

(No. 5566.)

“SUSANNAH KELLY” (S.S.)

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at Recorder's Court, Belfast, on the 13th, 14th, 15th, and 16th days of July, 1897, before FRANCIS G. HODDER, Esquire, Stipendiary Magistrate, assisted by Captains PARFITT and DYER, into the circumstances attending the loss of the Steamship “SUSANNAH KELLY” of the Port of Belfast, about 10 miles E.S.E. of the Maidens North Channel, on or about the 16th day of June 1897, 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 vessel listing over and foundering on the morning of the 16th of June 1897, was her not having sufficient stability, and probably her cargo having shifted during the heavy N.N.W. gale she was then encountering. The Court does not consider the Managing Owner, Mr. John Kelly, free from blame in not having the vessel tested for stability after he entertained doubts of it in 1890. But at the same time the Court is satisfied of his bona fide belief in the seaworthiness of the vessel after the alterations and additions which were made in her about that time. The Court considers that Mr. Alexander Logan, the stevedore, is in default for leaving the wharf before the stowage and trimming of the cargo was completed, but as the master took upon himself the responsibility for the stowage of the cargo in the afterhold, the Court makes no order against him as to costs.

Dated this 16th day of July 1897.

F. G. HODDER, Judge.

We concur in the above Report.

WM. PARFITT, } Assessors.
RICHD. C. DYER, }

Annex to Report.

This Inquiry was held in the Recorder's Court, Belfast. Mr. A. J. Lewis conducted the case on behalf of the Board of Trade. Mr. William M. McGrath, B.L., represented Mr. John Kelly (owner of the vessel), and Mr. John McCormick represented the stevedore (Mr. Alexander Logan).

The “Susannah Kelly” was a screw steamship built of steel at Belfast in 1890 by Messrs. Mellwaine and McCall. She was schooner-rigged with three masts. Her official number was 96,267. She was registered at Belfast, and Mr. John Kelly, of 7 & 10, Queen's Quay, Belfast, was her managing owner. She had three triple compound engines of 48 horse power. The following were her dimensions: Length, 140.7; breadth, 21.6; depth, 11.25. Her under-deck tonnage was 218 tons, gross tonnage 283, and register tonnage (after deductions) 91 tons. She had two holds separated by a bulkhead in which there were openings: the forehold was 39 ft. long, and the afterhold 34 ft. Each of these had one hatchway, the fore one being 19 ft. long by 12 ft. wide, and the after one 15½ ft. long by 12 ft. wide. The combings of each hatchway were 3 ft. 3 in. high. She had a raised quarter deck 2 ft. high and 80 ft. long; the after hatchway was on this deck, but the fore hatchway was on the main deck. Her rail above the main deck was 5 ft. high, and above the raised quarter deck 4 ft. high. The engines and boilers were placed aft, their combined length being 28 ft., and there was a small cabin abaft the engines 9 ft. in length. The height of the Ridley engine, casing, and cabin, was 7 ft., and she had a top-gallant fore-castle 23 ft. long, also 7 ft. in height. There were two coal bunkers, one on each side of the stoke hold, which were filled from openings in the quarter deck, one to each of them. Her bridge was amidships, on which was the steering wheel, and beneath which was the captain's cabin and galley, 7 ft. high.

When originally built she had a flying bridge also above this, but it was removed in 1891, together with a donkey boiler, and about the same time a water-ballast tank was fitted amidships, 20 ft. long and about 3 ft. deep, extending from bilge to bilge, and capable of containing some 30 tons of water. She had two lifeboats on chocks, and she was fully equipped in every respect, in good order and condition, and a well kept up vessel.

