THE EVENING TELEGRAM, ST. JOHN'S, NEWFOUNDLAND, MARCH 10, 1919-8

Marine Court of Inquiry

In The Matter of a Formal Investigation into the Loss of the Steamship "Beverly," Held at St. John's Under and by Virture of a Commission Directing an Enquiry and Report into the Supposed Loss of the Said Steamship, and the Circumstances under Which she Proceeded to Sea.

"dation, had an oak deck; it was

"built in the best possible way. That "part was always in the water. It

'was built, as far as I can judge, of

"thing I noticed about her, and that

"was the fact that she had a floor-

"which ran one way 31/2 inches and

"another 4, making 7½ inches at the

"bottom which one never saw at

"all. The transoms were very

went up some fourteen or sixteen

would try and make her into a

In order to do this it

would make her top heavy and Nova Scotian coast.

accommodation. which

be given full credence.

perience in this kind of

Marquette,"

merican ports.

character of this ship, notably, that

the world's tonnage, for a period of

parently required by no person until

a time of the greatest scarcity of

"the vessel was. There was

Commander MacDermott, R.N., was appointed Assessor to assist in the inestigation

The enquiry was opened on Tues day, October 29th, 1918, in the pres-ence of Mr. Hunt, Barrister at Law who was entrusted by the Governmen with the conduct of the investigation and of Mr. Howley, K.C., who appear ed for the owner, Mr. W. A. Munn. I extended over some months owing t the difficulties obtained in gathering "ing of pitch pine out over her, evidence, and in the transportation of witnesses to St. John's.

The following witnesses were called and examined Thomas R. McGrath, William Fred-

"heavy indeed. She was a very erick Carter. Henry W. LeMessurier, George C. Fearn, William A. Munn, "firm, enormously strong vessel. "She had what are called "ports" in Watts, James Wheeler "her side, through which the cargo Horatio J. Thomas Godden, Henry S. Butler, Capt. Rumsey, John Byrne, John J. Duff, John Angel, Alex. McLachlin, "is wheeled when she comes up 'against the wharf. The upper part Robert Bishop, James Black, Edward "feet. It was never intended to Thoma "meet rough weather. Then there Whalen, George O'Reilly Kemp, James Kelt, Cyril Tessier, Joseph Roper, Archibald Knight, "was the passenger accommodation, which was very elaborate, and Jesse Winsor, Michael Hanlon, Law-"which had been very good when "she was built. It was time-word rence Tobin, Thomas Palfrey, James 'to some extent. When we got her

Foley, Helen Stewart. The "Beverly" left Harbour Grace on Monday, 21st of January, 1918, "here the directors and myself, (the "shareholders), all agreed that we bound for Gibraltar, fish laden, for vessel suitable for trade on this orders; she has never since been heard of, and has been posted as 'side of the Atlantic, which pro-"Missing" at Lloyd's. She was in "ject we had at several meetings of an experienced navigator, 'discussed. charge Capt. A. M. Wilson, competent officers, "was found that it would be necesengineers and crew. The following "sary to eliminate entirely the pasare the names of the crew:-"senger A. M. Wilson, 51 Carter's Hill, Mas-

ter. Fred. Hann, 51 Spencer Street, Mate.

James Barrett, 16 Bannerman Street, Bosun. W. Kenny, Cove Road, Steward.

Frank Barron, 14 Pilot's Hill, Cook. 2x2. Jack Dodd, 14 Boncloddy Street, M. The Company carried out its in-R. Steward

Eli Peddle, Haystack, Placentia, A.

Albert Ryan, Salmonier, St. Mary's, James Hearn, Central Street, A.B. Shipwright at Placentia. The work Robert Green, 85 King's Road, A.B. Mr Black Libertine supervision of A.B.

Andrew Wilson, 51 Carter's Hill, A.

ed and approved by him. The repairs cost about \$20,000. James Daley 13 Barron Street, A.B. Peter Stewart, 103 Water Street, Mr. Black, Llcrd's Surveyor, on September 25, 1917, when the re-lairs were finished, gave Mr. Fearn lief Engineer. Cunningham, 11 Spencer Street,

d Engineer. a certificate to the effect that the ship Lewis, 32 Bannerman Street, 3rd was "then in a fit condition to pro-ceed to any port or ports to which Engineer.

