

(No. 6927.)

"COLNE" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a formal investigation held at the Town Hall, Hull, on the 18th, 19th, 20th, and 21st days of April, 1906, before J. G. HAY HALKETT, Esquire, assisted by Commander CABORNE, C.B., R.N.R., Rear-Admiral BIGGE, and Captain D. ANDERSON, into the circumstances attending the foundering of the British s.s. "COLNE," about 35 miles N.N.W. of the Maas lightship, North Sea, on the 12th day of March, 1906, 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 foundering of the vessel was caused by heavy seas breaking over her, shifting her deck cargo in such a manner as to disable her steering gear, and to give her a heavy list to port in which condition the water found its way below and accumulated in her leeside. The loss of life was caused by the impossibility of getting more than one boat out, and by the suddenness with which the vessel foundered.

Dated this 21st day of April, 1906.

J. G. HAY HALKETT,
Judge.

We concur in the above Report.

W. F. CABORNE,
HENRY CHAS. BIGGE, } Assessors.
DAVID ANDERSON,

Annex to the Report.

This inquiry was held at the Town Hall, Hull, on the above-mentioned days, when Mr. H. Saxelbye appeared for the Board of Trade, and Mr. A. M. Jackson for the master, for Mr. J. A. F. Aspinall, registered manager, and for Mr. Walter Stewart Atkin, marine superintendent of the steam ships belonging to the Lancashire and Yorkshire Railway Company. Mr. John Richard Jennings, head stevedore at Goole, in the employment of the railway company, and Mr. Thomas Fields, foreman of the loading gang, were also parties to the inquiry but were not represented professionally.

The "Colne," official number 114041 was a British steamship, built of steel, at Port Glasgow, in 1903, by the Clyde Shipbuilding and Engineering Company, Limited, and her respective dimensions were:—Length, 235 ft.; breadth, 31.7 ft.; depth in hold, 15.2 ft.; her gross tonnage being 874.73 tons, and her registered tonnage 394.36 tons. She was fitted with triple-expansion engines of 229 n.h.p., giving a speed according to the register of 13 knots. She was owned by the Lancashire and Yorkshire Railway Company. Her manager at the time of the casualty was Mr. Walter Stewart Atkin.

She had two lifeboats and one jolly boat, which were carried on the bridge. One lifeboat was carried on either side and the jolly boat was on the port side forward of the lifeboat. The lifeboats were each 20 ft. by 6 ft. 3 ins. by 2 ft. 9 ins., and the jolly boat was 16 ft. by 6 ft. by 2 ft. 9 ins. The boats were properly equipped with oars, rowlocks, &c., and were gripped down on chocks to the bridge. The vessel was supplied with eight life-buoys. Each man had a lifebelt in his bunk, and in addition there were 13 spare ones in the cabin. The vessel had three compasses in position, the one by which she was navigated being a Lord Kelvin's patent compass in a binnacle on the upper bridge. This was in good order. She was supplied with Harrison's steam steering gear and with ordinary screw hand gear aft. The vessel was in all respects well-found, and fitted for the trade in which she was engaged.

The "Colne" left Goole at 6.30 a.m. of the 11th of March last, with a crew of 19 hands all told, bound for Rotterdam, with a coal and general cargo under the command of Mr. John Townsley, who holds a certificate as master (Foreign trade), numbered 017514, and dated January, 1891. She was laden approximately as follows:—below decks, coal, 498 tons; goods, 134 tons; and on deck, goods, 74 tons; horses and fodder, 7 tons. There were also 80 tons of coal in the bunkers, and 30 tons of water in the engine-room tank. The coal was distributed throughout the three holds, levelled down, and the general cargo was stowed on the top except in part of the after hold where the coal was stowed up to the upper deck. There is no reason to suppose that the cargo was not properly distributed below the decks, or that it shifted to any appreciable extent. The master stated that the deck cargo carried was one of the heaviest he could remember having gone to sea with, but there is no doubt he had frequently carried deck loads almost as large. It has been the practice of Goole vessels to carry considerable deck cargo, although they do not usually have to take heavy pieces such as thrashing machines which vessels from other ports are laden with.

