

(No. S. 397)

## STEAM TRAWLER "CHERITON"

## THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

In the matter of a Formal Investigation held at the Guildhall, Hull, on the 1st, 2nd and 3rd days of March, 1939, before R. F. Hayward, Esq., K.C., assisted by Captain P. de Legh, Captain C. A. Wilson and F. Bee, Esq., into the circumstances attending the stranding of the steam trawler "Cheriton" of Hull in Westray Firth on the 19th November, 1938.

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 and subsequent constructive total loss of the "Cheriton" was caused by the wrongful act and default of her skipper, Frank Stephen Gleeson, and suspends his certificate of competency as skipper for three months from this date.

Dated this 3rd day of March, 1939.

R. F. HAYWARD, *Judge.*

We concur in the above Report.

PIERS DE LEGH,	} <i>Assessors.</i>
C. A. WILSON,	
F. BEE,	

## ANNEX TO THE REPORT.

This Inquiry was held at the Guildhall, Hull, on the 1st, 2nd and 3rd days of March, 1939. Mr. F. C. Leonard Bell appeared for the Board of Trade. The only party to the Inquiry was Frank Stephen Gleeson, the skipper, who was represented by Mr. H. M. Lancaster, Solicitor. Dr. Eric Jackson watched the proceedings on behalf of the St. Andrew's Steam Fishing Company, Ltd., Hull, the vessel's owners.

The s.t. "Cheriton," official number 144,537, Port of Registry, Hull, was a steel screw trawler, ketch-rigged, built and engined by Smith's Dock Co., Ltd., at South Bank-on-Tees. Her gross tonnage was 275 tons and nett register tonnage was 107 tons. Her length was 125.5 feet, 23.4 feet beam and 12.8 feet depth. Her engines were triple expansion of 60.7 h.p.n., giving a speed of about 10 knots.

The "Cheriton" during a fishing voyage was fishing to the north-eastward of Sule Skerry when on account of bad weather she hove to at about 4 p.m. on the 18th November, 1938. At about 7 a.m. on the 19th her position was fixed by bearing taken by direction-finder and echometer as being latitude 60° 4' N., longitude 4° 30' W., and shortly afterwards she took her departure towards Westray Firth with a view to continuing fishing to the eastward of the Orkneys.

There was a fresh gale from the W.S.W. with a very heavy sea. A course of S. magnetic was set with engines working at full speed. At about noon land was sighted and about 1.10 p.m. Noup Head was identified. It came abeam at about 2.10 p.m. At no time was any four-point or cross bearing taken. Soundings were taken by echometer but owing to the comparatively level bottom they gave no particular information. The trawler was rolling heavily and there were passing showers of sleet and hail which from time to time obscured the land.

Judging that he was about 6 miles off Noup Head and without referring to his charts to ascertain what had been his leeway or course made good, the skipper altered course to S.S.E. magnetic, which course and full speed were held until stranding on the S.W. extremity of the Skea Skerries. The skipper had considerable local knowledge of

the Firth and he judged the S.S.E. course would take him in about mid-channel which would keep his vessel more than a mile to windward of the Skea Skerries. In the prevailing weather there was broken water right across the Firth making it difficult or impossible to sight the Skea Skerries which at this time of tide should have been partly projecting above water.

After passing Noup Head no attempt was made to notice whether it remained open of Inga Ness which, as stated in the sailing directions, would lead clear of Skea Skerries. The skipper stated that he thought that he was keeping in about mid-channel, but from the fact that the "Cheriton" stranded on Skea Skerries it is obvious that he was gravely mistaken.

At about 3.15 p.m. without any previous warning the "Cheriton" stranded. About 4 p.m. she was washed afloat and thereafter, leaking badly in her engine room, was navigated into Roussay Sound where she took the ground on a sandy bottom in safety and her crew were taken ashore in local boats.

The "Cheriton" was subsequently salvaged but proved to be a constructive total loss and was sold for breaking up.

