

(No. 3217.)

“CYMRO” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at the Sessions House, Westminster, on the 30th of March 1887, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Vice-Admiral POWELL, C.B., and Captain RICHARDSON, as Assessors, into the circumstances attending the supposed loss of the steamship “CYMRO,” of Cardiff, with her crew of 26 hands, whilst on a voyage from Newcastle to Genoa with a cargo of coal.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that when the said ship left the Tyne she was in a good and seaworthy condition, so far as regards her hull, equipments, and machinery, but that she was too deeply laden; and that her loss was probably due to her having foundered or been driven ashore, after she had passed Ushant, during the violent gale which prevailed on the 8th of December last at the entrance of the British Channel.

Dated this 30th day of March 1887.

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

We concur in the above report.

(Signed) R. ASHMORE POWELL, } Assessors.
GEORGE RICHARDSON, }

Annex to the Report.

This case was heard at Westminster on the 30th of March 1887, when Mr. Muir Mackenzie appeared for the Board of Trade and Mr. Vachell for the managing owner of the “Cymro.” Ten witnesses having been produced by the Board of Trade and examined, Mr. Muir Mackenzie handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. Mr. Vachell then addressed the Court on behalf of his party, and Mr. Muir Mackenzie 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 “Cymro” was an iron screw steamship, belonging to the port of Cardiff, of 2,287 tons gross and 1488 tons net register, and was fitted with engines of 200 horse-power. She was built at Linthouse, near Glasgow, in the year 1883, and at the time of her loss was the property of Mr. George Hosking Wills, of No. 20 Wordsworth Street, Cardiff, and others, Mr. Wills being the managing owner. She left Hebburn Staithes in the River Tyne at about 9.30 a.m. of the 3rd of December last for Genoa with a crew of 26 hands all told and a cargo of 2856 tons of coal, besides 480 to 500 tons in her bunkers. Having crossed the bar, she was taken charge of by a Trinity House pilot named Crawford, who navigated her till they were off Dover, when he left her at about 2 a.m. of the 5th, and from that time she has not been seen or heard of; and the only evidence which we have as to what has become of her is a door, which has since been picked up near Quimper, a little to the south of Ushant, and which has been identified from a brass plate upon it as having been the door of one of the officer's cabins.

These being the facts, the first question upon which our opinion has been asked by the Board of Trade is, “Whether when the vessel left the Tyne she was in all respects in good and seaworthy condition?” It seems that this vessel was built under a special survey, and was classed 100 A 1 at Lloyd's. Mr. Mackie, naval architect, who designed her and superintended her building, told us that she was built above the requirements of Lloyd's; and his evidence was confirmed by Mr. Major, the Board of Trade surveyor at Cardiff, who

stated that he had inspected her in the year 1883 at Cardiff, and that she was, in his opinion, a first-class vessel, and very superior to the vessels that ordinarily leave the port of Cardiff. She seems to have passed her first time survey in May last, and to have been then continued in her class; and we can have no doubt that she was, when she last left the Tyne, so far as her hull and machinery and equipments were concerned, in a thoroughly good and seaworthy condition.

The second question which we are asked is, “Whether the holds were properly ventilated, and whether the ventilators were properly constructed and so arranged as not to become a source of danger by affording ingress of water to the holds?” She had, it seems, four holds, with four ventilators to each, two of them being in the fore part, and two in the after part of each hold. And although the coal with which she was laden was of a fiery description, giving off large quantities of explosive gas, both Mr. Major, the Board of Trade Surveyor, and Mr. Willis, the Government Inspector of Mines for the Newcastle district, stated that in their opinion the ventilation was sufficient for all purposes of surface ventilation, and that also is our opinion. As regards the construction of the ventilators, Mr. Mackie as well as Mr. Major tell us that they were exceptionally well made, with strong high iron coamings secured to the deck, and with wooden plugs to fit into them, and tarpaulins in case of bad weather. They were, as I have said, exceptionally well constructed, and were not, in our opinion, likely to become a source of danger by admitting water to the holds.

