



THE MERCHANT SHIPPING ACT, 1894

REPORT OF COURT

(No. S.430)

s.t. "Dorothy Lambert" O.N. 145723

In the matter of a Formal Investigation held at The Town Hall, Fleetwood, on the 28th and 29th days of March, 1955, before J. Roland Adams, Esq., Q.C., assisted by Captain Lewis Parfitt, D.S.C., Captain Harold Stevendale Hewson and James Darkins, Esq., into the circumstances attending the stranding of the steam trawler "Dorothy Lambert".

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 stranding was an unexplained divergence of the vessel from her intended course due to the faulty navigation of the said vessel by her skipper, Arthur Peak, in that he failed to ensure that a certificated mariner was in charge of the bridge while the vessel was proceeding through enclosed and dangerous waters, and that he further failed to give explicit and unmistakable instructions to those left in charge on the bridge, and to satisfy himself that the instructions he did give were properly understood.

Dated this 29th day of March, 1955.

J. ROLAND ADAMS, *Judge*

We concur in the above Report.

LEWIS PARFITT
H. S. HEWSON
J. DARKINS } *Assessors*

QUESTIONS AND ANSWERS

- Q. 1. By whom was the s.t. "Dorothy Lambert" owned at the time of her loss?
- A. The Clifton Steam Trawlers Limited.
- Q. 2. (a) When (b) where and (c) by whom was the s.t. "Dorothy Lambert" built?
- A. (a) 1923.
(b) South Bank-on-Tees.
(c) Smith's Dock Company Limited.
- Q. 3. Was the "Dorothy Lambert" seaworthy when she sailed from Fleetwood on her last voyage on the 22nd day of September, 1954?
- A. Yes.

- Q. 4. When the s.t. "Dorothy Lambert" sailed from Fleetwood on the 22nd day of September, 1954, was she properly equipped with navigational aids, charts, sailing directions and publications for the voyage then undertaken?
- A. Yes.
- Q. 5. When the s.t. "Dorothy Lambert" sailed from Fleetwood on the 22nd day of September, 1954, was she provided with all the necessary life-saving appliances?
- A. Yes.
- Q. 6. Where was it intended that the s.t. "Dorothy Lambert" should fish on the voyage commenced on the 22nd day of September, 1954?
- A. North Minch.
- Q. 7. Who was the skipper in charge of the s.t. "Dorothy Lambert" on her last voyage?
- A. Arthur Peak.
- Q. 8. How many hands all told formed the crew of the s.t. "Dorothy Lambert" on her last voyage?
- A. Fourteen.
- Q. 9. What was the approximate position of the s.t. "Dorothy Lambert" at about 8.30 p.m., G.M.T., on the 2nd of October, 1954?
- A. About 10 miles S.E. of Tiumpan Head.
- Q. 10. Did Skipper Arthur Peak then intend to change fishing grounds?
- A. Yes.
- Q. 11. If the answer to Question 10 is "yes", where did Skipper Peak intend to go?
- A. Loch Boisdale.
- Q. 12. What course did the skipper order?
- A. S.W.½S.
- Q. 13. What instructions did the skipper give?
- A. See Annex.

Q. 14. To whom did he give such instructions?

A. James Connolly—deckhand.

Q. 15. Who was at the wheel on starting from the 8.30 p.m. position?

A. James Connolly.

Q. 16. What course did the helmsman named in the last answer maintain?

A. S.W. $\frac{1}{2}$ S.

Q. 17. Did the mate, John Goodman, visit the wheelhouse during Helmsman Connolly's watch?

A. Yes.

Q. 18. If the answer to Question 17 is "yes", at what time was this, and what transpired between Deckhand Connolly and the mate?

A. See Annex.

Q. 19. Was a four point bearing of Rudh Rea taken, and if so, by whom?

A. Yes: the bearing at 4 points by the mate, John Goodman: the bearing when abeam by the boatswain, James Wallbank.

Q. 20. About what time was Rudh Rea abeam, and how far off?

A. The time was not observed by any witness: the distance off was stated to be 11 miles, but this distance is unreliable—see Annex.