The Court is of opinion that the skipper was gravely in fault in failing to take a four-point bearing of Noup Head in order to fix his position and to obtain information as to the amount of leeway he was making so that he could set a safe course through the Firth. He was further in fault in failing to see by observation of Noup Head and Inga Ness that he was being set dangerously close to the Skea Skerries. In such circumstances he ought to have had a man on lookout so that he himself could be free to take bearings and consult his chart. It would appear that the skipper, who gave the impression of being both a straightforward witness and a good seaman of considerable nerve and resource, erred on the side of over-confidence in his considerable local knowledge of Westray Firth and its approaches.

The Court's Answers to the Questions submitted by the Board of Trade are as follows:—

Q. 1. When the s.t. "Cheriton" left Hull on the 9th November, 1938, was she in good and seaworthy condition?

A. Yes.

Q. 2. With what compasses was the vessel supplied and when were they last professionally adjusted? Were deviation cards supplied to the vessel?

A. Two compasses, one on the bridge and one in the wheelhouse roof. They were last professionally adjusted on the 7th March, 1938, and deviation cards were then supplied.

Q. 3. Was the vessel supplied with any, and if so what, type of sounding appliances?

A. Yes. An echometer, a deep sea sounding lead and a hand lead.

Q. 4. When the vessel left the west coast of Scotland fishing grounds on the 19th November, 1938, was her position accurately known? What course was set?

A. By means of the direction-finder and echometer the position was found as accurately as possible. S. magnetic.

Q. 5. Were any alterations made in the course referred to in Question 4? If so what were they, when were they made and was the vessel's position accurately known when they were made?

A. Yes. At about 2.10 p.m. on the 18th November course was altered to S.S.E. magnetic. At this time the vessel's position was not accurately known.

Q. 6. Was Noup Head seen and identified at any time during the voyage? If so, how far off was the vessel when Noup Head was abeam and at what time was it abeam?

A. Yes. It was seen and later at about 1.10 p.m. was identified. It was abeam at about 2.10 p.m. The skipper judged the distance to be about 6 miles, but the Court finds that it was probably about 5 miles.

Q. 7. If Noup Head was sighted, for how long thereafter during the voyage was land in sight?

A. Except for brief intervals during passing showers land continued in sight until the casualty.

Q. 8. At what speed did the vessel proceed from the west coast of Scotland fishing grounds? Was there any, and if so what, alteration in this speed between that time and the time of the casualty?

A. Full speed. This was not substantially altered before the casualty.

Q. 9. What was the state of (a) the wind; (b) the sea; (c) the visibility when the vessel left the west coast of Scotland fishing grounds? Were there any, and if so, what, alterations in (a), (b), or (c) between that time and the time of the stranding?

A. (a) W.S.W. fresh gale; (b) very heavy seas; (c) fair visibility between passing showers of hail and sleet. There was no substantial alteration in the weather.

Q. 10. What was the state of the tide when the vessel was in the vicinity of Noup Head?

A. The last of the ebb running to the north westward.

Q. 11. Was a good and proper lookout kept on board the vessel?

A. Yes.

Q. 12. Was the vessel navigated in a proper and seamanlike manner?

A. No.

Q. 13. When and where did the vessel strand?

A. At about 3.15 p.m. on the 19th November, 1938, the vessel stranded on the south-western extremity of the Skea Skerries.

Q. 14. What was the cause of the stranding of the s.t. "Cheriton"?

A. Faulty navigation and over-confidence in local knowledge.

Q. 15. Was the stranding of the s.t. "Cheriton" caused or contributed to by the wrongful act or default of her skipper, Frank Stephen Gleeson?

A. Yes.

R. F. HAYWARD, *Judge*.

PIERS DE LEGH,	} <i>Assessors</i> .
C. A. WILSON,	
F. BEE,	

(Issued by the Board of Trade in London  
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