

(No. 5748.)

"RUBIO" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Town Hall, in the County Borough of Newport, in the County of Monmouth, on the seventh and eighth days of July, 1898, before THEOPHILUS JOHN BEYNON and FREDERICK PHILLIPS, Esquires, two of Her Majesty's Justices of the Peace for the County Borough of Newport, aforesaid, assisted by Captains ABSALOM ANDERSON and WILLIAM COSENS, Mercantile Marine, Nautical Assessors, into the circumstances attending the stranding and subsequent loss of the British steamship "RUBIO," of Newport, Monmouth, on or near the Libenter Rocks, L'Abervrach, France, on or about the 20th day of June, 1898. Mr. R. P. Williams, solicitor, appeared for the Board of Trade, Mr. G. H. Llewellyn, solicitor, for the owners of the ship, and Mr. A. A. Miller for the master of the ship. The chief and second officers were not represented by counsel or solicitor.

THOMAS SUMMERS,
Clerk of the Court.

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 stranding and subsequent loss of the "Rubio" was caused by the master not making sufficient allowance for the tide, which set the vessel to the southward of her assumed position in very thick weather.

The Court finds the master, David Davies, alone in default, but under the circumstances does not deal with his certificate, but severely reprimands him and cautions him to be more careful in future.

Dated this eighth day of July, 1898.

T. J. BEYNON,
President of the Court. } Justices of the Peace
FREDK. PHILLIPS, } of the County
Borough of Newport,
Monmouthshire.

We concur in the above report.

ABSALOM ANDERSON, } Assessors.
WILLIAM COSENS, }

Annex to the Report.

This inquiry was held at the Town Hall, Newport, on the 7th and 8th days of July, 1898. The "Rubio," official number 91,374, was a screw steamer built of steel by Messrs. Irvine and Co., of West Hartlepool, in the year 1890. Her dimensions, as per register, were: length, 250·2 ft.; breadth, 34·1 ft.; and depth in hold from tonnage deck to ceiling at midships, 15·75 ft. She was fitted with triple expansion surface-condensing engines of 125 nominal horse power. Her gross tonnage was 1,517·80 tons, and after deducting 557·70 for propelling power and crew space, her registered tonnage was 960·10 tons. Her port of registry was Newport, and at the time of the casualty which forms the subject of this investigation, was the property of the "Rubio" Steamship Company, Limited. Messrs. William James Orders and Theodore Leopold Handford, both of 96, Dock Street, Newport, in the County of Monmouth, being the duly appointed managers.

The "Rubio" had three boats, two of which were life-boats, the other being a jolly-boat. They were

all carried on chocks with davits, and were fitted in accordance with the Act.

She had three compasses, a standard by which the vessel was steered and navigated, a jumper stay compass and a steering compass, aft. She was supplied with twenty-four life-belts and eight life-buoys, and the vessel was in all respects in good order and condition throughout.

The "Rubio" loaded a cargo of about 2,000 tons of coal in Tyne dock, consigned to consignees' order at Lisbon, and being so laden, her draught of water was 17 ft. 4 ins. forward and 18 ft. aft. She left Tyne dock at 1 a.m. of the 17th June last, with a crew of seventeen hands all told, and under the command of Mr. David Davies, who holds a certificate of competency, number 011,484.

At the time of leaving, the weather was fine but hazy. All went well, and at 7.35 p.m. of the 18th June last, the vessel arrived off, and passed to the southward of, the "Royal Sovereign" light-vessel at an estimated distance of a quarter of a mile, whereupon a west course, magnetic, was set. The tide at this time being three hours flood, and the weather fine but somewhat hazy, the master stating that he could see some three or four miles. The engines were at this time going full speed making about eight and half knots per hour.

The taffrail log was inspected when passing the "Royal Sovereign," and the distance run from the Tyne was recorded. The west, magnetic, course was continued all through the night up to 5 a.m. on the 19th, when it was altered to W. $\frac{3}{4}$ S., magnetic, the log showing a run of 76 miles on the west course from the "Royal Sovereign."

The weather at 5 a.m. was still fine and hazy, but shortly after that hour it came on thick at intervals, and remained so during the forenoon. At 11.35 a.m., the log showed a run of 54 miles on the W. $\frac{3}{4}$ S. course, whereupon the course was altered to W.S.W., magnetic.

Shortly after noon the weather came on very thick, the fog whistle was sounded at regular intervals, but the engines were kept at full speed.

At 6 p.m. the log showed a run of 54 miles on the W.S.W. course, whereupon it was altered to W. by S. $\frac{3}{4}$ S., magnetic, the weather still being very thick, and the engines kept at full speed. At 10.40 p.m. the engines were for the first time put at half speed, which the Court consider ought to have been done several hours before, in fact, they ought to have been reduced to slow.