Q. 21. Was the skipper informed when Rudh Rea was abeam and given the distance off?

A. Yes—see Annex.

Q. 22. If the answer to Question 21 is "yes", did the skipper give any further orders at that time, and if so, to whom?

A. Yes: to James Wallbank.

Q. 23. When was Connolly relieved at the wheel, and by whom?

A. The time was not given in evidence; by James Wallbank.

Q. 24. When Connolly was relieved at the wheel, who took charge on the bridge?

A. James Wallbank.

Q. 25. What orders were passed on at this change of watch?

A. See Annex.

Q. 26. What was the course at this change of watch?

A. S.W. $\frac{1}{2}$ S.: but see Annex.

Q. 27. Was the course maintained after the change of watch?

A. See Annex.

Q. 28. When was Trodda Light sighted?

A. The time was not given in evidence.

Q. 29. By whom was Trodda Light sighted, and how was it bearing?

A. By James Wallbank: 3 points on the port bow.

Q. 30. Was the skipper informed when Trodda Light was sighted?

A. No.

Q. 31. Had the skipper given instructions that he should be told when Trodda Light was sighted?

A. No: see Annex.

Q. 32. Was the log streamed continuously from the 8.30 p.m. position?

A. Yes.

Q. 33. If the answer to Question 32 is "yes", was the log read when Rudh Rea was abeam, and if so, what was the reading?

A. Yes: 17 $\frac{1}{2}$: but see Annex.

Q. 34. Was a four point bearing of Trodda Light taken, and if so, by whom?

A. Yes: by James Wallbank: but see Annex.

Q. 35. When was Trodda Light abeam, and how far off?

A. Approximately 12.25 a.m., G.M.T.: about 3 miles.

Q. 36. What did the log read when Trodda Light was abeam?

A. 27.

Q. 37. What action was taken by the man in charge on the bridge when Trodda Light came abeam?

A. He went below and informed the skipper.

Q. 38. When did the skipper come up to the bridge?

A. Almost immediately.

Q. 39. What orders did the skipper give when he came on to the bridge?

A. Hard-a-port: steady on S.E. $\frac{1}{2}$ E.

Q. 40. Did the skipper then leave the bridge for a moment to consult the chart?

A. Yes.

Q. 41. What chart was this?

A. West Coast of Scotland Fishing Pilot 014.

Q. 42. What further orders did the skipper give on returning from his inspection of the chart?

A. Slow the engines. Hard-a-port to N.E. $\frac{1}{2}$ N.

Q. 43. How soon after the skipper returned to the bridge did the s.t. "Dorothy Lambert" take the ground?

A. About 2 minutes.

Q. 44. Was an unsuccessful attempt made to get off the ground by use of the engines?

A. No.

Q. 45. Were rockets fired?

A. Yes.

Q. 46. Was any difficulty experienced in firing rockets?

A. Yes: see Annex.

Q. 47.

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Q. 48.

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Q. 49.

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Q. 50.

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Q. 51.

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Q. 63.

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Q. 66.

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Q. 67.

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Q. 68.

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Q. 69.

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Q. 70.

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Q. 71.

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Q. 72.

A.

Q. 47. Was the ship's lifeboat put into the water?

A. Yes.

Q. 48. Was any difficulty experienced in getting the lifeboat into the water?

A. Yes: see Annex.

Q. 49. About what time was it when the Stornoway Lifeboat arrived?

A. About 3.30 a.m., G.M.T.

Q. 50. Was the s.t. "Dorothy Lambert" refloated without assistance at about 8 a.m. on the 3rd October, 1954?

A. Yes.

Q. 51. Did the s.t. "Dorothy Lambert" return to Fleetwood under her own power?

A. Yes.

Q. 52. Were the skipper's orders about the navigation from the 8.30 p.m. position on the 2nd October, 1954, to Trodda Light and about being called, proper orders to be given in the circumstances?

A. No.

Q. 53. Were such orders as were given properly carried out?

A. See Annex.

Q. 54. What was the cause of the stranding of the s.t. "Dorothy Lambert"?

A. An unexplained divergence from the intended course.

Q. 55. Was the stranding of the s.t. "Dorothy Lambert" caused or contributed to by the wrongful act or default of the skipper, Arthur Peak?

