

(No. 5773.)

"TOLEDO" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Board Room of the Sunderland School Board Offices, John Street, in the County Borough of Sunderland, on the 8th and 9th days of September, 1898, before GEORGE ROBERT BOOTH and JAMES WATERSTON, Esquires, two of Her Majesty's Justices of the Peace, acting in and for the said Borough, assisted by Captains KENNETT HORE and S. BROOKS, Nautical Assessors, into the circumstances attending the loss of the British steamer "TOLEDO," of Sunderland, through stranding on the 20th of August, 1898.

Report of Court.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the Annex hereto, that the loss of this vessel was caused by the master not making sufficient allowance for the strong spring tide setting in to the north-east, and not using the lead when the fog set in. The Court finds the master, John Wishart, in default for such loss, but in consideration of his previous good character and long and successful service, does not deal with his certificate, but severely reprimands, and cautions him to be more careful in future.

Dated, this ninth day of September, 1898.

GEORGE ROBERT BOOTH, }
JAMES WATERSTON, } Judges.

We concur in the above report.

KENNETT HORE, }
SAMUEL BROOKS, } Assessors.

Annex to the Report.

The "Toledo" was a British steamship, built of iron at Sunderland, in the county of Durham, in the year 1882, and registered at the port of Sunderland, her official number being 85,016. Her dimensions being as per register:—Length, 301 ft.; breadth, 42.1 ft.; depth in hold, 28.9 ft. She was rigged as a schooner, and fitted with two compound surface-condensing engines, the diameter of the cylinders being 41 and 76 ins. respectively, with a length of stroke of 48 ins. and of 250 horse-power combined. She was of the registered tonnage of 1,818.13 tons, after allowing 1,024.87 tons on account of the space required for propelling power and crew.

This vessel was owned by Mr. John Tully and others, Mr. John Tully, of Sunderland, being the appointed managing owner; and at the time of the casualty was under the command of John Wishart, who holds a certificate of competency as master numbered 32,838.

The "Toledo" left Galveston at 6 a.m. on the 29th July, 1898, bound on a voyage to Rotterdam, having on board a crew of 28 hands all told, and a general cargo of 3,424 tons; her draught of water at the time being 23 ft. 2 ins. forward and 25 ft. 6 ins. aft. She was supplied with two lifeboats, a gig, and a dingey, and also with lifebelts and buoys, and these were all said to have been in good order and condition, and ready for use. She also carried five compasses on board, namely, a pole compass, which was the standard, and by which the courses were set; one on the upper bridge, by which the courses were steered and the vessel navigated, one in the wheelhouse, and one before the wheel-gear aft, and a spare one kept below. The helmsman stood on the upper bridge, and steered by steam gear. These compasses were last adjusted off the Tyne by Mr. Morton, optician, of South Shields and Sunderland, on the 22nd day of January, 1898.

When this vessel left Galveston a departure was taken from Jupiter lighthouse, in the Gulf of Florida, and a course then laid for the English Channel, and the vessel proceeded on her voyage, and all went well till noon of the 20th day of August, the weather at the time being moderately clear, with a smooth sea and little or no wind.

The captain, at noon, got an observation by the sun, and then marked off his position on the chart, which position was stated to be lat. 49° 59' North, long. 7° 27' West. He then altered the course to South-East by pole compass, that is, South-East $\frac{1}{4}$ East magnetic, and that course was continued till about 2.20 p.m., when, on account of a fog setting in, the course was altered to South, by pole, that being correct magnetic.

The South course was steered from 30 to 40 minutes, or till about 3 p.m., when the fog cleared, and the vessel was brought back to her old course, i.e., South-East $\frac{1}{4}$ East magnetic, and that course was continued till a few minutes past four, when the course was again altered to South, on account of the fog coming in dense again, and the South course was continued for 15 or 20 minutes, when the vessel struck, at about 4.25 p.m., while going full speed. Immediately afterwards it was found necessary to launch the boats, as the water was rushing into the vessel very fast. The starboard lifeboat and dingey were lowered at once, and all hands got into them, the master being the last man to leave the ship, and he got into the dingey, by which time the ship's bows were under water, her stern being in the air, and in ten minutes from the time of striking the ship disappeared.

The boats lay out in the fog for an hour or more, the crew being unable to see anything by which to direct their course, as they had no compasses in the boats. In the meantime the tide had drifted them up to a fisherman's buoy, to which they held on for some time longer.

At about 8 p.m. the fog cleared and they burnt blue lights, which were answered by a pilot, who came to their assistance, and then, for the first time, they saw the Bishop Rock light on the port quarter, and St. Agnes light on their starboard beam, and they then heard, for the first time, the explosive signal from the Bishop Rock lighthouse. The pilots took charge of them and conducted their boats to St. Mary's, where all hands landed about 10.30 p.m.

