

(No. 7639.)

"CLAVERLEY" (S.S.).

THE MERCHANT SHIPPING ACT, 1894.

In the matter of a Formal Investigation held at the Moot Hall, Newcastle-upon-Tyne, on the 26th, 27th, 30th, and 31st days of March, 1914, before DAVID THOMAS HOBKIRK and JAMES THOMSON NISBET, Esquires, two of His Majesty's Justices of the Peace, acting in and for the City and County of Newcastle-upon-Tyne, assisted by Commander GEORGE K. WRIGHT, R.N.R., and Captain ALLISON WOOD (Nautical Assessors), into the circumstances attending the stranding of the British steamship "CLAVERLEY," of Newcastle, Official Number 123,839, in the Patagonian Channels, on the 28th day of October, 1913.

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 of the vessel, whereby she sustained serious and material damage, was caused by the master proceeding at full speed and taking no measures to ascertain and verify the position of the vessel. The Court finds the master, Charles Kragh, in default and reprimands him therefor, and also reprimands Herbert Olsen, second officer and acting first officer, for mutilating and destroying log-books.

Dated this 31st day of March, 1914.

D. T. HOBKIRK, *Judge.*

JAMES T. NISBET, *Judge.*

We concur in the above Report.

GEORGE K. WRIGHT, *Assessor.*

ALLISON WOOD, *Assessor.*

ANNEX TO REPORT.

This was an Inquiry into the circumstances attending the stranding of the British steamship "CLAVERLEY," and was held at the Moot Hall, Newcastle-upon-Tyne, on the 26th, 27th, 30th and 31st days of March, 1914, before David Thomas Hobkirk and James Thomson Nisbet, Esquires, assisted by Commander George K. Wright, R.N.R., and Captain Allison Wood, Nautical Assessors. Mr. Burton appeared for the Board of Trade, Mr. Lancaster represented the master, and also held a watching brief for the owners, and Mr. Roger Clayton appeared for the second officer.

The "Claverley," of Newcastle, Official Number 123839, was a steel screw steamship, built at Sunderland in the year 1907 by Messrs. William Doxford and Sons, Limited, and was of the following dimensions:—Length, 350·1 feet; breadth, 50·15 feet; and depth in hold, 22·4 feet. She was of the turret-deck description, rigged as a fore-and-aft schooner, and fitted with triple-expansion engines of 339 n.h.p., constructed by Messrs. William Doxford and Sons, Limited, in the year 1907. Her engines were designed to give her a speed of 9½ knots. She was of 3828·71 gross, and 2440·54 nett, registered tonnage, and was owned by the Sutherland Steamship Company, Limited; Mr. Arthur Munroe Sutherland, of 38, Sandhill, Newcastle-upon-Tyne being appointed manager on the 8th of September, 1911.

She was, on the voyage in question, in good condition and well-found, and fitted with life-boats and life-saving appliances in accordance with the Act.

The vessel had two compasses, one of which, the standard compass on the upper bridge, was in use, the courses being set and the vessel steered thereby. She was supplied with the necessary Admiralty charts and sailing-directions. She had the usual deep-sea lead and lines, and a Sir William Thompson sounding apparatus.

The "Claverley" signed on a crew at Cardiff in November, 1912, and left that port for Calcutta on the 29th of the same month under the command of Mr. Charles Kragh, who held a certificate of competency as Extra Master, No. 015379, dated the 15th August, 1891. Mr. Kragh was by birth a Dane, but became a naturalised British subject several years ago. He was undoubtedly a capable navigator and a strict disciplinarian, and was well acquainted with the vessel, having sailed in her for upwards of five years.

Mr. G. J. Hurst, who held a master's certificate, was first mate, and Mr. Herbert Olsen, who held a second mate's certificate, signed on as second mate. According to the evidence of the master and the entries in the official log, Hurst was drunk when the vessel left Cardiff and was unable to perform his duties until the 2nd December, the vessel at that time being at sea.