A. Yes.

Q. 56. Was the stranding of the s.t. "Dorothy Lambert" caused or contributed to by the fault of any other person?

A. No.

Q. 57. If the answer to Question 56 is "yes", who else was to blame?

Not applicable.

ANNEX TO THE REPORT

The steel single screw steam trawler "Dorothy Lambert", official number 145723 of the Port of Fleetwood, was, on the evening of the 2nd October, 1954, in the North Minch, having hauled her trawl with a view to changing her fishing ground at approximately 8 p.m., G.M.T. The weather at such time was fine and clear, there was a light breeze from the S.S.W., and the tide was ebb, running in a generally North Easterly direction, with a force not exceeding one knot.

The circumstances of this casualty do not call for a detailed statement of the vessel's particulars. It is sufficient to record that she was of 298.54 tons gross, 130.3 feet in length, 24 feet in beam, and was provided with three watertight bulkheads, respectively separating

the fore peak from the stores, chain locker and fish chamber, the latter from the cross bunker and machinery space, and the last from the after peak. Her machinery consisted of a triple expansion reciprocating engine, supplied with steam from one multi-tubular coal fired boiler. The vessel was fitted with steam steering gear of the rod and chain type, with emergency hand-steering gear consisting of a tiller which fits on the square top of the rudder stock. According to the evidence of the skipper, the steering was in hand gear at the material time.

The vessel had on board one lifeboat for 18 persons, fully equipped and stowed under the mizzen boom aft; one buoyant apparatus for 14 persons; 4 lifebuoys; 15 lifejackets; 12 distress rockets; 1 Schermuly line throwing apparatus; all these having been duly inspected by the Surveyor of the Fleetwood Steam Trawlers' Mutual Insurance Association Limited in the presence of a Ministry of Transport and Civil Aviation Surveyor on the 15th September, 1953. The Court will revert to the subject of the lifeboat and the distress rockets later in this Annex.

The vessel was adequately equipped with wireless telegraphy transmitter and receiver and with a direction finder, and also carried a seavision and a seagraph echosounder.

The following magnetic compasses were provided: one pole compass; one overhead compass; one compass in the skipper's berth; the pole compass and overhead compass having been adjusted on the 27th May, 1954. According to the evidence only the overhead compass was used during the navigation which forms the subject of this Inquiry.

The "Dorothy Lambert" had been classed +100 A.1 steam trawler with Lloyd's Register of Shipping, but notice of withdrawal from class was given on the 21st July, 1954, because it was anticipated that the vessel might not continue in the same ownership for the whole of the classification period.

While hauling his trawl the skipper of the "Dorothy Lambert" attempted to fix his position in the North Minch by stemming the Tiumpan Head and South Ear lights, and as a result of this manoeuvre he was satisfied that he was in a position 10 miles S.E. of Tiumpan Head. The Court is by no means satisfied that this method of fixing a position can give accurate results upon which subsequent navigation can be satisfactorily based in cases where it is necessary to make a narrow passage later in the voyage, unless constant observation is kept in order to check the vessel's position as she proceeds. At the same time the Court has no reason to doubt that the position so fixed was more or less accurate.

Taking this position as his point of departure, the skipper laid off on his chart a course of S.W. $\frac{1}{2}$ S. to take him very close to Eilean Trodda, and commenced to steam on that course with the engines at full speed ahead. This speed was equivalent to 98—100 revolutions of the engine, and was said by the skipper and an engineer witness to give a speed through the water of 8—9 knots.

The skipper calculated that his course would take him past Rudh Rea at a distance when abeam of 11 miles; and that he had approximately 30 miles to run to Eilean Trodda.

Within a few minutes from his departure the skipper instructed the mate to stream the log and to send a reliable deckhand to the bridge to steer the ship while the mate and deckhands were clearing up about the deck. The mate detailed one James Connolly for this duty. This was a senior and very experienced deckhand, well known to the skipper and regarded by him as thoroughly reliable.

