

(No. 5158.)

"CRATHIE" (S.S.)

AND

"ELBE" (S.S.)

The Merchant Shipping Act, 1894.

IN the matter of a formal Investigation held at Westminster Town Hall, on the 20th and 21st days of May, and on the 10th, 11th, and 17th days of June 1895, before R. H. B. MARSHAM, Esquire, assisted by Captains CASTLE, RICHARDSON, and KIDDLE, R.N., into the circumstances attending a collision between the British S.S. "CRATHIE," and the German S.S. "ELBE," in the North Sea, on the 30th January 1895, 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 collision was due to a good and proper look-out not being kept on board the s.s. "Crathie," and that the s.s. "Crathie" was seriously damaged thereby, loss of life ensuing.

The Court finds the mate, Mr. Robert Henry Holmes Craig, in default, and cancels his certificate as master.

Dated this twentieth day of June 1895.

(Signed) R. H. B. MARSHAM, Judge.

We concur in the above report.

(Signed) JOHN S. CASTLE, }  
JAMES KIDDLE, } Assessors.  
GEO. RICHARDSON, }

*Annex to the Report.*

This inquiry was held at the Town Hall, Westminster, on the 20th and 21st days of May, and the 10th, 11th, and 17th days of June 1895, Mr. W. S. Robson and Mr. Butler Aspinall appearing on behalf of the Board of Trade, Mr. Herbert H. Aspinall representing the North German Lloyd Company, the owners of the steamship "Elbe," whilst Mr. Nelson, instructed by Mr. Bolam, secretary of the Scottish Shipmasters Association, appeared for Captain Gordon, of the "Crathie," and Mr. H. Holman for Robert Craig, chief officer of the "Crathie."

Captain Donner, late of the German Navy, watched the case on behalf of the German Government.

The "Crathie," official number 88,858, is a British screw steamship, built of iron at Kinghorn in 1884 by John Key and Sons, of Kirkcaldy, and is registered at Aberdeen. Her dimensions being as follows:—Length, 160'4 ft.; breadth, 24'25 ft.; and depth of hold, 13'09 ft.: her tonnage being 480'67 tons gross, and 272'30 tons net register.

She is rigged as a schooner, and is fitted with two compound engines of 73 horse-power combined, and is the property of Mr. William Todd Moffatt and several others whose names appear on the transcript of register, Mr. William Todd Moffatt being the managing owner.

"The Crathie" left Rotterdam at 11 p.m. on the 29th January last, bound for Aberdeen, with a general cargo of about 180 tons. She was then under the command of Mr. Alexander Gordon, who holds a certificate of competency as master numbered 017,727. Her crew consisted of 12 hands, as follows:—Master, mate (who also held a master's certificate), boatswain (who acted as second officer), cook, three able seamen, two engineers, and three firemen.

The vessel at the time she left Rotterdam appears to have been in good condition with the exception of the engine-room telegraph, which was not then in working order owing, as the Court was informed, to the excessive cold which was then experienced, and which had frozen the gear, preventing it from being used.

The vessel was supplied with two lifeboats and a small working boat, and there were six lifebuoys and sixteen lifebelts on board. There were two deck pumps which could be worked by hand, and the usual steam pumping arrangement in the engine-room. She was steered by manual power with a wheel in the house on the top of the lower bridge. During the time that the vessel was proceeding down the river one of the hands was stationed at the engine-room skylight for passing the orders down to the engine-room, on account, as already stated, of the telegraph not being in working condition. After the vessel cleared the river, the man who was passing the orders to the engine-room left the skylight and went either to the look-out or the wheel.

The master remained on deck in charge from the time of leaving until 4 a.m. of the 30th, during which time he had the boatswain and one able seaman on the watch with him, these men taking the helm and look-out alternately. The night was very dark but clear, and there was a strong breeze from the E.N.E. with a high sea, which, coupled with the extreme cold, prevented the look-out man being stationed on the fore-castle, but during the master's watch he was on the upper bridge. At 4 a.m. the chief mate took charge and the master went below, leaving the mate and two able seamen, James White and George Oram, on deck, the former being at the wheel and the latter on the look-out. At 5 a.m. these men changed places, but before doing so Oram went below and called James Sharp, the cook and steward.

