



THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

(No. S.422)

m.t. "Guava" O.N. 166722

In the matter of a Formal Investigation held at the Royal Hotel, Lowestoft, Suffolk, on the 2nd, 3rd and 4th days of November, 1953, before J. Roland Adams, Esq., Q.C., assisted by Captain Harold Stevendale Hewson, Henry Arthur Lyndsay, Esq., John Revelyn Welch, Esq., and George Nicholson, Esq., into the circumstances attending the disappearance and presumed loss of the m.t. "Guava" with the loss of her crew of 11.

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 cause of the said loss cannot be ascertained, but the probable cause of such loss was the sudden overwhelming of the vessel by the force of wind and the high and confused state of the sea. It is well-known that extraordinary flooding of low-lying land around the coast of the southern North Sea occurred at about the time of the presumed loss of the vessel and the possibility of the surge of a phenomenal wave cannot be excluded.

Dated this fourth day of November, 1953.

J. ROLAND ADAMS, *Judge*

We concur in the above Report,

H. S. HEWSON
H. A. LYND SAY
J. R. WELCH
G. H. NICHOLSON } *Assessors*

QUESTIONS AND ANSWERS

The Court's answers to the questions submitted by the Ministry of Transport and Civil Aviation are as follows:—

- Q. 1. By whom was the m.t. "Guava" owned at the time of her loss?
A. Claridge Trawlers Limited.
- Q. 2. Who was the designated manager of the m.t. "Guava" at the time of her loss?
A. Gordon David Claridge.
- Q. 3. When and where was the m.t. "Guava" built?
A. 1945, Pembroke Dock.
- Q. 4. Was the m.t. "Guava" built as a minesweeper?
A. Yes.
- Q. 5. When and where was the m.t. "Guava" converted for use as a trawler?
A. 1949, Lowestoft.

Q. 6. Did the m.t. "Guava" sail from Lowestoft on an intended fishing voyage on the morning of Thursday, the 29th January, 1953, and return to port in the evening with an engine defect?
A. Yes.

Q. 7. Was the engine defect satisfactorily remedied and did the m.t. "Guava" sail during the morning of Friday, the 30th January, 1953?
A. Yes.

Q. 8. What was the expected duration of the intended fishing voyage?
A. The vessel was expected to return to Lowestoft not later than the 12th February.

Q. 9. Did the skipper of the m.t. "Guava" (Mr. George Fisher) speak by radio telephone to his wife, Mrs. Alice Elizabeth Fisher, of 13, Tennyson Road, Lowestoft, shortly after 7 p.m. on Saturday, the 31st January, 1953?
A. Yes.

Q. 10. Did the skipper of the m.t. "Guava" have a conversation by radio telephone with Mr. Harold Bertie Soanes, skipper of the m.t. "Ala" at approximately 7.20 p.m. on Saturday, the 31st January, 1953?
A. Yes.

Q. 11. In the conversation with Skipper Soanes at 7.20 p.m. on the 31st January, 1953, what did Skipper Fisher say about his position and his fishing and the weather?
A. That he had just hauled and was going to dodge, and that the weather was not very good.

Q. 12. Did the skipper of the m.t. "Guava" have a second conversation with the skipper of m.t. "Ala" at approximately 10 p.m. on Saturday, the 31st January, 1953?
A. Yes.

Q. 13. In the second conversation with Skipper Soanes at 10 p.m. on the 31st January, 1953, what did Skipper Fisher say?
A. That he was still dodging and the weather was very, very bad - dirty. "I think that you are in the best place and I would not mind if I was with you. I will call you the usual time in the morning".

ANNEX TO THE REPORT

Q. 14. Did Skipper Soanes stand by for a message from the m.t. "Guava's" skipper from 8 a.m. to 10 a.m. on Sunday, the 1st February, 1953, and did Skipper Soanes call the m.t. "Guava" frequently, especially at the scheduled times of 8.15 a.m. and 7.15 p.m. for the next five days?

A. Yes.

Q. 15. Did Skipper Soanes hear from the m.t. "Guava" again after the 10 p.m. conversation on Saturday, the 31st January, 1953?