James Barron; 2 Bannerman Street. the owners might decide to send her." Cornelius Pender, 5 Plank Road, The Beverly Company sent her to

Fireman. Montreal; she went ashore there, bat Patrick Walsh, 6 Prince's Street, Fireman. Newfoundland with a cargo of flour, she went ashore at Riverhead, St. John Noftall, 24 Casey Street, Fire-

man. Andrew Devereaux, Logy Bay,

Thomas Carrigan, Logy Bay. Patrick Hearn, Central Street. R. H. Collins, Mullock Street, Wire-

"not to be permitted, (without the that the timbers of the upper hull were much lighter than those of the lower, and did not extend downward 'special sanction of the Committee), "to receive any fee, gratuity or re-"ward whatsoever for their own "to receive any fee, gratuity or re-"ward whatsoever for their own "use or benefit for any services "performed by them in their cap-"acity as surveyors to the Societ, "on pain of immediate dismissal. His acceptance of any money in ad-lition to the customary fees permitt-

ition to the customary fees permittnaval architect was consulted, the aled by his employers was a gross breach of confidence. "No man can serve two masters." Mr. Black canterations having been made here by shipwrights and carpenters with no, or little experience in such work, and not do justice to Lloyd's Underabsolutely none as to the effect the alwriters while he receives presents terations would or might have on the rom the policyholder. He is Surveyship's stability. The ship was not measured for stability at any time in r of Shipping to the Newfoundland Jovernment; and his salary as Lloyd's Suveyor is augmented by a grant from the Newfoundland Government Newfound. I find, also, that the ship was rush-

ed away to market in too great haste. When a serious leak developed in the to Lloyd's Registry. He states on his own testimony that he surveyed the "Beverly" as Newfoundland Govvicinity of the rubber the day but one before she sailed on her last voyage, rnment Surveyor, as it was part of

no attempt was made to ascertain in his duty to see that the ship was in a fit condition to go to sea. If Mr. Black's conduct was wrong, and dethe ship was sound and seaworthy "way; it was fastened with heavy "timbers. Nothing in the world "could be better than that world" was the mated out to Manual Market Market and the fact that repairs had already wurst he mated out to Market Market and the fact that repairs had already along the whole line of the rubber could be better than that part of must be meted out to Mr. Munn. Their equivocal conduct must have its efexamined by Mr. Butler, should have fect on this enquiry, and must cast given rise to a suspicion of weakness some doubt on the sincerity of their in that part of the ship. No attempt evidence. Only where the evidence of was made by sending down a diver to such a witness does not conflict with find out the amount of the damage that of an independent witness can done by the collision with Harvey and Company's wharf, though it apt be given full credence. There are but three witnesses who peared clear that injury was done to peared clear that injury was done to the propeller blades. The ship was ofess to believe that the ship was suitable for an Atlantis passage in heavily laden, the lower hold boing Mid-winter-Mr. Black, Lloyd's Sur-filled, and the upper containing two