The master who had been on deck since 3 p.m. was still there, and in charge of the vessel. At midnight the chief officer was relieved by the second officer, the weather was still described by all the witnesses as being very thick. A look-out man had been on the look-out forward all night, and the master still remained on deck and in charge. Neither land or lights had been seen since taking their departure from the "Royal Sovereign," when suddenly at 2 a.m. of the 20th, she struck some submerged rocks forward, and after forging ahead some little distance remained fast.

The engines were at once stopped, and upon examination the water was found to be flowing very rapidly into the fore peak, so much so that in about one hour from striking they abandoned the vessel, which was at that time nearly full of water. They lay by in their own boats until 4 a.m., when finding nothing further could be done they rowed for the shore, and all landed in safety on the mainland.

The place on which the "Rubio" struck was afterwards found to be Le Libenter shoal, one of the outlying dangers off L'Abervrach, and about twenty-three miles to the eastward of the North-West Lighthouse at Ushant.

This stranding emphasises the instructions contained in the sailing directions as to the danger of attempting to make Ushant during foggy weather. With steamers coming from the eastward, as this one was, in very thick weather, the only safe course, in the opinion of this Court, is to keep well in mid-channel, and make sure of being to the westward of Ushant before hauling to the southward.

These being the facts of the case, Mr. R. P. Williams, who appeared for the Board of Trade, submitted

the following questions for the consideration of the Court, viz.:

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?

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?

3. Whether proper measures were taken at or about 7.30 p.m. of the 18th June, to ascertain and verify the position of the vessel?

4. Whether safe and proper courses were steered after 7.30 p.m. of 18th June last, and whether due and proper allowance was made for tide and currents?

5. Whether proper measures were taken from time to time after 7.30 p.m. of the 18th June, to ascertain and verify the position of the vessel?

6. Whether, having regard to the state of the weather on the morning of the 20th June, the vessel was navigated at too great a rate of speed?

7. Whether the lead was used before the casualty, and, if not, whether, in the opinion of the Court it should have been used?

8. What was the cause of the casualty?

9. Whether the vessel was navigated with proper and seamanlike care?

10. Whether the loss of the "Rubio" was caused by the wrongful act or default of the master, chief, and second officers or either of them?

Mr. Miller having addressed the Court on behalf of the master, and Mr. Williams having replied on behalf of the Board of Trade, the Court replied to the questions, and gave judgment as follows:—

1. The vessel had three compasses, they were in good order, and sufficient for the safe navigation of the vessel, and were last adjusted by Messrs. Rainforth & Son of Newport, on the 8th day of August, 1897.

2. The master stated that he ascertained the deviation of his compasses by observation from time to time. The Court is of opinion that the errors were correctly ascertained, and the proper corrections to the courses applied.

3. At 7.30 p.m. of the 18th June last, the vessel passed within one quarter of a mile of the "Royal Sovereign" light-vessel. The position at that time was for all practicable purposes well defined.

4. Safe and proper courses were steered from 7.30 p.m. of the 18th June up to 11.35 a.m. of the 19th June, but not after. The Court is of opinion that, considering the master had not seen anything

since passing the "Royal Sovereign" light-vessel, and the then thick state of the weather, he should have continued the mid-channel course instead of altering it to the southward. The alteration was with the view of making Ushant, if possible, which in the then state of the weather was neither safe nor proper. Due and proper allowance for the set of the flood tide on the starboard bow after the alteration in the course at 11.35 a.m. of the 19th June last was not made.

5. No measures were taken, inasmuch as none were available after 7.30 p.m. of the 18th June, in order to ascertain and verify the position of the vessel.

6. Having regard to the very thick state of the weather the vessel had been and was at the time of the casualty navigated at too great a rate of speed.

7. The lead was not used, and on account of the irregular soundings the court is of opinion the non-use of it in no way contributed to the casualty.

8. The casualty was attributable to the courses steered not being made good. The courses steered as given in evidence if made good would have taken the vessel some fifteen miles outside Ushant. There is no doubt whatever that after the alteration of the course at 11.35 a.m. of the 19th June the vessel would meet the flood tide on the starboard bow. This set of the tide would take the vessel considerably inside her course, and that, in the opinion of the Court, was the cause of the casualty.

9. The vessel was not navigated with proper and seamanlike care.

10. the loss of the "Rubio" was caused by the default of her master, David Davies. The officers are not in default. The Court, after taking into consideration the master's excellent service in the past, his marked and continuous attention to duty on the voyage in question, does not deal with his certificate, but severely reprimands him and cautions him to be more careful in future.

T. J. BEYNON, } Justices of the Peace of
FREDK. PHILLIPS, } the County Borough of
Newport, Monmouthshire.

We concur.

ABSM. ANDERSON, } Assessors.
WILLIAM COSENS, }

(Issued in London by the Board of Trade on the
29th day of July, 1898.)

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