On the 15th June last, the “Susannah Kelly” left Belfast in ballast, bound for Ayr, where it was intended she should load a cargo of coal on owner's account, and return with it to Belfast. Her crew consisted of 10 hands, of whom M. Bryant was master, who held no certificate. She arrived at Ayr about 9 p.m. of that day and immediately commenced loading with her port side to the wharf. As all hands were drowned, the Court has no information as to the proceedings by any of the ship's crew. It may be presumed, however, that on arrival at the wharf they commenced to pump out the water ballast tank, which the owner told the Court would take about 3 hours. The loading proceeded as follows:—First 6 tons of coal were shipped and three of it placed in each bunker, the cargo coal was then tilted on board from 6-ton waggons, and shot into the fore and main holds, until the fore hold was practically full, although there was a small space, variously stated to have been capable of holding from 2 to 4 tons left in the port wing of that hold. This information was obtained from the trimmers, the stevedore, Mr. Alexander Logan, not having any cognisance of the state of the holds, except what he obtained from the trimmers, when the fore hold was full the trimmers came up out of it, and the hatches were put on and battened down. By this time coal had been shot into the after hold, sufficient to come up into the hatchway in a cone, the top of the cone being above the top of the combings of the hatchway. This was about 1 a.m. of the 16th, and Mr. Gordon, the shipper of the cargo, asked if they could take any more on board. The mate demurred at first, and the master was sent for, and he sent the mate to take the ship's draught and asked one of the trimmers, McAlister by name, whether the hatchway would hold another waggon, to which McAlister replied: “not if you mean to put the hatches on.” By this time the mate returned and reported that she was drawing 12 ft. 7½ in. aft, and the master then said, “fire away with the waggon.” Accordingly the waggon containing 6 tons was tilted into the after hatchway, completely filling it and causing from 1½ to 2 tons to overflow on to the deck. The crew then proceeded to cast off the ship from the wharf. She was swung round and started on the passage to Belfast at 1.30 a.m. of the 16th June.

During the whole time the cargo was being loaded the vessel had a list to port which was variously described from “slight” to “considerable,” and which the trimmers attributed to the fact that when loading with the port side to the wharf the heavier coal would fall into the port side and the large lumps roll into the starboard side, and they stated that it was with the object of counteracting this that the vacant space in the port wing of the forehold was left, which was usually done in vessels loading at the wharf. On this occasion, however, part of the list may have been caused by the water in the ballast tank whilst it was being pumped out.

Mr. Logan, the stevedore, does not appear to have seen anything of the proceedings above described relating to the shipment of the last waggon, as he left the wharf and went home about 12 o'clock, leaving the completion of the stowage to the trimmers.

At the time of her leaving the wharf there was a fresh breeze from the southward, with rain at intervals, and when about 4 or 5 miles from Ayr, at about 2 a.m., a fishing boat of 7 tons, the “Marian Duff,” of Ayr, was passed on the steamer's port side, about 40 or 50 yards off. The master of this boat, William Law, stated that he did not notice any list in her, but that he saw two or three men standing on the after hatchway, and that he could see them from their knees upwards. From this time nothing was seen of the “Susannah Kelly” until 5.30 a.m. of that morning, when she was seen by the chief officer of the steamship “Grouse” about 5 or 6 miles off, bearing S.E. by S., and she appeared to him to be then going all right. At this time it was blowing a strong gale from the N.N.W., which had sprung up about 5 o'clock. About 6.50 both the chief officer and master of the “Grouse” noticed that she was on her beam ends. The “Grouse” turned to go in her direction, but she

went down immediately. The "Grouse" did not proceed to the spot as her iron cargo showed signs of shifting. The "Susannah Kelly" was also seen by Robert Carswell, master of the steamship "Shamrock," about 6.30 a.m. of that morning. She was then about 3 miles on the port beam of the "Shamrock," which was then about 10 miles off Black Head. Captain Carswell noticed her heading east and taking a list, that she rolled over to port and did not come back, that she took another roll without recovering and that her head then fell off to south, and she went down stern first in five minutes from the time he first saw her. There was a very heavy sea running at the time, and the "Shamrock" was steered to the spot where the vessel disappeared, and then found a boat bottom up with 4 men clinging to her. The "Shamrock" attempted to lower a boat, but when about half way down it got stove in. They then tried to get lifebuoys and lines to the men and succeeded in getting three lines over the keel of the boat. One of the men got hold of the line and was hauled towards the steamer, but when he was partly out of the water he let go and sank, the other three let go of the boat in attempting to catch the lines, which they failed to do, and sank immediately. The man who was hauled to the steamer had round him a lifebuoy, on which the name "Susannah Kelly" was read by the master of the "Shamrock." This is the last that has been heard of the ill-fated vessel.

