurch and thereupon the second hand and several members of the crew, of their own volition and without orders, jumped together on to the gunwhale of the small boat.

(20) When the members of the crew referred to in the previous answer jumped on to the boat it capsized, throwing the occupants and those who jumped, into the water.

(21) The skipper and the third hand, and two other members of the crew who had remained on board the vessel, used every effort to rescue those in the water, but it was found when all those who were to be seen had been got on board, that Charles William Moore, the chief engineer, was missing, and undoubtedly he lost his life in consequence of the capsizing of the boat.

(22) In the opinion of the Court, the stranding of the steam trawler "Loyal" was caused by the grave default of the skipper, Sidney Sparkes.

The subsequent loss of the life of Charles William Moore was a consequence of the stranding, but was immediately caused by the capsizing of the ship's boat which was brought about by the second hand and several members of the crew embarking in it without orders and in an improper manner.

Joseph Smith, *Judge*.

Frank S. Murray,
W. E. Whittingham, } *Assessors*.
William Addy,

(Issued by the Board of Trade in London
on Monday, the 26th day of February, 1934.)

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