

(No. 782.)

“COUNTY OF DENBIGH.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Chancery Court, St. George's Hall, Liverpool, on the 11th of November 1880, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain FORSTER and Captain CASTLE, as Assessors, into the circumstances attending the supposed loss of the British sailing ship “COUNTY OF DENBIGH,” of Liverpool.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed,—

- 1. That the position of the load-line was fixed by the order and with the knowledge and sanction of the managing owner, but that it is not clear whether it was fixed at 3 feet 6 or at 3 feet 11½ below the lowest point of the deck.
- 2. That the cargo was properly stowed.
- 3. That the vessel, although very deeply laden, cannot be said to have been dangerously overladen, and that such deep lading appears not to have been done with either the knowledge or sanction of the managing owner.
- 4. That there is nothing to show that the vessel had not sufficient stability as loaded for a winter voyage.
- 5. That the loss of the vessel is probably due to her having, when very deeply laden, encountered a very severe gale in the North Atlantic, which she might perhaps have weathered had she not been so deeply laden.

The Court is not asked to, and does not, make any order as to costs.

Dated the 11th day of November 1880.

(Signed) H. C. ROTHERY, Wreck Commissioner.

We concur in the above report. (Signed) GEORGE H. FORSTER, } Assessors. JOHN S. CASTLE, }

Annex to the Report.

This case was heard at Liverpool on the 11th of November instant, when Mr. Paxton appeared for the Board of Trade; the owner of the “County of Denbigh” was present, but was not represented by either counsel or solicitor. Three witnesses having been produced by the Board of Trade and examined, and the depositions of eight witnesses having been read, six of them taken at Portland and two at Astoria, in Oregon, Mr. Paxton asked the opinion of the Court upon the following questions:—

- “1. Was the load-line placed in a proper position on the ship's side? If not, was the position fixed by the order or with the knowledge and sanction of the managing owner?”
- “2. Was the cargo properly stowed?”
- “3. Was the vessel overladen? If so, was it overladen with the knowledge and sanction of the managing owner?”
- “4. Had the vessel sufficient stability as loaded for a winter voyage?”
- “5. What, in the opinion of the Court, was the probable cause of the loss of the vessel?”

Mr. Paxton having been heard on behalf of the Board of Trade, the Court proceeded to give judgment upon the questions upon which its opinion had been asked. The circumstances of the case are as follow:—

The “County of Denbigh” was an iron barque of 1,107 tons gross, and 1,081 tons net register. She was built at Sunderland in the year 1877 by the firm of William Doxford and Sons of that place, and at the time of her loss was the property of Mr. William Thomas, No. 23, Brunswick Street, Liverpool, and a number of other persons, Mr. William Thomas being the managing owner. She left Astoria, on the Columbia

River, in Oregon, on the 26th October 1879 with a cargo of 1,636 tons of wheat in bags, and a crew of 20 hands all told, bound to Queenstown or Falmouth for orders. On the 18th of January following, she was spoken in the North Atlantic in 1° North latitude by an American ship called the “Stirling,” with which she kept company till the 22nd, when being then in about latitude 5° north the “County of Denbigh” drew ahead, and from that time she has not been seen or heard of. Before, however, I proceed to consider the questions upon which our opinion has been asked, it may be well to give a brief account of the history of this vessel, which the evidence of Mr. Doxford, the builder, and Mr. Thomas, the owner of the vessel, enable us to do.

The vessel, as I have already stated, was built in 1877 by Messrs. Doxford and Sons, of Sunderland, under a special survey, and was classed 100 A 1 at Lloyd's, three of the strakes in the way of the bilges being one-sixteenth of an inch thicker than is required by Lloyd's. She had a raised quarter deck 39 feet long, with an iron bulkhead forward of it rising 3 feet 3 inches above the main deck. She had a sheer of about 6 feet forward, and of about 2 feet 3 inches aft. She had four boats and two main pumps, and so far as appears was in all respects a very superior vessel of her class, in which view Captain Cawkitt, the chief surveyor to the Salvage Association of Liverpool, who has been examined before us as a witness, agrees. Her first voyage was from Sunderland to Akyab with a cargo of 1,633½ tons of coal, and she then drew on leaving 19 feet 2 inches forward and 19 feet 7 inches aft, or a mean of 19 feet 4½. Having discharged her cargo at Akyab, she took in a cargo of rice, estimated at 1,615½ tons, to which we are told by the owner had to be added 15 tons for the weight of the bags, and 15 tons for the ventilators, making a total of 1,645½ tons; and she then drew 19 feet 8 inches forward and 19 feet 5 inches aft, giving a mean of 19 feet 6½ inches. Having discharged that cargo at Antwerp, she in the early part of 1879 took in a cargo consisting chiefly of iron, and weighing 1,637½ tons, with which she sailed for Shanghae, and at that time, we are told, she drew 19 feet 10 inches, or, allowing three inches for the rise in passing from fresh into salt water, this would give her a mean draught of 19 feet 7 inches. There is a letter from the captain, written after his arrival at Shanghae, in which he says that the vessel on that voyage was too deep, but this we are told referred rather to the nature of her cargo, which was chiefly iron, than to the actual weight of the cargo itself; at the same time, it should be observed that she drew on that occasion 19 feet 10 in fresh water, which would be equivalent to 19 feet 7 in salt—a greater draught than she had drawn on either of the two previous voyages. From Shanghae she proceeded to Portland, in the Columbia river, in ballast, and there took on board the cargo with which she sailed on her last voyage, in which she has been lost.

