

(No. 3108.)

"NERBUDDA."

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at the Sessions House, Westminster, on the 10th of January 1887, before H. C. ROTHERY, Esq., Wreck Commissioner, assisted by Captain KNOX, R.N., and Captain CASTLE, as Assessors, into the circumstances attending the supposed loss of the sailing ship "NERBUDDA" with 42 lives.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that the said ship, when she left Cardiff on the 14th of October last, was in a good and seaworthy condition and was not overladen, and that there is every reason to think that she was lost during the gale which prevailed in the Bristol Channel soon after she sailed.

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

Dated this 10th day of January 1887.

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

We concur in the above report.

(Signed) HENRY KNOX,
Captain, R.N., } Assessors.
JOHN S. CASTLE, }

Annex to the Report.

This case was heard at Westminster on the 10th day of January 1887, when Mr. Macdonell appeared for the Board of Trade, Mr. Stocken for the owners of the "Nerbudda," and Mr. Johnson for the Sea Insurance Company. Six witnesses having been produced by the Board of Trade and examined, Mr. Macdonell handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Stocken then addressed the Court on behalf of the owners, and Mr. Macdonell having been heard in reply, the Court proceeded to give judgment on the questions on which its opinion had been asked. The circumstances of the case are as follow:—

The "Nerbudda," which was an iron sailing ship, belonging to the Port of London, of 1631 tons gross, and 1559 tons net register, was built at Greenock in the year 1881, and at the time of her loss was the property of Mr. Joseph Benbrick Foley, of No. 116, Fenchurch Street, London, and others, Mr. Foley being the managing owner. She left Penarth Docks about 8 a.m. on the 14th of October last, with a cargo consisting of 2437 tons 11 cwt. of coal, a crew of 41 hands and 1 passenger, bound to Calcutta. On leaving the docks she had a pilot on board, and was in tow of a steam-tug called the "Fastnet;" but on getting into the Roads the pilot left her, and she continued her course down the Channel in tow of the steam-tug, until they were about 6 miles past Hartland Point, when the steam-tug cast off, and the vessel stood away on a W.N.W. course, under lower topsails and fore topmast staysail, the wind at the time blowing a gale from about S.W. The gale subsequently increased until it blew a hurricane, and between the 19th and 22nd of the same month portions of the vessel, including her figure head were found scattered along the north coast of Devonshire from Westward Ho to Combe-Martin near Ilfracombe, and as the vessel has not been seen or heard of since, there can be little doubt that she must have been lost during the gale which she encountered at the entrance of the Channel.

These being the facts of the case, the first question upon which our opinion has been asked is, "Whether, when the vessel left Cardiff, she was in all respects in a good and seaworthy condition?" It seems that

she was built in October 1881, under special survey of Lloyd's, by Messrs. Russell and Co., of Port Glasgow, and that on completion she was classed 100 A 1*. She has always since belonged to Mr. Foley, and has been continually employed in the Eastern trade, making voyages to and from Calcutta and Australia. After every voyage we are told that she was put into dry dock, overhauled, and painted; and in September of last year she was surveyed by Lloyd's, was found to be in every respect in first-rate condition, and was continued in her class. We are also told that she has never met with any accident, and that she has always delivered her cargoes in good order. The last cargo which she carried was a general cargo from Calcutta, which was delivered in London in good condition; and from London she was towed round to Cardiff, where she took on board the cargo of coals with which she sailed on her last voyage. We have, therefore, no reason to suppose that she was not, when she last left Cardiff, in all respects in a good and seaworthy condition.

The second question which we are asked is, "Whether her hatchways, ventilators, and all other deck openings were properly and efficiently covered and secured?" It seems that she was designed to carry emigrants and coolies, and that with this view she was specially ventilated under the supervision of Captain Potter, the ship's husband. That gentleman has told us that proceeding from forward there were at first two cowl ventilators, one on each side of the fore-castle, 14 inches in diameter, and rising 4 feet above the topgallant fore-castle; abaft of these, in the centre, and immediately forward of the iron bulkhead, was a rectangular air shaft, fitted with a saddle back skylight, rising about 2 feet in the centre, and about 10 inches at the sides above the deck; then there was another rectangular air shaft, about 12 feet long by 18 inches broad, passing through the fore part of the forward deck house; then a cowl ventilator, about 16 inches in diameter, just abaft the mainmast; then another rectangular air shaft with a saddle back skylight, rising 3 feet 6 above the deck; then another cowl ventilator, 16 inches in diameter, passing through the fore part of the after deck house; then a rectangular air shaft on the poop, about 8 or 10 feet from the fore part of it; and, lastly, two cowl ventilators, with a diameter of 8 inches, one on each side of the poop. There were in all six cowl ventilators and four air shafts, all going down to the 'tween decks, and just piercing the upper deck so as to afford surface ventilation. There were also three hatchways, a fore, main, and after hatchway, fitted so as to afford ventilation if required. These were all the deck openings, and they appear to have been properly and efficiently covered and secured, the ventilation, in the opinion of the assessors, being of a very perfect description.

