

(No. S. 324.)

"CRUSADER" (S.S.).

The Merchant Shipping Act, 1894.

IN the matter of a Formal Investigation held at the Law Courts, Hull, on the 11th, 12th, 13th, 14th, 18th, 19th, 20th days of March, 1st, 3rd, 4th, and 10th days of April, 1913, before J. G. HAY HALKETT, Esquire, assisted by Commander W. F. CABORNE, C.B., R.N.R., Commander G. K. WRIGHT, R.N.R., and Mr. W. C. NORMINTON, into the circumstances attending the damage sustained by the British steamship "CRUSADER," of Hull, through stranding, about half-a-mile east of Flateyre, Onundar Fiord, Iceland, on or about the 6th day of November, 1912.

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 serious damage to the vessel were caused by her dragging her anchor while lashed throughout the night, and in a gale, to the "Corella," the dragging not being discovered on the "Crusader" until the vessels were practically ashore.

The Court finds the skipper, Mr. Niels Madson, James Alfred Edwards, boatswain, and John Waage, third hand in default. It suspends the certificate of the skipper (No. 8094) for four months from the date hereof, and orders the boatswain and third hand to pay the sum of three pounds and four pounds respectively to the solicitor of the Board of Trade towards the costs and expenses of this Inquiry.

Dated this 10th day of April, 1913.

J. G. HAY HALKETT,
Judge.

We concur in the above Report.

W. F. CABORNE,	} Assessors
G. K. WRIGHT,	
W. C. NORMINTON,	

Annex to the Report.

This Inquiry was held at the Law Courts, Hull, on the above-mentioned days when Mr. H. Leicester Saxelbye appeared for the Board of Trade, and Mr. H. Colbeck for the skipper. The boatswain and third hand appeared in person, neither being represented by counsel or solicitor. Dr. T. C. Jackson watched the case on behalf of the owners, and on his application the underwriters—the Hull Steam Trawlers' Mutual Insurance and Protecting Company, Limited—for whom he also appeared, were made a party to the Inquiry.

The "Crusader," Official Number 118800, is a steam trawler, built of steel, at Hull, in the year 1904, by Messrs. Cook, Welton and Gemmell, and her respective dimensions are:—Length, 130 feet; breadth, 22-25 feet; depth of hold, 12 feet; gross tonnage, 259-38 tons; and registered tonnage 92-54 tons. She was fitted by Messrs. C. D. Holmes and Company, Hull, with triple-expansion engines of 70 h.p. (nominal), the diameters of her cylinders being 13 inches, 22 inches, and 37 inches, respectively, and her speed is given in the register as 10½ knots. She was owned by The Marine Steam Fishing Company, Limited, Mr. George Walton, St. Andrew's Dock, Hull, being her registered manager. She had one boat of the size and description usually carried by vessels of her class, was provided with the necessary

charts and sailing directions, and in other respects was well fitted and found for the trade in which she was engaged.