In this case the Court is not prepared to say that 80 tons of properly stowed deck load was more than the "Colne" could safely carry. The weights appear to have been fairly distributed in the way of the main and after hatches. There is no doubt that the forward deck cargo was properly stowed and did not shift in any way. The only question of stowage arising in the inquiry is in connection with the cargo which was carried on the after deck. Between the coamings of the after hatch and the bulwarks on the star-board side of the vessel, cases of machinery were stowed up to within about 18 ins. of the top of the bulwarks. These appear to have been properly chocked off and did not shift. The similar space on the port side was occupied to an almost equal height by casks of tiles stowed on end. These appear to have been properly secured, and there is no evidence to show that they shifted. On the top of the hatchway three cases of machinery were placed, and above the hatchway and the casks and cases on either side of it was stowed a quantity of bundles of shoddy, wool, and cotton waste which filled the interstices, and were piled up in the centre to a height of 10 to 12 ft. above the deck. All this was secured by lashings which were properly rove under the bulwark stanchions then frapped and interlaced on the top by 2 in. rope, and finally hove taut with the winch. When lashed the whole was covered with railway tarpaulins. No doubt in 99 voyages out of a 100 this stowage of the deck cargo would have been sufficient, but in view of the chance of exceptionally bad weather it would have been better if that portion of the cargo which lay on the top of the after hatch had been separately lashed and secured amidships. Under the bridge deck in the alley-ways 15 horses, in stalls,

were carried, seven on the starboard side, and eight on the port side. They were towards the after end of the alley-ways, and on the port side forward of them were stowed nearly five tons of clay drain pipes. The alley-ways were fitted with doors at the fore ends, but were open at the after ends. The draught of the vessel on leaving Goole was 14 ft. 6 ins. forward, and 14 ft. 11 ins. aft, her free-board in fresh water being 2 ft. 2½ ins.

At about 10.10 a.m. of the 11th March last the "Colne" passed Spurn, the wind at this time being strong from the S.W. As she proceeded on her voyage the wind increased in force until when abreast of Newarp light vessel it developed into a heavy gale with an abnormally high sea. The weather was so bad that the men who came off watch did not turn in but took shelter in the galley and wheelhouse. The vessel was steered on a south easterly course in the direction of the Maas lightship, until about 10.30 p.m. when owing to the severity of the weather the master decided to bring her head to wind. Shortly afterwards a very heavy sea broke over her starboard side, caused the bales of waste to shift and drove them against the stanchions which supported the wheel rods on the port side, bending the former and rendering the latter useless. At the same time the vessel fell off into the trough of the sea, and listed very badly to port. Orders were then given to ship the hand steering gear and to jettison some of the cargo. The master stated that the chief officer reported that he could not get the wheel chains unshackled from the quadrant owing to the steering rods being jammed. After more cargo was thrown overboard and the rods partly cleared the steam steering gear was eventually got more or less into order, and, at about midnight, the ship's head was put to about S.S.W. During the period the vessel's helm was jammed it was slightly to port, which, with the engines at dead slow as they would be during part of the time, kept her head more or less to wind. She continued, however, with a heavy list to port, which was not relieved by the jettisoning of the cargo. On the other hand, the sea kept constantly breaking over her and finding its way below through the fiddle doors and gratings which more than neutralised any effect the jettisoning may have had. The members of the crew were actively engaged in endeavouring to save the vessel from the time when she first acquired the list until she foundered. From midnight until about 3.0 a.m. of the 12th March last the condition of the vessel became worse as time went on. The steering gear was never properly cleared and the waves swept over the vessel, the water coming in through the stoke-hold doors and grating, rushing down into the lee bilge and giving her a greater list than ever. The master, who had been in the service of the Goole Steamship Company, and of the Railway Company for 23 years, stated that he had never been at sea in such a storm, and according to the witnesses, the night was the roughest any of them remembered in the North Sea. It was the night when owing to the wildness of the weather the sea made the greatest inroad on Holderness than is said to have been the case for hundreds of years, and according to the evidence of the manager, the landing stage at Rotterdam was flooded, and passengers were unable to reach the "Harwich" steamship. Times through the inquiry are only approximate, but at 3 or 4 a.m. a particularly high sea struck the vessel on her starboard side and threw her on to her beam ends. About this time signals of distress were exhibited, and the master gave orders to get the port lifeboat out—the jettisoning of deck cargo on the port side continuing meantime. The boat was successfully launched, and G. W. Smith, an A.B., got into it and for about fifteen minutes he managed, unaided, to keep it away from the ship's side. Finding it impossible to do so any longer he called for help, and C. H. Carr, another A.B., came to his assistance and jumped in. Shortly afterwards R. Bell, cook and A.B., got on board, and W.