The "Claverley" arrived at Calcutta on the 23rd January, 1913, sailed for Colombo on the 30th, arriving there on the 6th February, leaving again on the 17th and arriving in Calcutta for the second time on the 23rd. Here there was further trouble with the chief officer, who, according to the evidence, deserted on the 12th March. On the following day the "Claverley" sailed for Colombo, the master, before leaving, writing to the Superintendent of the Mercantile Marine Office asking him to try and find Hurst and send him on to Colombo to rejoin his ship there. The vessel arrived at Colombo on the 20th March, but nothing was seen or heard of Hurst, and the master, at the request of the Marine Superintendent, then handed to him Hurst's effects, which had been left on board at the time of his alleged desertion. The Court was informed that Hurst subsequently arrived in this country, and certain charges were preferred against him before the Local Marine Board in this city in connection with his conduct while chief officer of the "Claverley," and that his certificate was suspended.

The master acquainted his owners by cablegram and subsequent letter of the fact of Hurst's desertion, and, in consequence of being without a chief officer, he had already, before leaving Calcutta, promoted the second officer, Mr. Olsen, who was a young man 22 years of age, to be acting chief officer. He also appointed two young seamen, Charles Green Coull, who had had four years' sea experience and was about to sit for his examination, and William Henry Norris, who had had nine years' experience, as acting second officers. Olsen kept his own watch, and one or other of the two seamen kept watch turn and turn about under the personal supervision of the master, who always remained handy during their watches.

Though the master, as already stated, informed his owners of Hurst's desertion, he made no request to them to provide him with a qualified successor, nor did they make any attempt to do so. He said he endeavoured at every port at which he called after leaving Calcutta to engage a chief officer, but without success; so matters continued as they were until after the casualty, when the master succeeded in procuring the services of a certificated officer, Mr. Arthur C. McKenny, at Punta Arenas on 1st December, 1913, and he acted as chief officer until the ship arrived in the Tyne on the 11th February last.

Resuming the narrative of the voyage, the "Claverley," after leaving Colombo on the 20th March, 1913, called in turn at Port Said, Algiers, Boston, New York, Norfolk, Vir., Montevideo, Lota, Bremesten, Wash., and Seattle, at which last-mentioned port the master, in consequence of the desertion of some of the seamen, engaged four A.B.'s to complete the ship's complement. Among these was a man named Stanley Lawrance George Couch. Soon after signing on as an A.B., Couch informed the master that he held an officer's certificate, and asked to be paid off, as he objected to be under the orders of a young officer (Olsen), and that he thought he might get into some difficulty with the Board of Trade as regards his certificate by serving as an A.B. As a matter of fact Couch, who was 32 years of age, held a second mate's certificate, No. 002122. He had had a chequered career, and his certificate had been suspended for six months in 1908 for drunkenness and assault. The master declined to release him, and the vessel left Seattle in water-ballast, and, proceeding on her voyage, arrived at Portland, Oregon, on the 5th September. Here Couch went

on shore without leave, apparently got drunk and fell into the hands of the police, and was detained until the vessel sailed. The "Claverley" took in a cargo of wheat in bags, of about 5,420 tons, consigned to a firm in Limerick, for which port she sailed on the 13th September with a crew of 31 hands all-told, and no passengers, her draught of water on leaving being 21 feet 8½ inches even keel.

The vessel called at Coronel on the Chili coast for bunkers on the 18th October, sailing again on the 20th. While at Coronel Couch says he despatched unknown to the master a letter addressed to an English weekly paper setting forth certain grievances against the master on the part of himself and some members of the crew, and he appears to have sent a copy of this letter at some subsequent period to the Board of Trade. This letter signed by Couch and seven other members of the crew was read to the Court by the Board of Trade solicitor and put in, not because it contained anything relevant to the subject of this Inquiry, but as showing, in view of suggestions subsequently made by Couch as to the navigation of the vessel, that there was on his part strong prejudice against the master.

One of the signatories candidly admitted that the object of the letter was to prejudicially affect the master, who emphatically denied the truth of the allegations contained therein.

But these matters were all outside the scope of the present Inquiry.

