

(No. 7463.)

"COMMERCE" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at the Sheriff Court House, Aberdeen, on the 14th, 19th, and 21st days of June, 1911, before Sheriff A. J. LOUTTIT LAING, assisted by Commanders A. S. HOUSTOUN, R.N.R., and GEORGE K. WRIGHT, R.N.R., into the circumstances attending the stranding and loss of the British steamship "COMMERCE" of Aberdeen.

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 stranding and loss of the vessel was caused by the default of the Master, Frederick George Cole, in steering a course too close to the land during thick weather, and neglecting to use the lead. The Court therefore suspends the certificate of the said master, No. 105415, for a period of three months from this date, but recommends the Board of Trade to grant him a mate's certificate during the period of his suspension. The Court finds that no blame attaches to the mate.

The Court makes no order as to costs.

Dated this 21st day of June, 1911.

A. J. LOUTTIT LAING,
Judge.

We concur in the above Report.

GEORGE K. WRIGHT, } Assessors.
A. S. HOUSTOUN, }

Annex to the Report.

This Inquiry was held at the Sheriff Court House, Aberdeen, on the 14th, 19th, and 21st days of June, 1911, before the Sheriff Substitute, Alexander James Louttit Laing, Esquire; Mr. Henry Peterkin, Solicitor, appeared for the Board of Trade, and Mr. A. T. Cruickbank, Advocate, for the master. The mate was present but not professionally represented.

The s.s. "Commerce," Official Number 68771, was a single screw carvel-built wooden vessel, built at Guernsey, by Peter Ugier, in the year 1874, and was of the following dimensions:—Length 105·4 feet, br. adth 20·6 feet, and depth of hold from tonnage deck to ceiling amidships, 9·6 feet. She was originally constructed with three bulkheads, but the forward collision bulkhead had been partially removed for the purposes of stowage. She had two masts, and was schooner rigged. She was propelled by two sets of diagonal, direct-acting condensing engines of 17 nominal horse power, giving a speed (as per register) of six knots. These engines were supplied to the vessel in 1887 by Messrs. Howthorn & Company, of Leith, and a new steel boiler was supplied by Messrs. Cochrane & Company, Limited, of Annan, County of Dumfries, in 1903. On the 18th May, 1903, on account of the alterations in the engines and boiler, she was supplied with a new certificate of registry at Aberdeen, which gives her net registered tonnage (after deducting the space for propelling power and crew) as 74·16 tons. She was owned by Messrs. William Reid Aiken, Richard Taylor, and John Nicol Newton, Mr. William Reid Aiken, of 36, Regent Quay, Aberdeen, County of Aberdeen, being registered as the managing owner. The vessel had two compasses, as hereafter described in Answer to Question No. 1. She had one boat (a lifeboat) carried on the main hatch and which could be put over the side by means of a derrick. She had three lifebuoys and six lifebelts and appears to have been well found. She was provided with one of Messrs. Imray, Lawrie, Norie, & Wilson's charts for 1910 for the