Now, the first question on which our opinion has been asked is, “Was the load-line placed in a proper position on the ship's side? If not, was the position fixed by the order or with the knowledge and sanction of the managing owner?” Mr. Doxford, the builder, has told us that he, no doubt, painted the disc and load-line on the ship's side, but he did so by the order and with the knowledge of the managing owner. Mr. Thomas, the managing owner, admits that he must have given the order for the position of the load-line, but is not clear as to where he ordered it to be put. He told us that his practice was to allow 2¼ or 2⅓ inches per foot depth of hold, and the depth of the hold being 21·3 feet 2¼ inches per foot would give 47·9 inches, or very nearly 4 feet, whilst 2⅓ inches per foot would give 50·6 inches, or about 4 feet 2½ inches. Mr. Thomas stated that his own impression was that the load-line was placed so that it would be level with the water when the vessel drew 19 feet 3; and as Mr. Doxford has told us that the total depth of the vessel at the lowest point at ship's side was 23 feet 2½ inches, a draft of 19 feet 3 inches would give her a clear side of 3 feet 11½ inches, which is as nearly as possible 2¼ inches to the foot of hold. That, Mr. Thomas said, was his impression; at the same time he was not prepared to swear that the load-line had not been put at 3 feet 6 inches. Now, if the load-line was put at 3 feet 6 inches, it would have given her, if loaded down to that point, a clear side of only 42 inches, which would be a little under two inches to every foot depth

of hold, and that, in our opinion, would not have been sufficient. On the other hand, if the load-line was placed, as Mr. Thomas thinks it was, so as to give her a clear side of 3 feet 11½ inches, that being very nearly 2½ inches to every foot of hold, would perhaps not be insufficient, although we think it would be barely sufficient for all conditions of safety. But wherever the load-line was placed, it is clear that it was so placed by the order and with the knowledge and sanction of the managing owner.

The second question upon which our opinion is asked, is, "Was the cargo properly stowed?" The vessel, it seems, had only one deck fully laid, but on the hold-beams planks were laid at the sides and at each end, leaving the centre open. According to the depositions transmitted from Portland and Astoria, the whole of the cargo was in bags, the bags being in very good condition; there were double rows of shifting boards lashed to the stanchions in the centre, three planks deep in the 'tween decks, with an interval of six inches between each of the planks, and two planks in the lower hold with the same interval between. In the centre the bags were arranged in longers, but in the wings a-burton. This, we are told, is the mode in which it is usual to load the cargo in these ports, following therein the regulations for the port of San Francisco, which it is well known are very strict on the subject. And seeing that the bags would be soft bags, not like the hard rice-bags of the Burmah ports, the Assessors are of opinion that there was no objection to the bags being laid in longers in the centre and in the wings a-burton, and that on the whole the stowage was good.