The "Crusader" left Hull on the 26th October last, bound for the fishing grounds off the north-west coast of Iceland, with a crew of 12 hands, all told, under the command of her skipper, who held a certificate of competency No. 8094, and dated 25th November, 1907. She arrived off Isa Fiord on the 1st November, and fished in that neighbourhood until the morning of the 5th, when, owing to bad weather having set in during the night, she put in for shelter into the mouth of Onundar Fiord and remained there until the early afternoon of the same day when on the wind, which was from W. by S., increasing, she moved to an anchorage inside Flateyre, which is a point on the east side of the fiord, about six miles from the mouth. She was then brought up in 10 to 11 fathoms of water with 15 fathoms of cable and 50 fathoms of wire trawl warp attached to her patent stockless anchor. Flateyre point then bore about N. and was distant about half a mile. At this time the weather was fine, and the water smooth. Some little time after the "Crusader" had anchored the "Corella," with which she had been previously fishing, was seen approaching, and came to within hailing distance. The skipper of the "Crusader" then shouted "Are you coming alongside," to which the skipper of the "Corella" replied, "Yes, all right." The vessels were then lashed together, the "Corella" on the starboard side of the "Crusader," with a strong head rope forward and a wire messenger between their quarters. To prevent them injuring each other several fenders were placed between the vessels. From the above it will be seen that the arrangement to lash was a mutual one. For some considerable time the vessels rode to the "Crusader's" anchor alone, but late in the afternoon the skippers decided that the "Corella" should also let go an anchor. Accordingly the "Crusader" lifted her anchor, which, however, she did not sight, and the two vessels steamed three or four ship's lengths in a westerly direction and let go their respective anchors, which were dropped about 20 feet apart. The "Crusader" paid out the same chain cable and steel wire trawl warp as before, and the "Corella," which also used a patent stockless anchor, veered away 30 fathoms of chain cable and 30 fathoms of wire trawl warp. The two skippers personally saw that there was an equal strain upon the cables of their respective vessels and the skipper of the "Crusader" took rough bearings of the new position, Flateyre point being about north. It should be added that the mizens of both vessels were set. About this time there was little wind in the fiord, and the water was smooth.

There were, during the evening, other steam trawlers—computed by different witnesses as numbering five, six, or seven—lashed together in one group on the port quarters of the "Crusader" and "Corella," three out of the number having their anchors down. The steam trawler "Earl Monmouth" was also at anchor on the starboard beam of the "Corella," and a small smack was brought up astern of the former vessel. Up to tea-time, according to the skipper of the "Franklin"—which formed one of the other lashed group—the wind had been from W.S.W. to S.W., but soon after then there was a strong breeze from W.N.W., and bad weather came in gradually after 8 p.m.

About 8 p.m. a card party commenced in the cabin of the "Crusader," there being present the skipper, the chief engineer (whose watch it was), the second engineer, the boatswain, and Danville, a deck hand (whose watch on deck it was, and who was there by permission of his skipper), all belonging to the above-named vessel, and the skipper and chief engineer (whose watch it was), of the "Corella." The skipper of the "Crusader" went on deck two or three times during the card-playing—which terminated shortly after midnight—then he and the skipper of the "Corella" proceeded to the wheel house of the "Crusader" and had some conversation, in the course of which it was mutually agreed that it was all right for the two vessels—which they considered to be safe—to remain lashed to one another as they were.

About 1 a.m. of the 6th November, the skipper of the "Crusader" went below and turned in. Up to

this point there were not many nor material discrepancies in the evidence, but with regard to the later occurrences there was much contradiction.

According to the skipper of the "Crusader" the wind might have risen a little since the previous evening, and in this view the skipper of the "Corella" concurred. On the other hand, the opinion of the skipper of the "Franklin" to the contrary has already been quoted, and it is noteworthy that he caused his own vessel to be unlashd from the before-mentioned group at some time towards midnight, and anchored alone, using an ordinary stocked anchor and veering away 15 fathoms of chain cable, 60 fathoms of special bringing-up wire, and 50 fathoms of wire trawl warp, making a total scope of 125 fathoms, the reason assigned for this course being that there were indications of worse weather coming on. It may be remarked that in spite of these precautions this vessel drove three or four times on the following morning. Danville, the deck hand of the "Crusader," stated that when he left the cabin after the card party it was blowing hard. The general consensus of opinion of the other witnesses is to the effect that at this time the weather was somewhat worse than it had been early in the evening, and the Court has no hesitation in coming to the conclusion that at about 1 a.m. it was blowing hard—with occasional gusts of great strength and somewhat varying direction—while the weather was apparently fairly clear and there was no sea to speak of. In the same way there was a considerable discrepancy in the evidence as to when the steam trawlers that had been lashed together in the main group separated and took up independent anchorages, and the difficulty of determining this point was materially increased by the differences existing between the various clocks referred to by different witnesses. The skipper of the "Franklin" said that he suggested that they should let go at the time already mentioned—namely, towards midnight. However, it is to a certain extent immaterial whether all the vessels formerly lashed together had separated at 1 a.m. or whether they had not because, upon the admission of both the skipper of the "Crusader" and the skipper of the "Corella," some alteration had taken place in the composition of the group which in itself should have been an indication that other skippers were not satisfied that the conditions of the weather were such as to justify their remaining lashed to other vessels.