reyor, Mr. H. S. Butler and Captain tiers. Rumsey. I cannot place full credence in any of the above witnessees. I have already given the reason why I have already given the reason why I out definitely finding that any largely discount Mr. Black's evidence. I discount Mr. Butler's evidence these may not have been the direct because it was delivered in a hesitat- cause of her loss; I find that the most ad manner, with obvious reservations, probable is that her build and characand at times reluctantly; but, princiter did not fit her to safely ride out pally because the most important part the storm of mid-winter in the North of it—that concerning the 13 inch leak which developed a couple of days before she sailed—was not given ping Law It has developed in course of this Enquiry that the Shipping Laws in force in this Colony do days before she salled—was not given until his third examination, and then coly because the letter of the Chief Engineer to his wife, alluding to this coly because the letter of the chief engineer to his wife, alluding to this leak, had been previously produced rigging; her engines may be defect ive; her equipment insufficient; yet no in evidence. In addition, he lacks exauthority in this Colony can prevent work, his only previous work of this character her from sailing. Our local laws con having been performed on the "Pere sist of (1) a compulsory survey which was lost on the coastwise passenger-carrying ships containing provisions regarding "strengthen the between decks, in "order that the parts would be servant of Mr. Munn, having been emcommodation and the number of passengers a ship may carry; and ployed by him in connection with of an annual inspection of boilers. The sections of the Imperial Merchan At the point of intersection between marine insurance work; he also was the lower hull and the upper, a rub-bor ran around the ship measuring substantial present from Mr. Munn. Shipping Act dealing with the load line, survey of ships for safety, and Against the evidence of Messra. proper equipment, are not in force in Black and Mr. Butler and Captain We have a local lay this country. tention, and sent her to Placentia to be changed into an ocean tramp, un- Mr. Palfrey, who altered the character providing for the examination of the hulls of ships: but it is inoperative der Mr. Kemp, Mr. Fearn's agent at that place, and Mr. Thomas Palfrey, who acted as supervisor. Captain Shipwicht & H. and cannot in its present shape be made operative. It provides for an Jesse Winsor, who brought the ship from New York, Captain George ()' annual survey of all steamers and sailing vessels engaged in the foreign Mr. Black, Lloyd's Surveyor, and upon specifications drawn up, amend-teal and return in her, and her fortrade of the Colony, or vessels prosecuting the deep sea and Labradon mer owner, M. G. C. Fearn. None of fisheries, registered in this Colony, or elsewhere; and provision is made those witnesses considered the ship competent to undertake trans-Atlanfor the appointment of a Surveyor tic work in winter time. Some of them considered her suitable for who may make recommendations fo the purpose of placing such vessels bastwise voyages to Canadian and in such a condition as he may consider seaworthy. If the Surveyor makes There are many pieces of indirec ridence which point to the doubtful

recommendations, penalties attach t the master or owner for not carry ing them out. It does not appear that any survey have ever been held, or re commendations made and there over two years, when freights were rapidly rising, the ship was allowed te lie up in dock at Brooklyn, apnothing in the Act to compel the Survevor to make recommendations. In the Imperial Merchant Shipping Act there are provisions providing for survey of vessels, which also place certain obligations on the masters and owners; there are also provisions de-





less Operator The wages paid were high; but not

higher than those paid to the Captain, Officers and members of the crews of other vessels proceeding across the Mr. Munn, Atlantic through the War Zone. The "Beverley" was a steamer of 1413 tons, with a nett tonnage of 1413 tons, with a neut connage of to the effect that she was not sea-1012; she was purchased at New York early in 1917, by Captain Jesse Win-H. S. Butler, Shipwright, St. John's, sor, for Mr. G. C. Fearn, acting for the Beverly Steamship Company. At that time she had been lying up in amount to be paid in repairs, giving dock at Brooklyn for at least two Mr. Butler, the Shipwright, CARTE dock at Brooklyn for at least years; her class had been expunged; BLANCHE in that respect. The lat-she was built in 1885, and had been ter, in consultation with Mr. Black used for some years as a river boat, and in short coastwise runs. There is no evidence, (with the exception of two trips around Cape Cod), that she which both Mr. Black and Mr. Butler had ever been engaged in any other claimed fitted the vessel for employwork. After her conversion into a ocean tramp by the removal of the deck houses. her gross tonnage was registered at 1257.87 and her nett at 732.65. She was a wooden ship; had two decks; 422 feet long; 35 feet wide and 22 feet deep; compound engines; two cylinders; a new boiler in 1902; 160 H.P. When she was retired from service she was apparently engaged, (according to the American Lloyd's Register), on "Bay and short coast-wise work." Captain Winsor, on behalf of the Newfoundland parties, paid \$65,000 as purchase money, and spent what is commonly known as a "stan-\$12,000 in repairs—principally in sheathing. A good description of the ship is taken from the evidence of Mr.

G. C. Fearn:--"The boat was built in three "parts. The bottom part, the foun-



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to be rid of her. Mr. Fearn gave as a reason for selling the ship that "she was a constant source of trouble; she was an unlucky bird, always gett-ing into trouble." The conduct of the captain ing into trouble." who brought her to St. John's in the first instance must also be noted. It On January 16th, 1918, the ship was sold to Mr. W. A. Munn for \$125,000. night have been the fear of embarkapparently, had some ation that induced him to seek hardoubt about sending her across the our frequently, and to hug the Atlantic, having heard some stories shore; but his navigating methods to the effect that she was not seaare open to another construction. The same tactics, though not to the ame extent, seem to have been purto strengthen her and fit her for At-lantic work. He did not limit the ued on the trip to Montreal. remen who were collected by Deective Whalen, and placed on board the day before she sailed, expressed the opinion "that the ship would be their coffin." The same idea seems to Lloyd's Surveyor, and under his supervision, strengthened the top houses and did some other repairs. ave pervaded the mind of the Chief ment at any work at any time. Mr. Black. At the conclusion of the re-pairs, gave Mr. Munn a certificate similar to that given Mr. Fearn. She was well equipped with life-boats, rafts and lifebelts; her engines were sound, and in good order. Her compasses, however, were totally inadequate for the requirements of an ocean-going ship; her steering

suffered little damage. Returning to

Mary's. After her arrival at St.

