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(No. 6847.)

“FRESHFIELD” (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Magistrates' Room, Liverpool, on the 23rd and 24th days of August, 1905, before W. J. STEWART, Esquire, assisted by Captain LOUTIT and Captain MELVILLE, into the circumstances attending the loss of the British steamship “FRESHFIELD,” which left Norfolk, Virginia, United States of America, on February 7th, 1905, and has not since been heard of.

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 there is no evidence as to the cause of the “Freshfield” not having been heard of since the pilot left her off Cape Henry on February 7th last.

Dated this 24th day of August, 1905.

W. J. STEWART,
Judge.

We concur in above report.

W. H. SINCLAIR LOUTIT, }
WM. G. B. MELVILLE, } Assessors.

Annex to the Report.

This inquiry was held in the Magistrates' Room, Dale Street, Liverpool, on the 23rd and 24th days of August, 1905. Mr. Paxton appeared for the Board of Trade, and Mr. Bateson appeared for the owners.

The steamship “Freshfield,” official number 99383, was a British screw steamship, registered at the Port of Liverpool, built of steel at Sunderland in 1892 by Joseph L. Thompson & Sons. Her dimensions were as follows:—Length, 300 ft.; breadth, 41.1 ft.; and depth of hold, 26 ft. Her tonnage was 2,729.68 tons, gross, and 1,750.34 tons, net. She was rigged as a schooner, and was fitted with triple expansion engines of 350 h.p., nominal, her estimated speed being 11 knots. She was owned by the Northfield Steamship Company, Limited, of 26, Preeson's Row, Liverpool, Mr. Joseph Brown, of that address, being the registered manager. The “Freshfield” was a spar-decked vessel, with full poop, open bridge, and topgallant forecastle. She had three decks, viz.:—spar deck, iron, $\frac{3}{8}$ thick; main deck, iron, $\frac{7}{8}$ thick; lower deck, white-wood; 9 ft. by 2 $\frac{1}{2}$ ft. in forehold; wide-spaced beams in other holds. She was sub-divided by six watertight bulkheads, and had cellular bottom for carrying 510.6 tons (including the after peak) of water ballast. The vessel was fitted with steam steering gear, and carried two lifeboats, one skiff, and one cutter on beams, and was well found in every respect and fully equipped for the voyage on which she was engaged. She was under the command of Mr. D. Lawson, and carried a crew of 25 hands, all told.

The “Freshfield” arrived at Mobile, Alabama, United States of America, in December last, to load a full and complete cargo of timber, under charter party executed between her owners and Messrs.

Fred Howe & Coy., of Pensacola, agents for charterers. The terms of the charter party, in so far as they are pertinent to this inquiry, are set forth in the answers to the questions submitted by the Board of Trade for the opinion of the Court. The total quantity of timber taken on board amounted to 608,786 superficial feet of lumber, weighing about 1,150 tons, according to the sworn statement of the charterers, and about 1,300 tons, by the sworn statement of the timber brokers who loaded her there. Previous to her departure from this port, it must be noted that she took the ground at her loading berth in about 15 feet of water, and remained there for about 12 hours, when she got off with her own steam, assisted by the tugs “Echo” and “Wittich,” and, apparently, sustained no damage, as on the voyage round from Pensacola to Norfolk, Virginia, the vessel was found to be tight, and no trouble was experienced in maintaining the ordinary speed.

The “Freshfield” left Pensacola on the 29th January last, drawing 23 ft. 10 ins., mean, after loading 824,131 superficial feet of lumber under deck, weighing about 1,500 tons. On deck there was 13,766 feet of sawn pitch pine timber, and 3,165 cubic feet of poplar timber, weighing in all about 500 tons. The cargo carried under deck, was properly stowed and secured from shifting. The deck cargo was stowed according to the wishes of the master, but not in a manner approved by the stevedore, who objected to the poplar logs being placed on the top, as they were too short and impossible to secure—in his opinion, the deck load was not safe. In the stevedore's sworn deposition, *re* the stowage of the deck cargo, is the following:—“The height of the deck load did not exceed over 6 ft., but was not, in my opinion, a safe deck load. It was the wish of the master that the deck load should be loaded as it was, and not mine. I objected to poplar logs on top, as they were too short, and impossible to secure, and should have been loaded on the main deck, and the sawn (timber) on top.”