The third question is, "Was the vessel overladen?" "If so, was it overladen with the knowledge and sanction of the managing owner?" We find from a letter written by the captain from Astoria on the 12th October 1879, as well as from the deposition of the shipping clerk to the charterers at that place, that the vessel took on board about 1,636½ tons of wheat, in addition to which there would, I presume, be the weight of the bags. But whether this be so or not, she seems to have drawn nearly as much as on the previous voyage, the captain's letter stating that she drew 19 feet 9 and 19 feet 10, which, I presume, means 19 feet 9 forward and 19 feet 10 aft, or a mean of 19 feet 9½ inches. Deducting three inches for the rise on passing from fresh into salt water, it would give her a draught of 19 feet 6½ inches, which is the same that she drew when she had the rice cargo on board and carried 1,645½ tons, including bags and ventilators. Seeing, too, also that her total depth at the lowest point of side was 23 feet 2½ inches, a draught of 19 feet 6½ inches would give her a freeboard of only 3 feet 8, or 44 inches, which is a very little over two inches per foot depth of hold. Now, the Assessors are of opinion that a clear side of a little over two inches for every foot depth of hold shows this vessel to have been very deeply laden, but they are not prepared to say she was dangerously overladen, an opinion, we may observe, in which Captain Cawkitt agrees, who told us that, making allowance for the raised quarter deck as well as for the sheer forward and aft which the vessel had, she might be said to have been fully but perhaps not dangerously laden. But whether she was or whether she was not overladen, the responsibility, as the evidence stands, rests not with the managing owner, but with the unfortunate master, who has lost his life, and with the charterers at Astoria.

The fourth question is, "Had the vessel sufficient stability as loaded for a winter voyage?" From the

evidence of Mr. Doxford, it appears that her displacement at light draught was 772 tons, and that when drawing 19 feet 3 it would be 2,408 tons, and that he had checked the calculations by watching her draught as they loaded her first cargo at Sunderland. He also told us that when drawing 19 feet 3 she would have a surplus buoyancy of about 680 tons below a horizontal line drawn through the lowest point of the deck at the side. Drawing, however, as she did 19 feet 6½ inches instead of 19 feet 3, the spare buoyancy on the voyage in question would not be so great. On the other hand, we have to add the spare buoyancy due to the camber of the deck, to the sheer forward and aft, and to the raised quarter deck, which Mr. Doxford considered would give a total spare buoyancy of about 25 per cent., in which Captain Cawkitt concurred, and which the latter considered would be sufficient. Mr. Doxford also told us that the height of the metacentre above the centre of buoyancy was 5 feet 8½ inches, which Captain Cawkitt considered to be a very good metacentric height, and to be likely to give her a fair amount of stability. Mr. Doxford could not give us her curve of stability, nor could he tell us what was her angle of maximum or of vanishing stability. On the whole, however, the Assessors are of opinion that the vessel was a sufficiently stable ship, and we may add that her stability would be considerably increased by the time she got to the North Atlantic, owing to the settling of the cargo in the hold, and to the consequent lowering of the centre of gravity.

The last question which we are asked is, "What, in the opinion of the Court, was the probable cause of the loss of the vessel?" It is no doubt true that this vessel, having left the mouth of the Columbia River in the month of October of last year, would probably be rounding Cape Horn at the height of the summer season in those latitudes, and might consequently expect to meet with fine weather there. But, on the other hand, she would be crossing the North Atlantic during the winter season, where very stormy weather might naturally be expected. And as a matter of fact we find that she was in latitude 1° north on the 18th of January, and on the 22nd of the same month she was in latitude 5° north, whence her course would be between the Bermudas and the Western Islands, where she would probably be in about a fortnight from that time. Now, it is well known that in the early part of February of this year storms of almost unexampled violence were raging in those seas at the time when this vessel might naturally have been expected to be there, and that a great number of vessels which would have been near where this vessel would probably have been at that time have never been seen or heard of since. The conclusion, then, to which we have come is that this ship encountered a storm which, good ship as she undoubtedly was, she was not able to resist owing to her being so deeply laden. We do not say that either the owner or even the charterers or captain are to blame for having loaded her to the depth they did, seeing that she had before carried equally heavy cargoes with safety. At the same time, had she not been so deeply laden it is quite possible that she might have weathered the gale which sank her.

No application for, and therefore no order was made as to costs.

(Signed) H. C. ROTHERY,  
Wreck Commissioner.

We concur.

(Signed) GEORGE H. FORSTER, } Assessors.  
JOHN S. CASTLE, }

" C  
T  
In the  
Civi  
13th  
ROT  
by  
and  
star  
" C  
of  
Bri  
2nd

The C  
stances  
for the  
1. Th  
having  
to get  
porting  
her, as  
2. Th  
both ves  
of betw  
3. Th  
is not to  
close ha  
course i  
for Prev  
4. Th  
is solely  
been on  
way of  
starboar  
with A  
Collisio  
5. Th  
the coll  
thereof  
the " C  
For  
suspend  
of the  
that du  
first ma  
Mr. c  
Thomas  
is of op  
suffici  
Date

W

This  
13th a  
Hamel  
for the  
for the  
for the  
having  
mined,  
upon t  
" 1.  
" scho  
" seve  
" New  
" resu  
" loss  
" 2.  
" wron  
L 3