The third question which we are asked is, "Whether her cargo was properly stowed and secured from shifting?" We are told that in the lower hold about two-thirds of the cargo was stowed with an empty space at each end capable of containing about 100 tons of coal. The remainder of the coals were put into the 'tween decks, and there was an empty space at each end capable of containing from 50 to 60 tons. There were no shifting boards in the lower hold, but in the 'tween decks the shifting boards extended from the after part of the fore hatch to the fore part of the after hatch the space occupied by the coals. In our opinion the cargo appears to have been properly stowed, proper means having been taken to prevent it from shifting.

The fourth question which we are asked is, "Whether she was overladen, and whether, as laden, she had sufficient stability?" She had, we are told, 2,437 tons 11 cwt. of coals as cargo, besides some 15 tons for ship's use. There was also in the empty space in the fore part of the lower hold a quantity of dunnage wood. What the total weight on board was there is nothing to shew, but it may probably have been from 2,450 to 2,460 tons. Now we see from the specification that she was designed to carry 2,450 tons, or, as Captain Potter said, one-and-a-half of the registered tonnage plus 10 per cent., which would give us about 2,457 tons. But the best evidence on the point is that of the pilot who took her out, and who is not likely to have been too favourably disposed to the "Nerbudda," for he seems to have had a grievance against her on account of his not having been employed to pilot her

down the Channel. This man told us that in his opinion she was lightly laden, and was quite capable of taking 250 tons more. As regards her stability, we were told by Captain Potter that she was a stiff ship, that she had come round from London to Cardiff with only 600 tons of ballast in her; and that they could readily move her about in port with only 150 tons of ballast in her. Laden therefore as she was, there seems to be no doubt that she had sufficient stability.

The fifth question which we are asked is, "Whether she had sufficient freeboard?" Captain Potter told us that the centre of the disc was placed five feet below the upper line of the deck; and the pilot who took her out, stated that when he left her in Penarth Roads the water was from 2 to 3 inches below the lower rim of the disc. If so, she would have had on leaving a freeboard of from 5 feet 8 to 5 feet 9 inches. Now the Board of Trade have laid before us an estimate shewing that under the present rules, she ought not to have had a freeboard of less than 5 feet 2½ inches for a summer or winter voyage, and not less than 5 feet 7½ for a North Atlantic voyage. With a freeboard therefore of 5 feet 8 to 5 feet 9 inches, there can be no doubt that she had an ample amount of freeboard.

The sixth question which we are asked is, "What was the cost of the vessel to her owners?" We are told that she cost in 1881 close upon 21,000l.

The seventh question that we are asked is, "What was her value when she last left Cardiff?" Mr. Foley, the owner, has told us that he estimates her value at that time to have been about 16,000l. That certainly appears to be a high estimate, in the present depreciated state of the shipping interest, to put upon a vessel of 1,631 tons gross, and which was then six years old; but no doubt she would be of more value to Mr. Foley, if he had, as he appears to have had, full employment for her. The Board of Trade, too, have not taken exception to the value, and it is therefore not

for us to say that Mr. Foley's estimate of 16,000l. is an excessive one.

The eighth question which we are asked is, "What were the insurances effected and how were they apportioned?" Mr. Foley told us that the only insurances were 16,000l. on the ship and 470l. on the freight. He said that the freight was 1,400l., that one-third thereof was secured by a bill at three months, and another third by a bill at six months, leaving one third, or about 470l., to be received at the port of destination, and this had been insured for its full amount.

The ninth question that we are asked is, "What is the opinion of the Court upon the evidence before them is the cause of the loss of this vessel?" It seems that when she left Cardiff the weather was fine, but that in going down channel the wind began to blow, and that when the tug cast off it was blowing a gale from the S.W., which increased during the 15th to one of the most severe hurricanes that has visited these coasts for a very considerable time. And as there is no doubt that some of the wreckage which was picked up on the north coast of Devon between the 19th and 22nd of the same month belonged to her, there can be no doubt that she was lost during that gale, but whether by running, as is suggested, on Lundy Island, or by being driven on the coast of Devonshire, or whether she foundered out at sea there is nothing to shew, no one having been saved from her, and no one having seen her go down.

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

We concur.

(Signed) HENRY KNOX,
Captain R.N., } Assessors.
JOHN S. CASTLE, }

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