All went well, and on the 25th October at 4.30 a.m., owing to heavy weather with gale from the W.N.W., the master decided to go through the Patagonian Channel. The course was altered accordingly, and at 7.30 p.m. the vessel anchored for the night in Eden Bay, proceeding at 4.30 a.m. on the 26th and anchoring at 6.30 p.m. at Puerto Bueno, the weather at the time being westerly gale with heavy rain. On the 27th, at 4.10 a.m., they proceeded, the wind being W.S.W. with heavy snow storms, which compelled them to anchor at 1.30 p.m. in Isthmus Bay, owing to the land being obscured and there being no safe anchorage between that and Mayrie Channel, through which the master intended passing.

On the 28th October at 3 a.m. the master stated that he came on deck, the wind was N.W. to West light and the weather clear. At 4.0 a.m. he got under way, leaving the Bay at 4.20, and proceeded full speed after setting a course S. by E. ½ E. (magnetic) to pass about half a mile off Cutler Island. At 4.50, during a heavy snow squall, the land being obscured, the engines were eased to slow, the master being in charge, with C. G. Coull, A.B., acting second mate, on the bridge, A. H. Heap, A.B., on the look out, and L. P. Sergeant, apprentice, at the wheel. At about 5.10 a.m. the weather cleared and the vessel resumed her full speed, the land being, it was said, visible ahead on both bows and on the starboard quarter. The master took the land on the starboard bow to be Cutler Island, on the port bow Green Point on Long Island, and on the starboard quarter Cape Palmer on Rennell Island. He then considered himself in a position of safety and altered the course to S. by E. (magnetic).

These bearings the master now admitted were incorrect. The vessel had been steaming at full speed from 4.20 a.m. until 4.50 a.m., or thirty minutes, and, assuming her speed to be 8 knots, the distance run between the times stated would be 4 knots. She then proceeded at slow speed, estimated at four knots per hour, for twenty minutes, which would make the total distance run from outside Isthmus Bay 5.3 miles. The master should therefore have known that he was in close proximity to Long Island, and then taken steps to ascertain and verify his position by stopping the vessel, consulting the chart and comparing the time and distance run from the point of departure, which would at once have satisfied him that his assumed position was inaccurate.

About this time Heap was taken off the look out by Coull, but at about 5.17 a.m. the master observed kelp on the water ahead—an indication of rocks. He then put the helm hard-a-port and the ship swung round three points and struck heavily, remaining fast, the position being in line between Green Point, 7 cables, and Peligrosa Point, 9 cables distant. The engines were reversed full-speed without result, and immediately after striking, the water rose rapidly in No. 1 hold, the air whistling through the air pipes

and blowing the tarpaulin off No. 1 hatch. The engines were then stopped, as the master stated, he was afraid that the vessel would go down in deep water. The holds were sounded and were found dry except No. 1 hold and the fore peak.

Soundings were then taken round the ship, 19 feet of water being found forward and 20 feet aft, the estimated draught on stranding being 21 feet 3 inches even keel, the tide at the time being one hour's flood. The port jolly-boat was then lowered and sent away in charge of Mr. Olsen, acting chief officer, with a crew of four hands, with instructions to proceed to Port Ramirez for assistance. The boat returned about three hours later reporting that no assistance could be given and that there was no telegraphic communication with Punta Arenas, the nearest port.

At 10.0 a.m. the steamship "Magelhanas" passed, bound for Punta Arenas, and the master of the "Claverley" went on board and requested the master to report the casualty and ask for salvage assistance. At from 10.0 to 11.0 p.m. the wind increased to a strong gale with a rough sea, which caused the vessel to swing round 8 points until she headed W. by N. ½ N. and she then commenced making water in No. 2 hold and ballast tank, but the pumps were able to keep them dry. The anchor was then let go and dropped under the forefoot.

