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Assessors.

(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.

JOHN S. CASTLE, (Signed) 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, or 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

"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 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 lookout 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 forecastle, 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. 3 W. magnetic, the speed being about

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 "step." graph 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 forecastle 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 wreckage hanging over on the port side. Before this wreckage could be cut away it had pierced two plates just above the water-line in the way of the cabins, through which water was coming when the vessel rolled. During the time the crew was employed in clearing away the wreckage cries were heard proceeding from the forecastle, and it was then found that one of the crew had been injured by the collision, and that he was jammed by the débris. It took about thirty minutes before they could release him, and it was then found that he had been much injured about the head, and one of his ears was nearly cut off.

During this time, about fifteen minutes after the collision, a rocket was sent up from the "Elbe," and two lights burned, one red and one blue, and two blue lights were burned from the "Crathie," her engines being stopped during the whole of this time. Shortly afterwards—at a little before 6 a.m.—the lights from the other vessel disappeared, and the master concluded that she was steering to the westward. The "Crathie" remained with her engines stopped until break of day, when she proceeded for Rotterdam, going easy at first and then full speed, arriving at that port between

4 and 5 p.m. the same day.

There is a very great discrepancy in the evidence from the "Crathie" with reference to the look-out. James Sharp, the cook and steward, stated that at 5.20 a.m. (he then being in bed) he was called by the chief officer, that he then got up, and at 5.25 he was on deck; that he then looked over the port side and saw some lights, then went into the galley, where he saw the chief officer and look-out man, White, sitting there, the galley fire being alight. In two or three minutes he heard a shout of alarm, which he thought proceeded from the wheel-house, and the mate and look-out man then ran out. Sharp also looked out and saw lights across the bows, the collision occurring immediately after.

This evidence is denied by the officer and look-out man, who maintained that they never left the bridge at any time. The former stated that he did not call the cook, and George Oram, A.B., said that he called the cook before he relieved the wheel at 5 a.m. Whichever statement be correct, it is very evident to the Court that a proper look-out was not being kept on board the "Crathie," either by the chief officer or the look-out man White. The latter, although he has stated that he saw the lights at a distance of about two miles, and that afterwards he saw the red light quite close, admits

that he made no report.

The chief officer did not give any order until he was aroused by the shouting from Oram in the wheel-house, who stated that he called out to attract the attention of the mate upon seeing the mast-head light right ahead at a distance of about 20 or 30 yards. He then received the order "hard-a-port," but he did not think the vessel's course was altered before the collision took place.

According to the evidence given to the Court, it appears that the steward made two official statements, one being at Rotterdam and the other at Aberdeen, in neither of which he mentioned having seen the mate

and the look-out man in the galley.

The only way in which he accounted for this was by stating that he had not been asked any questions on

Three witnesses have been called from the "Elbe," viz., Mr. Theodore Stollberg, third officer, who holds a master's certificate, Mr. Albert Edward Christian Neuscell, chief engineer, and Mr. R. W. Greenham, Trinity House pilot. Of these witnesses, one only—the third officer-was on deck previous to the collision, he being the junior officer of the watch, and stationed on the starboard side of the bridge.

From his evidence it appears that the "Elbe" was a screw steamship built of iron, her length being 450 ft. and gross tonnage 4.510 tons, and she was owned by the

North German Lloyd Company.

She left Bremen for New York, via Southampton, about 2 p.m. on the 29th January 1895, having a large number of passengers on board. At 4 a.m. on the 30th January Mr. Stollberg went on watch with the chief officer, and at that time there were a quarter-master at the wheel and two men on the look-out, one on each side of the look-out bridge, which was a little abaft of the forecastle.

The vessel's course at that time was S.W. by W. magnetic. This course was continued until 5.15 a.m., when it was altered to W. by S. & S. magnetic, there being at that time a large number of fishing vessels' lights in sight on each side of the vessel and ahead.

