

(No. 3520.)

“SIBYLLA” (S.S.)

The Merchant Shipping Acts, 1854 to 1876.

IN the matter of the formal Investigation held at the Royal Courts of Justice on the 15th of March 1888, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Captain PARFITT and Captain KIDDLE, R.N., as Assessors, into the circumstances attending the supposed loss of the steamship “SIBYLLA,” whilst on a voyage from Malta to Rotterdam, together with her crew of 20 hands.

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 vessel was in a good and seaworthy condition so far as regards her hull, equipments, and machinery when she left Odessa as well as when she left Malta; that, although she was overladen on leaving Odessa, she was not so when she left Malta, and that her loss was probably due to her having encountered a violent gale soon after leaving the latter place.

Dated this 15th day of March 1888.

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

We concur in the above report.

(Signed) WM. PARFITT, } Assessors.
JAMES KIDDLE, }

Annex to the Report.

This case was heard at the Royal Courts of Justice on the 15th of March 1888, when Mr. Roscoe appeared for the Board of Trade, and the Solicitor-General, Mr. Charles Hall, Q.C., and Dr. Raikes for the owners of the “Sibylla.” Three witnesses having been produced by the Board of Trade and examined, and the depositions of ten witnesses taken at Odessa, and of three taken at Malta, having been put in and read, Mr. Roscoe handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. The Solicitor-General then addressed the Court on behalf of the owners, and Mr. Roscoe 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 “Sibylla,” which was an iron screw steamship of 1,830 tons gross, and 1,398 tons net register, with engines of 225 horse-power, was built at Jarrow-on-the-Tyne in the year 1874; and at the time of her loss she was registered at the port of London, and was the property of Mr. John Fenwick, jun., of No. 57, Gracechurch Street, in the city of London, shipowner, and others, Mr. John Fenwick being the managing owner. She left Odessa on the 14th of October last, with a crew of 20 hands all told, and a cargo consisting of from 2,400 to 2,450 tons of grain and flour, and 181 head of cattle, bound to Malta. She arrived in due course at Malta, and having there discharged her cattle and taken in 90 tons of bunker coal, she left again on the 24th for Rotterdam; and has not since been heard of. And the object of the present inquiry is to ascertain if possible what has become of her.

The first question upon which the Board of Trade have asked for our opinion is, “Whether the owner was justified in leaving the placing of the disc to the master, and whether it was placed in a proper position on the vessel’s side?” We were told by the managing owner that the disc and load line were placed on the vessel’s side in the year 1877, that he had left the matter in the hands of the then master, who had placed it at four feet six inches below the line of the deck, and that its position had never since been altered. Mr. Saunderson, the chief draughtsman to Messrs. Palmers, the builders of the ship, told us that he estimated what would be

a proper freeboard for her by Lloyd’s Rules, and had found that she ought to have 5 ft. 1 in. for a winter voyage, 4 ft. 9½ in. for a summer voyage, and 5 ft. 5½ in. for a North Atlantic voyage in winter. In this estimate of the proper amount of freeboard Mr. Brown, the Surveyor in the Consultative Department of the Board of Trade, agreed, except that he made an addition of one inch for the position of the deck line. Taking, however, Mr. Saunderson’s figures that 4 ft. 9½ in. is the smallest amount of freeboard which this vessel should have had even for a summer voyage, it is obvious that 4 ft. 6 in. was not a proper place at which to put the load-line, as she ought never under any circumstances to have been loaded down to that point. At the same time we are not disposed to blame Mr. Fenwick for having left it to the master to fix the position of the load line, seeing that in 1877 it was at that time a matter of discretion, no rules having been then issued for fixing its position, and the master, who we are told knew the vessel well, would probably be more competent to place it correctly than the managing owner.

The second question which we are asked is, “Whether when the vessel last left the United Kingdom she was in all respects in good and seaworthy condition, and whether her hatchways, companions, and all other deck openings could be properly and efficiently secured?” It seems that the vessel was built under special survey, and was classed 100 A1 at Lloyd’s. In February 1887 she was put into dry dock in the Tyne and thoroughly overhauled, new steam steering gear, new chains, and a new screw shaft having been put into her. On that occasion also she passed her No. 3 survey, and was continued on her class at Lloyd’s. In August 1887 she was again put into dry dock in London, was scraped and painted, and was found to be in all respects in good condition. From London she proceeded to Cardiff, where she took in a cargo of coals, with which she left for Port Said. We have therefore no reason to think that she was not, when she left the United Kingdom, in a good and seaworthy condition, or that her hatchways and companions and all other deck openings were not properly and efficiently secured.

The third question which we are asked is, “Whether when she last left Odessa, she was in good and seaworthy condition; and whether her cargo was properly stowed and secured from shifting?” She arrived safely at Port Said, and having there discharged her coal, she proceeded in ballast to Odessa, and there took in the cargo with which she sailed on her last voyage, and there is no reason to think that she was not then in good and seaworthy condition. As regards the cargo, we were told by the owner that she had permanent shifting boards in all the holds and in the ’tween decks extending from deck to kelson; this evidence is confirmed by the deposition of Mr. Goldsmith, the stevedore who superintended the stowing of the vessel at Odessa, and who told us that there were proper feeders to all the holds, and that the whole of the rye and part of the barley in the ’tween decks was in bags. He also said that the work was properly done, and that all necessary precautions were taken to insure the vessel’s safety. We have, therefore, no reason to think that the cargo was not properly stowed in all respects.

