

(No. 687.)

"WHITTINGTON."

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Westminster, on the 24th of July 1880, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Rear-Admiral POWELL, C.B., R.N., Captain HARLAND, and C. W. MERRIFIELD, Esquire, as Assessors, into the circumstances attending the supposed loss of the British sailing ship "WHITTINGTON," of Lancaster.

Finding.

The Court having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed—

1. That the vessel was in good and seaworthy condition when she left Philadelphia.
2. That she was not overladen.
3. That the cargo was properly stowed, and that, as laden, she had sufficient stability for a winter voyage.
4. That it had not been shown that the vessel had not a sufficient freeboard.
5. That she was not well or sufficiently manned.
6. That the load line was not placed in a proper position when she left this country on her last voyage.
7. That there is nothing to show what has become of the vessel, but that she was probably lost during the very tempestuous weather which we know prevailed in the Atlantic during the months of November and December last.

The Court makes no order as to costs.

Dated this 24th day of July 1880.

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

We concur in the above report.

(Signed) R. ASHMORE POWELL,
ROBERT HARLAND,
C. W. MERRIFIELD, } Assessors.

Annex to the Report.

This case was heard at Westminster, on the 24th July instant, when Mr. Mansel Jones appeared for the Board of Trade, and Mr. Bucknill for the Lancaster Shipowners Company, Limited, the owners of the ship "Whittington." Five witnesses having been produced and examined, and the depositions of four witnesses, taken at Philadelphia, having been put in and read, Mr. Mansel Jones stated that the Board of Trade desired the opinion of the Court upon the following questions:—

- "1. Was the vessel in good and seaworthy condition when she left Philadelphia?"
- "2. Was she overladen?"
- "3. Was the cargo properly stowed, and, as laden, had she sufficient stability, especially for a winter voyage?"
- "4. Had the vessel sufficient freeboard when she left Philadelphia?"
- "5. Was she well and sufficiently manned?"
- "6. Whether the load line was placed in a proper position when leaving this country on her last voyage consistently with the safety of the vessel?"
- "7. What is the cause of the vessel not having been heard of since she left Philadelphia on the 9th of December last?"

Mr. Bucknill having addressed the Court on behalf of the owners, and Mr. Mansel Jones having replied, 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 "Whittington," which was a three-masted iron sailing vessel of 969 tons register, was built at Lancaster in the year 1866, and at the time of her loss was the property of the Lancaster Shipowners Company, Limited, Mr. William Herron, of 17, Tower Buildings, North Water Street, Liverpool, being the managing owner. She left Philadelphia on the 9th of December last with a cargo of 39,401 bushels of Indian corn in bulk, and

15,140 bushels of Indian corn in bags, making a total dead weight of 1,363 tons; in addition to which she had 16 tons of dunnage. After the pilot left her, she proceeded out to sea, and from that time has never been seen or heard of; and it is under these circumstances that this inquiry has been ordered.

The first question upon which our opinion has been asked is, "Was the vessel in good and seaworthy condition when she left Philadelphia?" We were told by Mr. John Moore Hyde, the builder, who was examined before us, that she was an exceptionally good ship, having been built with tested iron plates and frames; that she was extra cemented from end to end to the upper turn of the bilge, and that she obtained a first-class certificate from Lloyd's. What became of her from that time we are not told; but in September 1879 we find her in the Victoria Graving Docks, and according to the evidence of Mr. Fenwick, the manager of those docks, she was then opened out, and thoroughly cleaned and repaired; and Mr. Davey, the principal surveyor to Lloyd's Register, who superintended the repairs on that occasion, has told us that after the repairs were completed she was restored to her original class, which was Double A*, Double A being the first class, and the star indicating that she had her plating $\frac{1}{16}$ th above that required by Lloyd's rules. On leaving the Victoria Docks she at once proceeded to Philadelphia with a cargo of iron, but it is not suggested that she sustained any damage on the way out. All the witnesses, too, who have been examined at Philadelphia speak of her as having the appearance of being a first-class vessel, and we can come therefore to no other conclusion than that, when she left Philadelphia, she was in a thoroughly good and seaworthy condition.

The second question upon which our opinion has been asked is, "Whether she was overladen?" Her cargo, it seems, consisted of 1,353 tons, with 16 tons of dunnage additional, which is less than 30 per cent. above her registered tonnage. We have also the evidence of the witnesses who superintended the loading of the cargo at Philadelphia that the vessel appeared to be light, and that "her general appearance and trim when loaded and lying out in the stream was first-class." The pilot, also, who took her down the river stated that she "was in first-class order for her intended voyage." Under these circumstances we should not be justified in saying that she was overladen.

The third question upon which our opinion has been asked is, "Was the cargo properly stowed, and, as laden, had she sufficient stability, especially for a winter voyage?" And first, "Was the cargo properly stowed?" It seems that the lower holds were filled with grain in bulk, and that in the 'tween decks there was also about 18 inches of grain in bulk, upon which were laid planks, and above them grain in bags, about 5 tiers high, filled in between the beams. There were also, we were told, "three courses of the 'tween decks planking taken up on each side for the entire length of the ship," so that the grain might run down into the lower holds and fill up any empty spaces that might be formed by the settling of the cargo. According also to Mr. Munroe, the secretary of the Board of Marine Surveyors and Inspectors in the port of Philadelphia, the bags in the 'tween decks were arranged in longers, a plan of which Mr. Munroe seems not to approve; for he says, "Our Board prefer stowing bags a-burton, as the length is greater than the breadth, and they are not so liable to roll as when stowed in longers fore and aft; but as a general rule masters of ships do not like to adopt our system, which is the result of large experience." Admitting, however, this to be so, there is nothing to show that the cargo was not properly stowed.

