

(No. 2147.)

“KITTY.”

The Merchant Shipping Acts, 1854 to 1876.

In the matter of the formal Investigation held at Liverpool, on the 8th day of April 1884, before H. C. ROTHERY, Esquire, Wreck Commissioner, assisted by Vice-Admiral POWELL, C.B., and Captain ANDERSON, as Assessors, into the circumstances attending the supposed loss of the sailing ship “KITTY,” of Whitehaven, whilst on a voyage from Falmouth to Runcorn in December last.

Report of Court.

The Court, having carefully inquired into the circumstances of the above-mentioned shipping casualty, finds, for the reasons annexed, that, when the said vessel sailed on her last voyage, she was in a good and seaworthy condition, and was not overladen, and that there is no evidence to shew how she was lost.

The Court is not asked to make any order as to costs.

Dated the 8th day of April 1884.

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

We concur in the above report.

(Signed) R. ASHMORE POWELL, } Assessors.
ABSM. ANDERSON, }

Annex to the Report.

This case was heard at Liverpool on the 8th of April instant, when Mr. Paxton appeared for the Board of Trade. The manager of the “Kitty” was present, but neither he nor the owners were represented by either counsel or solicitor. Ten witnesses having been produced by the Board of Trade and examined, Mr. Paxton handed in a statement of the questions upon which the Board of Trade desired the opinion of the Court. The circumstances of the case are as follow:—

The “Kitty,” which was a wooden brig, belonging to the port of Whitehaven, of 148 tons gross and 130 tons net register, was built at Whitehaven in the year 1765, and at the time of her loss was the property of Mr. Charles Fisher and others, Mr. Michael Shealer, Whitehaven, being the manager. She left Dieppe on the 28th of November last, with a crew of 6 hands all told, 244 tons of flints and eleven tons of whiting, bound to Runcorn, but encountering bad weather in the Channel she had to put into Falmouth. There she remained from the 3rd to the 8th of December, when she again resumed her voyage, and from that time nothing more has been seen or heard of her; an oar, however, with her name upon it has since been picked up somewhere in Cardigan Bay, and it may therefore fairly be inferred that she has perished with all hands somewhere thereabouts.

These being the facts of the case, the first question upon which the Board of Trade have asked for our opinion is, “Whether, when the vessel left Dieppe, she was in good and seaworthy condition?” The vessel having been built in the year 1765, would, at the time of her loss, be about 119 years old; but we are told that, with the exception of a small piece of English oak in the dead wood aft, which, however, was as sound as the day it was put into her, no part of her original construction remained. In 1861 she had been practically rebuilt, and was thereupon restored to her original class, A 1 at Lloyd’s, for seven years. On that occasion she was lengthened 9 feet 6, and was made specially strong, being fitted for the carriage of heavy iron ore cargoes, a trade in which she was for some years afterwards engaged. In 1868 she was allowed to run off her class; but in 1877 she underwent very extensive repairs at a cost of about 880l., and was thereupon classed A 1 in red for seven years. From this time she

underwent her regular annual surveys, and in 1882 passed her half time survey, when a further sum of about 150l. was spent upon her; and on every occasion she was found to be in good and seaworthy condition, and fit, according to the reports of the surveyors, to carry dry and perishable cargoes to all parts of the world, and she retained her class to the last. It seems, however, that in September last she lay aground on a steep mud-bank at Cross-haven, near Queenstown, for some little time, and on coming off took a cargo of pit wood to Cardiff, returning to Queenstown with a cargo of coal. Finding, however, that on that voyage she made more water than usual, the captain had her, on her return to Queenstown, put on the gridiron, where, at his request, she was surveyed by Mr. Bell, the shipwright surveyor to the Board of Trade at that place, who told us that he found the oakum spewing out at two butts on the starboard side, and at one butt on the port side, which in his opinion was quite sufficient to account for the water that she was making. These butts having been properly caulked she sailed again, and after that she appears to have made no more water, for we were told by a Mr. Nancarrow, examining officer of Customs at Falmouth, who had boarded her on her arrival there on the 3rd of December last, that hearing the master say that she was 119 years old he had asked him if she made any water, and that the captain replied that she did not, and that she was perfectly dry. It would be difficult to have better evidence than we have had in this case of the vessel’s state and condition during the last 40 years. We have had the evidence of Captain Michael Shealer, the manager, who commanded her for 18 years, from 1852 to 1870; of Captain Fisher, who commanded her for 10 years, from December 1873 to July 1883; of the foreman shipwright, who did the extensive repairs to her in 1877; of the two Lloyd’s surveyors, who passed her at the half time survey in 1882; and, lastly, of Mr. Robert Bell, shipwright surveyor to the Board of Trade at Queenstown, who had known her since before 1841, and having been surveyor to the Whitehaven Mutual Ship Insurance Society, in which she was insured, from 1860 to 1875, had surveyed her every year during that period, and who had also had the opportunity of seeing her at Queenstown in September last, when she was on the gridiron. All these witnesses speak of her as having been a very good strong little vessel, and according to Mr. Bell she was always kept first class. She was what is called a family vessel, a class of vessel which was more common formerly than it is at present, and her owners were proud of her and of her age. Under these circumstances we have no hesitation in saying that she was, when she last left Dieppe, in a good and seaworthy condition.