Upon Connolly coming to the wheel the skipper gave him instructions about the details of which the evidence is not wholly clear. The Court is satisfied, however, that the general sense of the instructions was as stated by Connolly in the following words: "The course is S.W. $\frac{1}{2}$ S, you are going 25 miles and you will pick up Eilean Trodda. When you pick that up, it is a two flash white light, put it fine on your port bow. In the meantime, you will see Rudh Rea. I want you to take a 4 point bearing of that". The Court has to coordinate Connolly's version with that of the skipper which substantially agrees with it, but which adds, "There's 30 miles to go and 28 miles will be getting towards the danger area". It also includes a definite instruction that the skipper was to be informed of the distance off Rudh Rea Lighthouse when abeam. The skipper also said that if Trodda was not sighted at 25 miles on the log he was to be called, and added jocularly, "If I'm not out stop the ship". The skipper further said that he was to be called when approaching Trodda.

As soon as he had given Connolly these instructions the skipper left the bridge and turned in.

When the "Dorothy Lambert" had nearly reached a position with Rudh Rea 4 points on her port bow the mate came on to the bridge and having been told that a 4 point bearing of Rudh Rea was required told Connolly that he (the mate) would take it, which he did, using the overhead compass. At about the same time the mate ordered the bosun, James Wallbank, to read the log and report the reading back to him. The reading was 6 $\frac{1}{2}$. Unfortunately neither the mate nor Connolly observed the time of this reading which by reason of this omission loses its value.

It was understood that as soon as the work of cleaning up on deck was completed the bosun, James Wallbank, would relieve Connolly at the wheel and at a time which was observed by no-one, but between the time at which Rudh Rea was 4 points on the port bow and the time it was brought abeam Wallbank came on to the bridge and Connolly went below.

Before going below Connolly handed over the course S.W. $\frac{1}{2}$ S. to Wallbank. He also pointed out Rudh Rea light on the fore side of the beam. He told him that the 4 point bearing had been taken of it and asked whether he (Wallbank) had any instructions from the mate as regards what was on the log. Wallbank replied that he had checked the log himself and Connolly then said, "When you get abreast Rudh Rea light call the skipper and let him know what distance you are off". He further said, "When you pick up Eilean Trodda, which is a two-flash white light, put it fine on your port bow and call the skipper when approaching it".

When Wallbank took over the watch he went at first to the wheel, but soon afterwards had to take the beam bearing of Rudh Rea and read the log. He therefore called a young deckhand, John Kenneth English, to take over the wheel and himself proceeded to make

the required observations. Unfortunately he failed to observe the time when reading the log which read 17 $\frac{1}{2}$ and the Court therefore finds it difficult to place full reliance upon the distance of 11 miles off Rudh Rea which he calculated by comparing that reading with the earlier reading.

Having obtained the supposed distance of 11 miles off Rudh Rea, Wallbank went down to inform the skipper who said, "Oh that's all right, carry on". The skipper neither looked at his clock upon receiving Wallbank's report nor did he give Wallbank any instructions about the approach to Eilean Trodda nor ascertain by a simple question whether Connolly had passed on his instructions to Wallbank upon handing over.

The Court pauses here to observe that Wallbank, though an experienced trawlerman, had never made this passage before and knew nothing of the aids to navigation or the dangers to be encountered. Wallbank held no certificate and cannot be presumed to understand chart work: in any case, no chart was accessible except in the skipper's berth. The Court feels, and will later develop its view, that for the skipper to have left the navigation of the vessel, on the run from a position abeam of Rudh Rea to Eilean Trodda, to a man of the limited navigational knowledge of Wallbank was improper.

The deckhand, English, remained at the wheel until the ship grounded and it is impossible for the Court to be wholly satisfied that he steered a good course of S.W. $\frac{1}{2}$ S. This is not because anything in his manner or demeanour suggested that he was unreliable, but he was young and not very experienced and there was no one to check him except Wallbank and the Court cannot feel sure that Wallbank was keeping a careful watch on the compass. It is necessary to express this doubt, because, as will be seen from the position in which the "Dorothy Lambert" grounded, she was some 2 $\frac{1}{2}$ miles to the westward of the course line on which she was intended to pass Eilean Trodda and this divergence could have been due to three possible sources of error. (i) An incorrect departure position, (ii) an incorrect distance off Rudh Rea, (iii) an incorrect course. The Court is unable to distinguish between these possible sources of error, any or all of which may have contributed to the casualty.