The course of the "Crathie" after leaving the river was N. by W.  $\frac{1}{2}$  W. magnetic, the speed being about nine knots.

The chief mate stated that between 4 a.m. and 5.20 a.m. the "Crathie" was passing a fleet of fishing vessels, and that at the latter time he saw all three lights of a steamer about two points on their starboard bow, distant from three to four miles. He watched the steamer until he saw her shut in her red light, and then concluded that she would pass astern of him, the vessels then showing green to green. Some time after he again saw the red light on his starboard bow, about three or four ship's lengths distant. The look-out man White had not reported the vessel, neither was any whistle or shouting heard from the approaching ship, but he heard a noise from his own vessel, which he says he thought proceeded from the stokehold, but there can be no doubt that the noise he heard was the shouting of Oram, the man at the wheel, who stated that he called out immediately upon seeing the masthead light of a vessel (which was proved to be the "Elbe") right ahead at a distance of 20 or 30 yards. Oram also stated that he got no orders to alter the helm prior to his shouting, when the order was "hard-a-port," but before the ship could answer the helm the vessels were in collision. The mate stated that he gave the order to port three or four seconds before the collision, and that the vessel had then gone off from  $3\frac{1}{2}$  to 4 points, which is an impossibility. It also seems to the Court impossible for the mate to have seen the lights of the "Elbe" in the position in which he stated he saw them when the "Elbe" was approaching the "Crathie." The mate also stated that two or three seconds before the collision he turned the telegraph right round and left it at "stop."

This statement was contradicted by Mr. William Elrich, the second engineer, who was on duty in the engine-room, and who denied having received any order before the collision, but said that he stopped them after it without orders, and then went on deck.

The master, who was in bed at the time, was aroused by hearing someone shouting, and immediately jumped up and ran to make for the deck, but just before reaching it he felt the shock of the collision. After getting on the lower bridge he enquired if the engines were stopped, and someone answered "Yes."

He then observed the vessel with which they had collided out on the port side, apparently going very fast away from them. At this time he saw the chief mate on the lower bridge, and gave him orders to have the lifeboats got ready for lowering, and they were then swung out but not lowered. It was then found that the "Crathie" had sustained very serious damage; part of the stem and fore-castle head were carried away, also the cranes for working the anchors, and ten or twelve feet of the bow plates on both sides were damaged, the



and again reported the steamer for the second time to the upper bridge. I heard no reply from the upper bridge to my report. Immediately after my second report, I heard the chief officer, Glamann, shout to the steamer, 'Where do you really want to go?'

"In consequence of the contrary winds, and the distance of the steamer, which at this moment I estimated to be still about three ship's lengths off, the shout of the chief officer would not have been heard on board the steamer. Immediately after this hail I first saw the red light of the steamer, and, namely, for the first time at the moment when she was exactly abreast of the bridge on which I was standing.

"Immediately afterwards the collision occurred, according to my fixed conviction, the steamer did not alter her course at all, and I came to that conclusion because I did not see the red light until the last moment, when she was already abreast of the bridge, and only saw it for a moment simultaneously with the green light. If the steamer had endeavoured to bear away to starboard in order to pass astern of the 'Elbe,' I must have seen the red light earlier, and, moreover, the green light would have earlier got out of my sight, consequently the collision must have occurred at about right angles, and I am of opinion that the 'Elbe' was never noticed at all on board the 'Crathie' before the collision, as otherwise attempts would certainly have been made by changing the course, even had it been at the last moment, in order to avoid collision."

