

No. 7927

S.T. "ALCAZAR"
and
S.S. "CAMBRIA"

THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

In the matter of a Formal Investigation held at St. George's Hall, Liverpool, on the 8th, 9th and 20th days of December, 1938, before F. A. Sellers, Esq., K.C., assisted by Commodore B. Shillitoe, R.D., R.N.R., Captain G. L. Stout, and W. Addy, Esq., D.S.C., into the circumstances attending the loss of the steam trawler "Alcazar" after being in collision with the s.s. "Cambria" in the Irish Sea on the morning of the 7th August, 1938.

The Court, having carefully inquired into the circumstances attending the above-mentioned shipping casualty, finds, for the reasons stated in the Annex hereto, that the loss of the steam trawler "Alcazar" was due to the wrongful act and default of Captain Edward Broughton Turner, the master of the s.s. "Cambria" in navigating his vessel at a speed of 20 knots in dense fog, and the Court so finding suspends his certificate of competency, O.C. 031153, for a period of twelve months from this date.

Dated this twentieth day of December, 1938.

F. A. SELLERS, *Judge.*

We concur in the above Report.

B. SHILLITOE,	} Assessors.
G. L. STOUT,	
W. ADDY,	

Annex to the Report.

This Inquiry was held at St. George's Hall, Liverpool, on the 8th, 9th and 20th days of December, 1938. Mr. H. G. Willmer (instructed by the Solicitor, Board of Trade) appeared for the Board of Trade. Mr. E. W. Brightman (instructed by Messrs. Bateson & Co., Liverpool) appeared for Captain Edward Broughton Turner, the master of the s.s. "Cambria". Mr. G. C. Hutchinson, M.P. (instructed by the Solicitor to the London, Midland & Scottish Railway Company) appeared for the London, Midland & Scottish Railway Company, the owners of the s.s. "Cambria". Mr. H. I. Nelson (instructed by Messrs. Hill, Dickinson & Co., Liverpool, and London) appeared for Mr. Ernest William Swan, the skipper of the steam trawler "Alcazar".

Mr. McIver (Messrs. Alsop, Stevens & Collins Robinson & Co.) was present on behalf of the chief officer of the s.s. "Cambria", and Mr. Roger Lewis (Messrs. Avison, Morton, Paxton & Co.) on behalf of the Postmaster General.

The "Alcazar", official number 162982, was a single screw steam trawler owned by Mr. Bowden Ramster, Forbra, The Broadway, Fleetwood, who was the registered owner, and she was mortgaged to the District Bank, Limited. She was built at Rotterdam in 1918 and was 159.46 gross, 69.06 net tonnage, 102.4 feet in length, 20.6 feet in breadth, with triple expansion engines of 28 h.p. nominal.

With a crew of nine and one passenger, a boy of 14, the "Alcazar" left Fleetwood on the 29th July, 1938, and fished between the Arklow Light Vessel and the Kish Light Vessel until the early morning of Sunday, 7th August, 1938. Shortly before 4 a.m. that morning the "Alcazar" left the fishing grounds to return to Fleetwood from a position about 9 to 10 miles N.N.E. magnetic from the Codling Light Vessel and set a course E by N½ N. magnetic. Her skipper stated that the weather was then clear to the east and hazy to the north with a visibility of 2 to 3 miles, and from the wireless report he was expecting fog on his course.

A few minutes after setting this course the skipper was relieved by the mate and went below. The skipper told the mate if it came in thick to let him know, to sound the whistle and slow down. It was the duty of a deckhand to join the mate on the bridge as a lookout as soon as he had finished assisting the trimmer with the placing of the navigation lights and the taking in of the trawling lights. But when the skipper left the bridge the mate was alone and the Court is of opinion that the skipper should have ensured that the navigation lights were exhibited as soon as the course was set and should not have left the bridge until one of the crew joined the mate on duty, but the Court has no reason to doubt that the deckhand went to his duty on the bridge as soon as his assistance with the lights was finished.

As seven of the crew of the "Alcazar", including the mate, unfortunately lost their lives when the vessel sank, the Court had before it no further evidence of events on the "Alcazar" until very shortly before the collision.

