

No. S. 374

STEAM TRAWLER 'DANE'

THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

In the matter of a Formal Investigation held in the Magistrates' Room, Liverpool Police Court, Dale Street, Liverpool, on the 19th, 20th, 21st, 22nd and 26th days of February, 1935, before Stuart Deacon, Esquire, Stipendiary Magistrate, assisted by Captain Piers de Legh, Captain A. E. Dodd and F. Bee, Esquire, into the circumstances attending the stranding of the British steam trawler "Dane" of the Port of Hull, on the 11th day of December, 1934.

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 said vessel and the serious damage thereto was due to the default of the skipper, William Harrison.

The Court finds the skipper, William Harrison, in default and suspends his certificate of competency as skipper for nine months from this date, and refuses an application for a certificate of a lower grade during the period of suspension.

Dated this 26th day of February, 1935.

STUART DEACON, *Judge.*

We concur in the above Report.

PIERS DE LEGH,	} Assessors.
A. E. DODD,	
F. BEE,	

This Inquiry was held in the Magistrates' Room, Liverpool Police Court, Dale Street, Liverpool, on the 19th, 20th, 21st, 22nd and 26th days of February, 1935.

Mr. H. A. Thew, of Messrs. Avison, Morton and Company, Solicitors, of Liverpool, appeared for the Board of Trade, and Mr. W. Goffey, of Messrs. Hill, Dickinson and Company, Solicitors, of Liverpool, represented the managing owner and the underwriters, the managing owner being Mr. Henry Elliott, of "Birkhall", the Esplanade, Fleetwood, in the County of Lancaster, who was made a party to the Inquiry on the second day of the hearing at his own request. The skipper, William Harrison, was not legally represented.

The "Dane", official number 132,235, is a steel built steam trawler, ketch-rigged, built by Messrs. Cook, Welton and Gemmell, Limited, of Beverley, Yorkshire, in the year 1911. Her gross tonnage is 345.75 and her net register tonnage is 135.04. She is fitted with one direct acting triple expansion inverted cylinder engine of 87 nominal horse power and 580 indicated horse power, with one cylindrical multitubular steel boiler of 200 lbs. loaded pressure. The engine and boiler were built by Messrs. Amos and Smith, Limited, of Hull, Yorkshire, in the year 1911.

The designed speed of the vessel is 10 knots. Her registered dimensions are; length 140.3 feet, main breadth 24.15 feet and depth of hold 12.5 feet.

She is constructed with four watertight bulkheads and is equipped with the boat and life-saving appliances usual in vessels of her class.

She carried three compasses, one in the wheelhouse, one pole compass and a chartroom compass. They were all last adjusted on the 28th June, 1934 by Mr. D. Pearson, certified compass adjuster and nautical optician, of St. Andrew's Dock, Hull.

She carried 20 to 23 charts including the West Coast of Scotland Chart, the Faroe Bank Chart and the Fishermen's Chart (Scotland to Iceland). She also had on board the Admiralty List of Lights, Olsen's Fishermen's Nautical Almanack and the Arctic Pilot. She carried one 14 lb. lead and two 28 lb. leads fitted with lines and correctly marked, which were used on the portion of the voyage covered by this Inquiry, and was also equipped with a fathometer on the bridge.

On the voyage, in respect of which the present Inquiry arose, she carried a crew of 12 hands, including the skipper, William Harrison, certificate number 13,664, dated 30th June, 1916.

The skipper was well acquainted with the Faroe, Minch and West Scotland waters, having sailed them for many years as skipper.

The vessel left Fleetwood at about 6 p.m. on the 28th November, 1934, on a fishing voyage round the Faroe Islands and the Banks. On arrival at the Faroe Islands the vessel fished at various points, and then proceeded towards the Faroe Bank where she arrived on the morning of the 5th December, 1934, and continued fishing until 1.30 a.m. on the 10th December, 1934; the weather conditions then being wind S.W. moderate, sea moderate, and clear.

The skipper took his departure from the Faroe Bank at 1.30 a.m. on the 10th December, 1934, and proceeded towards Fleetwood with ten tons of fish on board.

As regards the point of departure from the Faroe Bank the skipper in his evidence stated that it was the N.E. corner of the Bank, but it is to be observed that this point could, at the best, be only an assumed position, and may not have been stated with accuracy.

He streamed the log and set a course of S. $\frac{1}{2}$ E. at a speed of 8 to 9 miles per hour, intending to pass between Cape Wrath and Butt of Lewis. He then went below leaving the boatswain in charge of the vessel.