Owen, steward, fell or jumped into the water and succeeded in making his way to the boat. The rope was then cut to keep the boat from being damaged by the ship's anchor. Some of the crew then attempted to get the jolly boat out, but it was washed overboard and lost. It was impossible, owing to the heavy list which the vessel had, to launch the starboard lifeboat.

Everything that could be done was done by the master and crew during the night to save the vessel, and the former was hopeful throughout that he would succeed. Had he realized earlier that he had set himself an impossible task, in the condition of his vessel and the state of the weather, he would no doubt have had the boats out before he did, and the crew into them, with the result that all hands might have been saved. As it was, although he had one boat out, he contented himself with keeping it at hand in case of necessity, and did not order all the crew into it. He said he ultimately intended to take the whole ship's company in it, but he doubtless hoped that he would not require it, and, if he had taken 19 men in it, it might not have lived in such a sea. Things, however, went from bad to worse. The chief engineer reported that the water was gaining fast, as the pumps were choked, and that the port fires were out. The master went below to see the pumps and found that they could not be worked. In course of time the vessel heeled over more and more, her port bulwark was under water, there was nothing to keep the water out of the alley-way, the scuppers were useless, and the water was pouring down below through the fiddle door and other openings. To add to the desperate nature of the situation, the vessel now lay in the trough of the sea as the engines would not work.

At about 5.0 a.m., the water was on the lower bridge, and the master, realizing that the only chance of safety was to make for the boat, ordered all hands on deck and hailed the lifeboat to come alongside. Nearly all the men appear to have had on their lifebelts, and the master and mate went below and got two firemen who had left theirs in their bunks. H. Gardiner, fireman, and W. E. Wales, A.B., then jumped overboard and swam to the boat—in which there were already four men. The master then told the mate and engineers to come to the leeward side and he would try to assist to get them into the boat, when a heavy sea struck him and washed him overboard. He was wearing a thick great coat, and when under water he found that one of the boats falls had entangled his left foot. To gain the surface he had to take off his boot, which he succeeded in doing, and, being a strong swimmer, he ultimately gained the boat and hung on to it. When he was in this position the vessel was driving down on the boat, and the men in her succeeded, with great difficulty, by means of the oars, in keeping it clear. The master, much exhausted and cramped, was assisted into the boat, in the bottom of which he lay completely worn out.

Twelve men, including the mate and the two engineers, remained on board the vessel, which was settling down fast. If they could have got near her those on board the boat would no doubt have taken them off. The boat remained about 20 yards from the vessel but apparently none of them took to the water. According to one of the witnesses, someone on board the vessel called out "Keep clear for God's sake, she's going down." Shortly afterwards she was seen to turn over to port and to disappear. When the vessel foundered the boat was in great danger of going down with her, and it needed all the exertions of the men in it to keep it afloat by baling. No shouting was heard after the "Colne" sank, and, although the boat remained in the vicinity for about half-an-hour, nothing was seen of any men or bodies. Subsequently the owners sent a tug from Rotterdam to seek for any possible survivors, but none were found. Dawn was now breaking, and the men saw a fishing smack and pulled towards her. On coming nearer to her they put a handkerchief on a boat hook and shouted. Those on board the