Soon after going below the skipper went to sleep and was not called. He was awakened by a fog whistle which he believed to be that of the "Alcazar". He concluded that the vessel had just come into fog and got up to go on deck. About a minute later he heard the "Alcazar" blow again and almost immediately there was a heavy crash on the starboard side aft of amidships. The ship filled rapidly with water forcing the skipper and the boy passenger, who was in the main cabin, on to the deck which was level with the water. Some of the crew were around and trying to launch the small boat but before this could be done the "Alcazar" went down and her crew with her. The skipper, the passenger, and a deckhand, George Frederic Haylock, were shortly afterwards picked up by the boat of the s.s. "Cambria" but no other members of the crew could be found although every endeavour was made.

The deckhand Haylock had been asleep in the fore-castle and was awakened by the trimmer. When he came up the deck was nearly awash. He stated that he heard the "Alcazar" blow one fog signal before he went to sleep, possibly about 4.30 a.m.

As hereinafter appears, the "Alcazar" had come into collision with the s.s. "Cambria" and had sunk about midway on the "Cambria's" course from Holyhead to Kingstown in approximately latitude 53.19 N. longitude 5.25 W. at about 5.20 a.m. on the 7th August, 1938.

The s.s. "Cambria" is a twin screw steamship belonging to the London, Midland & Scottish Railway Company, Mr. Owen Glynn Roberts, of Euston Station, London, N.W.1, being the registered manager.

She was built at Dumbarton in 1921 and is 3461.59 gross and 1395.85 net tonnage, 380.6 feet in length, 45.2 feet in beam, with geared turbine engines of 1200 n.h.p. with a speed of about 23 knots.

The "Cambria" was one of the steamships maintaining a regular service for passengers and mails between Holyhead and Kingstown.

By a contract of 4th November, 1920, between the London & North Western Railway Company and His Majesty's Postmaster General, which contract was preserved and continued by Schedule 1 of an agreement between the Postmaster General and the London, Midland & Scottish Railway Company

dated the 10th December, 1930, it was provided that the Railway Company should convey mails between Holyhead and Kingstown on the terms and conditions therein specified. By Clause 4 (2) (b) of the said contract it was provided that the maximum period of time allowed for the transit on each service should be 2 hours 45 minutes from or to Admiralty Pier at Holyhead, or 2 hours 55 minutes from or to the Inner Harbour, Holyhead, and by Clause 18 provision is made for liquidated damages to be paid by the Railway Company to the Postmaster General in certain events, including delay in transit but subject to the following proviso: Clause 18 (3) "Provided that if in any of the events in this clause mentioned it shall be proved to the satisfaction of the Postmaster General that the default or failure arose entirely from an exercise by the Postmaster General of the power of delay conferred upon him by Clause 5 (3) hereof or from delays or stoppages by storms snow fog collision delay to save life or such other exceptional circumstances as may in the opinion of the Postmaster General have constituted a cause or causes beyond the control of the Contractors and have been such as reasonably to exempt them wholly or partially from payment of the respective sums mentioned in this clause then the Postmaster General may (if in his absolute and uncontrolled discretion he shall think fit so to do) in writing waive the payment of the sum in question or consent to reduce the same to a lesser sum and in that case the waiver or reduction shall be entirely without prejudice to the rights and powers of the Postmaster General upon or in respect of any subsequent or other default or failure"

In pursuance of this contract the s.s. "Cambria" was scheduled to leave Holyhead at 2.55 a.m. on the 7th August, 1938, but she was 54 minutes late and left at 3.49 a.m. with 1,390 passengers, 80 crew and about 40 tons of mails. She was in charge of Captain Edward Broughton Turner (certificate of competency O.C. 031153) who has been to sea for 47 years, 34 years of which were spent by him in the various steamship services of the Railway Company, the last 12 years as master of one or other of their vessels.

When the "Cambria" left the weather was clear. Off the South Stack Lighthouse a course was set of N. 80½ W magnetic. The master then left the bridge to attend to other duties leaving the chief officer in charge, a man at the wheel, a stand-by quarter master, a lookout on both port and starboard sides of the bridge and a lookout forward in the fore-castle head. The vessel proceeded on her course at full speed at about 22 knots.

