

(No. 6525.)

"UPUPA" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation, held at the Board of Trade Office, Victoria Road, Cork, on the 2nd, 3rd, 4th, 6th, 7th, and 8th days of April, 1903, before CHAS. E. B. MAYNE, R.M., assisted by Captains E. M. HUGHES and HENRY PARSELL, R.N.R., into the circumstances attending the loss, with all hands, of the British s.s. "UPUPA," of Cork, on either the night of 15th or morning of the 16th January, 1903.

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 for want of sufficient evidence it cannot determine the cause of the vessel not having been heard of since she was sighted by the s.s. "Blarney" at or about 3.30 p.m. on 15th January last, and lost sight of by same steamer at 7.45 p.m. on same date. There has not been a particle of evidence to lead the Court to suppose that she came into collision with any other vessel, and it can only come to the sad conclusion that she must have foundered with all hands either on the night of the 15th or some time during the morning of 16th of January last, it is supposed from stress of weather.

Dated this 8th day of April, 1903.

CHAS. E. B. MAYNE,  
Judge.

We concur in the above Report.

E. M. HUGHES,  
H. PARSELL, R.N.R., } Assessors.

Annex to Report.

This was an inquiry into the circumstances attending the loss of the British s.s. "Upupa," and was held at the Board of Trade Offices, Cork, on the 2nd, 3rd, 4th, 6th, 7th, and 8th days of April, 1903, before Charles E. B. Mayne, R.M., assisted by Captains E. M. Hughes and H. Parsell, R.N.R., nautical assessors. Mr. George Lawrence, B.L., instructed by Mr. A. J. Julian, solicitor, appeared on behalf of the City of Cork Steam Packet Company, the owners of the vessel. Mr. John J. Horgan, solicitor, appeared for the family of the chief officer, T. J. Andrews, and Mr. J. H. Bennett, solicitor for the Board of Trade.

The families of the master and remainder of the crew were not represented.

The "Upupa," of Cork, official number 58558, was an iron screw steamship, built at Jarrow, in the year 1871, by Messrs. Palmer & Co., Limited. She was 865.96 gross tonnage and 498.06 net registered amended tonnage, and was of the following dimensions, viz.:—Length, 230.8 ft.; breadth, 28.03 ft.; depth of hold from upper deck to ceiling at midship on the tank top, 15.6 ft. She was schooner rigged, three masts, and was fitted with two direct-acting compound surface-condensing engines of 140 N.H.P. combined, constructed by Messrs. Palmer & Co., Limited, in the year 1871. She was owned by the City of Cork Steam Packet Company, Limited, Mr. Thomas Francis Lyons, of the City of Cork, being

designated as the person to whom the management of the vessel was entrusted by, and on behalf of, the owners. Advice under the hand of the Cork Steam Packet Company, Limited, received on the 8th day of February, 1888. She was on the voyage in question in good condition and well found, fitted with lifeboats and life-saving appliances in accordance with the Act, and, according to evidence, she was supplied with a sufficient amount of distress signals.

The "Upupa" left Cardiff, bound for Cork, on the 15th day of January, 1903, at about 8 a.m., with a cargo consisting of about 840 tons of coal, 119 tons general cargo, and about 30 tons coals in bunkers, with a crew of 21 hands all told, and one or two stowaways, whose names are not known.

She was under the command of Mr. Nicholas Kearney, who held a certificate of competency as master, No. 5058. Her draft of water, according to evidence given by Mr. Robert Kingdom, a Board of Trade officer at Cardiff, was 16 ft. 11 ins. aft and 12 ft. forward—14 ft. 9 ins. mean—which draft is manifestly incorrect. He also stated that the winter load-line was awash; if so, the Court finds, on examining and calculating the displacement from the vessel's dimensions with the weight of cargo she had on board, that her draft must have been 15 ft. 9 ins. mean.

The "Upupa" proceeded on her voyage, the wind at the time being strong from the E.S.E., with a rough sea, weather slightly hazy.

Mr. Frank Ridge, master of the same company's ship "Blarney," that left Bristol, bound for Cork, on the same date at 8.30 a.m., stated that about 3.30 p.m. of the same day, the "Upupa" was seen from the "Blarney" in a position of 7 to 8 miles west from St. Ann's Head, bearing N.W., distant about 2 miles.

The s.s. "Blarney" hoisted her flag and kept it flying for about half an hour without having any reply. The master of the "Blarney" said he did not attach any importance to that as it frequently happens. He saw that she was going along comfortably, steering the same course. The "Upupa" was in sight from the "Blarney" until about 7.45 p.m., she being then from 3 to 4 miles astern of her. The wind had, by this time, increased and veered to S.E., with proportionate rise of sea; about this time the "Upupa" was lost sight of and was not afterwards seen.