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smack, which proved to be the sailing trawler "Uncle Dick," of Ramsgate, then saw the boat, and, after much difficulty and danger, the men, at shortly after 6.0 a.m., were got on board her, the master in a very exhausted state, and the boat, which was three-quarters full of water, was cast adrift. The night had been so tempestuous that the skipper of the smack had not been able to haul his trawl, but on getting the boat's crew on board he faced the considerable risk of doing this, and succeeded. According to him the wind had veered round from S.W. to W.N.W., with a very heavy cross sea on the previous evening. The master of the "Colne" stated that this may have been so, but that he was too much occupied to notice the change. The skipper of the smack stated that he never had a worse time at sea than during that night, and that the place where he picked up the boat was particularly liable to heavy seas, owing to the shallowness of the water. He stated that it was about 35 miles W.N.W. of the Maas lightship, in 15-16 fathoms. The survivors of the "Colne" were taken to Ramsgate in the "Uncle Dick," and were landed there safely at about 4.30 p.m. of the following day—the 13th March.

The loss of the "Colne" with its lamentable consequences is one of a class of casualties for which no individual connected with the vessel can be blamed. It was caused by the perils of the sea—by the vessel having to encounter a storm of no ordinary character.

It is no doubt true that if the "Colne" had carried no bales of wool on her after deck that it would not have occurred. It may be that there is a tendency among a certain class of traders to carry rather much deck cargo. The Legislature, however, has only regulated the size of one class of deck cargo, viz.:—timber, and that only in respect to height. So long as a vessel does not carry such a deck load as to render her unseaworthy her owners are within their rights. Although the master did say that the deck cargo taken by the "Colne" on her last voyage was one of the largest he had ever carried, no other member of the ship's company appears to have remarked upon it, and the Court is not prepared to say that 80 tons was too heavy a deck load under the circumstances. It was stated by the manager that in the specification under which the vessel had been built there was a clause which provided for special strengthening of the beams and stanchions under deck—over Lloyd's requirements—for the purpose of carrying deck cargoes and that the vessel had been so constructed. The Court has only one observation to make as to the design of the vessel. It considers that it would have been better in the case of a ship specially intended to carry heavy loads of deck cargo that the steering gear should have been so arranged as to obviate any risk of it being fouled by the shifting of cargo. It is obvious that when a vessel is constructed as was the "Colne," the deck cargo if it shift will always be liable to foul the stanchions which support the steering rods or the steering rods themselves. Had some other method of fitting been adopted in this case the master would not have lost, for an hour and a half wholly, and for the rest of the night partially, the use of his steering gear, the ship would have been kept under command and the casualty might have been averted. As, however, this plan of fitting the steering gear is so common, the Court cannot find any fault, but contents itself with pointing out that it is not the method best suited for vessels which carry much deck cargo. Regarding the stowage, the Court thinks that a better plan would have been that the weights placed upon the after hatch should have also been fastened to the coamings of the hatch or to ring bolts on the deck near the hatch. This would have tended to keep the high mass in the centre of the deck in place. The railway tarpaulins used were also not big enough singly to cover the whole. When the cargo began to shift the water would find easy access between the displaced tarpaulins, and when the large quantity of wool on the port side

became wet it would considerably increase in weight. Still the Court is not prepared to say that the stowage was defective—even if it might have been more perfect. Under ordinary circumstances it would have been sufficient.

No blame can attach to the master of the vessel. He and the other members of the crew did all they could to avert the casualty. They worked incessantly throughout the night, but the difficulties of the situation were too much for them. Apparently no time was lost after the vessel listed to jettison cargo and to attempt to clear the steering gear. The master showed himself a brave man in trying his utmost to save his ship, and a wise man in putting out the port lifeboat, upon which he solely depended, when he did.

The Court also appreciates the conduct of Mr. Peter McCormick, skipper of the "Uncle Dick."