North of Scotland, with the accompanying sailing directions. She had a patent log (which was not used on this voyage) and she was supplied with leads and lines. The s.s. "Commerce" left Portgordon at or about 10.15 p.m. on the 28th April last, under the command of Mr. Frederick George Cole, who held a certificate of competency as master of a home trade passenger ship, No. 105415, and she had a crew of four hands all told, this being one man short of the usual complement—the cook having left at Portgordon through illness; the master stated that he had been unable to engage another man there to take his place. The draught of the vessel when she left was about 8 feet aft and 3 feet 4 inches forward. After leaving Portgordon the vessel proceeded full speed (about 6½ knots) and a course of N.E. (magnetic) was steered for an estimated distance of about three miles. Buckie lights were then in sight. The master stated that the wind was then southerly and light, and the weather clear. About 11 p.m. the master set a course E. by S. ½ S. (compass), which would be E.S. ¼ S. (magnetic), there being a quarter of a point westerly deviation in that course. He then went below, leaving the mate, the only one on deck, in charge. About 0.15 a.m. of the 29th April, the master came on deck and relieved the mate, who went below. The weather at this time was thick with drizzling rain and a light northerly wind and swell. The same course was steered until about 2.30 a.m., when the master felt the vessel strike something on the starboard bow. He immediately put the helm "hard-a-starboard," and kept her east for about five minutes, and then put her on her course again E. by S. ½ S. After the vessel struck, the engineer came up and reported that the vessel was making water and the master gave him orders to start the pumps. He then called all hands on deck and kept on his course for about 20 minutes, when the engineer reported that the water was gaining fast and had reached the stokehold plates. The master then decided to beach the vessel as he was afraid of her sinking; and with this object in view he turned the ship's head towards the land and gave orders to get the boat out. The vessel took the ground at about 3.15 a.m. with her heel, the boat was then put in the water, and a kedje was run out to endeavour to get her off the rocks where she had struck on to the sandy beach. They succeeded in turning her head seawards, but could not move her off the rocks, and as she was rapidly filling with water, and grinding heavily on the rocks, the master decided to abandon her, and he landed with the crew in Aberdour Bay. The vessel afterwards became a total wreck. The course E. by S. ½ S. which the master set after leaving Portgordon with the intention (as he stated) of passing about two miles off Troup Head, was neither a safe, nor a prudent one, taking into consideration the state of the weather, which was thick and misty, with a drizzling rain, and also from the fact that there was a northerly wind, and swell which would have the effect of setting the vessel in her light condition towards the land. Had a cast of the lead been taken before approaching the vicinity of Troup Head it would have given the master warning of his proximity to the land about that point. Evidence was given of some floating object having been seen by three labourers who were going out fishing from Aberdour Bay on the evening of the 28th April last, about 6.40 p.m. This object they described as having the appearance of a boat, and they estimated it to be about two to three miles from the beach. They launched their boat, and pulled in the direction of the object, but failed to find anything. It was about low water at this time, and the flood stream would make about 7 p.m., running to the eastward, and have the effect of taking this object to the eastward, and away from the position where the "Commerce" struck. Richard Taylor, part owner of the s.s. "Commerce," stated that he saw a piece of wood about 6 to 7 feet long, 10 to 12 inches broad, and 2 to 3 inches thick lying on the beach with other wreckage from the s.s. "Commerce"; he stated that the wood was marked H.M.S. "Juno." On account of this evidence the Inquiry was adjourned to obtain information from the Admiralty with reference to this wreckage. The agent for the master communicated with the Admiralty, and his letter and the reply received thereto follow:—

13, Bridge Street,
Aberdeen,
15th June, 1911.

Sir,—An Inquiry instituted by the Board of Trade is being at present held here into the circumstances attending the loss of a small wooden steamer called the

"Commerce" on the shores of the Moray Firth on 29th April last. We appeared at the Inquiry on behalf of the master of the vessel, Frederick Charles Cole. Several witnesses at the hearing deposed to having seen, a few miles off the coast and within a few hours of the stranding of the vessel, an object about 18 feet long, which one of them described as having resembled a whale. A witness also stated that the day after the stranding a log of wood bearing the name H.M.S. "Juno," presumed to be the part of a target of the "Juno," drifted ashore.

Since leaving the Inquiry, we have seen in a local newspaper that on Thursday, June 8th, a fisherman at Burghead found a torpedo floating on the water, 16 feet long by 18 inches broad, which had been lost in the autumn by the ships of His Majesty's fleet while in practice in the Moray Firth.

The Inquiry was adjourned until Monday next, at 11 o'clock, to enable the solicitor to the Board of Trade to write to the Board of Admiralty to inquire whether His Majesty's ship "Juno" did about the time in question lose a target, and we are writing to inquire whether it be the case that torpedoes were lost in the Moray Firth in the autumn from the ships of the Navy, and whether one of these was found at Burghead last week.

We are, Sir,
Your obedient servants,

(Signed) BRANDER & CRUICKSHANK.

The Permanent Secretary,
The Admiralty,
London.

Admiralty,
17th June, 1911.

Gentlemen,

In reply to your inquiry of the 15th instant, respecting the case of the S.S. "Commerce," lost recently in the Moray Firth, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that two torpedoes were lost in the Moray Firth last autumn from His Majesty's ships, but that the torpedo recovered at Burghead last week was not one of these two.

(2) In their Lordships' opinion it is extremely improbable that the damage sustained by the "Commerce" could have been caused by a floating torpedo.