The skipper came on deck again at 6 a.m. and took the wheel at 7.30 a.m. until 11 a.m. and after that remained on deck until 1.30 p.m., when he went below.

At 3.30 p.m. the skipper went on the bridge and altered course to south because he considered his vessel was going to the eastward of her course.

From 4 p.m. onwards he stated that he was more or less occupied with the wireless set which, he said, was not working properly.

At 7 p.m. the loom of a light was seen on the port side bearing S.E. by E. distant about 24 miles, which the skipper took to be that of Cape Wrath. No reading of the log was taken at this time; the weather then being fine with good visibility, moderate sea and moderate S.W. wind. The vessel was still continued on a course of south, but the Court considers that, as only the loom of the light was seen, the skipper should have steered towards it until he could correctly identify it and ascertain his position. The skipper admitted in his evidence that he was so much occupied with the wireless and other duties that he failed to take proper measures to identify this light.

At 7.45 p.m. another light was sighted on the starboard side bearing W.S.W., distant about 20 miles, which the skipper took to be Tiumpun Head Light, but which was in fact Flannan Islands Light. The Court considers that the bearing of this light, as given in evidence, was unreliable and the same observations by the Court may be taken to apply to the times and bearings subsequently occurring, as given in evidence by those on board.

The vessel continued on the course of south until 9 p.m. when it was altered to S.W. by W.

At midnight Flannan Islands Light, which the skipper still thought was Tiumpun Head Light, was abeam N.W. by N., distant about 5 miles. This position was stated in evidence to have been ascertained by means of a four point bearing. The course was then altered to south, and the skipper left instructions with the second hand to keep a good lookout for Rudh' Re Light and call him when it was sighted. The second hand left the bridge at 2.30 a.m. and reported to the skipper that he had seen no other lights. The boatswain, who relieved the second hand at 2.30 a.m., was given instructions by the skipper through the second hand to keep a good lookout for Rudh' Re Light and to call the skipper when he sighted it. The boatswain, however, did not sight Rudh' Re Light, but at 3.10 a.m. picked up a light on the starboard bow bearing S.W.

As to what occurred after this light had been picked up there was a serious conflict of evidence between the skipper and those on watch at the time, inasmuch as the skipper stated to the Court that he never was on the bridge after 1 a.m., whereas those on watch stated that he came on the bridge at 3.10 a.m. when this light was first reported as having been sighted.

The Court itself is satisfied that the skipper's memory on this point was, to say the least of it, defective, and the Court is further satisfied from the whole of the evidence that he did, in fact, go on the bridge at 3.10 a.m. after the light had been sighted, and gave instructions to the boatswain, who was in charge of the watch, "To pull the ship's head towards the light and when the light was sharp on the starboard bow, to keep her like that and give him a call when we were drawing up to it". In spite of the instructions given to him, the boatswain did not call the skipper before the stranding, because he apparently considered that the necessary time for calling the skipper had not arrived. As far as the Court can understand from the evidence, the skipper made no attempt while on the bridge at 3.10 a.m., to identify the light, and appears to have thought that it was South Rona.

Had the skipper taken proper steps to identify this light, there can be little doubt that he would have identified it as the Monach Island Light, and thereby have taken the necessary step to avert the casualty.

At 5.30 a.m. the vessel struck the West Dureberg Reef, off Monach Island. The skipper immediately went on the bridge; the engine was by this time stopped. He put the engine astern and the vessel floated off the reef; the engine was then stopped again and a little later the engine was worked and the vessel manoeuvred to safety.

The vessel then lay to until daylight. In the meantime the vessel was sounded and thirteen to fifteen feet were shown in the forecastle and the forehold, and a trickle of water into the fishroom. The hand pump was put on but was found to have no effect in reducing the amount of water, so the engineroom pump was used. Shortly after the stranding the skipper ordered a sounding with the hand lead, which showed 19 fathoms. Soundings and bearings of the light were frequently taken and on the first opportunity an S.O.S. message was sent.

The Court believes the evidence of the second hand, the engineer's deposition, and the evidence of other members of the crew that the vessel, while manoeuvring to get clear of the reef, touched something the second time, although this was denied by the skipper.

In the opinion of the Court this latter occurrence was not a serious matter and the Court does not attribute any blame to the skipper for it.