The following is a list of the members of the crew who were drowned with the relatives of whom the Court desires to express its sympathy:—

E. P. Allcock ...	mate.
R. Morley ...	chief engineer.
T. H. Elwood...	second engineer.
R. Cleave ...	boatswain.
P. Frieberg ...	A.B.
H. Abson ...	A.B.
G. Harrison ...	fireman.
T. Middleton ...	fireman.
J. Smith ...	fireman.
C. Axup ...	fireman.
H. Chappell ...	fireman.
R. Snowden ...	fireman.

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

(1) When the vessel left Goole on the 11th March last—

- Was she in good and seaworthy condition as regards hull and equipments?
- Was she overladen?
- Was her deck cargo excessive?
- Was the cargo properly stowed and secured from shifting; and were the weights so distributed as to make the vessel easy in a seaway?

(2) What was the cause of the after deck cargo shifting, the wheel rods becoming jammed, and the vessel taking a list to port at or about 11.30 p.m. of the 11th March last?

(3) Was every possible effort made to clear the steering gear and get the vessel upright?

(4) What was the cause of the vessel capsizing and foundering at or about 5.15 a.m. of the 12th March last; what was the cause of the loss of life?

(5) Was the vessel navigated with proper and seamanlike care?

(6) Was the loss of the s.s. "Colne" caused by the wrongful act or default of the master, and/or by the neglect of Mr. John A. F. Aspinall, registered manager, Captain Atkin, marine superintendent, and Mr. Joseph Richard Jennings, head stevedore, or of any or either of them?

(7) What was the cost of the vessel to her owners; what was her value when she last left Goole; what were the insurances effected upon and in connection with her?

Mr. A. M. Jackson having addressed the Court on behalf of the master and the manager, and Mr. Saxelbye having replied on behalf of the Board of Trade, the Court gave judgment, and returned the following answers to the questions of the Board of Trade:—

(1) When the vessel left Goole on the 11th March last—

- She was in a good and seaworthy condition as regards hull and equipments.
- She was not overladen.
- Her deck cargo was not excessive.
- A more perfect system might have been adopted of securing the cargo on the after hatch, but generally speaking, the cargo was properly stowed and secured from shifting. The weights were so distributed as to make the vessel easy in a seaway.

(2) At about 10.30 p.m. of the 11th March last, the "Colne," which had been steering about S.E. in the direction of the Maas lightship, was in consequence of the severity of the weather laid to heading about S.S.W. with her engines at dead slow. A very heavy sea then struck her on her starboard side, filling the decks, causing the upper portion of the cargo on the after deck to shift over to port, and to bend the guide stanchions which supported the wheel rods. At the same time the vessel took a very heavy list from which she never recovered.

(3) Every possible effort was made to clear the steering gear and to get the vessel upright.

(4) The capsizing and foundering of the vessel was caused by heavy cross seas breaking over her, finding their way below and accumulating in the leeside of the vessel. The steering gear having been disabled by the shifting of the deck cargo, the vessel was lying in so helpless a condition as to render manœuvring impossible. The loss of life was caused by the impracticability of getting more than one boat out and by the suddenness with which the vessel foundered.

(5) The vessel was navigated with proper and seamanlike care.

(6) The loss of the s.s. "Colne" was not caused by the wrongful act or default of the master, or by the neglect of Mr. John A. F. Aspinall, registered manager, or of Captain Atkin, marine superintendent, or of Mr. Joseph Richard Jennings, head stevedore, or of any of them.

(7) The cost of the vessel to her owners was £21,000. Her value when she last left Goole was substantially the same. She was insured at Lloyd's for £18,500.

J. G. HAY HALKETT,
Judge.

We concur,

W. F. CABORNE,
HENRY CHAS. BIGGE, } Assessors.
Rear-Admiral,
DAVID ANDERSON,

(Issued in London by the Board of Trade on the
18th day of May, 1906.)

(No.

"KNARESBRO"

The Merchant S

In the matter of a form
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