The skipper stated that before turning in for the night he said to the boatswain (James Alfred Edwards), whose watch it was from 1 a.m. to 4 a.m.:—"If there is any wind or other vessels leave each other call me out." The boatswain, however, stated that the orders he received from the skipper were:—"Keep a good look-out and let me know if the wind freshens," nothing being said about the vessels leaving one another. Before going below the skipper should have pointed out to the boatswain the bearings which he had taken, and he should have also given him specific instructions to keep the deep sea lead over the side. The boatswain said that for his own satisfaction he took bearings of lights on shore during his watch. The warp was duly attended to during the watch, it being slacked twice, upon each occasion to the extent of about two feet, and the "Corella's" warp was also regulated to take the same strain. There were occasional showers of rain and snow, the vessels were bumping together a little, and sheering about somewhat. Between 2 and 3 a.m. the messenger—a wire rope 1½ inches or more in circumference which lashed the after part of the two vessels together—parted, and was, with the assistance of James George Fisk, a deck hand of the "Corella," again made fast. The boatswain did not report this incident to the skipper, but he admitted that at the time he was in some doubt as to whether he ought not to have done so. There also seems to have been some conversation between the boatswain and his watch mate, a spare hand named Blakey, as to the wisdom or otherwise of the two vessels being kept lashed in the then state of the weather, which, at that time, was decidedly bad.

The boatswain was relieved soon after 4 a.m. by the third hand (John Waage), whose watch mate was Robert Baldwin, a spare hand. The boatswain stated that before going below he gave a final look round at the rough bearings which he had previously taken and was satisfied that the vessel had not dragged her anchor, and, although at this time it was blowing

hard from the W.N.W. with occasional heavy snow showers and the sea had risen somewhat, there is no proof that she had done so. The boatswain stated that he passed on his version of the skipper's instructions to the third hand, but the latter stated that the boatswain only said to him:—"Let the skipper know if the wind freshens; he knows already what the weather is." He added that he said to the boatswain that it was not weather for lying lashed, and that he also remarked to him that at this time there were no other trawlers lying together. The boatswain absolutely denied telling the third hand that the skipper knew what the weather was, and, taking into consideration the fact that skipper had not been on deck during the previous three hours and had not been called in the interim, the Court accepts this denial. The boatswain also stated that he did not remember the third hand saying to him that it was not weather for lying lashed. The boatswain did not mention the rough bearings that he had taken to the third hand, and the latter stated that he could not see well enough to take any. The third hand kept his watch in the wheel house and the spare hand, Baldwin, was part of the time on deck and part of the time in the wheel house. All the windows in the wheel house were closed during the watch with the exception of the forward one on the starboard side, which was half open. Both men, when in the wheel house, were smoking. The spare hand stated that some 10 or 15 minutes before the casualty he thought that the mountains appeared to be near on the starboard side of the ship and that he said to the third hand:—"Don't you think she's driving, John?" to which, after opening the starboard door and looking out, the latter replied:—"No, I think the wind is shifting about." This conversation the third hand denied, as also that he said to the spare hand:—"I am going to call the skipper, as the vessels are bumping so badly." The third hand stated that he only left the wheel house twice, the second occasion being very shortly before the casualty. On one of these two occasions he was apparently seen at the wheel-house door by Poole, a deck hand of the "Corella," who stated that he then hailed him, but this he denied hearing. The third hand said that the second time he looked out he could not see anything then as the weather was thick with snow and he again went into the wheel house when he noticed by the compass that the ship's head was swinging to the northward, to about N.W. He then called the skipper up by shouting down the trap-door to the chart room:—"Skipper, the ship is driving." The skipper came up in about half a minute, and gave orders to call all hands, but almost immediately afterwards the vessel went ashore, at about 4.50 a.m., by the ship's time. It was then blowing a gale of wind from W.N.W., the "Crusader" was broadside on and bumping heavily, the "Corella" was inside her, and the two vessels were heading about N.W. by N. The ropes with which the two vessels had been lashed together parted, or were let go, almost as soon as the stranding took place.