On the 31st October at 10.0 a.m. the "Lovart" salvage steamer arrived, followed by the "Alejandro," with representatives of the Salvage Company and the Maritime Government on board. Arrangements were made by the master by which the Salvage Company undertook salvage for £15,000, £10,000 to be paid before the vessel left Punta Arenas. A third steamer, the "Ultima Esperanza," arrived at 6.0 p.m. the same day. The vessel was lightened by jettisoning cargo in No. 1 hold, and by the salvage steamer's pumps working, she floated on the 2nd November and was taken to Fortune Bay under her own steam, where she anchored about 9.0 a.m. Here more cargo was jettisoned and discharged into the salvage steamer and the ship's bottom patched by divers, and she left for Punta Arenas on the 8th November, arriving there on the 9th under her own steam, escorted by the "Lovart" salvage steamer. She was then beached at Delgada Point to enable divers to work at the vessel's bottom.

The vessel remained at Punta Arenas, where a chief officer was engaged, as already stated, until temporary repairs were completed and a certificate of seaworthiness obtained. The discharged cargo was then reshipped, and on the 12th December the vessel left Punta Arenas and proceeded on her voyage to Limerick, calling at Rio de Janeiro and Las Palmas to replenish bunkers.

All went well during the passage and she arrived at Limerick on the 21st January, 1914, and after discharging her cargo and making certain changes in the crew, the vessel left Limerick on the 5th February for the Tyne, arriving there on the 11th, where she is now undergoing the necessary repairs.

No lives were lost.

So far as the casualty itself was concerned the Court had no difficulty in coming to a conclusion. They were satisfied, too, there were no grounds for the suggestion that on the day before the casualty the vessel anchored in Fortune Bay. Even Couch, from whom the suggestion came, stated that the anchorage to which the vessel was taken after she floated (undoubtedly Fortune Bay) was not the same spot as that where she lay anchored on the day prior to, and on the morning of, the stranding. And in addition to the evidence of the master, the acting officers and others, that it was in Isthmus Bay the "Claverley" anchored, was the finding on that point of the Naval Court Government Maritime Department at Punta Arenas, which made some kind of investigation into the circumstances of the casualty.

But in answering questions 11 and 12, dealing with the mutilation of the scrap-log and the destruction of the chief officer's log, the Court had a difficult task, and they are by no means sure that the true facts have been brought to light. In their answers they have simply given the version of Olsen, the acting chief officer, who, as such, was responsible for the logs, and who admitted having mutilated and destroyed them. He said that the entries in the scrap-log for the 28th October were made by him at the dictation of the master on the day of the stranding. To this the master gave only a qualified denial. A close and

detailed inspection not only are pp. 4 alterations and erasures to p. 59, covering October to 5th instances entries erased and reconstructed internal evidence ing with the log d but some days la ing from 28th apparently dealt evidence before effected to hide of the vessel. T A clue is afforde made certain fals attributing some tions (in which the damage wou in fact the dama stranding. Assu as the Court sug it is quite appar the chief officer's in ink, which co entries originally corresponding n officer Coull sta when he came of the events durin that the present may have done and indeed the new page differs on the page w which case he (C on the new pag truction of the o Olsen appear master, and in spoke of the m him.

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detailed inspection of the scrap-log will show that not only are pp. 49-50 missing, but there are obvious alterations and erasures, extending at least from p. 51 to p. 59, covering the record of the events from 28th October to 5th November inclusive, and in some instances entries can be deciphered as having been erased and recopied on another page. And the internal evidence is pretty conclusive that the tampering with the log did not take place on the 28th October but some days later, when the original entries extending from 28th October to 5th November were apparently dealt with wholesale. The Court had no evidence before it to show that the mutilation was effected to hide anything in regard to the navigation of the vessel. Then what is a possible explanation? A clue is afforded in the evidence of Olsen that he made certain false entries at the instance of the master attributing some items of damage to salvage operations (in which case the expense of making good the damage would fall upon the insurers), whereas in fact the damage had really occurred prior to the stranding. Assuming the scrap-log was manipulated as the Court suggests some time after the 28th, then it is quite apparent why it was necessary to destroy the chief officer's log, for it would then contain written in ink, which could not be easily erased, the pencil entries originally appearing in the scrap-log over a corresponding number of pages. The acting second officer Coull stated he entered up in the scrap-log, when he came off watch at 8 a.m. of the 28th October, the events during his watch (4 a.m. to 8 a.m.), and that the present entry is in his handwriting. He may have done so on the original page now missing, and indeed the handwriting of that portion on the new page differs from that of the rest of the entries on the page which are in Olsen's handwriting, in which case he (Coull) probably recopied his own entry on the new page, as it now appears, after the destruction of the original pages 49-50.

