

(No. 2754a.)

“VENETIENNE” (S.S.) (Re-hearing.)

The Merchant Shipping Acts 1854 to 1876.
The Shipping Casualties Investigations Act 1879.

In the matter of a Re-hearing by Order of the Board of Trade, under Section 2 of the “Shipping Casualties Investigations Act, 1879,” a Formal Investigation held at Cardiff on the 8th and 9th days of December 1885, before ROBERT OLIVER JONES, Esquire, Stipendiary Magistrate, assisted by Captain WILSON and Captain ANDERSON, as Nautical Assessors, into the circumstances attending the loss of the British steamship “VENETIENNE,” of Cardiff, through foundering off the Longships, on the 4th day of November 1885, and which re-hearing took place at Cardiff on the 23rd, 24th, and 26th days of March 1886, before the same Court.

Report of Court.

The Court having carefully inquired into such of the circumstances of the above-mentioned shipping casualty as came before it at such re-hearing, finds, for the reasons annexed.

That the loss of the ship was owing to the following causes:—

1. To her being overladen.
2. To the improper stowage and to the shifting of the cargo.

The Court also finds that the ship was undermanned. The Court attaches blame to the managing owner, Mr. John Cuthbert, for allowing the ship to be overladen and undermanned, but finding that the ship was not overladen to the extent which was at first supposed to be the case, the Court cancels the previous order as to costs. Considering, however, that the attention of the owners was at the first hearing called by the questions submitted by the Board of Trade to the two points of overloading and undermanning, the Court declines to give them any costs on account of this re-hearing.

Dated this 26th day of March 1886.

(Signed) R. O. JONES, Judge.

We concur in the above report.

(Signed) R. WILSON, } Assessors.
ABSM. ANDERSON, }

Annex to the Report.

At the first hearing of this case the Court was of opinion that the loss of the ship was due to two causes, viz:—

- To her being overladen.
- To the improper stowage and to the shifting of the cargo.

The Court also found that the ship was undermanned and attaching blame to the managing owner for allowing the ship to be overladen and undermanned, ordered him to pay the sum of 50l. as costs.

At the re-hearing Mr. Waldron appeared for the Board of Trade and Mr. Vachell for the owners, upon whose application the order for a re-hearing had been made.

The evidence taken at the first hearing was put in, and Mr. Waldron called and examined two additional witnesses, namely, Mr. Joseph W. Butterworth, and Mr. Thomas Sloggett, Board of Trade Surveyors at Cardiff.

Mr. Vachell called and examined nine witnesses, of whom one only was called on the first occasion, and he applied for the costs to which his clients had been put on account of this re-hearing.

The questions for the opinion of the Court were, whether the ship was overladen, and whether she was undermanned, and the evidence given was confined to these two points.

I. As to overloading.

With reference to this point, Messrs. Butterworth and Sloggett stated that the tonnage formula and plans of this vessel had been submitted to them, and the result of their calculations in detail on Form L 2 was handed in, and showed that after making the allowances for sheer and round of beam which, in their opinion, she was entitled to, she should have had a freeboard, according to the tables, of 1 foot 3½ inches; but in cross-examination by Mr. Vachell they admitted that a further allowance of ¼ of an inch ought to be made. The result, therefore, of their calculations was that this vessel should have had a freeboard of not less than 1 foot 3¼ inches when she got to sea, and Mr. Sloggett added that with a less freeboard than this he should consider her overloaded. They further stated that from the tonnage formula they made her total depth at side to be 10 feet 11½ inches.

Mr. Vachell then called the manager of the vessel, who it appears is a naval architect, and two other naval architects, who stated that taking her co-efficient and moulded depth, she should have had a freeboard by Table A. of 1 foot 6 inches, but from this they claimed allowances for excess of sheer round of beam, deck erections, and the iron deck, the result of their calculations being that, in their opinion, this vessel could have been loaded quite in accordance with the tables so as to have a minimum freeboard of 11½ inches when she got to sea. There was thus a difference of opinion, the witnesses called on behalf of the owners claiming an allowance for deck erections, in which they were borne out by Mr. Kendall, a Lloyds' surveyor, while the Board of Trade surveyors stated that they were of opinion such a deduction was not permissible.

Again, the Board of Trade surveyors give her total depth at side as 10 feet 11½ inches, while the others make it 11 feet 1 inch.

We have now to consider, after having heard all this additional evidence, whether the former finding of the Court is correct or not, or in other words whether she was or was not overladen.

With regard to the former finding that she should have had a freeboard of 1 foot 6 inches, there is no doubt that the allowance for the excess of sheer and round of beam was omitted from the calculation, and that finding, therefore, cannot stand; but the question still remains, was she or was she not overladen?

We have given to this re-hearing very anxious and careful consideration, and we are of opinion that the Board of Trade surveyors have made every allowance that could be fairly given according to the tables, and we therefore accept the result of their calculations.

With respect to the difference in the figures given as to the total depth at side, the Board of Trade surveyors stated that they got theirs from the tonnage formula, but the official who made it was not called to prove it.

This formula, however, there is reason to believe, is measured and made with the greatest accuracy from the vessel itself when built; whereas the data of the other witnesses were taken from the midship's section submitted to them by the builders, and which is prepared before the vessel is laid down. Slight alterations may thus have arisen, which would easily account for the difference which exists. We therefore are inclined to believe the figures of the Board of Trade surveyors to be more correct.

Upon the whole, we are of opinion that, according to the tables, the “Venetienne” should have had a freeboard of not less than 1 foot 3½ inches in salt water, and the question then arises, had she this freeboard?

It is admitted on all hands that on leaving the River Usk she had a mean draught of 9 ft. 10½ inches.

Taking the total depth at side as given by the Board of Trade surveyors, 10 ft. 11½ inches, this would give her a freeboard when leaving of 1 ft. 1 inch, but allowing 1 inch for her rise in salt water she would have a freeboard of 1 ft. 2 inches when she got to sea, or

1 1/4 inches less than the rules require. According to the calculations of the owners' witnesses, she would have had a freeboard in salt water of 1 ft. 3 1/2 inches.

It remains to observe that the Court in its first report placed some stress upon the fact that the vessel shipped heavy seas on getting into a seaway. This fact was not touched at the re-hearing, and we still accept it as tending to prove that she was overladen.

II. As to undermanning.

Upon this point Mr. Vachell called the chief engineer of the "Volana," a sister ship of the "Venetienne," a former chief engineer of the "Venetienne" herself, the chief engineer of the same ship at the time of her loss, and the master of the "Volana," and they were unanimous in the opinion that the number of hands, 8 all told, was a sufficient crew for the "Venetienne."

They all stated that the practice was, in ships of the size of the "Venetienne," to have one chief engineer, one assistant, and one fireman, and that the fireman was always in the chief engineer's watch, the assistant engineman being left to keep this watch alone. They also stated that the watches were for four hours or six, according to arrangement.

It appeared that none of the witnesses had served as assistants in such vessels, and had never done the duty which they said could so easily be done.

The Court having considered this evidence, remains of opinion that the ship was undermanned.

(Signed) R. O. JONES.
T. J. WILSON.
ABSM. ANDERSON.

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