

(No. 5933.)

"CROMA" (S.S.).

The Merchant Shipping Act, 1894.

In the matter of a formal investigation held at the Moot Hall, Newcastle-upon-Tyne, on the 7th, 8th, and 9th days of September, 1889, before THOMAS COOKE and WILLIAM COWELL, Esquires, two of Her Majesty's Justices of the Peace, acting in and for the City and County of Newcastle-upon-Tyne, assisted by Captains WILLIAM ERSKINE and T. T. EDWARDS (Nautical Assessors), into the circumstances attending the loss of the British steamship "CROMA," of Newcastle, on the south end of Swona Island, Pentland Firth, on the 14th day of August, 1899.

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 loss of the vessel occurred through improper navigation on the part of the master and chief officer, the master being also under the influence of drink and absent from the deck when the safety of the vessel required his personal supervision. The Court finds the master, Jonas Cleveland Claxton, and the chief officer, Sivert Hendelin, both in default, and hereby suspends their certificates, numbered respectively 030838 and 017363, for the respective periods of twelve and three months from the date hereof.

Dated this ninth day of September, 1899.

THOMAS COOKE, } Judges.
W. COWELL, }

We concur in the above Report.

WILLIAM ERSKINE, } Assessors.
T. TOLSON EDWARDS, }

Annex to Report.

This was an enquiry into the circumstances attending the loss of the British steamship "Croma," and was held at the Moot Hall, Newcastle-upon-Tyne, on the 7th, 8th, and 9th days of September, 1899, before Thomas Cooke and William Cowell, Esquires, assisted by Captains William Erskine and T. T. Edwards (nautical assessors).

Mr. Burton appeared for the Board of Trade, Mr. Temperley represented the owners and master, Mr. Fenwick the first officer, the second officer appearing in person.

The "Croma," of Newcastle, official number, 88,745, was an iron screw steamship, built at Sunderland in the year, 1883, by Messrs. Joseph S. Thompson and Sons, and was of the following dimensions: length, 330.3 ft.; breadth, 43.7 ft.; and depth of hold 27.35 ft.

She was schooner-rigged, fitted with two compound surface-condensing engines of 300 horse-power (combined) constructed by the Wallsend-on-Tyne Slipway and Engineering Company, Limited, in the year 1883.

She was of 3,186.65 gross, and 2,070.52 net registered amended tonnage, and was owned by the Croma Shipping Company, limited, Mr. John Dent, jr., of Custom House Chambers, Newcastle-on-Tyne, being appointed managing owner on the 26th January, 1888.

She was on the voyage in question well-found and in good condition, fitted with life-boats and life-saving appliances in accordance with the Act. The "Croma" was supplied with three compasses, particulars of which are hereinafter given, the courses being set by the pole compass, and the vessel steered by that on the upper bridge.

She left Dundee at 5 a.m. on the 13th July, bound for New York with a general cargo of about 500 tons and 500 tons of water-ballast, her draught of water being 16 ft. 9 ins. aft, and 14 ft. 9 ins. forward. She carried a crew of 28 hands all told, and no passengers, under the command of Mr. Jonas Cleveland Claxton, who held a certificate of competency as master, No. 030,838.

On leaving Dundee, the weather was fine, with smooth sea and light winds, and at about 2 p.m. they were off Rattray Head, and a course was set for the Pentland Firth N. by W. $\frac{1}{4}$ W. by pole, being N. by W. magnetic. At 9.30 the Pentland Skerries Light was sighted, bearing N.W. distant about seven or eight miles. The course was now altered to N.W. by W. $\frac{3}{4}$ W. (magnetic), and they steered to round the light on various courses. At 11.30, the light when abeam bore E. $\frac{1}{2}$ S. (magnetic), distant by four-point bearing about 2 miles, Stroma Light, though not in sight, owing to the hazy weather, being then about four or five miles off. From about 10 o'clock the vessel had been proceeding at half speed, making some five knots an hour. At 11.20 speed was reduced to slow, the haze increasing until it became thick fog shortly before midnight, the tide at 11.30 being about half-flood. The master now went below leaving the chief officer in charge. He left no instructions with the chief officer, nor did he inform him why he was leaving the deck.