Olsen appears to have been much in fear of the master, and indeed several members of the crew spoke of the master's overbearing conduct towards him.

The Court is of opinion, having regard to its experience in this and other inquiries, that the procedure should be amended so as to enable the Board of Trade to obtain discovery and inspection of documents prior to the investigation.

The Court considers that the master was not justified in sailing so long without a chief officer, and that he should have cabled to his owners to send one out to one of the many ports at which he called. It was unreasonable to place a lad like Olsen in so responsible a position, and the discipline of the ship suffered in consequence, as the records in the official log show.

In administering a reprimand only to the master the Court had regard solely to the question of the navigation and took into consideration his long services and satisfactory record.

The Court, in view of the many dangers likely to be encountered by mariners navigating through the Patagonian Channels, recommends that all large vessels from and to the Pacific should keep to the ocean route unless the navigator is possessed of extensive local knowledge and is favoured with exceptionally clear weather.

At the conclusion of the evidence, the following questions were submitted by the Board of Trade, Mr. Lancaster and Mr. Clayton 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. At what time and in what position in the Patagonian Channel was the vessel anchored on the 27th October, 1913?

4. At what time on the morning of the 28th October, 1913, did the vessel get under way?

How was the watch on deck at and after 4 a.m. of the 28th October until the stranding took place made up?

Was the master on deck and in personal charge of the navigation during this time?

5. Was a safe and proper course set on leaving the anchorage at or about 4 a.m. of the 28th October last and thereafter steered, and was due and proper allowance made for tide and currents?

6. Were alterations made in the course set at or about 4 a.m. of the 28th October last? If so, were they safe and proper alterations, and was due and proper allowance made for tide and currents?

7. Were proper measures taken by the master after 4 a.m. of the 28th October last before the ship struck to ascertain and verify the position of the vessel from time to time?

8. Where did the vessel strand? Was serious damage caused to the vessel thereby?

9. Was a good and proper look out kept?

10. Was the vessel navigated with proper and seamanlike care?

11. When and by whom was the scrap-log entered up for the period covered by the 27th and 28th days of October last?

Are the entries which now appear in the scrap-log-book before the Court, the original entries made therein covering the period in question? If not, how is it that the original entries do not now appear in the book?

12. After the happening of the casualty was one of the chief officer's log books destroyed by Herbert Olsen, second officer and acting chief officer, or by any other person on board? If so, was the log-book in question the log-book which contained entries with regard to the navigation for the period covered by the 27th and 28th October last? How was the log-book destroyed? How, and under what circumstances, came it to be destroyed? What knowledge, if any, had the master of its destruction?

13. If serious damage was sustained by the steamship "Claverley," was such serious damage caused by the wrongful act or default of Captain Charles Kragh, the master?

To which the Court replied as follows:—

1. The vessel had two compasses, viz.: One (a Sir William Thompson) on the upper bridge, by which the courses were set and the vessel steered, and a second compass unshipped on the poop. They were in good order and sufficient for the safe navigation of the vessel, and were last adjusted by Messrs. Wilson and Gillie, of North Shields, on the 18th September, 1909, off the Tyne.

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

3. The vessel anchored at 1.30 p.m. on the 27th October, 1913, in the centre of Isthmus Bay, Smyth Channel, at the southern part of the Zach peninsula. There is no foundation for the suggestion made by the witness S. L. G. Couch, A.B., that the "Claverley" anchored in Fortune Bay on the 27th October.

4. The vessel got under way about 4.10 a.m. on the 28th October, 1913, clearing the bay about 4.20, the watch being made up of Charles Green Coull, an A.B., acting as second officer, an apprentice, Leadham Pearce Sergeant, at the wheel, and two A.B.'s, Benjamin George Prothero, and Arthur Herbert Heap, the latter being on the look out on the fore-castle-head up to within some 10 to 15 minutes immediately prior to the stranding at 5.20 a.m. The master was on deck, and in personal charge of the navigation during the whole of the time.