According to the witness Wallbank, the white light of Trodda was first sighted 3 points on the port bow. Wallbank was unable to give the time of sighting in terms of the clock, but said that it was a little more than 25 minutes after Rudh Rea was abeam. According to him, the course S.W. $\frac{1}{2}$ S. was maintained and a four point bearing was taken of Trodda and a log reading of 24 was taken. Again, no time was observed when the four point bearing was taken and this circumstance again makes it impossible to ascertain the speed of the ship over the ground and makes the four point bearing of little value.

The Court accepts the evidence of Connolly that he passed the skipper's orders about the approach to Trodda on to Wallbank, but Wallbank did nothing about calling the skipper until he had Trodda abeam, when he read the log and obtained a reading of 27. He then went down to the skipper's berth and told him, "We are abeam of Trodda 3 miles". At that, to use Wallbank's own words, the skipper "jumped up

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The Court aga intended course li have had the whi have passed into on a beam bearing to arrive at the tr account of the un Annex. The circ white light of Eil fact that the skip Vatarnish Point Court to believe t got on to, and b instead of S.W. $\frac{1}{2}$

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The skipper ca distress signal, g the mate to soun and told the rest water.

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then pretty smart and came up on the bridge". It is impossible for the Court to make any positive findings about what was said thereafter, but what is certain is that at no time after his arrival on the bridge did the skipper see the white light of Trodda.

The Court again pauses to point out that on her intended course line the "Dorothy Lambert" could not have had the white light of Trodda abeam but must have passed into the red sector before having Trodda on a beam bearing. It is quite impossible for the Court to arrive at the truth about Wallbank's observation on account of the uncertainties referred to earlier in this Annex. The circumstance that Wallbank reported the white light of Eilean Trodda abeam coupled with the fact that the skipper, when he came on the bridge, saw Vaternish Point light on his port bow inclines the Court to believe that somehow or other the vessel had got on to, and been kept on, a course of S.W. $\frac{1}{2}$ W. instead of S.W. $\frac{1}{2}$ S.

Within a few seconds of getting to the bridge, the skipper gave the order, "Put the wheel hard-a-port" and shortly afterwards, "Come to S.E. $\frac{1}{2}$ E.", adding, "I will not be a minute". He then rushed down to his berth to ascertain accurately where the red sector of Trodda Light lay and, upon reaching the bridge again, saw the red light. As soon as he saw the red light of Trodda, he rang "Slow Ahead" on the engine room telegraph and gave the order "Hard-a-port" and kept it so until he had got the vessel round to a heading of N.E. $\frac{1}{2}$ N. with the object of getting back as quickly as possible on an opposite course so as to regain the white sector.

Although the skipper was very familiar with the locality and its dangers, he did not at that time know whether he was inside or outside the Sgeir na Maol reef upon which, about two minutes later, he grounded.

The vessel at first scraped over the ground, then ran on a length or so and came fast.

The skipper called out all hands, sent out a wireless distress signal, got rockets out of his berth, ordered the mate to sound round the ship inside and outside, and told the rest of the crew to get the boat into the water.

The wireless distress signals were effective in that help arrived within reasonable time, although it was fortunately not necessary to call upon the services of the Stornoway Lifeboat and one of Her Majesty's ships which arrived on the scene with characteristic promptness.

The soundings taken by the mate are irrelevant except that they showed that the vessel was not making water.

Great difficulty was experienced in setting off the rockets. The evidence throws little light upon the cause of this difficulty. The Court leans to the view that the rockets were defective owing to dampness, probably caused by condensation of some kind and not to exposure to sea-water. The defect was apparently in the striker cap because when a red hot poker was applied the rockets took the air. The Court passes from the topic of rockets with the comment that at all times the greatest care should be taken to ensure that rockets are stored under favourable conditions of airtightness.