A. No.

Q. 16. Is there any record of any other message or signal being received by anyone or intercepted by anyone or picked up by anyone apart from the three radio telephone conversations?

A. No.

Q. 17. What was the weather, wind and sea at Lowestoft when the m.t. "Guava" sailed on Friday, the 30th January, 1953?

A. Westerly, about force 4, tending to back and freshen.

Q. 18. What was the weather, wind and sea on the 31st January and the 1st February, 1953, in the area of the North Sea where the m.t. "Guava" may reasonably be expected to have been on these days?

A. About N.N.W., force 8 to 11, gusting to force 12, a high confused sea.

Q. 19. Where was the m.t. "Ala" when Skipper Soanes had the two conversations with Skipper Fisher of the m.t. "Guava" and what was the m.t. "Ala" doing and what weather, wind and sea was she experiencing?

A. Off Southwold, at anchor, strong and increasing offshore winds and rough sea.

Q. 20. What crew did the m.t. "Guava" carry all told?

A. 11.

Q. 21. Was the m.t. "Guava" well found and seaworthy when she left Lowestoft on Friday, the 30th January, 1953?

A. Yes.

Q. 22. Was the m.t. "Guava" properly equipped with compasses, charts and such navigational aids as were necessary for the fishing voyage undertaken?

A. Yes.

Q. 23. Were the life-saving appliances carried on board the m.t. "Guava" adequate and in satisfactory working order?

A. Yes.

Q. 24. What wireless communications equipment was carried by the m.t. "Guava" on her last voyage?

A. A battery-operated Redifon wireless telephony and direction finding set manufactured by Redifon Limited, of London.

Q. 25. Has any wreckage from the m.t. "Guava" been found?

A. No.

Q. 26. What was the cause or probable cause of the loss of the m.t. "Guava" and all her crew?

A. The cause is unascertainable. The probable cause was the sudden overwhelming of the vessel by the force of the wind and the high confused state of the sea. It is well-known that extraordinary flooding of low-lying land around the coast of the southern North Sea occurred at about the time of the presumed loss of the vessel, and the possibility of the surge of a phenomenal wave cannot be excluded.

1. The m.t. "Guava" was a composite built, single-screw trawler, having her machinery abaft amidships. The frames, floors, deck beams, bulkheads, and Keelson were of steel, and the wooden hull and deck planking was laid fore and aft and bolted onto the frames and beams. The vessel had a wooden keel protected by a 2 inches steel shoe.

2. The m.t. "Guava" was built in 1945 by Messrs. Hancock & Company Limited, at Pembroke Dock under an Admiralty contract, being intended for use in the Royal Navy as a minesweeper.

3. The vessel was used for a short time as a minesweeper in the Mediterranean, and was purchased on behalf of her late owners as she lay at Brightlingsea in 1949, and was thereafter converted at Lowestoft for use as a trawler.

4. The Court paid careful attention to the evidence placed before it upon the subject of the conversion, and is satisfied that the vessel's strength and stability were in no way impaired by the alterations.

5. The registered dimensions of the vessel were:— length 127.9 feet, breadth 26.0 feet, depth 12.4 feet. The vessel was of 285 tons gross and 99 tons net register.

6. The m.t. "Guava" had six steel bulkheads separating the following compartments:—

Chain locker and forepeak
Store
Fish hold
Fuel tank space
Machinery space
Crews quarters
Steering space.

There was evidence before the Court that at some time a draining hole was made in the bulkhead between the chain locker and the store, and that a screw valve was fitted in the hole so made. The Court is satisfied that this minor alteration had no possible bearing upon the loss of the vessel.

7. The Court does not consider it necessary to describe in detail the erections, deckhouses and machinery casing, nor need the hatchways be referred to except to say that the Court is satisfied that the means of covering and securing the latter were adequate and satisfactory.

8. As originally constructed, the vessel had bulwarks 3 feet 6 inches above the deck level, but this height was reduced to a maximum of 2 feet 6 inches and a minimum of 2 feet for convenience in handling fishing gear. The freeing arrangements consisted of a space between the bottom of the bulwark and the deck of about 3 inches which extended round the after part of the vessel from a position about abreast of the trawl winch at the forward end of the deck house. The Court is satisfied that these freeing arrangements were adequate. The Court was impressed by the fact that the freeboard of the m.t. "Guava" was greater than is normal in trawlers of comparable size.