The fourth question which we are asked is, “Whether she was overladen?” According to the official notice, which was filled up and signed by the master under the provisions of Section 6 of the Merchant Shipping Act, 1880, and handed by him to the British Consul, the vessel on leaving Odessa drew 21 feet 6 forward and 22 feet 4 aft, giving her a mean of 21 feet 11. It also stated that she had a freeboard of 4 feet 7, and that the freeboard in salt water would be 4 feet 10. On the other hand, Mr. Saunderson as well as Mr. Brown told us that they estimated that the total depth of the vessel at side to be 26 feet 1½ inches, and if from this the mean draught of 21 feet 11 is deducted, there would remain a freeboard of only 4 feet 2½ inches, or adding 3 inches for the rise in salt water, of 4 feet 5½ inches when she got to sea. Whether, however, the freeboard, when she got out to sea, was 4 feet 10 or 4 feet 5½ it was obviously insufficient, the minimum freeboard which she ought to have had for a voyage at that period of the year being 5 feet 1 or 5 feet 2 inches.

The fifth question [which we are asked is, “Whether when she left Malta she was in good and seaworthy condition, and whether she was then overladen?”

At Malta she discharged her cattle and took in 90 tons of coal, and according to the depositions of the ship chandler, the clerk to the shipping agents, and the pilot at Malta, the "centre disc" on entering as well as on leaving the harbour was 2 or 3, or 3 or 4 inches above the water. Now, if by the "centre disc" is meant the centre of the disc, that would give her a freeboard of only from 4 feet 8 to 4 feet 10 inches, which would obviously be insufficient; if on the other hand it meant that the whole of the disc was some 2 or 3, or 3 or 4 inches out of the water her freeboard would be from 5 feet 2 to 5 feet 4 inches, which would be amply sufficient. We can quite understand that the freeboard on entering Malta would be about the same as when she left it, the weight of the cattle which she discharged there being approximately the same as that of the coal which she took in; but it is difficult on any hypothesis to see how her freeboard on entering Malta could only have been 4 feet 8 to 4 feet 10 inches. Taking the lowest estimate of her freeboard on leaving Odessa, namely, 4 feet 2½ inches, and adding 3 inches for rise on getting into the Black Sea, we get a freeboard of 4 feet 5½. But then there is the consumption of coal on the voyage from Odessa to Malta, estimated at 100 tons, which at 18·3 tons to the inch gives us nearly 5½ inches more; in addition to which allowance would have to be made for the rise due to the greater density of the water in the Mediterranean, equivalent we are told to 3 inches, making her freeboard on her arrival at Malta about 5 feet 2 inches, which would be quite sufficient, the minimum freeboard for a winter voyage being 5 feet 1 or 5 feet 2. There is also some evidence that one or more of the tanks were full on her leaving the harbour, and that the master expressed an intention of emptying them when he got to sea, and if so that would still further increase the freeboard. On the whole the conclusion to which we have come is, that the vessel was, when she left Malta, in a good and seaworthy condition, and that she was not overladen.

The sixth question which we are asked is, "What, in the opinion of the Court from the evidence before them, is the cause of the vessel not having been heard of since she left Malta on the 24th October last?" Evidence was given that a steamship called the "Palmyra" left Palermo on the 24th of October for London, and that on the 26th and 27th she encountered a violent gale amounting almost to a hurricane, in the course of which she sustained very considerable damage, and was for some time in a position of great danger. And it is very probable that the "Sibylla," leaving Malta as she did on the 24th, would have encountered the same gale, and went down in it.

The seventh question which we are asked is, "Whether blame attaches to the owner?" The only thing for which we can impute blame to the owner is, for not having taken care to have the load-line assigned to her in accordance with the rules which have been approved by Lloyd's and the Board of Trade, after those rules were issued. He, however, does not appear to have been responsible for the loss of the vessel, for, although she was no doubt overladen when she left Odessa, she was certainly not so when she left Malta.

The eighth and ninth questions which we are asked are, "What was the value of the vessel when she last left the United Kingdom?" and "What were the insurances effected, and how were they apportioned?" The owner has told us that he valued her, when she last left the United Kingdom, at 16,500*l.*, not in our opinion an excessive sum to put upon her; and that she was insured for that amount, 1,125*l.* thereof being at the owner's risk. The freight, which was valued at 1,438*l.*, was insured for 1,400*l.*

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

We concur.

(Signed) WM. PARFITT, }
JAMES KIDDLE, } ASSESSORS.

The Mer

In the matter
Royal Court
of March
H. C. ROTHERY,
assisted by
PARFITT, as
tending the
of Whitby,
ember last
on a voyage
of barley.

The Court,
circumstances of
finds, for the
vessel on her
having been g
having been pr
Dated the 7th

We concur

This case was
on the 13th an
instant, when
for the Board
of the "Maud."
by the Board
handed in a st
Board of Trad
Crump then r
dressed the C
Danckwerts ha
Court proceede
which its opin
of the case are

The "Maud"
1,294 tons gros
engines of 120
pool in the ye
was registered
Mr. William F
and others, M
She left Penar
cargo of coals,
charged her ou
to Sulina, and
completed her
the 27th of De
and a cargo o
about 100 tons
for orders; an
put upon a S.
a fresh breeze
a slight list to
quarter with a
a.m. of the 29t
and began to b
however, conti
her, carrying
4 a.m. the list
5 a.m. she was
which threw h
wale under, an
hatchways on t