The vessel on the voyage round to Norfolk, Virginia, where she called to replenish her bunkers, had a stormy passage; after rounding Tortugas the wind was fresh on the port side with a nasty sea, which caused the deck cargo to settle over to starboard, giving her a list of 13 degrees, to reduce which, cargo had to be shifted over to the port side. Strong N.E. to N. winds prevailed, with heavy rain, sleet, and snow, which froze hard and covered the deck load with ice, giving the vessel a fresh list of 11 degrees to port, which she still had on her arrival at Norfolk, Virginia, on the 4th February last. The vessel proceeded to fill her bunkers, and received in all 372 tons, of which about 95 tons had to be placed on the upper deck under the bridge deck, owing to the thwartship bunker being filled with cargo—this left her with a list of 5 degrees to port. At 3 a.m. of the 5th February, the watchman called the master and reported the vessel having listed over to port 10 degrees, and on the master turning the crew out to get the vessel under weigh, they all refused duty, as they considered the vessel to be so crank that they would sooner go to gaol than go to sea in her. The master, however, took the vessel away from the dock, whereupon she listed over further to 17 degrees, and the men then demanded to see the British Consul. On this, the master, after consulting with his agents, determined to have a survey held, and called in for that purpose Captain C. J. Hargreaves and William Lander, Marine Surveyors, who, to test the stability of the vessel, had a certain amount of cargo removed from one side to the other. In the words of their sworn statement, “After about 10 tons had been shifted, the vessel heeled over from port to starboard, so much so, as to put the statutory deck line on the starboard side to the water, and remained that

way." The surveyors then recommended that the vessel should be at once sufficiently lightened to make her seaworthy and stand up, and that as much snow and ice should be removed from between the logs and timber, and from the decks, as possible. In accordance with these recommendations, some 123½ tons of timber were discharged from the decks of the vessel, and on the 7th February, at 8 a.m., the above-named surveyors returned on board and in the words of their sworn statement, "Found that our recommendations had been carried out, and that sufficient cargo, in our opinion, had been discharged to make the ship in a seaworthy condition. We found her mean draught to be 23 ft. 6 ins., and the ship perfectly upright."

The pilot, who took the vessel to sea, states in his sworn statement, "That the general behaviour of the ship was all right. I do not now remember whether she was tender or not, the weather being good, there was not much opportunity for her to demonstrate that fact."

The "Freshfield" thus left Norfolk, Virginia, on the 7th February last (her crew, apparently, being willing to proceed to sea in her), and has since then been neither seen nor heard of. The documentary evidence produced during this inquiry, points to the conclusion that the loss of the "Freshfield" must be attributed to the deck load she was carrying, and another example is thus afforded of the undoubted danger inseparable from this practice. The carriage of deck cargoes across the Atlantic must in all cases be attended with considerable risk, but during the winter months it is doubly dangerous, and cannot be too strongly discouraged.

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

1st. Was the vessel designed for the carriage of deck loads of heavy timber? As built, was she a suitable vessel for that purpose?

2nd. To whom was the "Freshfield" chartered, and what were the terms of the charter party?

3rd. What instructions, if any, did the master receive as to the cargo to be shipped at Mobile and Pensacola, and as to the amount of deck cargo to be carried?

4th. What cargo was shipped at Mobile and Pensacola in January last? What quantity was stowed on deck? Was the cargo in the holds properly stowed? Was the cargo properly stowed and secured from shifting?

5th. Did the vessel sustain any damage through stranding in Mobile River on the 15th January last?

6th. Was the vessel in good trim and in a seaworthy condition when she left Pensacola on or about the 29th day of January last? Had she the freeboard required for a winter voyage? Was her deck load excessive?

7th. What amount of bunker coal was shipped at Norfolk, Virginia, on or about the 4th February last?

8th. What were the circumstances in which a survey was held on the vessel at Norfolk? What quantity of deck cargo was discharged at that port?

9th. When the vessel left Norfolk, Virginia, on or about the 7th February last, was she in good trim and seaworthy condition for a voyage to Hamburg? Was she upright? Had she the freeboard required for a winter North Atlantic voyage?

10th. What is the cause of the "Freshfield" not having been heard of since the pilot left her near Cape Henry on or about the 7th February last?

11th. What was the cost of the vessel to her owners? What was her value at the time she left on her last voyage? What were the insurances effected and how were they apportioned?