5. The course set on leaving the anchorage and thereafter steered, viz., S. by E. $\frac{1}{2}$ E. (magnetic) was safe and proper up to 4.50 a.m. when the engines were slowed down owing to a heavy snow-squall which entirely obscured the land. At this point the engines should have been stopped until the weather cleared, so as to enable the master to correctly determine his position. No allowance was made for tide and currents, the strength and direction of which were unknown.

6. The master stated he altered the course to S. by E. (magnetic) about 5.10 a.m. when the snow squall cleared, and put the engines full speed ahead. This alteration was in the right direction, but not sufficient, the vessel taking the ground soon after at about 5.20, when under her port helm, the master having given the order "hard-a-port" on seeing kelp ahead. No allowance was made for tide and currents for the reason given in the last answer.

7. The master took no measures to ascertain and verify the position of the vessel after leaving the anchorage up to the time of the stranding.

8. The vessel stranded on the rocks in a direct line between Green Point and Peligrosa Point, the former being seven cables, and the latter nine cables, distant. She sustained serious and material damage, her bottom under the forehold being badly torn and ripped open.

9. In the opinion of the Court, a look out should have been kept continuously on the fore-castle-head while navigating these narrow and dangerous waters.

10. The vessel was not navigated with proper and seamanlike care after 4.50 a.m. of the 28th October.

11. The entries in the scrap log-book for the 27th and 28th October last were, so the second officer and acting first officer, Herbert Olsen, stated, made by him, those for the 27th being made at the time and those for the 28th some time on the day of stranding. The entries now appearing in the scrap log-book are, Olsen stated, the original entries made therein with the exception of the first entry on the 28th October, which now reads, "Day opens with westerly gale and heavy snow storm." The original entry made by Olsen was "Moderate breeze and light rain at intervals," and was made by him at the time, and constituted, he said, the only entry of the day's events until the log, as it now appears for the 28th October, was written up, as already stated. Olsen stated that the master dictated to him the entries for the 28th October, which he took down on a piece of paper and subsequently transcribed into the scrap log-book, and that, as the first entry differed from that already made, he, in order to carry out the master's instructions and avoid cancelling the original entry,

of which the master was ignorant, innocently tore out and destroyed the leaf as now appears in the book.

12. Herbert Olsen, second officer, and acting first officer, admittedly destroyed the chief officer's log-book by burning it in the donkey-furnace, he said, on Saturday the 1st November, the book at the time containing entries from 16th October and including entries with regard to the navigation for the period covered by the 27th and 28th October. Olsen stated that he did this innocently and solely because he had inadvertently omitted, in the confusion after the stranding, to make the necessary entries for Thursday the 30th October, and that the book was smudged with ink, and so in a condition which he did not wish his owners and the master to see. He further stated he accordingly recopied the original entries verbatim in a new book, and, after calling the master's attention to the fact, the master re-signed in the new book such of the entries as he had previously signed in the old book up to the previous Saturday, in addition to signing, for the first time, the subsequent entries. The master informed the Court that he could not remember whether or not the second officer informed him of the destruction of the log-book, and of the reasons for the destruction, but the Court is satisfied that he knew, or ought to have known, that he was signing entries for the second time. The witness Couch suggested that the log-book was destroyed in order to conceal entries relating to events prior to the stranding which the master wished to suppress, but there is no evidence to support this suggestion.

13. The Court finds that the steamship "Claverley" sustained serious and material damage owing to the stranding, which was caused by the wrongful act and default of the master, Charles Kragh, and hereby reprimands him therefor. At the same time the Court reprimands Herbert Olsen, the second officer and acting first officer, for mutilating and destroying the log-books.

D. T. HOBKIRK, *Justice*.

JAMES T. NISBET, *Justice*.

GEORGE K. WRIGHT, *Assessor*.

ALLISON WOOD, *Assessor*.

We concur.

(Issued in London by the Board of Trade on the
28th day of April, 1914).

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