The third question which we are asked is, “Whether the load line disc was so placed as to give the vessel sufficient freeboard?” The load line, it seems, was placed at 4 feet 2½ or 4 feet 3 inches below the upper deck, and there is, as is usual in these cases, some dispute between Mr. Mackie, the naval architect, and Mr. Wills, the managing owner, as to which of these two gentlemen was responsible for its having been placed there; whether it was placed there by the builder's advice, or by the direction of Mr. Wills. Certain however it is that it was put on before the vessel left the builder's yard, and that Mr. Wills knew that it was there, and purposely retained it in that position, although both he and Mr. Mackie now admit that it was much higher on the ship's side than it would be either safe or proper under any circumstances to load to; they state, however, that there never was any intention of loading her down to it. Mr. Mackie told us that it was put there after consultation with the owner with a view to prevent the ship being detained by the Board of Trade surveyors, as well as to satisfy the sailors, and to prevent their making complaints of the vessel being too deeply laden. In other words, it might perhaps be said that it had been put there with a view to deceive the Board of Trade surveyors and the seamen as to the depth to which the vessel might be safely laden. There can, in fact, be no doubt that it was placed in a very improper position, and Mr. Vachell, who always argues his cases with great fairness and ability, has admitted as much.

The fourth question which we are asked is, “Whether the cargo was properly stowed and trimmed; and whether, as laden, the vessel had sufficient stability?” It seems that she had four holds. Nos. 2 and 3 holds, both in the lower holds as well as in the 'tween decks, were full. In No. 1 hold the lower hold was full from aft as far as the fore part of the hatchway, whence the coals sloped down forward, the fore part being empty, but there were none in the 'tween decks. In No. 4 hold the lower hold was full, but in the 'tween decks there was a space aft capable of containing about 20 tons of coal. There were not any shifting boards, but the coals were levelled at the top so as to prevent their shifting; and we have no reason to think that they were not properly stowed and trimmed.

As regards the vessel's stability, drawings have been laid before us which have been prepared by Mr. Mackie, showing what would be her stability laden as she was on her last voyage; from which it would appear that the maximum heeling angle, with all the deck erections water-tight, would be from 52 to 53 degrees; and with the deck erections flooded, about 45 degrees; and that she would have a metacentric height of about 2 feet. If this be so, we can have no doubt that she would have had sufficient stability.

I will take the two next questions together; they are as follow: "Whether she was overladen," and "Whether she had sufficient freeboard?" and I do so, for I am quite unable to see what difference there is between them. It appears to me that if a vessel is overladen she will necessarily have an insufficient freeboard; and, on the other hand, if she has a sufficient freeboard she can hardly be overladen. She had, as we have seen, 2,856 tons of coal as cargo, besides from 480 to 500 tons in her bunkers, making a total of 3,336 to 3,356 tons. This would be very nearly 60 per cent. above her under-deck tonnage, which is 2,104 tons; but whether or not it is more than she had been in the habit of carrying on previous voyages there is nothing to show, although it is a point which might very easily have been cleared up by Mr. Wills, the managing owner, had he thought proper to do so. And now let us see what amount of freeboard she would have with this quantity of coal on board. The best evidence on the point is that of Mr. Simpson, the Staiths man, who told us that they finished loading her at about 9 a.m. of the 3rd, and that he thereupon took her draft, and found that she drew 22 feet 8 inches forward and 23 feet 1 inch aft, giving her a mean draft of 22 feet 10½ inches. And assuming the total depth at side to have been, as Mr. Major has stated, 27 feet 4 inches, that would make her freeboard 4 feet 5½ inches. This, too, tallies with the evidence given by the pilot Crawford, who said that when she lying at the Hebburn Staiths immediately previous to her departure, the load line was well out of the water, but he could not undertake to say that the whole disc was, and that would be the case if her freeboard was then 4 feet 5½ inches, the centre of the disc being as we have seen 4 feet 2½ to 4 feet 3 below the deck. The evidence too of Mr. Simpson the Staiths man is strongly confirmed by the note which was produced, and which had been given by the master to the pilot on his leaving the ship, and in which it stated that her draft was 23 feet 1 inch, that being no doubt the draft aft. I think, therefore, that we may safely take it that her freeboard when she left the Hebburn Staiths was about 4 feet 5½ inches; but upon this she would probably rise about 3 inches, the water at the Hebburn Staiths having a density of about 1,013 as compared with 1,000, the density of fresh water, and 1,023, the density of salt water. That would make the freeboard when she got to sea 4 feet 8½ inches.