The warp attached to the anchor was hove upon and the engines were worked full speed ahead for one or one and a half minutes and then stopped. After a lapse of about two minutes they were again put full speed ahead, but when 10 or 11 revolutions had been made the blades were stripped off the propeller. The engines were at once stopped and a report was made to the skipper by the second engineer. Heaving on the warp had not assisted to get the vessel off—as the anchor came home—and at the moment when the propeller was disabled there were only about six fathoms of cable out forward. The skipper of the "Crusader" shouted out to the skipper of the "Corella," "We are helpless, our propeller has gone"; but did not hear the reply of the latter. The "Corella" then steamed along the starboard side of the "Crusader"—bearing down the starboard rail of the latter in the operation—and managed to extricate herself from her position between the shore and the "Crusader" by passing round the bow of the "Crusader." She afterwards came astern on the "Crusader's" port side. As the "Corella" commenced to come astern, a hauling line was made fast from the starboard bow of the "Crusader" to the starboard quarter of the "Corella," but this line parted across the stem of the "Crusader" as soon as a strain came upon it. While the "Corella" was manoeuvring on the port side of the "Crusader," the skipper of the former vessel shouted out to the

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"Crusader" to give him a rope, and a heaving line was thrown from the latter vessel to the starboard quarter of the "Corella." However, the wire messenger—to which the heaving line was made fast—was foul, and so the "Crusader's" crew cast adrift the heaving line which was hauled in by the "Corella." The "Corella" then went off a little distance and was seen no more by those on board the "Crusader."

The "Crusader" commenced to make water almost as soon as the propeller was stripped, but not in the first instance to any extent, and the steam ejector kept it down for half an hour or more. Then—owing to the heavy bumping of the vessel—the water commenced to rush into the engine room from the bunkers—mainly on the starboard side—and gained very rapidly. In addition, the ejector got choked with dirt. When the chief engineer left the engine room, about 6.30 a.m., the water was about six inches above the platform.

At about 7.30 a.m., the crew of the "Crusader" landed by means of their own boat about 1½ miles to the southward of Flateyre. The skipper telegraphed to Reykjavik for assistance, and the following day—the 7th November—the Iceland salvage vessel, "Geir," arrived at the scene of the casualty. The "Geir" refloated the "Crusader," and rough temporary repairs—which occupied six days—were effected, after which the "Geir" towed her to Reykjavik. Here more substantial temporary repairs were carried out and another propeller was shipped. The repairs—which occupied three weeks—having been completed, the "Crusader" sailed for Hull and, having fished on the way, arrived there on the 21st December, 1912.

At Hull the "Crusader" was taken to the Humber Shipwright Company, Limited, St. Andrew's Dock, for permanent repairs, the execution of which occupied some 10 weeks. In addition to the loss of the vessel's propeller, she sustained other serious damage through the stranding, several of her skin plates being dented and holed. The total cost of the casualty to the underwriters amounted to about £3,000.

The casualty to the "Crusader" was, in the opinion of the Court, wholly inexcusable, and could have been avoided by the exercise of the most ordinary care. The custom which seems to obtain of steam trawlers being lashed together for social purposes is one which requires to be put down with a strong hand—the practice of lashing is particularly dangerous when continued throughout the night, especially in Icelandic waters during the winter months. Furthermore—particularly under these latter conditions—the Court is of opinion that the "Crusader" should not have been permitted to remain at anchor during the night when, either wholly or in part, attached to a trawl warp. Apart from the nature of the moorings, the scope allowed was insufficient. During the card playing on board the "Crusader," there was a complete lack of discipline on that vessel—two members of the ship's company being present who ought to have been on watch. The skipper also turned in for the night without taking into careful consideration the state of the weather and without leaving adequate instructions with the watch. But for the fact that the underwriters have penalised the skipper from going to Iceland, the Court would have felt compelled to deal with him more severely than it has.