He told the Court his intention was to leave the bridge temporarily to consult the chart, and that he subsequently fell asleep. At midnight the second officer came on the bridge for the purpose of relieving the first officer, who, at 0.10 a.m., went below to call the master. He found him lying asleep on the sofa. After rousing him, he told him it was after 12 o'clock, and that the weather was very thick, to which the master replied, "All right, I'm coming." The chief officer rejoined the second officer on the bridge, and resumed the command of the vessel. About 1 a.m., during a temporary lift of the fog, Stroma Light was observed close to and nearly ahead. The chief officer immediately ordered the helm to be put hard-a-port, and the engines full speed ahead. As was natural, having regard to the run of the tide, and the light trim of the vessel, she did not answer her helm readily, but in about 10 minutes she fell off to S.E. Meanwhile, the chief officer again went below to call the master. He found him asleep as before, and, after rousing him, told him that they had seen the light, that they were nearly "on top" of Stroma, and that it was very thick, and urged him to come up at once. He told the Court that the master again replied, "All right, I'm coming." Just before going below, the chief officer had ordered the helm to be put hard-a-starboard, but the speed was not reduced.

On his return to the bridge, the vessel was very slowly coming back towards her original course, but, getting within the range of the eddy tide running round the S.E. end of Swona, she actually steered and steamed ashore at full speed, taking the ground about 1.30 a.m., her head being, according to the man at the wheel, N.N.W.

The sea was smooth, with light airs, the dense fog still continuing.

The chief officer immediately went below, and succeeded in rousing the master, who came on the bridge. The tanks were sounded, and the fore-peak and Nos. 1 and 2 holds were found rapidly filling with water. The boats were swung out ready for lowering, and efforts were made to get the vessel off, but unsuccessfully.

At 8 p.m. of the 15th, wind and sea increasing, and the vessel getting full of water fore and aft, the crew were landed, and the ship abandoned. No lives were lost.

There was some discrepancy in the evidence as to the fog-signal on Stroma Island being sounded.

According to the assistant lighthouse keeper, it was sounding shortly after 1 a.m., and the second officer appears to have heard it soon after, and stated that he thought it was sounded because those on the lighthouse must have heard the "Croma's" whistle, which had been blowing for some time. On the other hand, the chief officer and men on watch stated they did not hear the fog-signal until after the stranding. However this may be, it had no direct bearing on the casualty, as the light on Stroma Island had been seen, and the position of the vessel thus definitely ascertained.

As regards the navigation, it was in the first place, an imprudent and risky procedure on the part of the master to attempt to take a vessel of the speed of the "Croma," in the light trim she was in, through the dangerous waters of the Pentland Firth, against a strong flood tide, in a dense fog. He should have slowed down, and delayed so making the passage until the tide had slackened.

Then as to the chief officer, when, having assumed the command in the absence of the master, he suddenly and unexpectedly sighted Stroma Light, right ahead, and in close proximity, he was quite right in porting his helm, and putting his engines full speed ahead. But, having regard to the strength of the tide, and the trim of vessel, and the narrowness of the channel between the two islands, he should, when once clear of Stroma, have reduced his speed, and allowed the vessel to drift back. This would have at once placed him in safety again, whereas, by starboarding and continuing at full speed, he actually, while avoiding the danger of Stroma on the one hand, encountered the equal danger of Swona on the other.

The chief officer was no stranger to these waters. He knew their dangers, and admitted it was not a prudent thing to take the vessel through the firth under the circumstances above detailed.

There remains to be dealt with the important question of the state of the master.

Upon this point there was considerable difficulty, owing to the apparent desire of the officers to minimise his condition of drunkenness, either with the view of shielding him, or of lessening their own responsibility for the navigation, which, in the event of the master being under the influence of drink prior to the casualty, would be considerably increased.

