

No. S. 380

STEAM TRAWLER "MARGARET STEPHEN."

THE MERCHANT SHIPPING ACT, 1894.

REPORT OF COURT

In the matter of a Formal Investigation held at Aberdeen Sheriff Court on the 22nd and 25th days of June, 1936, before John Dewar Dallas, Esq., Advocate, Sheriff-Substitute of Aberdeen, Kincardine and Banff, at Aberdeen, assisted by Captain F. J. Thompson, Lieut.-Commander F. S. Murray and Mr. G. Robb, Assessors, into the circumstances attending the stranding of the steam trawler "Margaret Stephen".

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 stranding of the s.t. "Margaret Stephen" was contributed to by the default of the skipper, Alexander Gardiner in (a) placing too much reliance on his log, (b) making no allowance for the tide on the east coast of Shetland Isles, and (c) over confidence in relying on a position obtained by dead reckoning only, and altering course towards the land in rainy weather, not having verified his position since passing Buchan Ness.

The Court accordingly finds the said Alexander Gardiner in default and suspends his certificate for a period of three months from this date, but recommends the Board of Trade to grant him a mate's certificate and makes no order as to costs.

Dated this twenty-fifth day of June, 1936.

J. D. DALLAS,
Judge.

We concur in the above Report.

FRED J. THOMPSON,
FRANK S. MURRAY, } Assessors.
GEORGE ROBB,

Annex to the Report.

This Inquiry was held in the Sheriff Court, Aberdeen, on the 22nd and 25th June, before John Dewar Dallas, Esq., Sheriff-Substitute. Mr. M. M. Duncan, Advocate, appeared for the Board of Trade. Mr. S. Duffus, Advocate, appeared for the skipper, Alexander Gardiner.

The s.t. "Margaret Stephen," official number 145,054, gross tonnage 213-19, ketch rigged, was built of steel by Alex. Hall & Co., Ltd., Aberdeen, in 1917. Her dimensions were:—Length 115-35 ft., breadth 22-6 ft., depth 12-2 ft. The vessel had triple expansion engines of 56-7 N.H.P. giving a speed of 10 knots, and was owned by Stephen Fishing Co., Ltd., of Aberdeen.

She was in a good and seaworthy condition on sailing from Aberdeen on the 20th February, 1936, and carried a crew of nine hands including the skipper. She proceeded to Granton for bunkers where she took in 60 to 70 tons of coal.

The s.t. "Margaret Stephen" sailed from Granton at 10 a.m. on Friday the 21st February, 1936, bound for the fishing grounds off the Shetland Isles. She passed Buchan Ness light at 9.45 p.m. on the 21st February at an estimated distance of 2 to 3 miles, and the patent log was reset. Course was set N.E. by N. $\frac{1}{2}$ N. (magnetic). Wind was S.S.E., force 6, with a heavy sea from S.E. and small rain off and on. At 1.30 p.m. on Saturday the 22nd February the vessel had run 138 miles by log. The skipper decided not to fish at that time owing to a report received from the trawler "Phillippe," to which he spoke. Course was then changed to E.N.E. for 16 miles. At 3.30 p.m., this distance being run, the skipper decided not to fish on account of the weather conditions but to run round the north east of the

when the second fisherman came on watch, and he expected to pick up the light of the Outer Skerries 10 or 11 miles distant.

The Outer Skerries light was not seen, the visibility being low owing to small rain. At about 9.30 p.m., the vessel having run 55 miles by log, a cast of the lead was taken and showed 55 fathoms. The skipper assumed from this that he was in the vicinity of Muckle Flugga and altered course to N.N.W. and reduced to half-speed for 11 miles when ship was stopped about 11 p.m. and another cast of lead was taken, 55 fathoms being obtained.

No allowance appears to have been made for the time occupied in bringing the vessel round head to wind and stopping the engines to obtain the soundings, and the Court considers that the vessel would be affected by the tide which was setting to the southward at this time.

The weather report from Muckle Flugga Light-house (North Unst) at 9 p.m. was wind south, force 8, passing showers, and from Outer Skerries (Whalsey) wind S.E., force 7, passing showers of sleet and rain.

Shortly after 11 p.m. course was altered to W.N.W. (magnetic) and speed increased to full speed, the position being estimated at north of Muckle Flugga. The skipper went below at 11.15 p.m. leaving the second hand in charge with instructions to call him when the log showed 12 miles, when he intended to fish.