Shortly after the look-out reported lights on the port side, and the officer saw the mast-head light and green light of a steamer about 31 to 4 points on the port bow. The "Elbe" at this time was going full speed, at the rate of 15 knots, and she continued on her course. The third officer walked from the starboard side to amidships and there spoke to the chief officer about the approaching vessel, after which he returned to the starboard side of the bridge, and seeing that the approach. ing vessel had not changed her course, he again walked amidships and called the attention of the chief officer to that fact. Then, returning to the starboard side, he saw the vessel abaft their bridge, and immediately the collision occurred, the "Crathie" striking the "Elbe" at right angles, about 100 feet from the stern on the port side in the way of the mail-room. Nothing had been done on board the "Elbe" in order to prevent the collision, as those in charge expected the "Crathie" to follow Article 16 of the Regulations for Preventing Collisions at Sea, which states that if two ships under steam are crossing so as to involve risk of collision the ship which has the other on her own starboard side shall keep out of the way of the other; and Article 22 of the same rules states, when by the above rules one of two ships is to keep out of the way, the other shall keep her course. Now when the "Elbe" found that the "Crathie" was not obeying Article 16, there was evidently danger of collision, and she should then have followed Article 18, which states that every steamship when approaching another ship so as to involve risk of collision shall slacken her speed, or stop and reverse if necessary. The "Elbe" did not stop or reverse, but continued at full speed until after the collision had actually occurred. Neither did she sound her steam whistle to call the attention of the "Crathie" to the dangerous intersecting course on which she was proceeding, which the Court thinks they should have done.

Immediately after the collision the "Elbe" commenced to fill and to take a heavy list to port. The captain at once ordered the bulk-head doors to be closed, which was done; rockets were sent up and blue lights burnt, and the boats were ordered to be got out. Perfect order was kept, and everything that could be done to save the lives of those on board appears to have been done. There was some difficulty experienced in gelting out the boats owing to the intense cold, which had frozen the boats' gear, and only two of them were got into the water, No. 3, in which 20 lives were saved, and No. 5, which had men and women on board, but she has not since been heard of, and there can be no doubt but that all on board of her have perished. No. 3 pulled about for five or six hours, when they were picked up by the fishing smack "Wildflower," of Lowestoft,

and were landed at that port.

By this unfortunate calamity, which occurred in the North Sea 35 miles from the Hook of Holland, about 340 lives were lost.

The look-out man on board the "Elbe," named Paul Siebert, was said to have left Germany for China, and therefore could not attend this inquiry; but a translation of his deposition made at Bremer Haven Marine Court was produced, and a copy of that document here follows:

> "Bremer Haven Marine Court, " Bremer Haven, March 2nd 1895.

"In the matter of the casualty respecting the 'Elbe,' appeared on citation, Siebert, A.B., and declared: -"My name is Paul Siebert; born on the 14th Oc-

tober 1864.

"I was on the look-out before the collision. On the 30th of January 1895 I was on the look-out, together with the sailor Von Horn, on the bridge, which is about eight feet above the deck, and on the fore side of the foremast. I was on the port side, whilst Von Hern was on the starboard side. It was dark, but such that lights could well be seen. About four points on the port bow I first saw six bright lights. which apparently belonged to fishing vessels, and which I reported. Shortly afterwards I saw, also about four points on the port bow, the mast-head and the green light of a steamer, which I thewise immediately reported to the upper bridge. When I at first sighted both lights of the steamer she was probably about one to one and a half sea miles distant from the 'Elbe.'

"As the red light did not come into sight, I was obliged to assume that her course directly crossed that of the 'Elbe,' and she did not appear to alter it. I consequently considered the position to be dangerous,

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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 heen 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

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

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Court,

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

8. Whether the "Crathie" was navigated with pro-

per and seamanlike care?

9. Whether the moster 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

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

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 sleeten her ened nor store. 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, insomuch 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 navi

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 certifi-

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

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

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