The boatswain was, in the opinion of the Court, to blame for not calling the skipper when the wind freshened and the messenger carried away, and between that incident and the end of his watch at about 4 a.m.; and the third hand was to blame for failing to keep a good and proper look-out.

At the conclusion of the evidence Mr. Saxelbye, on behalf of the Board of Trade, submitted the following questions for the opinion of the Court:—

1. Was the "Crusader" properly anchored in Onundar Fiord about 2 p.m. on the 5th November last?

2. When and in what circumstances did the "Corella" come alongside the "Crusader," and were proper steps then or thereafter taken by the skipper to see that the two vessels were securely anchored?

3. Was the skipper of the "Crusader" justified in allowing the "Corella" to remain lashed alongside his vessel?

4. What was the state of wind, weather, and sea just before the skipper went below at about 1 a.m. on the 6th November last? Did he then take proper

measures to ascertain the position of the vessel and that she was in a safe position and had not dragged her anchor?

5. What instructions did the skipper leave with the boatswain before he went below at about 1 a.m. on the 6th November last, and were they proper and sufficient?

6. Were the skipper's instructions carried out by the boatswain?

7. Were the skipper's instructions passed on by the boatswain to the third hand just before the former went below at about 4.15 a.m. on the 6th November last? What was the state of wind, weather, and sea at that time, and did the boatswain before going below take proper measures to ascertain that the vessel had kept her position and had not dragged her anchor or, at all events, was in a safe position?

8. Were the skipper's instructions carried out by the third hand, and did he take proper measures, from time to time during his watch, to ascertain that the vessel was keeping her position and was not dragging her anchor or, at all events, was in a safe position?

9. Was a good and proper look-out kept?

10. Was the lead used between 1 a.m. on the 6th November and the time of the stranding—if not, should it have been used?

11. What was the cause of the stranding of the "Crusader," and was she seriously damaged thereby?

12. Was serious damage to the steamship "Crusader" caused by the wrongful act of the skipper, James Alfred Edwards, boatswain, and John Waage, third hand, or any of them?

Dr Jackson having addressed the Court on behalf of the underwriters, Mr. Colbeck on behalf of the skipper, and the boatswain and third hand each having said a few words, Mr. Saxelbye then replied on behalf of the Board of Trade, and the Court gave judgment and returned the following answers to the questions of the Board of Trade:—

1. The "Crusader" was properly anchored in Onundar Fiord, at about 2 p.m. on the 5th November last, for a temporary position in daylight.

2. Shortly after the "Crusader" was anchored, the "Corella," which had been previously fishing in her company, also arrived in the fiord, and, in consequence of a mutual arrangement between the skippers, the vessels were lashed together—the "Corella" being on the starboard side of the "Crusader." For some hours the vessels rode to the "Crusader's" patent stockless anchor alone, with 15 fathoms of chain cable and 50 fathoms of wire trawl warp. It was arranged between the skippers, late in the afternoon, that the "Corella," for greater security, should also drop her anchor. In order that the vessels should remain lashed, the "Crusader's" anchor was lifted from the bottom but not sighted, and the vessels proceeded under the steam of both to a distance of three or four ship's lengths when they both anchored, the "Crusader" with the same scope as before, and the "Corella" with 30 fathoms of chain cable and 30 fathoms of wire trawl warp to her patent stockless anchor. The skipper took steps to see that there was an equal strain upon both warps, and that for temporary purposes the vessels were securely anchored, but the Court is of opinion that it is inadvisable—when the circumstances are such as to make it possible to use the chain cable—for vessels to remain during the night at anchor—particularly in Icelandic waters in November—when either wholly or in part attached to a trawl warp.