Between the hours of 8 and 12 p.m. the gale and sea increased; at midnight it was blowing with hurricane force, with a very heavy sea, which continued until the "Blarney" arrived at Cork, at about 4.35 a.m., on 16th January.

The same company's steamer the "Innisfallen" left Milford at about 11.35 p.m. on the 15th January, passing the Smalls at 1.35 a.m., 16th January. Her master, Mr. Henry Hoare, verified the foregoing statement of the force of wind and sea at that time, and stated that he remained on deck until 3.30 a.m., and, during that time, he did not see any lights whatever.

At 4 a.m. on the 16th, Mr. J. P. Quinlan (holding a master's certificate of competency), first officer of the "Innisfallen," came on deck, relieving the officer on watch, and remained in charge of the ship until 8 a.m.; he verified the statement of previous witnesses with regard to force of wind and sea.

At about 4.45 a.m. a bright light was seen by him and reported by the man on the lookout bearing from two and a-half to three points on the starboard bow, distant about 3 to 4 miles. The "Innisfallen" at this time being at an estimated distance of about 50 to 55 miles E.S.E. from Roches Point. Shortly after this light was seen another light was observed apparently on the ship's deck, but was only visible for about 10 minutes. The first light continued to be seen for about 25 minutes.

Mr. J. P. Quinlan stated that, at the time, he concluded that the vessel showing these lights was a trawler heading to the sea, but on his arrival at Cork, and on being questioned by the master, he admitted the possibility of the lights he had seen being those of the "Upupa."

He stated that he passed the vessel at a distance from one and a half to two miles without observing any side

lights, and that during the time he had the bright light in sight, had any signals of distress been made he must certainly have seen them.

Returning to the "Upupa," nothing appears to have been heard or seen of her from the time the "Blarney" lost sight of her at 7.45 of the night of 15th January last until the 17th, when some wreckage was washed on shore near Ballycotton, of which information was sent to the Cork Steam Packet Company, who sent Mr. Trierald, the superintendant engineer to identify it. He stated that the first day he saw the wreckage was on 21st January, at Garryvoe, Ballycove, Knockadoon, Ardmore, and it consisted of the broken dinghy, part of a square stern boat, a few steps of the passenger ladder, a few oars, a small water breaker, all branded with the ship's name, near Knockadoon he found one of the lifeboats, which was in good condition with the exception of a small hole in her, and which to all appearance had been launched, the plug being in and rowlocks shipped. He also found five hatches in good condition. At Ardmore a second lifeboat came on shore, having also apparently been launched in a hurry; both boats came on shore bottom up.

Finding the foregoing portions of the ship's equipment, together with her non-arrival and no tidings received of her during the time elapsed since she was due at Cork, placed it beyond doubt that the unfortunate ship had from some unknown cause foundered a short distance from the Irish coast.

The cause of this sad calamity, involving the loss of all on board, can consequently be only a matter of conjecture.

In the month of June, 1902, she was placed in dry dock, and repaired to the satisfaction of the surveyors. The nature of the repairs then effected consisted of about 100 reverse frames and four floors doubled under the boilers, her plates were bored and those defective were renewed. On this work £1,600 were expended. In September, 1902, the load-line disc was properly placed and a certificate granted by the Board of Trade. The above affords reasonable proof of her being seaworthy. The bottle containing the letter picked up at Ballylanders by Patrick Walsh, on 25th January last, had four corks attached to it to give it buoyancy. Patrick Walsh stated that when he found it it was stopped by a roll of paper, and that there was only about a spoonful of water in the bottle.

The letter was only slightly saturated with water, and the corks had not any external marks as evidence of having been in the water for some time. Patrick Walsh took the bottle home, broke it, extracted the letter, and his mother dried it at the fire. Shortly afterwards, it was sent to the Coast Guard, ultimately to the Board of Trade, and afterwards handed to the Court, who, after carefully examining it and comparing the writing with some signatures of John Murphy in the ship's articles of agreement at different times, which are the only specimens of his handwriting to be obtained, are unable to determine whether the letter is a genuine document or not.

The Court thought it necessary to have the corks and bottle examined, and the corks were tested by the City Analyst, who gave proof that they had been some time in salt water.

At the conclusion of the evidence, the following questions were submitted on behalf of the Board of Trade, when Mr. J. J. Horgan addressed the Court on behalf of his clients, the relatives of the chief officer, Mr. Andrews, Mr. Lawrence on behalf of the owners, and Mr. Bennett for the Board of Trade:—

*Questions for the Court.*

(1) When the vessel left Cardiff on the 15th January last—

- (a) Was she in good and seaworthy condition as regards hull and equipments?
- (b) Was her cargo properly stowed and secured?
- (c) Had she the freeboard required for a winter voyage?