The master, in his evidence to the Court, stated that he could not remember the latitude or longitude of the vessel at noon on the 20th day of August, but he did remember that the course by Mercator's sailing was from the position at noon to the Bishop Rock lighthouse, South 81° East, distant 39 miles, and it is only by laying this course back that the master was able to state the position at noon, as already given, viz., latitude 49° 59' North, and longitude 7° 27' West. From this latitude and longitude the master steered South-East $\frac{1}{4}$ East magnetic, which course would pass 8 $\frac{1}{2}$ miles to the southward of the Bishop Rock, and as he was anxious to make the Bishop Rock and get a departure from it, he considered this a safe course, which it would undoubtedly have been, but the Court is of opinion that the vessel could not have been in the position at noon of the 20th August, as stated by the master, but she was probably some distance further North, and in this opinion the Court is strengthened by the fact that the altitudes, although taken by the master and mate together, were only worked out by the master alone, and considering the state of the weather, it may have been that the horizon was false.

The Court desires to draw attention to the fact that the master was not in the habit of consulting with any of his officers with regard to the navigation of the ship, and consequently the chief officer, although he took the altitude at noon, did not calculate the latitude, which, had he done, would have been a check upon, and shown the correctness (or otherwise) of the master's reckoning. This is the more extraordinary, as on this particular day they were anxious to make the land, and it was most essential to determine the true position of the ship at noon.

*This the Court considers to be a most reprehensible practice, and one that should not be adopted by any master.

The Court is further at a loss to understand how it was that when the fog came on the master, although turning the vessel's head to the south, did not take the ordinary precaution of a prudent seaman to use the lead.

Had he done so he would have been warned that he was too close to the land in a foggy and dangerous state of the weather, on a flood tide, and the vessel going at full speed.

The patent log, which was streamed at noon, at 4 p.m. registered 36½ knots, and that should have shown the master that he was then in close proximity to the rock.

The master appears to have had an extraordinary good record, having been a master for 30 years, 27 of which has been in the employment of the present company, and 15 years in command of this ship and in this trade. He produced to the Court a most excellent character and references.

At the conclusion of the evidence the solicitor acting for the Board of Trade desired the opinion of the Court upon the following questions:—

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when and by whom were they last adjusted?—This vessel carried four compasses and a spare one, they were in good order, and were sufficient for the safe navigation of the vessel. They were last adjusted off the Tyne, on the 22nd day of January, 1898, by Mr. Morton, compass adjuster, of South Shields and Sunderland.

2. Did the master ascertain the deviation of his compasses by observation from time to time; were the errors correctly ascertained, and the proper corrections to the courses applied?—The master stated to the Court that he did ascertain the deviation of the compasses from time to time by observation, and that he correctly applied the errors to the courses.

3. Were proper measures taken to ascertain the position of the vessel at noon on the 20th August, and from time to time thereafter?—Proper measures were taken to ascertain the position of the vessel at noon of the 20th August, but not afterwards.

4. Whether proper courses were set and steered, and whether due and proper allowance was made for tide and currents?—Proper courses were set and steered, and sufficient allowance was made for tide and currents

if the ship had been in the position the captain assumed her to be and marked by him on the chart, *i.e.*, lat. 49° 59' N., long. 7° 27' W.

5. Was the weather thick with fog between 2 p.m. and 2.30 p.m. and after 4 p.m. on the 20th August, and, if so, was the speed of the vessel reduced?—The weather was thick with fog between 2 p.m. and 2.30 p.m. and after 4 p.m. on the 20th August, the speed of the vessel was not reduced.

6. Was the lead used, and if not was the neglect to use it justifiable?—The lead was not used; the non-use of it was not justifiable after the ship got into the fog.

7. Was a good and proper look-out kept?—A proper look-out was kept on the bridge, but there was no look-out forward. A man was in the act of going on to the fore-castle when the vessel struck.

Was the vessel navigated with proper and seamanlike care?—The vessel was not navigated with proper and seamanlike care.

9. What was the cause of the loss of the vessel?—Not making sufficient allowance for the set of the spring tide. The islands being enveloped in fog as the ship approached it, and the doubtful position at noon.

10. Whether the loss of the vessel was caused by the wrongful act or default of the master and officers or of any of them?—The loss of the vessel was caused by the master underestimating the strength of the tide which was setting the ship to the north-east. The Court finds the master alone in default for the stranding.

GEO. R. BOOTH, }
JAS. WATERSTON, } Justices.

We concur in the above report,

KENNETT HORE, }
SAMUEL BROOKS, } Assessors.

(Issued in London by the Board of Trade on the 23rd day of September, 1898.)

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