At the conclusion of the evidence, Mr. Lewis, on behalf of the Board of Trade, submitted the following questions for the opinion of the Court:—

1. Was the "Susannah Kelly" in good and seaworthy condition in regard to hull and equipments; did she carry the boats and life-saving appliances required by the Statute; and were the boats so carried as to be at all times fit and ready for use?
2. What weight of cargo and bunker coals would the vessel carry when loaded, so as to give her a free board of ten inches?
3. What weight of coal could the vessel carry in the holds with hatches on and battened down?
4. What was the weight of cargo and bunker coal respectively on board the vessel when she left Ayr on 16th June last?
5. Was the vessel over-laden?
6. Was Mr. Alexander Logan responsible for the proper stowage and trimming of the cargo, and was the cargo properly stowed and trimmed?
7. Whether the vessel was provided with shifting boards, and, if not, whether, in the opinion of the Court, shifting boards should have been fitted?
8. Whether, as laden, the vessel had sufficient stability?
9. Whether, upon leaving Ayr, the vessel had a list to port, and, if so, what was the cause of it?
10. Whether, upon leaving Ayr, the hatches were put on and battened down on the fore and after hatchways?
11. What was the cause of the vessel listing over and foundering on the morning of 16th June, and what were the circumstances in which the whole of her crew of ten hands were drowned?
12. Whether blame attaches to the managing owner, or to Mr. Alexander Logan, the stevedore?
13. What was the value of the vessel, and what insurances were effected upon her?

Mr. McGrath and Mr. McCormick then called witnesses, and addressed the Court on behalf of their respective clients; and, after Mr. Lewis had replied on behalf of the Board of Trade, the Court delivered the following answers to the questions:—

1. The "Susannah Kelly" was in good and seaworthy condition in regard to hull and equipments. She carried the boats and life-saving appliances required by the Statute; her boats were so carried as to be at all times fit and ready for use.
2. When loaded with a free board of 10 inches, the "Susannah Kelly" would have carried about 370 tons of coal.

3. It was proved in evidence that the vessel had carried, in 1894, 348 tons of coal in the holds with the hatches battened down.

4. There were, when she left Ayr on 16th June last, 339 tons in the holds and at least 6 tons in the bunkers, besides any that might have been in them when she arrived at Ayr.

5. She was not laden below the free board of 10 inches.

6. Alexander Logan, as stevedore, was responsible for the proper stowage and trimming of the cargo. As regards the forehold, the Court is not prepared to say that the cargo was improperly stowed, but it was improperly stowed in the after hold. This arose, however, from the master having ordered a 6-ton waggon of coal to be tipped into that hold and leaving the quay with the vessel before that waggon load was properly stowed and trimmed.

7. The "Susannah Kelly" was not supplied with shifting boards, and in the opinion of the Court, in ordinary vessels of her class, shifting boards are not necessary.

8. The vessel as laden had not sufficient stability.

9. The vessel on leaving Ayr had a list to port, but there is not satisfactory evidence to account for it.

10. They were on the fore hatchway, but not on the after one.

11. The cause of the vessel listing over and foundering on the morning of the 16th June was her not having sufficient stability, and probably her cargo having shifted during the heavy N.N.W. gale she was then encountering. On the "Susannah Kelly" foundering, the steamship "Shamrock," which was about 3 miles off, bore down to her and found a boat on the spot bottom up, with four men clinging to the keel. Attempts were made to lower a boat but it was smashed. A rope was then thrown to the men, one of whom succeeded in catching hold of it, and was hauled up the side of the "Shamrock," but when near the deck rail he fell back from exhaustion and was drowned. The other three men were seen to drown by those on board the "Shamrock," but nothing could be done to help them.

12. The Court does not consider Mr. Kolly, the managing owner, free from blame in not having the vessel tested for stability after he entertained doubts of it in 1890. But at the same time the Court is satisfied of his *bona fide* belief in the seaworthiness of the vessel after the alterations and additions which were made in her about that time. As to Mr. Alexander Logan, the stevedore, the Court considers that he is in default for leaving the wharf before the stowage and trimming of the cargo was completed.

13. According to evidence her value when lost was about £7,000.

The following insurances were effected on her:—

Maritime	...	...	...	£500
Union	...	...	...	500
Empress	...	...	...	250
German Marine	...	...	...	250
Empress	...	...	...	250
National Marine	...	...	...	300
London and Provincial	...	...	...	500
Straits	...	...	...	250
Lloyd's	...	...	...	3,200
Total	...	...	...	£6,000

F. G. HODDER, Judge.

We concur.

WM. PARFITT, } Assessors.
RICHD. C. DYER, }

(Issued in London by the Board of Trade on the 29th day of July, 1897.)

Yours truly