(2) What is the cause of the vessel not having been heard of since she was sighted by the s.s. "Blarney" at or about 3.30 p.m. of the 15th January last?

(3) What was the light sighted by the chief officer of the "Innisfallen" about 4.45 a.m. of the 16th January last? Were any signals of distress seen by him at or after that time?

(4) Is the bottle message picked up at Ballylanders, by Patrick Walsh, after the loss of the vessel, purporting to be written by a member of the crew named Murphy, a genuine document?

(5) What was the cost of the vessel to her owners? What was her value when she last left Cardiff? What insurances were effected upon and in connection with the ship?

Cork, 4th April, 1903.

JOSEPH H. BENNETT,  
Solicitor acting for the Board of Trade.

*Answers to Questions.*

(1) When the "Upupa" left Cardiff on 15th January last.

(a) The Court finds from the evidence produced that she was in good and seaworthy condition as regards hull and equipments, always assuming that the serious defects received in November, 1901, had been effectually repaired when she was last in dry dock in June, 1902. She was thoroughly surveyed previous to leaving the dry dock by the Board of Trade surveyor, and she was granted a Board of Trade load-line certificate in September, 1902.

(b) Her cargo was properly stowed and secured.

(c) She had the freeboard required for a winter voyage.

(2) For want of sufficient evidence the Court cannot determine the cause why the vessel has not been heard of since she was sighted by the s.s. "Blarney" at or about 3.30 p.m. on the 15th January and lost sight of by same vessel at 7.45 p.m. on same date. There is not a particle of evidence to lead the Court to suppose that she came into collision with any other vessel, and it can only come to the sad conclusion that she must have foundered with all hands, either on the night of the 15th or some time during the morning of 16th of last January, it is supposed from stress of weather.

(3) The light first seen by the chief officer of the "Innisfallen," about 4.45 a.m. of 16th January last, was a bright mast head one on some vessel unknown, and in about ten minutes afterwards a second light was seen on the same vessel's deck. This vessel may have been the "Upupa," but, if so, she was then showing no signals of distress, nor during the 25 minutes that the chief officer had her under observation were any such signals seen by him. Had they been made he must have seen them.

(4) Owing to the fact that no writing of any kind of John Murphy's could be obtained, beyond a few signatures in the ship's articles, although several letters had been received from him during the past eight years by his mother, his sister, and his niece, which they state have all been destroyed, the Court is unable to come to any definite conclusion as to whether the bottle message, picked up by the boy, Patrick Walsh, at Ballylanders, purporting to have been written by a member of the crew of the "Upupa" named Murphy, is a genuine document or otherwise. It is much to be regretted that none of John Murphy's letters to his family could be procured.

(5) The original cost of the vessel to her owners was £21,000. Her value when she last left Cardiff, as estimated by her owners, was £3,000. The only insurance effected upon and in connection with the ship was for £3,000; the freight and cargo, which belonged to her owners, were not insured.

CHAS. E. B. MAYNE, R.N.,  
Judge.

We concur.

E. M. HUGHES,  
H. PARSELL, R.N.R., } Assessors.

Names of the crew  
"Upupa" of Cork.

Mr. Nicholas Ke  
" Timy. Jas. A  
" Charles Plun  
" Hy. I. Warri  
" Michl. Farre  
" John Harris  
" Patrick Wal  
" W. Lynch  
" W. Murphy  
" Wm. O'Drisc  
" John Healy  
" John Murph

Names of the crew drowned by the loss of the s.s.  
"Upupa" of Cork.

Mr. Nicholas Kearney ...	...	master.
" Timy. Jas. Andrews...	...	1st mate.
" Charles Plumer ...	...	2nd mate.
" Hy. I. Warriner ...	...	1st engineer.
" Michl. Farrell ...	...	2nd engineer.
" John Harris ...	...	fireman.
" Patrick Walsh ...	...	fireman.
" W. Lynch ...	...	fireman.
" W. Murphy ...	...	fireman.
" Wm. O'Driscoll ...	...	trimmer.
" John Healy ...	...	trimmer.
" John Murphy ...	...	trimmer.

Mr. Thos. Bird ...	...	...	A.B.
" George Harness ...	...	...	A.B.
" Thomas Cody ...	...	...	A.B.
" Patrick Sullivan ...	...	...	A.B.
" Cors. Barry ...	...	...	A.B.
" Henry Good...	...	...	A.B.
" Wm. Sullivan ...	...	...	A.B.
" Wm. Harley...	...	...	cook.
" Jas. Coleman ...	...	...	boy.

also two stowaways, names unknown, 23 all told.

(Issued in London by the Board of Trade on the  
28th day of April, 1903.)

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MAYNE, R.N.,  
Judge.

R., } Assessors.