3. The skipper of the "Crusader" was not justified in allowing the "Corella" to remain lashed alongside his vessel during the night.

4. There were great discrepancies in the evidence as to the state of the wind, weather, and sea just before the skipper went below at about 1 a.m. on the 6th November last. Throughout the night the wind had evidently been freshening, and the Court is of opinion that at 1 a.m. it was blowing hard—with occasional gusts of great strength and somewhat varying direction. The weather at this time was, apparently, fairly clear, and there was no sea to speak of. The skipper stated that he had taken rough bearings of objects on shore on the previous afternoon and evening, and that at 1 a.m. he verified them. If these bearings were approximately accurate the vessel was then in a safe position and had not then dragged her anchor. The skipper did not pass on these bearings to those in charge of the watch.

5. According to the boatswain, the instructions

which the skipper left with him, before he went below at about 1 a.m. on the 6th November last, were:—"Keep a good look-out, and let me know if the wind freshens"; but the skipper stated that he also told him to let him know when certain vessels, which he said were lashed together, left each other. This latter instruction the boatswain denied receiving, and he also denied that at this time any other vessels remained lashed together. Whichever version is accurate, neither of these instructions were sufficient. In order that any driving of the vessel should be discovered, the boatswain's attention should have been drawn to the bearings which the skipper said he had taken with a view to his checking them then and thereafter, and he should have been told to put the deep-sea lead over.

6. Assuming that the boatswain was right in his version of the skipper's instructions—as the Court is inclined to believe he was—the Court is not prepared definitely to come to the conclusion that the vessel commenced to drift before the end of the watch, *i.e.*, that he did not carry out that part of the instructions which referred to keeping a good look-out—a duty which was equally incumbent upon him whether he had any instructions or not. As to the other part, the Court is of opinion that the wind did freshen during the watch, and that he should have called the skipper at latest when, probably owing to this fact, the wire messenger which lashed the two vessels together carried away.

7. According to the boatswain, he passed on his version of the skipper's instructions to the third hand just before the former went below, at about 4.15 a.m. on the 6th, but according to the third hand the only instructions he received from the boatswain were: "Let the skipper know if the wind freshens. He knows already what the weather is." The boatswain absolutely denied telling the third hand that the skipper knew what the weather was, and the Court accepts his denial, as the skipper had not been on deck for about three hours, and there was no possible motive for him to make such an extravagant statement; but, on the other hand, there was a very strong motive for the third hand to say that it had been made. At this time it was blowing hard from the W.N.W., there were occasional heavy snow showers and the sea had risen somewhat. The boatswain

stated that he had a final look round at the rough bearings, which he had previously taken before going below, and was satisfied that the vessel had not dragged.

8. The skipper's instructions, as passed on by the boatswain to the third hand, were not carried out by the latter, and he did not take proper measures from time to time during his watch to ascertain that the vessel was keeping her position and was not dragging her anchor. Moreover, he did not notice that the vessel was driving until she was practically ashore.

9. A good and proper look-out was not kept—at least during the third hand's watch.

10. The lead was not used between 1 a.m., on the 6th of November, and the time of stranding, and it should have been used.

11. The stranding of the "Crusader" was caused by her dragging her anchor while lashed throughout the night, and in a gale, to the "Corella," the dragging not being discovered on the "Crusader" until the vessels were practically ashore. She was seriously damaged thereby.

12. Serious damage to the steamship "Crusader" was caused by the wrongful act and default of her skipper, by the default of James Alfred Edwards, boatswain, and by the default of John Waage, third hand. The Court suspends the certificate of the skipper (No. 8094) for four months from the date hereof, and orders the boatswain and third hand to pay the sum of three pounds and four pounds, respectively, to the solicitor of the Board of Trade towards the costs and expenses of this Inquiry.

J. G. HAY HALKETT,

Judge.

We concur.

W. F. CABORNE,
G. K. WRIGHT,
W. C. NORMINTON, } Assessors.

(Issued in London by the Board of Trade on the 21st day of May, 1913.)