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WEDNESDAY, MARCH 6, 1929.

ANNIE M. MILLER.

Vessel Was Overloaded.

OWNERS NOT TO BLAME.

A finding that the vessel had been overloaded was reached at the Marine Court yesterday, after inquiry into the foundering of the collier Annie M. Miller, owned by R. W. Miller and Co., Ltd., Bridge-street, Sydney. The vessel foundered on the night of February 8 last, about two miles off Sydney Heads, when six of the crew were lost.

The Court, comprising Judge Cohen, with Captains William Newton and William George Howell, assessors, found that the vessel left Bulli with a decided list to port, which, in the Court's opinion, was caused by improper loading, the coal not being properly trimmed. The Court also found that the vessel was overloaded by at least 30 tons deadweight.

Unfortunately, the master, chief officer, and chief engineer were lost, and material evidence, which otherwise would have been available, was consequently not before the Court.

Although the hatch covers had been placed in position, there were no tarpaulins to prevent water finding its way into the holds.

The Court was unable, on the evidence, definitely to come to a conclusion on what was the direct cause of the disaster, but was emphatically of opinion that had it not been for the improper loading, the overloading, and the failure to fix tarpaulins over the hatches the ship would have arrived safely.

The Court found that no blame could be attributed to the owners of the vessel.

OUTLINE OF DISASTER.

Mr. Rogers, of the Crown Law Office, appeared for the Superintendent of Navigation; Mr. H. E. Manning, and Mr. E. P. Evans (instructed by Messrs. Minter, Simpson and Co.), for the owners of the vessel.

In his opening address Mr. Rogers said the second engineer of the vessel was before the Court, but it was not even suggested that he was in any way responsible for the loss of the vessel. The chief officer, Mr. R. Rowers, was in charge of the bridge up to Cape Solander, and the master, Captain R. S. Pilling, from there to the time of the foundering. When she went to Bulli the vessel had about 10 tons of blue metal in Nos. 1 and 2 holds. At the Bulli wharf, after about 70 tons of coal had been delivered into No. 1 hold, the ship took a heavy list to starboard. No. 1 tank was pumped out and the No. 2 port tank was filled, and the vessel became nearly upright. While the balance

of the cargo was being placed in Nos. 1 and 2 holds the vessel began to list to port. By the time the full quantity of coal was taken on board the list to port had been counteracted to some extent, but the steamer still retained a list. It seemed that no attempt was made up to that time to trim the coal. When the ship was about to depart the engineers took exception to the condition the vessel was in, and told the master that unless the hatches were put on they would not proceed to sea. The hatches were put on, but no tarpaulins were spread over them. The list was to such an extent that the water extended halfway between the bulwark and the hatch combing. After the vessel left Bulli the list gradually increased, but not sufficiently to cause alarm until the vessel passed the northern head at Botany. There it became apparent to the master and chief officer that there was danger, for it was said that when the chief officer made some remark to the master and Petersen, who was at the wheel, the master replied, "This is the finish of it." Then the master told the mate to order the boats out. The helmsman was told to port, and the vessel turned in a circle. About four minutes afterwards she foundered. Just previous to this the water was pouring into Nos. 1 and 2 holds. It was not until the chief officer went on to the bridge a few minutes before the vessel went down that the master decided to prepare the boats and show signals of distress.

Mr. Rogers said that the difference between the deadweight carrying capacity and the total weight on board on the Bulli trip was 37 tons. It therefore appeared that the ship was overloaded when leaving Bulli to the extent of 3 7-10th inches.

ENGINEER'S EVIDENCE.

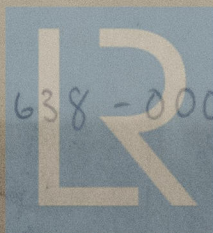
John Arthur Tracy, second engineer, said that when loading was completed water was lapping the deck on the port side. After leaving Bulli witness found the hatches had not been covered with tarpaulins, though the captain had said this would be done. He

told the captain that had he known this he would not have taken the ship away from the wharf. After proceeding to sea the list increased, and off Botany a greater list developed, and the chief engineer called "Come up and save yourself."

Otto Petersen, of 11 Alpha-street, Willoughby, seaman on the Annie M. Miller, said that he took the wheel at about 5.40. The captain was on the bridge. He was not alarmed at the list, as the vessel was good at sea. Off Bondi the captain said "Port to helm," and later coming back he said "This is the finish of her." "I was dumbfounded when he said that," remarked witness. The captain then ordered the boats to be manned.

William Douglas, consulting engineer, gave technical evidence and explained that the blue metal in the ship, of which he thought there would be about 10 tons, was for trimming purposes.

William Joseph Osborne, of R. W. Miller and Co., said he put not more than seven tons of blue metal into the far end of No. 1 starboard hold last November.



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