

(No. 6359.)

“SEVERN”

AND

“RUBENS” (S.S.).

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at the Town Hall, Westminster, on the 22nd and 26th days of April, 1902, before R. H. B. MARSHAM, Esquire, assisted by Captains RONALDSON, DYER, R.N., and RICHARDSON, into the circumstances attending the damage sustained by the British sailing ship “SEVERN” through collision with the British s.s. “RUBENS,” off Tripcock Point, River Thames, on the 31st January last, whereby loss of life ensued.

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 cause of the collision was that the “Severn” did not comply with Byelaw 53 of the Byelaws for the Regulation of the River Thames by keeping her course, and that the “Rubens” did not comply with Byelaw 49 of the said Byelaws by slackening her speed and stopping and reversing as soon as necessary to avoid the collision.

Dated this 1st day of May, 1902.

R. H. B. MARSHAM, Judge.

We concur in the above Report.

A. RONALDSON, RICHD. C. DYER, GEORGE RICHARDSON, } Assessors.

Annex to the Report.

This inquiry was heard at the Town Hall, Westminster, on the 22nd and 26th April, 1902, when Mr. A. D. Bateson appeared for the solicitor to the Board of Trade, Mr. Lauriston Batten for the owners of the “Severn,” Mr. A. E. Nelson for the pilot of the “Rubens,” and Mr. Botterell for her owners, master, and chief officer.

The “Severn” (official number 70,673), registered 276 in 1874, London, was a spritsail sailing barge, built of wood at Milton next Sittingbourne, Kent, in the year 1867, by Mr. Robert M. Shrubsall.

Her dimensions were as follows:—Length, 73.3 ft.; breadth, 14.5 ft.; depth in hold from tonnage deck to ceiling at midships, 4.4 ft. Her gross and also her registered tonnage was 36.30 tons.

She was the property of the Grays Chalk Quarries Company, Limited, which has its principal place of business at 90, Lower Thames Street, City of London; and Mr. William Francis MacGregor, of the same address, was designated manager, advice under the seal of the company having been received on the 29th March, 1887.

She left Grays at 4 p.m. on the 31st January, 1902, bound for Five Bells Wharf, Bromley-by-Bow, with a cargo of 70 tons of chalk, and a crew of two hands, namely, Mr. Harry Tyler, the master, aged 33, and John Thomas Shea, the mate, aged 17.

Mr. Tyler, it was stated, had been in the firm's employment for 18 years, first as an apprentice, then as master of a barge for the last 13 years.

She was fitted with one boat, and had two life-buoys and two life-belts. All seems to have gone well until about 6.30 p.m. of the same day, when at a little below Tripcock Point or Margaret Ness the s.s. “Rubens” collided with her, and she sank in consequence.

She was raised on the 3rd February, and found to be three-quarters of a cable below the Point and about the same distance from low-water mark, and lying nearly athwart the river.

She was first taken to Woolwich, then, on the 4th February, to Greenwich. On the 4th, an Inspector of the Thames Police went on board of her at low water. The cabin was full of water, and the inspector, standing on the cabin-top, put a hitcher down and brought up the body of Tyler, back upwards, which shows that he had been lying face downwards. He was hooked through the overcoat, and it was found that he was wearing his ordinary working clothes and boots, which were laced. The body bore no marks of injury.

The boat was alongside of the “Severn,” full of water.

The body of Shea has not been recovered.

The “Rubens,” official number 94,315, registered at the Port of London, in 1894, is a screw steamship, built of steel, in the year 1887, by Messrs. John Thompson & Sons, of Sunderland.

She was fitted with triple expansion engines built by Messrs. J. Richardson & Sons, of Hartlepool, her cylinders being 22, 36, 38 ins. respectively, length of stroke 39 ins., and nominal horse power combined 250.

Her length is 275 ft., breadth, 38.2 ft., depth in hold from tonnage deck to ceiling amidships 20.7 feet; and her gross tonnage 2076.81 tons, and registered tonnage, 1291.35 tons.

She is owned by the Bolton Steam Shipping Company, Limited, of 88, Bishopsgate Street, City of London, and Mr. Louis Theodore Bartholomew, and Mr. Frederick Bolton, of the same address, are designated managers. Advice received, 18th March, 1897, under the hand of the secretary of the company.

She carried two life and two other boats, and had on board 24 life belts and eight life-buoys. At about 5.45 p.m. on the 31st January last, she backed out of the West India Docks, under the command of Mr. John Isdale, and with a crew of 23 hands all told.

She had a cargo of about 1500 tons of grain, was bound to Leith, and was in charge of Mr. George Duncan Braine, a pilot for exempted vessels. Her draught of water was 17.6 ft. aft and 13.4 ft. forward.

The night was described as very dark but clear, and as a good night for seeing lights. A moderate E.N. Easterly gale was blowing at the time.