The Court is, however, very concerned to find that grave difficulties were experienced in launching the boat. The weather conditions were well-nigh perfect; the ship was upright, the sea was smooth, there was very little wind, and there were some eight members of the crew engaged in the attempt to launch the boat. The mizzen boom was already topped in a hoisting position and yet it was half-an-hour before the combined efforts of these men resulted in getting the boat into the water. Apparently, the principal cause of the trouble was the rusting and the painting over of the rust on the clamps on the chocks; there was apparently also some difficulty in getting the wooden cover off the boat. When the boat was got into the water it commenced to leak and this was apparently caused by an inefficient plug and perhaps by the fact that the boat had not been in the water for so long that it needed to take up very considerably before becoming watertight.

This is another of the now too frequent cases in which the Court has been obliged to comment unfavourably upon the arrangements made in trawlers for saving life by means of a small boat. Happily, in this case there was no real necessity for launching the boat at all and it is therefore a case in which this important matter can be considered dispassionately. In the case of the motor trawler "Twilit Waters", Number S.419, and in the case of the motor trawler "Hildina", Number S.428, the Court has made recommendations on the general subject of trawlers' boats. It has been pointed out that it is not for the Court to suggest, still less to dictate, what ought to be done. That is a matter for technically qualified persons. The Court does not doubt that there is a general desire to do everything possible to provide efficient boats with efficient means of launching them in trawlers, but it feels that the time has come for a convincing and publicised effort to be made to find a satisfactory solution to these problems. The modern practice of appointing a Working Party to study the difficulties and to make recommendations might be resorted to, and this Working Party might consist of the senior Ministry of Transport and Civil Aviation surveyors in the fishing ports together with representatives of various branches of the fishing industry.

The Court is well aware of the difficulties in the sphere of man-management which confront trawler owners and skippers but it is of opinion that trawler men could be persuaded to take a serious view of the importance of boat drills if the matter were presented to them skilfully and intelligently.

The Court now turns to the question of responsibility for this casualty. It will be seen from the foregoing that it is impossible to place a finger upon the exact point at which the navigation of this vessel went wrong. It is for that reason that it becomes abundantly clear that the real cause of this casualty was the failure of the skipper to make sure that a competent officer was in charge during the whole of this potentially dangerous passage through enclosed waters. To have left the approach to Eilean Trodda to an uncertificated bosun with a very junior deckhand at the wheel was an act of folly. It matters not that the skipper intended to be called when the vessel was "approaching" Trodda or that he gave instructions to that end. In the opinion of the Court, he ought to have made it clear in the most precise terms that he was to be called at a speci-

fied time by the clock and that time should have been determined by him in advance in such a way as to make certain that he would be on the bridge in ample time to deal with the navigation of the vessel through the approaches to narrow waters, navigation through which presents difficulties which were well known to him. The Court is not unmindful of the exhausting nature of a fishing voyage and of the strains which such a voyage imposes on a skipper, but first things must come first and the safety of the vessel and its crew must come before fishing. The Court does not believe that Skipper Peak was deliberately or even consciously preferring the call of fishing to the more insistent calls of safety, but it is satisfied that he allowed himself to permit a thoroughly unsatisfactory state of affairs to come into existence on board his vessel and that this must be regarded as a dereliction of duty.

Having considered the matter with sympathy towards an experienced skipper, who created a favourable impression in the witness chair, the Court has come to the conclusion that its duty requires it to take action with regard to his Certificate under the power conferred on it by Section 470(1)(a) of the Merchant Shipping

Act, 1894. In the view of the Court, the damage sustained by the "Dorothy Lambert" by reason of her grounding was serious damage within the meaning of this Section, and it therefore suspends the Certificate of Competency as skipper of a fishing boat No. 21177, granted to Arthur Peak on the 28th March, 1935, for a period of twelve months from October 2nd, 1954.

One thing remains. In the view of the Court most if not all of the troubles of this case would have been avoided and similar troubles could be avoided in the future if two simple rules were observed. These are: (i) That orders relating to the navigation of trawlers on passage should be entered in writing in an order book; (ii) That it should be the rule in trawlers as it is in larger ships to log the times of passing and distance from important landmarks passed on the passage.

J. ROLAND ADAMS, *Judge*

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