But we have this admitted fact, that at 2 a.m. of the 14th August—that is, within half an hour of the casualty—the master was drunk and incapable of performing his duties, and so remained till about 8 o'clock. According to his evidence, he had had nothing to drink till after the vessel stranded, and the officers and some of the crew stated he appeared to be all right when he went below at 11.30 p.m. of the 13th. As, however, he returned to the bridge at 1.30, and must necessarily have been engaged for some minutes giving orders, it is too great a draft on one's credulity to expect one to adopt the theory that he made himself drunk within the twenty minutes or so that elapsed before 2 o'clock! Again, the chief officer failed to get the master to come on the bridge after personally calling him at 0.10 a.m. and 1 a.m. and explaining to him the dangers of the situation. He (the chief officer) fully recognized these dangers, and should have insisted upon the master going on the bridge, had the latter been capable of taking the management of the vessel, and should not have waited for an hour, as he did, before again calling him.

The boatswain also stated that he noticed the master was under the influence of drink ten minutes after the stranding, while the messroom steward said he saw him staggering at 8 p.m. of the 13th.

In addition, the chief officer, in a signed statement he made before the Deputy Receiver of Wreck at Leith, on the 25th of August said:—"I noticed about 9 p.m. (i.e., the 13th) that he (the master) was the worse of drink, and on the different occasions when I called him he was under the influence of drink. When he came on deck, after striking, he was quite dazed, and after the boats had been got out, say about 2 a.m., he was drunk and incapable of doing any duty." The chief officer, in his evidence, denied having intended to make these allegations, and stated that the statement was read over so quickly to him that he did not hear distinctly what it contained! It is incredible that an officer of intelligence who has obtained a master's certificate could have signed a formal written statement to the above effect unwittingly.

The Court, therefore, came to the conclusion that the master was under the influence of drink prior to the casualty, and was absolutely drunk and incapable within half an hour thereafter.

At the conclusion of the evidence, the following questions were submitted on behalf of the Board of Trade, Mr. Temperley and Mr. Fenwick addressed the Court for their respective clients, and Mr. Burton replied.

1. What number of compasses had the vessel, were they in good order and sufficient for the safe navigation of the vessel, and when and by whom were they last adjusted?

2. Did the master ascertain the deviation of his compasses by observation from time to time, were the errors correctly ascertained and the proper corrections to the courses applied?

3. Were proper measures taken to ascertain and verify the position of the vessel at or about 11.30 p.m. on the 13th August, was a safe and proper course then set, and was due and proper allowance made for tide and currents?

4. Did the master leave the bridge at or about 11.30 p.m. on the 13th August last? If so, did he leave proper and sufficient instructions as to the navigation of the vessel during his absence?

5. Having regard to the state of the weather and to the position of the vessel, was the master justified in leaving the deck at or about 11.30 p.m. on the 13th August?

6. Was the master called at or about 0.10 a.m. and again at or about 1 a.m. on the 14th August. If so, did he then go on the bridge?

7. Was the weather thick with fog, was the speed of the vessel reduced, and was the fog-horn on Stroma Island regularly sounded?

8. Was the lead used, and, if not, should it have been used?

9. Was a safe and proper alteration made in the course at or about 1 a.m. on the 14th August?

10. What were the circumstances in which the vessel subsequently struck on Swona Island?

11. Was the master drunk on the night of the 13th and on the morning of the 14th August?

12. Was a good and proper look-out kept and was the vessel navigated with proper and seamanlike care?

13. Was the loss of the "Croma" caused by the wrongful act or default of the master and officers or of any of them?

To which the Court replied as follows:—

1. There were three compasses on board, namely, a pole compass by which the courses were set, a steering compass on the upper bridge, and one in the wheelhouse. They were in good order and sufficient for the safe navigation of the vessel, and were last adjusted by Alder & Co., of Blyth, on 3rd of May last.