At 4.45 a.m. the "Cambria" ran into fog with visibility a half to three-quarters of a mile. The engines were rung to stand-by, all watertight doors were closed, the fog signal commenced to be blown at regular intervals of a minute to a minute-and-a-half and the master went on the bridge.

When the engines were rung to stand-by normal top boiler pressure of 200 lbs. was allowed to fall back 25/30 lbs. and, as a consequence, the speed of the vessel was reduced to about 20 knots.

The fog became denser until visibility was less than 200 yards, but the speed of 20 knots was maintained. Captain Turner stated in his evidence that in his opinion, based on his experience of that particular route, the conditions were exceptionally good for hearing and he relied on hearing the whistle of any other vessel within three miles, and he therefore felt it was quite prudent to proceed at full speed. He frankly admitted that to do so was contrary to Regulation 16 of the Regulations for Preventing Collision at Sea which required him to proceed at a moderate speed. The "Cambria" was capable of turning very quickly and could pull up in about 1½ minutes in a distance of about 1,150 feet.

At 5.16 a.m. the engines had made 20,000 revolutions and this was signalled from the engine-room and regarded, as customary, as the half-way point and the watches commenced to change over. Before the relief was complete and with the 2nd officer on the bridge, in addition to those already stated,

those on the "Cambria" heard one whistle of the "Alcazar" practically ahead, then they saw her masthead and starboard lights practically ahead and only 50 to 60 yards distant, and, although the master ordered the wheel hard-a-starboard and rang the telegraph to full astern starboard engine, there was no time for any action to be taken before the "Cambria" ran her stem into the starboard side of the "Alcazar", with the result already stated. It was then 5.20 a.m. and day-light was breaking. The "Alcazar" was not seen again. The "Cambria" stood by and lowered a boat and rescued the three survivors from the "Alcazar" who alone could be found.

Captain Turner has had a long and successful career at sea free from accidents and was before this disastrous collision contemplating an early retirement. He in fact retired a few weeks after this event and stated through his Counsel that he had no intention of returning to the sea again unless in a national emergency. In these circumstances it is with great regret that the Court finds itself called upon to censure Captain Turner's conduct on this occasion. But the Court is of opinion that the "Cambria's" speed of 20 knots in the conditions which prevailed is indefensible and inexcusable, and that Captain Turner was not justified in relying on hearing sound signals over a range of three miles. Captain Turner was in a position of great responsibility and he took a risk which he was in no way called upon to take and one which completely disregarded the rule of navigation that the vessel should in the circumstances have proceeded at a moderate speed.

It may be that the "Alcazar" was not sending regular fog signals as the "Cambria" was entitled to expect her to do (although the Court is not satisfied that the "Alcazar" was in default in this respect), but even so the Court finds that the cause of this casualty must be attributed mainly, if not solely, to the excessive speed of the "Cambria" and her master's failure to reduce to a moderate speed and navigate with care.

The London, Midland and Scottish Railway Company were made parties to this Inquiry as the owners of the "Cambria" and as the undertakers of a regular service carrying mails and passengers each way between Holyhead and Kingstown, to a schedule of fixed time of sailings and a maximum period of voyage time, in which service the "Cambria" and other vessels were employed. The Court is of opinion that on a short regular service of this kind there may be a tendency for masters and officers to feel that duty and reputation require them to keep to the schedules and to take some risks to this end.

The Court is satisfied that the Railway Company's Rules and Regulations in respect of the navigation and safety of their vessels are proper and sufficient. There was evidence before the Court that the Railway Company had from time to time instructed superintendents at the ports to emphasise to the captains that no risk should be taken.

This Court is of opinion that such additional warnings are desirable and that periodically the Rules and Regulations relating to care and safety should be specifically brought to the notice of all navigating officers and a warning given that the desire for punctuality must not influence their judgment and that in no circumstances must risks be taken in order to keep time.

In this way if any such tendency exists amongst navigating officers it should be dispelled.