At 12.30 a.m. the mate sent the deckhand to read the log, which showed 8 $\frac{1}{2}$ miles, and almost immediately afterwards the vessel stranded, bumping heavily. The skipper had just arrived on the bridge and immediately rang the engines full speed astern.

Reversing the engines was quite ineffective to re-float the vessel, and efforts were made to attract attention by blowing the whistle, firing rockets and burning flares. Half an hour after stranding, the Outer Skerries light was seen by those on board the "Margaret Stephen." The Court is at a loss to understand why this light was not seen by those on watch earlier, as the vessel must have passed dangerously close to the Outer Skerries, and witnesses from Whalsey Island saw the trawler's mast-head light and the Outer Skerries light at least half an hour before the stranding. The ship's boat was put out and the crew abandoned ship and landed on the rocky shore of Lunna Ness. At about 4.30 a.m. the vessel took a heavy list to port, and subsequently became a total loss, no lives having been lost.

In reviewing the evidence in this case the Court is impressed by the fact that no clock or deck watch was supplied to the wheelhouse for navigational purposes. The evidence given by certain witnesses was not conclusive in regard to the setting of the log, and no record appears to have been kept of these readings.

The Court is of the opinion that the skipper placed too much reliance on the log readings reported, and did not take into account the effect of the spring tide, which was setting to the southward from about 6.50 p.m. to the time of stranding, or the time lost when speaking to the trawler "Phillippe" and when stopping the ship, and, no doubt, turning head to wind (S.S.E.) to take casts of the lead; the Court estimates that approximately one hour was expended which was not fully taken into account.

From the courses steered prior to the vessel's stranding it is evident that she passed very close—probably within a mile—to the Outer Skerries light-

In view of the evidence of the Whalsey fishermen who saw the mast-head light of a vessel about 4 or 5 miles distant, and at the same time saw the Outer Skerries light, the Court considers that those on watch on board the "Margaret Stephen" from 11.15 p.m. to time of stranding, viz., the second hand, John Murray, and the deckhand, Peter Murray, were remiss in failing to keep an efficient lookout.

It is recommended that an important point such as the Outer Skerries should be fitted with an efficient fog signal, considering that the lights and land of this coast are very difficult to pick up during drizzling rain which is so prevalent in these parts.

It is further suggested that vessels fishing in these waters should be supplied with a modern sounding appliance.

Questions and Answers.

1. Q. When the s.t. "Margaret Stephen" left Aberdeen on the 20th February, 1936, was she in good and seaworthy condition?

A. When the s.t. "Margaret Stephen" left Aberdeen on the 20th February, 1936, she was in good and seaworthy condition.

2. Q. What charts had she on board at that time, and were such charts adequate and properly corrected to date?

A. The ship was supplied with Close's Fishermen's Chart of the North Sea, but as this was lost with the ship, the Court is unable to say if it was properly corrected to date.

3. Q. Were there any books or charts on board giving correct particulars of the lights which should have been passed during the voyage?

A. In addition to Close's Chart there was also on board a copy of the Mariners' Almanac and Tide Tables for 1936, giving correct particulars of the lights which should have been passed during the voyage.

4. Q. What compasses did the vessel carry, and where were they situated? When and by whom had they been last professionally adjusted? Were deviation cards supplied to the ship after such adjustments?

A. The vessel had two compasses—one was fitted as an overhead compass in the wheelhouse, and the other was fitted in the cabin. The compasses were last adjusted on the 13th April, 1935, by Stevenson & Harris, Aberdeen. A deviation card was supplied for the overhead compass which was correct magnetic on all points.

5. Q. Were the compasses sufficient for the safe navigation of the vessel?

A. Yes.

6. Q. Was the vessel provided with facilities for taking bearings of sufficient accuracy to enable the skipper to ascertain the error of his compasses? If so, had the skipper taken observations for this purpose from time to time and thereby did he know the proper corrections to apply to his compasses?

A. The weather conditions were such that observations could not be taken.

7. Q. What sounding appliances were supplied to the vessel? Were they sufficient for her safe navigation?

A. (a) The vessel was supplied with a deep sea lead and line, and hand lead and line. (b) Yes.

8. Q. Did the skipper correctly ascertain his position off Buchan Ness light at about 9.45 p.m. on the 21st February?

A. The skipper estimated his position off Buchan Ness light at 2 to 3 miles at about 9.45 p.m. on the 21st February, but no accurate fix was obtained.