9. The vessel was properly ballasted to suit fishing conditions. All ballast was well secured.

10. The m.t. "Guava" was fitted with two bilge pumps, one of about 23 tons per hour capacity driven by the main engine, and the other of about 17 tons per hour capacity driven by the starboard auxiliary engine. Each of these pumps could draw from the compartments specified above. There were also three manual plunger type deck pumps, 5 inches in diameter, one to the store space forward, one to the fish hold, and one to the engine room.

11. The m.t. "Guava" had electric-hydraulic steering gear with telemotor control which could be converted to hand gear in a matter of seconds.

12. The main propelling machinery consisted of a four stroke single acting supercharged diesel engine built in 1945 by the National Gas and Oil Engine Company Limited, Ashton-under-Lyne. This engine had six cylinders, each of 10 inches diameter and 13 inches stroke, and was provided with a two to one reduction and reverse gear. The Brake Horse Power was 540, and the normal speed was about 9½ knots. There was adequate communication by voice pipe between the bridge, engine room and steering compartment.

13. The m.t. "Guava" had three auxiliary engines, two situated on the port side, and one on the starboard side of the engine room. Those on the port side were diesel engines supplied in 1943 by Norris, Henty & Gardners, Limited. Each engine had six cylinders and developed 83 Brake Horse Power at 1,600 revolutions per minute. The forward engine was coupled to an air compressor and the after engine was coupled to an electric generator. Both engines had pulleys for driving the trawl winch through an overhead shaft by means of a belt.

The auxiliary engine on the starboard side was a diesel engine having three cylinders built by Ruston & Hornsby, Limited, and was coupled to an air compressor and electric generator and a general service pump.

14. The m.t. "Guava" had a trawl winch driven by an arrangement of belts and shafts from the two port side auxiliary engines.

15. The anchors and cables carried by the m.t. "Guava" were those originally supplied by the Admiralty, but were operated by the trawl winch, the original windlass having been removed.

16. The life-saving appliances carried by the m.t. "Guava" consisted of one 16 feet lifeboat with internal buoyancy, certified and marked for 12 persons. This boat was stowed at the after end of the main deck on swivel chocks and could be launched by tackle on the mizzen boom or manhandled over the side. There were also one buoyant apparatus for 12 persons; four circular cork lifebuoys, two fitted with self-igniting lights; twelve life jackets distributed in the crew's accommodation; one Schermuly Supreme line throwing appliance. The vessel was adequately supplied with pyrotechnic distress signals and fire extinguishing appliances.

17. The m.t. "Guava" sailed from Lowestoft on an intended fishing voyage on the morning of Thursday, the 29th January, 1953, but, shortly afterwards, experienced unusual noise and vibration in the supercharger driven by the main engine. The holding down bolts of the supercharger were found to be loose, and the m.t. "Guava" returned to port for repairs. The holding down bolts were tightened up and the necessary incidental repairs completed, and a trial run in dock of two hours was carried out with satisfactory results. On the morning of Friday, the 30th January, the m.t. "Guava" sailed on her last voyage.

18. Save for the communications by radio telephone referred to in Questions 9 to 13 above, no news of the m.t. "Guava" was received by any one.

19. Evidence of the position reached by the m.t. "Guava" is obscure, but there is some reason to believe that she reached a position just below what fishermen call Westhole in Lat. 53° 30' N. Long. 3° 00' E.

20. It is common knowledge that the night of the 31st January - 1st February, 1953, was one during which extremely severe and almost unprecedented weather conditions prevailed. Convincing evidence from the Meteorological Office of the Air Ministry satisfied the Court that, in the southern part of the North Sea on that night, winds between force 8 and force 11, gusting to force 12, were experienced, accompanied by very high and confused seas.

21. It was the consensus of all the witnesses who had any experience of the m.t. "Guava" that she was an excellent sea boat.