John's her owners evinced a desire

ngineer, Mr. Stewart. Add to the above the testimony o Mr. Palfrey, Mr. Kemp, Captain O Reilly, Captain Winsor and Mr Fearn, and, moreover, the fact that the ship was never intended by her builders for ocean-going work, and the conlusion is irresistible that she was not a safe ship for mid-winter, tran-

Atlantic voyages There can be no reasonable doub that the ship was lost with all hands. No definite, positive finding of the 20 tual circumstances under which she compass was not set in the midship line; had not beeen adjusted, and was lost can be made; only the pro-bable cause can be indicated. The ship was not built, and had never may have had an error to any amount. The bridge compass was not hitherto been used as an ocean-going vessel; she was intended for inland dard Compass," such as a steamer waters, and, possibly, short coastal like the "Beverly" should carry. It had no apparatus for taking boardpassages: she was not suitable for ings, and was so badly placed as to be the shipment of a heavy cargo across the Atlantic in mid-winter, or at any little value in taking bearings at time. There was no inherent weak

After coming off dock at St. John's ness in her structure; and although a large sum of money had been spent the "Beverly" proceeded to Harbour Grace, to load fish for Gibraltar. Be-fore leaving St. John's she collided in converting her from a river boat into a tramp steamer, with the intention of fitting her for ocean work, it was an impossible task. The lower with Harvey and Company's wharf; but no sufficient examination, either but no sufficient examination, either at St. John's or Harbour Grace, was made to ascertain the extent of the damages. She left Harbour Grace on the 21st January, 1918. Her cargo and freight were insured for \$400.-000 by Mr. Munn, half on cargo and half on freight. The hull was not insured. He applied for insurance on the bull and was refused: but the hull of the ship, the foundation, as it tect and builder who designed and the hull and was refused; but the Company which refused the insurance constructed her, because of the fac

on the hull subsequently insured the freight and cargo. She had a cargo of 11,000 quintals of codfish, in casks **A Nation's Safety** and bundles, and 50 barrels of cod oil. At the time of the Enquiry it appeared that the insurance had not been paid; having been referred to depends upon more than wealth or the power of its arbitration, it being unknown whether it was a War Risk or an ordinary mighty guns. It rests in its robust children and in its strong, narine casualty. In arriving at a finding in this Envigorous manhood.

"The Surveyors to the

In arriving at a finding in this En-quiry it has been necessary to dis-card in part the testimony of some of the witnesses. The evidence of Mr. Black, Lloyd's Surveyor, must be largely discounted. He has not shown that he was competent to par-form the work he undertook; he had to previous experience of this work —that of converting a river boat into an ocean tranp—and, besides, he committed a grave error in accepting two gratuities of \$100 each from tha owner. The acceptance of his employ-ers. Section 25 of the Rules of the Society provides as follows: an ideal constructive tonic-food, an ideal constructive fonctiond, brings to the system elements easily assimilated and imparts strength and pro-motes normal growth. Scott's Emulsion builds up the week and fortifies the streng.

ers as to the carrying of life-saving appliances; also regarding general equipment; provisions concerning the draught of water: load line: and others that might be found useful if adopted in this country. They can be easily adapted to the trade of Newfoundland: in fact, many of the steamers and vessels registered in this Colony, and sailing from this port. The have conformed with the English law, and the provisions of the Merchant Shipping Act.

I therefore, beg to recommend that the provisions of the Imperial Merchant Shipping Act. regarding load line, survey of vessels, equipment, and others above indicated, be adopt-

ed in this Colony. (Sgd.) P. J. SUMMERS, Judge ANTHONY MacDERMOTT, (Sgd.)

Commander R. N., Nautical Assess St. John's. March 6th, 1919.

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