The Court was informed that the penalties for delay in transit imposed by clause 18 of the mail carrying contract had never been invoked by the Postmaster General, but Captain Turner, and possibly the masters of the other vessels engaged in this service, knew that some such clause existed. If in the light of experience it is still thought necessary to retain this clause which leaves the decision in the absolute and uncontrolled discretion of the Postmaster General it should, the Court thinks, be made clear to the masters of vessels that the proviso to the penalty clause exempts the company from

liability for delays or stoppages by storms, snow, fog, collision, delay to save life or other exceptional circumstances.

Notwithstanding that the Court has thought it desirable to make the above recommendations, having regard to the nature of the services maintained between Holyhead and Kingstown, the Court does not find that Captain Turner, a master of experience and seniority, felt it incumbent upon him to take the risk he did, and the Court can find no excuse for the speed at which he navigated the "Cambria" in the prevailing conditions.

Questions and Answers.

The Court's Answers to the Questions submitted by the Board of Trade are as follows:—

Q. 1. Who were the owners of the s.t. "Alcazar"?

A. Mr. Bowden Ramster of Forbra, The Broadway, Fleetwood.

Q. 2. Was the s.t. "Alcazar" in good and seaworthy condition when she left Fleetwood on her last voyage?

A. Yes.

Q. 3. What was the position of the s.t. "Alcazar" when she left the fishing grounds in St. George's Channel to return to Fleetwood? What course was set and what, if any, alterations were made in course prior to the casualty?

A. About 9 to 10 miles NNE magnetic from the Codling Light Vessel, St. George's Channel. Course set was E. by N. $\frac{1}{2}$ N. magnetic. It is not possible to say with certainty but it seems improbable that any alteration was made in the course.

Q. 4. At what speed did the vessel proceed on her course? Were any, and if so what, alterations made in her speed prior to the casualty?

A. Full speed about 7 knots. There was no evidence before the Court of, or from which the Court could infer, any alteration.

Q. 4a. Was the s.t. "Alcazar" exhibiting proper navigation lights in accordance with the Regulations for Preventing Collisions at Sea?

A. Yes, proper navigation lights were exhibited soon after she set her course.

Q. 5. Was the skipper on the bridge and in charge of the navigation of the vessel at this time? If so, for how long did he remain on the bridge? If he left the bridge (a) whom did he leave in charge of the navigation of the vessel; (b) what instructions did he leave; (c) were such instructions adequate and proper; and (d) were they carried out?

A. The skipper was on the bridge for a few minutes only after the course was set. (a) He left the mate in charge; (b) he instructed the mate to call him (the skipper) if it came on thick and to sound the whistle and to slow down; (c) the instructions were adequate, but the Court is of opinion that the skipper should not have left the bridge until the deckhand had joined the mate on the bridge as a lookout; and (d) the skipper was not called. The speed does not seem to have been reduced, and the Court has insufficient evidence before it to say whether fog signals had been sounded regularly or over what period of time.

Q. 6. What was the state of (a) the weather; (b) the visibility; and (c) the tide, throughout the voyage of the s.t. "Alcazar"?

A. At the commencement of the voyage to Fleetwood (a) the weather was hazy; (b) the visibility 2 to 3 miles; and (c) the tide flood running NNE. at about 1 knot. At the time of the collision the weather was dense fog with visibility of about 100 to 200 yards, but how long the "Alcazar" had been in dense fog it is not possible to say.

Q. 7. Who were the owners of the s.s. "Cambria"?

A. The London, Midland and Scottish Railway Company.

Q. 8. At what time on the 7th August, 1938, was the s.s. "Cambria" scheduled (a) to leave Holyhead; (b) to arrive at Kingstown? At what time in fact did she leave Holyhead?

A. (a) 2.55 a.m.; (b) 5.50 a.m. She in fact left Holyhead at 3.49 a.m.; that is 54 minutes late.

Q. 9. When the vessel left Holyhead on the morning of the 7th August, 1938, how many crew and passengers had she on board? Was she in good and seaworthy condition?

A. Passengers 1,390. Crew 80. She was in good and seaworthy condition.

Q. 10. When the South Stack Lighthouse was abeam what course was set and what, if any, alterations were made in her course prior to the casualty? At what speed did the vessel proceed on her course? Were any, and if so what, alterations made in her speed prior to the casualty?