When the “Rubens” was about a hundred yards above Tripcock Point, a red light was seen by the pilot (and by the master who was on the bridge with him) about 1/4 to 1/2 mile below the Point, about half way up Barking Reach, about mid-channel. This no doubt was the red light of the “Severn.”

The steamer was going full speed, just south of mid-channel.

She rounded the Ness and straightened down Barking Reach, and the vessels were now red to red.

The look-out reported the other's red light just at this time.

Shortly after the helm was steadied, red to red, the barge opened her green light. The pilot, thinking she was going in to anchor, starboarded to pass green to green: and when he had got the barge's light 2 points on his starboard bow, he steadied at about 100 yds. from the barge. But suddenly the barge again showed her red light, and the telegraph was at once put to stop and full speed astern.

This order was, however, countermanded before it could be acted upon, and the telegraph was put again to full speed ahead, and the helm hard astarboard. Seeing a collision was imminent, the pilot put the engines full speed astern, thinking he might thus clear the barge. But the stern of the steamer struck the barge on the port side in the way of her leeboard.

Before the actual collision, the crew of the steamer hailed the men in the barge to get into their boat, though no one was seen on board of her, and no cries were heard.

Ropes and lifebuoys were thrown from the "Rubens," and the master ordered a boat to be got out; but this order was countermanded, as there seems to have been an impression that the crew of the barge had got away in their boat.

The barge sank in about half a minute after the collision.

The "Rubens" cruised about the place for 25 or 30 minutes, when, nothing having been seen of the crew or the barge, she proceeded on her voyage.

These were the facts of the case, and on the conclusion of the evidence, the following questions were submitted to the Court:—

(1) Upon approaching Tripcock Point at or about 6.30 p.m. of the 31st January last, was the "Rubens" being navigated against the tide? If so, did she comply with Byelaw No. 47 of the Byelaws for the Regulation of the River Thames?

(2) Were the "Severn" and "Rubens" proceeding in such directions as to involve risk of collision at or about or after 6.30 p.m. of the 31st January last? If so, did the "Rubens" comply with Byelaws Nos. 42, 45, and 49, and did the "Severn" comply with Byelaw No. 53 of the said Byelaws?

(3) Was a good and proper look-out kept on board both vessels?

(4) What was the cause of the collision, and were prompt and proper measures taken by those on board the "Rubens" to save life?

(5) Was serious damage to the ship "Severn" and loss of life caused by the wrongful act or default of the master and chief officer of the s.s. "Rubens," or of any of them, or by the neglect of Mr. George D. Braine, pilot of that vessel?

Mr. Batten, Mr. Nelson, Mr. Darby (in the absence of Mr. Botterell), and Mr. Glover (in the absence of Mr. Bateson), having respectively addressed the Court, judgment was given as follows:—

1. Upon approaching Tripcock Point at or about 6.30 p.m. of the 31st January last, the "Rubens" was being navigated against the tide, which according to the tables gave high water at Tripcock Point at about that time, though with the wind about E.N.E. the tide would be running up a few minutes later. She did not comply with Byelaw 47 of the Byelaws for the Regulation of the River Thames, but, it being virtually slack water, the Court does not find any fault for her not waiting until the ship "Severn" had passed the Point.

2. The "Severn" and the "Rubens" were proceeding in such direction as to involve risk of collision at or about 6.30 p.m. of the 31st of January last.

The "Rubens" did not comply with Byelaw No. 42, inasmuch as she did not sound a blast to indicate her course.

The "Rubens" did not comply with Byelaws Nos. 45 and 49, inasmuch as there being risk of collision she did not slacken her speed nor stop and reverse as soon as necessary.

The "Severn" did not comply with Byelaw No. 53 of the said Byelaws by keeping her course.

3. A good and proper look-out was kept on board the "Rubens."

The only evidence as to the look-out on board the "Severn" was that the captain's body was found in the cabin on the barge being raised, and there being only one other hand, and the vessel having sunk within half a minute after the collision, the probability is that there was no one on the look-out.

4. The cause of the collision was that the "Severn" did not comply with Byelaw 53 of the Byelaws for the Regulation of the River Thames by keeping her course, and that the "Rubens" did not comply with Byelaw 49 of the said Byelaws by slackening her speed and stopping and reversing as soon as necessary to avoid the collision.

The Court is of opinion that a boat ought to have been lowered, but that, if it had been lowered, neither of the lives would have been saved. Ropes and life-buoys were promptly thrown over.

5. Serious damage to the "Severn" and loss of life was not caused by the wrongful act or default of the master, nor of the chief officer of the s.s. "Rubens," nor by the neglect of Mr. George D. Braine, the pilot of that vessel; but the Court is of opinion that the Byelaws for the Regulation of the River Thames should have been more strictly observed.

R. H. B. MARSHAM,
Judge.

We concur.

A. RONALDSON,
RICHD. C. DYER,
GEORGE RICHARDSON, } Assessors

(Issued in London by the Board of Trade on the
16th day of May, 1902.)

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The Merchant

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