22. A very careful examination of the history of the vessel as a trawler was made by officials of the Ministry of Transport and Civil Aviation and evidence from all possible quarters was placed before the Court with the object of revealing any defects in the vessel which might have been material to the enquiry with which the Court was charged. Having considered this large body of evidence, the Court has reached the unanimous conclusion that nothing in that history points to any defect the development or progression of which can be said upon the evidence to have led to the disaster.

23. Out of deference to the submissions made to the Court it is necessary however to deal in detail with the more important of the matters to which the attention of the Court was drawn.

24. There was abundant evidence that the main engines of the m.t. "Guava" were of a type eminently suitable for this class of vessel. The individual engine fitted in the m.t. "Guava" was a good engine and well maintained. The Court had the advantage of seeing the very carefully kept records of the Shore Maintenance Engineer responsible for the m.t. "Guava's" engines as well as the detailed log sheets kept by her chief engineers. These records bear eloquent testimony to the care given by all those responsible for these engines to their maintenance in a state of efficiency.

25. There was evidence that the supercharger driven by the main engine gave trouble from time to time, but the Court is satisfied by the records referred to in the last paragraph that the owners took all reasonable steps to remedy these defects.

26. It is to be noted that the vessel was capable of making a complete voyage, including the normal fishing operations, without the use of the supercharger, and there is no reason to doubt the vessel's ability to keep the sea and make good progress without the use of this component.

27. Only in one set of circumstances could a failure of the supercharger lead to difficulty. Should the supercharger fail, requiring that it should be disconnected from the main engine, the vessel might be without power for a period of minutes while the changeover was being effected, and it is possible to imagine circumstances in which such a state of affairs might seriously embarrass those responsible for handling the ship in a sea way. There is, however, not one shred of evidence nor anything remotely pointing to such a state of affairs having come into existence on the fatal voyage and, since this Court acts only upon evidence, it rejects suspicion as a basis for its findings.

28. Some importance was sought to be given during the course of the Inquiry to the fact that during fishing operations in deep water the main engine lost power owing to faulty atomisation due to carbonisation of the injector nozzles. When this occurred the engineer in charge found it necessary to change the fuel nozzles, and it is on record that a complete set of nozzles to meet such an emergency were supplied by the owners and carried on board. The same witness who spoke of this comparatively minor defect was emphatic in saying that it was only when maximum power was required over a considerable period that it was necessary to make this change. It is important to remember that a master nursing his ship in a heavy sea would be unlikely to call for maximum power.

29. The auxiliary machinery of the m.t. "Guava" undoubtedly gave persistent trouble which was responsible for causing her return to port before the completion of her fishing voyage on several occasions. This state of affairs earned the vessel a bad name with some of those who sailed in her and caused a former skipper and mate to leave the ship for the very understandable reason that, being paid on a share basis, they were unable to make a living in a ship whose fishing

was curtailed in this way. The owners, through their shore maintenance staff, worked hard to repair the defects which showed themselves, and to maintain the auxiliary engines in proper condition, and it is noteworthy that the last four trips of the m.t. "Guava" before the fatal trip were of 13, 11, 14, and 13 days duration respectively. It is the duty of the Court to make it clear that the importance of the auxiliary machinery in this context lies in the fact that the trawl winch was operated by it, and that, without the trawl winch, the vessel was useless as a fishing instrument. There was no evidence upon which the Court could connect the performance of the auxiliary machinery with the loss of the vessel.

30. The m.t. "Guava" grounded on the Newcombe Sand early in January 1953, in smooth sea conditions, and on a rising tide; after being refloated with the assistance of a tug she lay afloat at Lowestoft and was carefully watched for 48 hours during which time no sign of leaking was detected. The Court is of opinion that the examination made during those 48 hours by a competent surveyor acting on behalf of underwriters was a proper and sufficient examination and that, had the ship sustained any damage by reason of her grounding, that surveyor would have detected it.

31. It is natural that widespread anxiety and dissatisfaction should be caused in a fishing community when an unexplained tragedy befalls one of its vessels. The Court is deeply concerned therefore to suggest from among the known circumstances of the occurrence those most likely to have a material bearing upon the loss. It is to natural phenomena and to the experiences of other vessels which were placed at the mercy of those phenomena that the Court must look for explanation.