2. The master stated he ascertained the deviation of the compasses by observation from time to time, that the errors were correctly ascertained, and the proper corrections to the courses applied. On the voyage in question it appears the master had only one opportunity of testing the deviation of the compass on a N. by W. course upon which the deviation found was a quarter of a point easterly.

3. Proper measures, namely, by four-point bearing, were taken to ascertain and verify the position of the vessel when off the Pentland Skerries Light at or about 11.30 p.m. of the 13th August. A safe and proper course was then set, and due and proper allowance made for tide and currents.

4. The master left the bridge at or about 11.30 p.m. of the 13th August and did not return until after the casualty, at or about 1.30 a.m. of the 14th. He left no instructions with the chief officer, but stated that he went below temporarily to consult the chart, and that he subsequently fell asleep and had no recollection of the chief officer afterwards reporting to him the state of the weather and the position of the vessel and attempting to rouse him.

5. Having regard to the thick state of the weather and to the position of the vessel at night time in the dangerous waters of the Pentland Firth, the master was not justified in leaving the deck at or about 11.30 p.m. of the 13th August.

6. The master was called at or about 0.10 a.m., and again at or about 1.10 a.m. of the 14th August. He did not return to the bridge, though, according to the chief officer, who stated he woke him, he replied "All right I'm coming."

7. The weather became thick with fog shortly before midnight of the 13th August, and the speed of the vessel was reduced. The fog-horn on Stroma Island commenced sounding, according to the assistant lighthouse-keeper, shortly after 1 a.m. of the 14th. It appears to have been heard by the 2nd officer soon after, though the chief officer and crew on watch stated they did not hear it until after the stranding at 1.30. However this may be, it had nothing directly to do with the cause of the casualty.

8. The lead was not used, nor would it have been of any use.

9. The alteration made in the course at or about 1 a.m. of the 14th August, when the helm was put hard-a-port on sighting the light on Stroma Island right ahead, was safe and proper; but the subsequent alteration in putting the helm hard-a-starboard while the vessel was running at full speed in the narrow and dangerous waters of the Pentland Firth was not safe and proper.

10. The casualty was the result of a combination of circumstances. The vessel was in light trim running

through the narrow waters of the Pentland Firth against a strong flood tide in a dense fog.

Immediately on the light on Stroma Island being sighted, as stated in the last answer, the chief officer who, in the absence of the master, was in charge of the vessel, put the helm hard-a-port and the engines full speed ahead. This caused the vessel to go off towards Swona Island on the opposite side of the channel, and, when the helm was subsequently put hard-a-starboard, the effect of the tide was to bring her under the influence of the eddy running round the south end of the island, with the result that she ran ashore.

11. The Court is of opinion that on the night of the 13th August the master was under the influence of drink, and it is admitted that, within about half an hour after the casualty, at 1.30 a.m. of the 14th, he was drunk and incapable of performing his duties, and so continued till 8 a.m. of the same day.

12. A good and proper look-out was kept. Having regard to the circumstances already detailed, of thick weather, strong flood-tide, and the trim of the ship, it was not prudent on the part of the master to attempt to go through the Pentland Firth until the tide had

slackened. The subsequent navigation by the chief officer when in charge, as stated in answer 10, was not safe and proper.

13. The Court finds that the loss of the "Croma" was caused by the wrongful act and default of the master and chief officer, and hereby suspends the certificate of the master, Jonas Cleveland Claxton, for the period of twelve months, and the certificate of the chief officer, Sivert Hendelin, for the period of three months, from the date hereof.

On the application of Mr. Temperley and Mr. Fenwick, the Court consented to recommend that the master and chief officer be granted a second officers' certificate respectively, during the respective periods of suspension.

THOMAS COOKE, }
WM. COWELL, } Justices.

We concur.

WILLIAM ERSKINE, }
T. TOLSON EDWARDS, } Assessors.

(Issued in London by the Board of Trade on the
29th day of September, 1899.)