A. N. 80 $\frac{1}{2}$ W. magnetic. No alteration. She proceeded at full speed, about 22 knots, until 4.45 a.m. when fog was encountered and the engines were rung to stand-by. On this order the steam pressure was reduced, which reduced the speed of the "Cambria" to about 20 knots and this was maintained up to the collision.

Q. 11. What was the state of (a) the weather; (b) the visibility; and (c) the tide, between the time when the "Cambria" left Holyhead and the time of the casualty?

A. When the "Cambria" left Holyhead (a) the weather was clear; (b) the visibility good; (c) the tide flood to the northward about 1 knot. At 4.45 a.m. she ran into fog which became thicker until visibility was only 100 to 200 yards.

Q. 12. Was the whistle of the s.t. "Alcazar" heard by those on board the s.s. "Cambria"? If so, (a) when was it first heard; (b) for how long was it heard prior to the casualty and (c) what action was taken?

A. The whistle of the "Alcazar" was heard by those on board the "Cambria" just prior to the collision and at so short an interval that no effective action could be taken with the helm or engines, although the orders hard-a-starboard and full speed astern starboard engine were given by the master as soon as the "Alcazar" was heard.

Q. 13. Did the s.s. "Cambria" sight the s.t. "Alcazar" at any time prior to the casualty? If so, (a) when was she sighted; (b) how far apart were the vessels at the time; (c) what was the position of the s.t. "Alcazar" in relation to the s.s. "Cambria"?

A. The "Alcazar" was sighted by the "Cambria" when she was only 50 to 60 yards away and was right ahead of the "Cambria" on a crossing course.

Q. 14. Who was in charge of the navigation of (a) the s.t. "Alcazar", and (b) the s.s. "Cambria" immediately prior to and at the time of the casualty?

A. (a) The mate of the "Alcazar"; (b) Captain Turner, the master of the "Cambria".

Q. 15. Were fog signals made by (a) the s.t. "Alcazar", and (b) the s.s. "Cambria" in accordance with the Prevention of Collisions at Sea Regulations, 1910, during their respective voyages?

A. (a) Insufficient evidence to justify a finding; (b) yes, from 4.45 a.m. onwards.

Q. 16. Was the action taken by those in charge of the navigation of (a) the s.t. "Alcazar", and (b) the s.s. "Cambria" at all material times prior to the casualty proper and adequate and in accordance with the Prevention of Collisions at Sea Regulations, 1910?

A. (a) Insufficient evidence to justify a finding; (b) no.

Q. 17. Was a good and proper lookout kept on board (a) the s.t. "Alcazar", and (b) the s.s. "Cambria"?

A. (a) Insufficient evidence to justify a finding;
(b) yes.

Q. 18. Were the s.t. "Alcazar" and the s.s. "Cambria" navigated with proper and seamanlike care?

A. The s.s. "Cambria" was not navigated with proper and seamanlike care, but there is insufficient evidence to justify a finding with regard to the s.t. "Alcazar".

Q. 19. How and where was the s.t. "Alcazar" lost and what was the cause of the casualty?

A. The s.t. "Alcazar" was lost by sinking almost immediately after collision with the s.s. "Cambria" in the Irish Sea, approximately latitude 53°19' N. longitude 5°25' W.

Q. 20. How many members of the s.t. "Alcazar" lost their lives as a result of the casualty?

A. Seven members of the crew of the "Alcazar" lost their lives.

Q. 21. Was the casualty to the s.t. "Alcazar" and the subsequent loss of life caused or contributed to by the wrongful act or default of Ernest William Swan, the skipper of the s.t. "Alcazar", Edward Broughton Turner, the master of the s.s. "Cambria", and the London, Midland and Scottish Railway Company, or any, and if so, which of them?

A. The Court finds that the said casualty and the subsequent loss of life were caused by the wrongful act and default of Edward Broughton Turner, the master of the s.s. "Cambria", and that the said casualty and loss of life were not caused or contributed to by any wrongful act or default of Ernest William Swan, the skipper of the s.t. "Alcazar" or the London, Midland and Scottish Railway Company.

F. A. SELLERS, *Judge.*

B. SHILLITOE,
G. L. STOUT, } *Assessors.*
W. ADDY,

(Issued by the Board of Trade in London
on Tuesday, the 31st day of January, 1939.)

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