32. The storm of the 31st January-1st February, 1953, is, and will always remain, a memorable one.

33. At least 10 British and foreign vessels, 8 of them of under 1,000 gross tons and 2 larger vessels, were reported missing or sunk during the same period and there is good reason to suppose that 9 of these were catastrophically overwhelmed by the sea.

34. The Court received written evidence from the Operations Division of the Naval Staff at the Admiralty which satisfied it that the possibility of loss by mine explosion can be discounted.

35. The Court's view that the disaster to the m.t. "Guava" was sudden and catastrophic is strengthened by the fact that her signals during the conversation referred to in Question 12 above were strong and clear, and there is no reason to suppose that, if the emergency had been other than catastrophic, it would not have been possible for the m.t. "Guava" to send out a distress message.

36. The m.t. "Guava" was not a vessel which carried radio equipment by compulsion of law. There was no standing instruction to the skipper to report by radio telephone to his owners at scheduled intervals.

In these circumstances it would have been improper to regard the vessel as being overdue before the date on which she should have returned to Lowestoft, but failed to do so. When she failed to return on that date the machinery of search was set in motion by the local officer of the Ministry of Agriculture and Fisheries.

In the view which the Court takes of the catastrophic nature of the tragedy all questions of search become academic. The Court is indisposed to make any comment or recommendation which could have the effect of setting search machinery in motion upon what in many possible combinations of circumstances would turn out to be a false alarm.

J. ROLAND ADAMS, *Judge.*

H. S. HEWSON
H. A. LYNDSAY
J. R. WELCH
G. H. NICHOLSON } *Assessors*

APPENDIX I

LIST OF REPRESENTATIONS

Mr. S. E. Pitts of the Treasury Solicitor's Department appeared on behalf of the Minister of Transport and Civil Aviation.

Mr. Waldo Porges, Q.C., instructed by Messrs. Middleton Lewis & Company, Solicitors, London, appeared on behalf of the owners and the designated manager of the vessel.

Mr. Harry Bailey of Messrs. Bailey & Freeman, Solicitors, Lowestoft, appeared on behalf of Mrs. Winifred Eva Irene Taylor, widow of Henry Taylor (Engineer), and Mr. Arthur James Folkard, father of Anthony James Folkard (Deckhand).

Mr. Sidney Taylor, Solicitor, Lowestoft, appeared on behalf of Mrs. Norah Evelyn Chapman, widow of Louis George Chapman (Deckhand); Mrs. Florence Jemima Dann, step-mother of Roy Albert Dann (Mate); Mrs. Vera Lily May Rappensberger, daughter of George William Turner (Deckhand); Mrs. Lily Gertrude Turner, Widow of George William Turner (Deckhand); and Mrs. Mary Elizabeth Sizer, widow of Edward Williams Sizer (Deckhand).

APPENDIX II.

LIST OF WITNESSES

Station Officer Albert William Swingler of the Fire Brigade.

Fireman George Manning.

Mr. John Alan Outwin-Flinders.

District Inspector Geoffrey John Younghusband Thorp.

Mr Howard Eddes Phillips.

Mr Robert Foster Milton Hay.

Captain Daniel Wynn Jones.

Mr Harold Bertie Soanes.

Mr Arthur James Folkard.

Mr John Charles Tripp.

Mr Gordon David Claridge.

Mr. Reginald Valentine Rose.

Mr. Henry Baron Roberts.

Mr. Robert James Weeds.

Mr. Dennis Arthur Stephens.

Mrs. Alice Elizabeth Fisher.

Mr. Albert William Lockwood.

Mr. Frederick William George Cable.

Affidavit of Sydney Roy Catchpole was read.

Mr. Joseph Graham.

Mr. Richard Moore Buchanan.

Mr. Roy William Istead.

Mrs. Norah Evelyn Chapman.

Mrs. Lily Gertrude Turner.

Mrs. Vera Lily May Rappensberger.

Mrs. Florence Jemima Dann.

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