These were the facts of the case, and on the conclusion of the evidence, Mr. W. S. Robson, Q.C., on behalf of the Board of Trade, put to the Court the following questions:—

1. Whether the "Crathie's" engine-room telegraph was in proper working order when she left Rotterdam on the 29th January last, and at the time of the collision?
2. Whether the watch on deck at and after 4 a.m. of the 30th January was sufficient for the safe navigation of the ship?
3. Did the mate and look-out man, both or either of them, leave their posts and go into the galley during their watch on deck on the morning of the 30th January, and were they, or either of them, absent from the bridge between 5 a.m. and the time of the collision?
4. Were the vessels crossing vessels within the meaning of Article 16 of the Regulations for Preventing Collisions at Sea, and if so, did the "Crathie" comply with Articles 16 and 18 of the regulations, and did the "Elbe" comply with Articles 18 and 22 of the regulations?
5. Was a good and proper look-out kept on board the "Crathie" and the "Elbe" respectively?
6. Was the said collision contributed to by any, and if so what, negligence on the part of those in charge of the "Elbe"?
7. Did the master of the "Crathie" comply with the provisions of Section 422 of the Merchant Shipping Act, 1894?
8. Whether the "Crathie" was navigated with proper and seamanlike care?
9. Whether the master and mate of the "Crathie" are, or either of them is, in default?

Mr. H. Aspinall, Mr. Nelson, and Mr. H. Holman then addressed the Court on behalf of their respective clients, and Mr. W. S. Robson having replied on behalf of the Board of Trade, judgment was given as follows:—

1. The "Crathie's" engine-room telegraph was not in proper working order when she left Rotterdam, inasmuch as it was frozen; and it does not appear to have been in proper working order at the time of the collision, but the Court is of opinion that the collision was in no way traceable to or affected by it.

2. The watch on deck at and after 4 a.m. of the 30th January was not sufficient for the safe navigation of the ship. The Court attaches no blame to the master for this, but considers there were not sufficient deck hands.

3. The Court is not satisfied that either the mate or look-out man left their posts and went into the galley during their watch on deck on the morning of the 30th January; nor that either of them was absent from the bridge between about 5 a.m. and the time of the collision.

4. The vessels were crossing vessels within the meaning of Article 16 of the Regulations for Preventing Collisions at Sea. The "Crathie" did not comply with Article 16 of the regulations, inasmuch as she did not keep out of the way of the "Elbe," which was on her starboard side. She did not comply with Article 18, for she did not slacken her speed nor stop till after the collision had taken place.

The "Elbe" did not comply with Article 18, for she did not slacken speed nor stop when there was danger of collision.

She did comply with Article 22.

5. A good and proper look-out was not kept on board the "Crathie." A good and proper look-out was kept on board the "Elbe."

6. The officer in charge of the "Elbe" acted quite rightly in keeping her on her course at full-speed until there was danger of collision, but as soon as that was apparent he should have blown his whistle and stopped his engines, which in the opinion of the Court might, and ought to, have been done in time to avoid the collision. The Court holds that the officer in charge of the "Crathie" was primarily to blame for the collision by not keeping a proper look-out, and it considers that it probably might have been averted by the officer in charge of the "Elbe" stopping his vessel as soon as he perceived that there was danger of collision.

7. The master was justified in being in his cabin at the time of the collision, and could not form a clear opinion as to the damage done to the "Elbe," which was a much larger vessel than his own; he saw a rocket from the "Elbe," and answered it with two blue lights, after which the "Elbe" burnt a red and a blue light in succession.

There was no further intimation of the state of the "Elbe."

His first duty was to attend to the safety of his own vessel, which was seriously damaged, and he had to clear away some wreckage which was hanging under her bottom and to extricate from it a man who was injured by it, which took half-an-hour; two of her plates were pierced, and water was coming through them into the cabin, and there was a high sea, rendering it dangerous to lower a boat, inasmuch that one of the "Elbe's" lifeboats, which was much larger than any of his, was swamped in launching; he stood by from about 5.30 until break of day, having shortly before 6 a.m., as he thought, seen the "Elbe" turn round and disappear in the direction of the Thames.

The "Elbe's" boat was not visible to him.

Under the circumstances the Court is of opinion that the master complied with the provisions of Section 422 of the Merchant Shipping Act, 1894.

8. The "Crathie" was not navigated with proper and seamanlike care.

9. The mate of the "Crathie," Robert Henry Craig, alone is in default, and the Court cancels his certificate.

(Signed) R. H. B. MARSHAM, Judge.

We concur.

(Signed) JOHN S. CASTLE,  
JAMES KIDDLE,  
GEO. RICHARDSON, } Assessors.

Issued in London by the Board of Trade on the 27th day of June 1895.