At daylight on the 11th December, 1934, in answer to S.O.S. calls, the trawler "Henry Hall" arrived on the scene and stood by, and the s.t. "Dane" proceeded to Obb of Harris for the necessary repairs to enable her to proceed to Fleetwood, which she afterwards did and arrived at Fleetwood on the 17th December, 1934.

During the course of the Inquiry the evidence showed that no one on board the vessel, other than the skipper, had access to the charts. This, apparently, is in accordance with the prevailing custom on trawlers of this type, but in the opinion of the Court, it is very desirable that the second hand or other person for the time being in charge of the watch, should be able to have ready access to the charts, and the Court recommends that this change of practice should be adopted and enforced in future.

The Court further suggests that, in order to enable this change of practice to be carried into effect, it is desirable that a second set of charts should be provided for the vessel and be in charge of the second hand, so that access thereto could be obtained by those requiring it, without disturbing the skipper.

At the conclusion of the evidence Mr. Thew, on behalf of the Board of Trade, submitted questions for the opinion of the Court.

The questions and answers are as follows:-

1. Q. When the s.t. "Dane" left the Faroe Bank at the completion of the fishing operations on the 10th December, 1934, on her intended voyage to Fleetwood, was she in good and seaworthy condition?
A. When the s.t. "Dane" left the Faroe Bank on the 10th December, 1934, on her intended voyage to Fleetwood she was in good and seaworthy condition.
2. Q. Was she equipped for the voyage with (a) any, and if so, what charts? Were such charts properly corrected to date? (b) any, and if so, what sounding appliances and were they in good condition; (c) any, and if so, what wireless apparatus, and was it in good condition?
A. The vessel was equipped for the voyage with:-
(a) 20 to 23 charts including in particular the West Coast of Scotland Chart, the Faroe Bank Chart and the Fishermen's Chart (Scotland to Iceland). The West Coast of Scotland Chart was corrected up to the 17th September, 1932; the Fishermen's Chart up to the 12th January, 1935; the Court has not the necessary information to enable it to say to what date the Faroe Bank Chart was corrected. (b) The vessel was supplied with a fathometer sounding machine, and at least three hand leads, one 14 and two 28 lb. fitted with lines accurately marked. According to the evidence of the expert who put the machine on board immediately before the vessel left Fleetwood the fathometer was in good working order, but it is stated by those on board that it did not work properly on the voyage, and the Court is of opinion that this was so. (c) There was on board a Marconi Radio Telephony which, the Court was informed, was declared by the Marconi employee, who inspected the machine before the vessel left Fleetwood, to be in good condition, but the Court is satisfied that the machine on the voyage did not have a further working range than about 30 miles and this gave the skipper cause for anxiety and trouble.
3. Q. What compasses were on board the vessel and where were they situated? When and by whom had they last been professionally adjusted? Was a deviation card supplied to the skipper after such adjustment?
A. Three compasses were on board the vessel; a pole compass which was fore-side of the bridge, a bridge house compass fixed on the roof of the wheelhouse and a chartroom compass fixed in the chartroom in line with the other two compasses. They were last adjusted on the 28th June, 1934, by Mr. D. Pearson, certified compass adjuster and nautical optician, of St. Andrew's Dock, Hull. Deviation cards were supplied to the skipper.
4. Q. Were (a) the compasses and (b) the charts supplied to the vessel sufficient for her safe navigation on the voyage in which she was engaged?
A. The compasses and the charts supplied to the vessel were sufficient for her safe navigation on the voyage in which she was engaged.