9. Q. What was the course which he set from this position and was such course a safe and proper one?

A. (a) N.E. by N. $\frac{3}{4}$ N. (magnetic). (b) This was a safe and proper course.

A. At full speed, estimated at 9 knots.

11. Q. What were the weather conditions prevailing at about this time and place?

A. Wind S.S.E., strong breeze, rough quarterly sea, small rain at times, visibility good.

12. Q. On what courses and at what speeds did the vessel proceed thereafter until 9.30 p.m.?

A. At 1.30 p.m. on Saturday the 22nd February the vessel had run 138 miles by log and course was altered to E.N.E. (mag.) for 16 miles with the intention of fishing; estimated speed 8 knots. At 3.30 p.m. course was altered to N. $\frac{3}{4}$ E. for a distance of 55 miles; speed estimated at 9 knots.

13. Q. Were these courses safe and proper? Were they actually steered?

A. (a) Yes, provided the distances run on each course had been made good. (b) The courses set were actually steered.

14. Q. Where was the skipper at the material times during this period?

A. The skipper was in the wheelhouse at the material times during this period.

15. Q. Was the Outer Skerries light seen by those on board the vessel before 9.30 p.m. or subsequently? If not, why not?

A. (a) The Outer Skerries light was not seen by those on board before 9.30 p.m. nor until after the vessel had stranded. (b) No explanation satisfactory to the Court was given by any of the witnesses who were members of the crew.

16. Q. Was the vessel stopped at about 9.30 p.m. If so, why?

A. Yes, to take a cast of the lead.

17. Q. Was a reading of the log taken at about this time? What depth of water was recorded?

A. A reading of the log taken at this time showed 55 miles. Depth of water by deep sea lead, 53 fathoms.

18. Q. Was any other, and if so what, light seen by those on board the vessel at this time? If not, why not?

A. No other light was seen, apparently due to low visibility.

19. Q. What was the state of the weather from this time until the ship grounded?

A. The weather report from North Unst was—wind south, force 8 to 7, passing showers. The weather report from Whalsey Skerries was—wind S.E., force 7 to 6, passing showers, sleet, rain, cloudy.

20. Q. On what course and at what speeds was the vessel navigated from this time until she grounded?

A. After casting the lead at 9.30 p.m., course was set N.N.W. and vessel proceeded at half speed for a distance of 11 miles. At 11 p.m. course was altered, after taking another cast of lead (55 fathoms), to W.N.W. and speed increased to full speed.

21. Q. Were these courses and speeds safe and proper in the circumstances, and were these courses actually steered?

A. These courses were not safe and proper in the circumstances. The courses set were steered.

22. Q. What were the movements of the skipper at the material time and what, if any, orders did he give?

A. After being continually on duty in the wheelhouse from 6 p.m. after setting the course W.N.W. he left the mate in charge and gave orders to be called when the log showed 12 miles and went below at about 11.15 p.m.

23. Q. Did those on board the vessel see any, and if so what, lights during this period?

A. No lights were seen during this period.

24. Q. Was a good lookout kept on board the vessel?

A. The vessel was not navigated with proper and seamanlike care when approaching the east coast of the Shetland Isles.

26. Q. When and where did the vessel strand?

A. The vessel stranded at about 12.30 a.m. on the 23rd February, 1936, on Lunna Ness.

27. Q. At what speed was the vessel then proceeding?

A. At full speed.

28. Q. What was the cause of the stranding of the s.t. "Margaret Stephen"?

A. The cause of the stranding of the s.t. "Margaret Stephen" was:—(a) over confidence of the skipper, when navigating the east coast of Shetland; (b) over estimating the distance made good over the ground; (c) not making allowance for the

set of the tide; (d) not maintaining a keen lookout after 11.15 p.m.

29. Q. Did the s.t. "Margaret Stephen" become a total loss as a result of the stranding?

A. Yes.

30. Q. Was the stranding and subsequent total loss of the s.t. "Margaret Stephen" caused or contributed to by the wrongful act or default of Alexander Gardiner, the skipper?

A. The stranding and subsequent total loss of the s.t. "Margaret Stephen" was contributed to by the default of Alexander Gardiner, the skipper.

J. D. DALLAS,
Judge.

FRED J. THOMPSON,
FRANK S. MURRAY, } *Assessors.*
GEORGE ROBB,

(Issued by the Board of Trade in London
on Saturday the 1st day of August, 1936.)

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any Bookseller