(3) I am to add that no target or spars of the description mentioned have been lost from or abandoned by H.M.S. "Juno" since she last recommissioned in January, 1911.

I am, Gentlemen,
Your obedient servant,

(Signed) W. GRAHAM GREENE.

Messrs. Brander & Cruickshank,
13, Bridge Street,
Aberdeen.

The Court considers that this evidence of the wreckage and the possibility which was suggested of the vessel having struck it, and damaging herself to the extent she did, is very improbable, as the object referred to could not have been in the position that the s.s. "Commerce" was at 2.30 a.m. on the 29th April last. With reference to the number of crew this vessel carried it appears that with her full complement of five hands, the cook kept watch with the master, while the mate was always on watch, and in charge by himself. The Court wishes to call attention to this dangerous practice, which obtains in this class of vessel, and considers that it is impossible for one man to combine the duties of navigating, steering, and keeping a good look-out, especially on dark nights and in thick weather.

At the conclusion of the evidence the following questions were submitted by the Board of Trade for the opinion of the Court:—

(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) Was the position of the vessel correctly ascertained at or about 11 p.m. on the 28th April last. Was a safe and proper course then set and thereafter steered, and was due and proper allowance made for tide and currents?

(4) Were any, and if so what steps taken to ascertain and verify the position of the vessel from time to time after 11 p.m. on the 28th April last?

(5) Where, and upon what did the vessel strike at or about 2.30 a.m. on the 29th April last? Was she seriously damaged thereby?

What was the cause of the vessel making so much water thereafter, and were prompt and sufficient measures taken to keep the water under and save the vessel?

(6) Was the master justified in beaching or in attempting to beach the vessel?

(7) Having regard to the state of the weather after midnight of the 28th April last:

(a) Was the vessel navigated at too great a rate of speed?

(b) Was the lead used, if not, should it have been used?

(8) Was a good and proper look-out kept?

(9) What was the cause of the loss of the vessel?

(10) Was the vessel navigated with proper and seaman-like care?

(11) Was the loss of the s.s. "Commerce" caused by the wrongful act and/or default of the master and mate or of either of them?

The Court answered the questions as follows:—

(1) The vessel had two compasses, one in position on the bridge by which the courses were set and steered, and a spare compass in the master's cabin; they were in good order, and sufficient for the safe navigation of the vessel, and were last adjusted by Messrs. Berry & Mackay, Compass Adjusters, Aberdeen, on the 28th May, 1910.

(2) The master did not ascertain the deviation of his compass by observations from time to time, but he stated that he checked the courses by bearings of lights, and landmarks, and he was satisfied that the deviations on the card supplied by the adjusters were correct, and the errors appear to have been properly applied to the courses.

(3) The position of the vessel was correctly ascertained at or about 11 p.m. on the 28th April last. A safe and proper course was not then set, and thereafter steered, considering the state of the weather prevailing at the time. No allowance was made for tide or currents, nor was it necessary to do so.

(4) No steps were taken to ascertain and verify the position of the vessel after 11 p.m. on the 28th April last.

(5) The vessel struck the rocks, or foul ground, in the vicinity of Troup Head at or about 2.30 a.m. on the 29th April last. She was seriously damaged thereby. The cause of the vessel making so much water thereafter was through having struck the above stated rocks or foul ground. Proper and sufficient measures appear to have been taken to keep the water under and save the vessel.

(6) The master, finding that the pumps were unable to cope with the inrush of water, was justified in beaching, or attempting to beach the vessel.

(7) Having regard to the state of the weather after midnight of the 28th April last:—

(a) The vessel was not navigated at too great a rate of speed;

(b) The lead was not used, and it should have been used.

(8) The master being alone on the bridge, combining the duties of steering and keeping a look-out in thick weather, the Court is of opinion that a good and proper look-out was not kept.

(9) The cause of the loss of the vessel was through steering a course too close to the land during thick weather, and neglecting to use the lead.

(10) The vessel was not navigated with proper and seamanlike care.

(11) The loss of the s.s. "Commerce" was caused by the default of the master for the reason stated in answer to Question No. 9. No blame attaches to the mate.

A. J. LOUITT LAING,
Judge.

We concur.

GEORGE K. WRIGHT, } Assessors.
A. S. HOUSTON, }

(Issued in London by the Board of Trade on the
18th day of July, 1911.)