5. Q. Was the vessel provided with facilities for taking bearings of sufficient accuracy to enable the skipper to ascertain the error of his compasses? If so, had the skipper taken observations for this purpose from time to time and thereby did he know the proper corrections to apply to his compasses?
- A. The vessel was provided with no facilities for taking bearings of sufficient accuracy to enable the skipper to ascertain the error of his compasses. The skipper, therefore, did not know the proper corrections to apply to his compasses, except so far as the deviations appeared on the cards supplied to him.
6. Q. Did the skipper correctly ascertain his point of departure from the Faroe Bank? What was the course set when the vessel left the Faroe Bank on the 10th December? Was this course a safe and proper one?
- A. In the opinion of the Court the skipper could not and did not correctly ascertain his point of departure from the Faroe Bank. The course set when the vessel left the Faroe Bank on the 10th December was S. $\frac{1}{2}$ E. In the opinion of the Court this course was safe but not a proper one.
7. Q. What route did the skipper intend to take from the Faroe Bank to the south of the Hebrides? Did he, in fact, take that route?
- A. The skipper intended to pass through the North Minch. He did not, in fact, take this route.
8. Q. What was the speed of the vessel? Was this speed altered or varied at any time during her voyage up to the time of the stranding? If so, when?
- A. The speed of the vessel was about 8 to 9 miles per hour. This speed was not altered or varied at any time during the voyage except so far as it was, at any time, affected by head wind and sea.
9. Q. What was the first shore light seen by the skipper after leaving the Faroe Bank? How did it bear and at what time was it sighted?
- A. The first shore light seen by the skipper after leaving the Faroe Bank was Butt of Lewis of which he only saw the loom. It bore S.E. by E. and was sighted at about 7 p.m.
10. Q. How far was the vessel away from this light when first seen?
- A. The vessel was about 24 miles away from this light when first seen.
11. Q. What was the state of the visibility at this time?
- A. The visibility was good.
12. Q. Did the skipper correctly identify this light? If not, what light did he take it to be?
- A. The skipper did not correctly identify this light. He took the light to be that of Cape Wrath.
13. Q. Did the skipper take all reasonable precautions to identify this light? If not, what precautions should he have taken in order to identify the light and ascertain the position of his vessel?
- A. The skipper took no reasonable precautions to identify this light. In the opinion of the Court he ought to have steamed nearer to the light until he could identify it and ascertain the position of his vessel.
14. Q. After sighting this light did the skipper alter course?
- If so, what course did he set? Was this course a safe and proper one?
- A. After sighting the light the skipper did not immediately alter his course, and, in fact, did not do so until after he sighted the next light which is referred to in Question 15.
15. Q. At what time was the next light sighted by the skipper and where did it bear in relation to the vessel?
- A. The next light was sighted at about 7.45 p.m. It was stated to bear W.S.W. but the Court considers this bearing as given as being unreliable, and the same observation by the Court may be taken to apply to the times and bearings subsequently occurring, as given in evidence by those on board.

16. Q. What was this light? Was it rightly identified by the skipper? If not, did the skipper take adequate precautions to identify the light correctly?
- A. This light was the light of Flannan Islands. It was not rightly identified by the skipper who mistook it for the light of Tiumpun Head. Having regard to the fact that Flannan Islands Light is practically identical with that of Tiumpun Head, which the skipper supposed it to be, the Court is not prepared to say that the skipper did not take adequate precautions to identify this light.
17. Q. At what time did the skipper next alter the course and how was the light, referred to in Question 16 above, bearing at this time?
- A. The skipper next altered his course at 9 p.m. and the light referred to in Question 16 was stated by the skipper to be then also bearing W.S.W. as before.
18. Q. What was the course which the skipper then set? Was this course a safe and proper one?
- A. The course which the skipper then set was S.W. by W. This course appears in itself to have been, at the time a safe and proper one.
19. Q. If the vessel had been sailing on her intended route should those on board her have seen any, and if so, what lights on either the port or starboard side from the time when the skipper sighted the light, referred to in Question 14 above, up to shortly before the stranding?
- A. If the vessel had been sailing on her intended route those on board should have seen:-
- The Tiumpun Light on the starboard side;
The South Ear on the port side;
The Rudh' Re on the port side;
The Trodday on the starboard side; and
The South Rona right ahead.
20. Q. Did the skipper give directions to anyone, and if so, whom, to keep a lookout for any such lights and if so, which of them? Did those on board see any such lights? If not, was the skipper aware of this and should this have drawn his attention to the fact that his vessel was not sailing on the intended route?
- A. The skipper did give instructions to the second hand, Nolan, and the boatswain, Hartevelt, to keep a lookout for Rudh' Re Light and those on watch did sight a light at 3.10 a.m. which afterwards proved to be the Monach Light, and the Court believes that this light was reported to the skipper, although the skipper himself denies any recollection of this occurrence. It was further stated by those on watch, and the Court accepts it as a fact, that the skipper then came on to the bridge and gave the following instructions, namely "To pull the ship's head towards the light, and when the light was sharp on the starboard bow, to keep her like that and give him a call when we were drawing up to it".
21. Q. Throughout this portion of the voyage what was the state of the visibility?
- A. Good.
22. Q. At what time did the skipper leave the bridge?
- A. The Court is satisfied from the evidence of those on watch that the skipper left the bridge at 3.30 a.m., and thereafter remained below until the stranding, although the skipper denies this and states that he was never on the bridge after about 1 a.m. up to the time of stranding.
23. Q. Before he went below, did the skipper give any, and if so, what instructions to those on the bridge?
- A. The Court is satisfied that the instructions which the skipper gave before he went below at 3.30 a.m. to those on the bridge were as mentioned in the Answer to Question 20, "To pull the ship's head towards the light and when the light was sharp on the starboard bow, to keep her like that and give him a call when we were drawing up to it".
24. Q. If instructions were given, did those on the bridge carry them out?
- A. The instructions mentioned in the Answer to Question 23 were not carried out by those on the bridge, inasmuch as they did not call the skipper when they were drawing up to the Monach Light.