Secondly, had the vessel, with her cargo stowed as it was, "sufficient stability, especially for a winter voyage?" In this case we are not told where the metacentre was, or what was the position of her centre of gravity, laden as the vessel was. We have therefore not the materials before us to enable us to estimate the amount of her stability. Judging, however, from the relation between the beam and the depth of her hold, which were respectively 32.2 feet and 21 feet, which gives a co-efficient of .65, we should be disposed to say that she had a sufficient amount of stability, her midship section, too, showing a great rise of floor. The master stevedore who loaded her at Philadelphia stated that she was a crank ship, and that they had to put about 300 tons of grain into her before they could dis-

charge the whole of the outward cargo. I am told, however, by Mr. Merrifield that the fact that she was crank when empty would not prove her to be an unstable ship when loaded; and Captain Dunn told us that he had moved her with only 150 tons of ballast in her. Looking, too, at the evidence given us by the Philadelphia witnesses of her condition when she left that port, we are not prepared to say that, laden as she was, she had not sufficient stability even for a winter voyage.

The fourth question upon which our opinion has been asked is, "Had the vessel sufficient freeboard when she left Philadelphia?" According to Mr. Munroe her mean draught on leaving Philadelphia was 19 feet 6, and her freeboard about 45 inches, or 3 feet 9; but according to the pilot she drew 20 feet while in the Delaware River, and the Plimsoll mark was 6 inches, if not more, above the water line. The two statements are not consistent; at the same time it must be observed that Mr. Munroe gives the mean draught, whereas the pilot would naturally give the extreme draught, on which he would be paid. But, apart from this, the relation between the draught and the amount of freeboard, as given to us by Mr. Munroe, appears to agree very fairly with what we know of the vessel's dimensions; for we are told by Mr. Davey, the principal surveyor to Lloyd's, that the ship's total depth amidships at the side to the bottom of the keel was 23 feet 4 inches, which on a draught of 19 feet 6 would give a freeboard of 3 feet 10, which is within an inch of what Mr. Munroe estimates it to have been. Adding about 4 inches for the rise in passing into salt water, she would have, when she got out to sea, a freeboard of about 49 or 50 inches. This, upon a depth of hold of 21 feet, would give 2½ inches for every foot of hold, which the assessors think would hardly be sufficient for a voyage across the Atlantic in mid-winter. This evidence, however, as to the amount of her freeboard is not quite consistent with the statement of the Philadelphia witnesses, that she appeared to be "light," and "was in first-class order for her intended voyage," all which would seem to show that she must have had sufficient freeboard when she left Philadelphia.

The next question upon which our opinion is asked is, "Was she well and sufficiently manned?" It appears that the vessel, which was originally rigged as a ship, had in 1877 been altered into a barque, which would no doubt necessitate fewer hands to navigate her. At the same time, the reduction that was made in the number of her crew appears to have been out of all proportion. Thus we find from the ship's articles for the different voyages on which she was engaged, that in 1873 she had 20 hands, of which 12 were A.B.'s; that in 1874 she had still 20 hands, of which 11 were A.B.'s and one an ordinary seaman; and that in 1875 she had 21 hands, of which 11 were A.B.'s and 2 ordinary sea-

men. But in 1877 the crew was reduced to 17 hands all told, of which only 9 were A.B.'s and 1 an ordinary seaman; in 1878 she had 18 hands, of which 8 were A.B.'s and 2 ordinary seamen; and on her last voyage in 1879 she had only 16 hands, of which only 8 were A.B.'s, all of them foreigners, and there were no ordinary seamen. The general rule, I am told, is that sailing vessels of 1,000 tons should have an average of about 2 hands to every 100 tons, half of whom should be able seamen; and on that principle this vessel, which was nearly 1,000 tons, ought to have had nearly 20 hands, of whom 10 should have been A.B.'s. We are disposed, therefore, to think that on her last voyage, when the vessel had fewer hands than on any of her previous voyages, the vessel was not sufficiently manned, and that it would, in our opinion, have been better if she had had two more A.B.'s; but there is nothing to show that the insufficiency of her crew contributed to her loss.

The next question upon which our opinion has been asked is, "Whether the load line was placed in a proper position when leaving this country on her last voyage consistently with the safety of the ship?" It seems that in 1875 the load line was at 4 feet 3, and that it was afterwards altered, but under what circumstances we are not told, to 3 feet 6. When, however, Captain Dunn took the superintendence of Mr. Herron's vessels, he lowered it again to 3 feet 11½, giving 2½ inches of freeboard for every foot depth of hold, which he considered to be sufficient. In our opinion, however, it was not sufficient; and we think that if it had been placed at 4 feet 3, where it formerly stood, it would have been better.

To the last question upon which our opinion has been asked, "What was the cause of this vessel not having been heard of since she left Philadelphia on the 9th of December last?" we can only reply, that there is nothing to show what has become of her; she was in good and seaworthy condition when she left Philadelphia: her cargo appears to have been properly stowed; and there is no evidence to show either that she was too deeply laden, or that she had not a sufficient amount of stability, or that the insufficiency of her crew contributed to her loss; and the only conclusion to which we can come is, that she must have been lost during the very violent and tempestuous weather which we know to have prevailed in the Atlantic during the months of November and December last.

No order was made as to costs.

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

We concur.
(Signed) R. ASHMORE POWELL, }
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