Mr. Bateson having addressed the Court on behalf of the owners, the Court gave judgment as above, and returned the following answers to the questions submitted by the Board of Trade:—

1st. The vessel was designed for the carriage of deck loads of heavy timber. As built, she was a suitable vessel for that purpose.

2nd. The vessel was chartered by Messrs. Fred Howe & Co., of Pensacola, on the 15th December, 1904, to load a full and complete cargo of pitch pine sawn timber (and) or deals (and) or boards, at charterer's option, not more than half of which was to be loaded at Mobile, completing at Pensacola—charterers to have option to stow about 50 standards of hewn pine or poplar on deck at full freight. The other terms were those usual in a timber charter party. She was to proceed to Hamburg and Rotterdam, discharging at both ports, either port first. Charterers having the option of Rotterdam only.

3rd. The managing owner stated in evidence that he gave no instructions to the master as to the cargo to be shipped at Mobile and Pensacola, or as regards the amount of deck cargo to be carried—he left the master full discretion.

4th. The cargo shipped at Mobile amounted to 608,786 superficial feet of lumber, weighing about 1,150 tons, according to the sworn statement of the charterers, and about 1,300 tons by the sworn statement of the timber brokers who loaded her there. At Pensacola the vessel received 824,131 superficial feet of lumber under deck, weighing about 1,500 tons. On deck there was stowed 13,766 cubic feet of sawn pitch pine timber, and 3,165 cubic feet of poplar timber, weighing in all about 500 tons. The cargo carried under decks was properly stowed and secured from shifting. The deck cargo was stowed according to the wishes of the master, but not in a manner approved by the stevedore, who objected to the poplar logs being placed on the top, as they were too short, and impossible to secure, and, in his opinion, the deck load was not safe.

5th. There is no evidence to show that the vessel sustained any damage from stranding in the Mobile River on the 15th January last.

6th. The vessel was not in good trim, and the evidence as to her excessive tenderness raises very grave doubts as to whether she was in fact seaworthy when she left Pensacola on the 29th January last. She had the freeboard required for a winter voyage. Her deck load was excessive.

7th. The vessel shipped 372 tons of coal at Norfolk on the 4th February.

8th. On the morning of the 4th February, the crew refused to proceed to sea in the ship on the ground that she was crank; at that time the vessel had a list of 10 degrees to port, which was afterwards increased to between 15 and 17 degrees. To meet the objections of the crew, the master called in the services of two surveyors, in accordance with whose recommendation, 123½ tons of timber were discharged from the deck.

9th. The Court is not satisfied that the vessel was in good trim and seaworthy condition for a voyage to Hamburg when she left Norfolk, Virginia, on the 7th February last. She was not upright. She had the freeboard required for a winter North Atlantic voyage.

10th. There is no evidence to show what is the cause of the "Freshfield" not having been heard of after passing Cape Henry on the 7th February last.

11th. The cost of the vessel to her owners was £30,592, and she was valued at £22,500 at the time she left on her last voyage. Her hull and machinery were insured for that amount; her freight for £3,500; and the premiums on insurance for £1,700.

W. J. STEWART,
Judge.

We concur in the above report.

W. H. SINCLAIR LOUTIT, } Assessors.
WM. G. B. MELVILLE, }

Liverpool, 24th August, 1905.

(Issued in London by the Board of Trade, on the 19th day of September, 1905.)

The Mer

In the matter of the Moot of the 15th and 16th JOHN GOOLDSMITH Esquires, two Peace, acting for Newcastle A. WOOD (assessors), into stranding of of London. the 13th day

The Court, in circumstances attending casualty, fixing annex hereto, the jera Islet and material damage westward of her current. The Court not in default.

Dated this 16th

We concur in

This was an attending the st "Foyle," of Lor Hall, Newcastle-days of Septemb Richard Oliver Captains A. W assessors).

Mr. Burton a Mr. Lewis Noad owners, Mr. Mil while the chief person.

The "Foyle," a screw steamship 1902 by Messrs Limited. She w following dimen 48.55 ft.; and d of 4147.5 gross ar

She was fitted 330 n.h.p., co Westgarth & C in the year 190 cantile Steamship gate Street, Lon of the same ad owner on 5th Ap She was, on condition and v boats and life-sav the Act.

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