The second question which we are asked is, “Whether, having regard to the age and condition of the vessel, when she left Dieppe she was overladen.” It seems that when she left Dieppe she had on board about 244 tons of flints and 11 tons of whiting, making in all 255 tons. This, we were told by Captain Shealer and Captain Fisher, was the average weight of the cargoes she carried when they commanded her, a period of some 28 years, namely, from 1852 to 1870 and from 1873 to 1883. Thus laden, we are told that she drew about 12 feet 3 or 4 forward and about 13 feet 3 or 4 aft, and according to Captain Fisher, who put the load-line upon her side, the water would be an inch or so over the lower rim of the disc; and as we are told that the centre of the disc was 2 feet 4½ inches below the deck, that would give her a freeboard of 2 feet 7 to 2 feet 9. Now, seeing that the vessel, although an old one, was specially strongly built, and was always kept up in a thoroughly efficient state, and that even after she had been lengthened 9 feet 6 inches she had a beam of 22’3 feet as against a length of 79’2 feet, the assessors are of opinion that she had sufficient freeboard, and that she was not overladen.

The third question which we are asked is, “Whether, having regard to the age and condition of the vessel, she was at the time of her loss, worth 900l.; and if not, what was the amount that she was worth?” Seeing that although the vessel was a very old one, she had in 1861 been almost entirely rebuilt, and was then classed A 1 for 7 years; that in 1877 a sum of about 880l. had been spent upon her and she was thereupon classed A 1 in

red for 7 years; and that in 1882 at the half time survey a further sum of about 150*l.* was spent upon her, and that she remained in that class to the last; that she was a very strong little vessel, and was always, according to the evidence of the surveyors, kept up first class; we are of opinion that she was fairly worth to her owners the sum of 900*l.*, being about 6*l.* per ton on her gross, and about 7*l.* on her net tonnage.

The fourth question which we are asked is, "Was she over insured?" We are told that she was insured, at the time of her loss, in the Whitehaven Mutual Shipping Insurance Society for the sum of 506*l.* 5*s.*; and the way in which they arrived at that sum was as follows:— By mutual agreement between the surveyors to the insurance company and the owners the value of the vessel was fixed at 900*l.*; and owners having by the rules of the society liberty to insure their vessels up to three-fourths of the agreed value, might have insured her for the sum of 675*l.*; but they in fact insured her for only three-fourths of that amount, namely 506*l.* 5*s.* 0*d.*, or less than 3*l.* 10*s.* 0*d.* per ton of the gross tonnage, which would in our opinion be much below her real value.

The fifth question which we are asked is, "What, in the opinion of the Court from the evidence before them, was the probable cause of the loss of this vessel?"

I am told by one of the assessors that a cargo of flints from Dieppe, such as this vessel would have on board, a description of cargo with which he is very familiar, is not at all liable to shift; more especially when it has, as in the present case, some eleven tons of whiting in casks over it. There is therefore no reason to think that her loss was due to the shifting of the cargo. It appears, however, from the weather charts, which I have before me, that a very severe gale passed over the Irish Channel on the 12th of December, which would be about the time when the vessel would probably have been there; and it is therefore quite possible that she may have encountered that gale, and either foundered or been driven on some rock near the Smalls, and gone to pieces. It must, however, be mere matter of conjecture, for we have no evidence before us, beyond the oar picked up in Cardigan Bay, to enable us to say when or where she was lost.

The Court is not asked to make any order as to costs.

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

We concur.

(Signed) R. ASHMORE POWELL, } Assessors.
ABS. M. ANDERSON, }

"THOMAS"

The Merchant Ship

In the matter of the f
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Dated this 22nd

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We concur in the

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Mr. Muir Mackenzie
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