Now was that a sufficient freeboard for her. Mr. Major has laid before us his calculations, made out in what is commonly known as "Form L1" of the Board of Trade, from which it appears that under the Load Line Rules, which have been approved by the Board of Trade and by Lloyd's, this vessel should have had a freeboard of 4 feet 11 inches for a summer voyage, of 5 feet 2½ inches for a winter voyage, and of 5 feet 7 inches for a North Atlantic winter voyage. Mr. Mackie, the naval architect, has also calculated the freeboard which this vessel should have by the same tables, and arrives at a slightly different result from that at which Mr. Major does; according to Mr. Mackie she should have had a freeboard of 4 feet 9½ inches for a summer voyage and of 5 feet 1 inch for a winter voyage. It is clear therefore that with a freeboard of only 4 feet 8½ inches she would, according to the evidence of Mr. Major and of Mr. Mackie himself, not have had a sufficient freeboard, and she was consequently overladen.

The seventh question which we are asked is, "What in the opinion of the Court from the evidence before them is the cause of this vessel not having been heard of since the pilot left her off Dover on the 5th December last." The pilot left her at about 2 a.m. of the 5th, and as the glass, he said, was then very low, he advised the master to put into some place of shelter if the gale came on. According to the weather charts, the vessel must have encountered a succession of strong south westerly and westerly gales all the way down the Channel, which would considerably impede her progress; so that by the 8th of that month she would probably not have got much beyond Ushant; and as we know that on that day an exceptionally violent gale

prevailed at the entrance to the Channel, it is possible that she encountered the full force of it; and in that case she might either have foundered at sea or been driven on the Saints, or the outlying rocks which lie to the south of Ushant. The fact of this cabin door having been found at Quimper is, as Mr. Vachell has observed, quite consistent with either supposition. There is nothing to show that her loss was due to any explosion of gas, the holds being so thoroughly well ventilated and the ventilators so efficiently constructed.

The eighth question which we are asked is, "What was the cost of the vessel to her owner?" Mr. Wills has told us that she cost them 37,000L.

The ninth question which we are asked is, "What was her value at the time she last left the Tyne?" Mr. Wills has put it at 32,000L., and we are not disposed to question his valuation.

The tenth question which we are asked is, "What were the insurances effected, and how were they apportioned?" It seems that the hull and machinery were insured by Mr. Wills for the sum of 25,779L.; in addition to which there were insurances effected by four of the owners on their own account for somewhere about 1,200L., making the total insurances upon the vessel 27,000L. There was also an insurance upon outfit and disbursements of 1,000L. And the freight, which was 1,326L. 12s., was insured at its full value.

The last question which we are asked is, "Whether blame attaches to the owner?" That blame does attach to the owner for having allowed the load-line to remain where it was at 4 feet 2½ inches when he knew that she ought not under any circumstances to be laden to that point, can admit of no doubt. I do not say that it was left there with the view of deceiving the Board of Trade officers and the sailors; but it would undoubtedly have that effect, and we can hardly have a better proof of the fact than what occurred on the present occasion. It seems that in the year 1883 the attention of the Board of Trade was called to this vessel, owing to her load-line being placed so high up, and to the refusal of Mr. Wills to accept the load-line offered by the Board of Trade; and accordingly Mr. Major was directed to watch her; and when she left Cardiff on that occasion she was allowed to sail, as she had a freeboard in excess of that which was required by the Board of Trade. Since then we are told that she has made ten voyages from Cardiff, that being her regular trade, and Mr. Major has told us that he has no reason to think that on any of those voyages she left the port of Cardiff with an insufficient freeboard. Unfortunately, however, Captain Collins, who had been her master from the time she launched, having been taken ill, Captain Williams was put in command, and she was sent to the Tyne to load. There she would be out of the supervision of her master, and of Mr. Wills the managing owner, and the result no doubt would be that the loading would go on with the load-line as a guide to the depth to which she might be safely laden. In this way we can well understand how it was that she was loaded to within 3 inches of the centre of the disc, giving her, as we have seen, a freeboard of only 4 feet 8 inches when she got to sea, instead of a freeboard of 5 feet 2½ inches, or at all events of 5 feet 1 inch, which she should have had. We think therefore that blame does attach to the managing owner, Mr. Wills, for having sent her to a new port, where she would be beyond his supervision, and under a new captain, with the load line placed so high on the ship's side that it would be dangerous to load her down to it, and at the same time not taking any steps to see that she was not too deeply laden.

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

We concur.

(Signed) R. ASHMORE POWELL, }
GEORGE RICHARDSON, } ASSASSORS.

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