25. Q. Was the vessel navigated with proper and seamanlike care?
- A. The vessel was not navigated with proper and seamanlike care.
26. Q. Was a good and proper lookout kept on board the vessel?
- A. A good and proper lookout appears to have been kept on board the vessel.
27. Q. When and where did the s.t. "Dane" strand?
- A. The s.t. "Dane" stranded on the West Dureberg Shoal about $1\frac{1}{2}$ to 2 miles from Monach Islands, at about 5.30 a.m. on the 11th December, 1934.
28. Q. Shortly before the stranding, could those on the bridge see any, and if so, what lights?
- A. Those on the bridge could see the Monach Light shortly before the stranding and, in fact, it had been visible to them for more than two hours previously.
29. Q. If a light was seen by those on the bridge how was it bearing?
- A. The Monach Light when first seen by those on the bridge was bearing about S.W.
30. Q. Was this light properly identified? Had those on the bridge sufficient knowledge to identify the light correctly? If not, should the skipper have given them the necessary information?
- A. This light was not properly identified. The skipper had sufficient knowledge to identify the light correctly but apparently did not do so at 3.30 a.m. when he was on the bridge, and the others on the bridge apparently had not sufficient knowledge to identify the light. In the opinion of the Court it was not necessary for the skipper to give the necessary information for identifying the light to those on the bridge inasmuch as he himself was, in the Court's belief, on the bridge at 3.30 a.m.
31. Q. If this light had been properly identified could the skipper have prevented the stranding of his vessel?
- A. If this light had been properly identified by the skipper he could have prevented the stranding of his vessel.
32. Q. Had anyone on board other than the skipper, access to the charts? If not, should anyone, and if so, who, have been allowed such access?
- A. No one on board other than the skipper had access to the charts. This apparently is in accordance with the prevailing custom on trawlers of this type, but, in the opinion of the Court, the second hand or other person for the time being in charge of the watch ought to be allowed ready access to the charts, and the Court recommends that this change of practice should be adopted and enforced in future.
33. Q. What was the cause of the stranding of the s.t. "Dane"?
- A. The cause of the stranding of the s.t. "Dane" was, in the first place, the fact that the skipper mistook the Butt of Lewis Light for the Cape Wrath Light and, secondly, the fact that he set thereafter courses which he intended to take and which, in fact, he believed were taking his vessel down the North Minch, whereas, in reality, such courses were taking the vessel to the west of the Hebrides.
34. Q. What was the amount of damage done to the s.t. "Dane" as the result of the stranding?
- A. The amount of damage done to the s.t. "Dane" was stated by Mr. Henry Elliott, the managing owner, to be about £1,300.
35. Q. Did the skipper take all reasonable precautions at the time of the stranding to minimise the danger to his vessel?
- A. In the opinion of the Court, the skipper did take all reasonable precautions at the time of the stranding to minimise the danger to his vessel.

36. Q. Was the stranding of the s.t. "Dane" caused or contributed to by the wrongful act or default of William Harrison, the skipper, and/or Mr. Henry Elliott, the managing owner?

A. The stranding of the s.t. "Dane" was caused by the default of William Harrison, the skipper, in not taking the proper steps to verify the identity of the light which he first sighted, which was, as before mentioned, the Butt of Lewis, and which he mistook for Cape Wrath, and also in not thereafter navigating his vessel with sufficient and seamanlike care.

The stranding of the vessel was not caused or contributed to by any wrongful act or default of Mr. Henry Elliott, the managing owner.

STUART DEACON,

Judge.

We concur in the above Report.

PIERS DE LEGH,)	
)	
A. E. DODD,)	Assessors.
)	
F. BEE.)	

(Issued by the Board of Trade in London
on Thursday, the 30th day of May, 1935)

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