

(No. S. 371)

STEAM TRAWLER "ROSE"

AND

STEAM TRAWLER "SIDMOUTH"

THE MERCHANT SHIPPING ACT, 1894.

REPORT OF COURT.

In the matter of a Formal Investigation held at Aberdeen, on the 27th and 29th days of November, 1934, before John Dewar Dallas, Esquire, Advocate, Sheriff Substitute of Aberdeen, Kincardine and Banff, assisted by Captain F. J. Thompson, O.B.E., R.D., R.N.R. and W. Addy, Esquire, D.S.C. as Assessors, into the circumstances attending the collision between the s.t. "Rose" of Glasgow and the s.t. "Sidmouth" of Aberdeen.

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 collision between the s.t. "Rose" and the s.t. "Sidmouth" was due to the wrongful act and default of John Macintosh, the skipper of the s.t. "Rose", and also to the wrongful act and default of Charles Ennis, the second hand of the s.t. "Rose".

The Court finds (1) the skipper, John Macintosh, in default and severely censures him and orders him to pay the sum of twenty pounds towards the costs of the Inquiry and (2) the second hand, Charles Ennis, in default and severely censures him and orders him to pay fifteen pounds towards the cost of the Inquiry.

Dated this 29th day of November, 1934.

J. D. DALLAS, *Judge.*

We concur in the above Report.

FREDERIC J. THOMPSON, }
WILLIAM ADDY, } Assessors.

Annex to the Report.

This Inquiry was held at the Sheriff Court, Aberdeen, on the 27th and 29th days of November, 1934. Mr. M. M. Duncan, Advocate, appeared for the Board of Trade. William Davies, second hand of the "Sidmouth", John Macintosh, skipper of the "Rose" and Charles Ennis, second hand of the "Rose" were present as parties to the Inquiry, but were not represented.

George Anderson, Aberdeen, sworn shorthand writer.

The steam trawler "Sidmouth" is a vessel of 220 tons gross, official number 117,725, built of steel at North Shields in 1906 and is rigged as a ketch. Her dimensions are, length, 120.8 feet; breadth, 21.6 feet; depth, 12.5 feet. She has engines of 54.4 N.H.P. giving a speed of 10 knots. She is owned by Mr. A. A. Davidson, Commercial Quay, Aberdeen. On the voyage in question she carried a crew of five hands all told including the skipper, and was in good seaworthy condition at the time of sailing.

The steam trawler "Rose" is a vessel of 218.23 tons gross, official number 129,540. She was built of steel at Aberdeen in 1911 and is rigged as a ketch. Her dimensions are, length, 121.2 feet; breadth, 22.5 feet; depth, 12.25 feet. She has engines of 66 N.H.P. giving a speed of 10.5 knots. She is registered at Glasgow and owned by Mr. John S. Boyle, Ardgowan, Shawlands, Glasgow. She carried a crew of ten hands all told, including the skipper.

The vessel was well found and was equipped with a compass in the wheelhouse, one boat, class 3, life belts for all the crew and two lifebuoys.

On the 23rd June, 1934, the "Sidmouth" sailed with no cargo from Milford Haven, where the vessel had been purchased by Mr. Davidson, on a voyage round to Aberdeen. On reaching the western entrance of the Pentland Firth on the morning of the 26th June, 1934, the vessel encountered foggy weather. Speed was reduced to 3 to 4 knots through the water and she proceeded through the Pentland Firth navigated by the assistance of the fog signals of Stroma, Pentland Skerries and Duncansby Head.

At about 9.10 a.m. on the 26th June, the "Sidmouth" was abeam of Duncansby Head and a course was set S. by E. $\frac{1}{4}$ E. for Rattray Head, the weather at this time being dense fog, no wind and smooth seas. The skipper, William Wood, was on the bridge in charge of the vessel and had William Davies, the second hand, with him. The vessel had been sounding her fog whistle on the passage through the Firth and continued to do so.

The deck hand, Walter Hall, came on the bridge, and shortly afterwards at about 10.45 a.m. the skipper went to his cabin abaft the wheelhouse, giving orders to the second hand, Davies, to keep a good lookout and to carry on as usual, and to keep the fog signal going.

The second hand carried out these orders, taking the wheel and blowing the steam whistle himself, and placing the deck hand, Hall, on the lookout at the fore side of the wheelhouse. The windows of the wheelhouse were all open and the port wheelhouse door was open. No fog signals were heard from other vessels and at about 11 a.m. and without any warning the "Sidmouth" was struck a right-angle blow on the port side in the vicinity of the port wing coal bunker, indenting two shell plates above the water line.

The "Rose" sailed from Granton at about 11.30 a.m. on the 25th June, 1934, bound for the fishing grounds off the Caithness coast.

After passing Rattray Head the vessel steamed on a course N. by W. $\frac{1}{4}$ W. for 60 miles, reaching a position off Noss Head, Caithness, at about 7.30 a.m. on the 26th June.

At this time the weather was very foggy and trawling operations commenced and were continued until 9.30 a.m., the skipper being in charge of the watch. At 9.30 a.m. the trawl was hove up and was shot again at about 10 a.m., the skipper, John Macintosh, remaining on watch with the second hand, Charles Ennis, until 10.30 a.m.

At this time the skipper went below leaving the second hand in charge with no other deck hand to assist him. The skipper, in evidence, gave as his reason for this, the fact that he felt bound by the terms of the agreement between the Newhaven and Granton Trawler Owners' Association and the Scottish Sea Fishers' Union by which, according to his interpretation of it, he felt obliged to maintain three watches when fishing, and as there were only five deck hands including the skipper it meant that one watch, viz. the second hand's watch, had only one man on duty.

The skipper had a crew of ten men all told and he himself went below in dense fog leaving only one man on deck to steer and navigate the vessel, to sound the whistle and bell at intervals of not more than one minute, and to attend to other duties connected with trawling.

The view of the Court is that the terms of the Agreement "ex facie" do not even countenance such a system in fog. If they do and those who are working under them so read them and carry out such a practice, then the practice should cease forthwith.

The second hand, Charles Ennis, who was left in charge alone on deck, was given orders to keep a good watch, to trawl for half an hour to the northward then quarter of an hour to the southward and then turn gradually to the northward again, to keep the whistle going and to watch that

the vessel did not get into shoaler water. Ennis in his evidence stated that he was able to carry out all these duties in foggy weather, but the Court is of the opinion, and this casualty emphasises it, that the practice of having one man only on watch when trawling in foggy weather is a danger to navigation and endangers the lives of all on board.

The "Rose" continued trawling under the above conditions and at about 10.40 a.m. a fog signal was heard by the second hand, Ennis, as well as by the engineer, William Carnie, on watch in the engine-room. Carnie stated that he had no doubt it was the whistle of a vessel, which gradually died away. At about 10.55 a.m. Ennis heard a fog signal which he assumed to be the high blast from Noss Head (the fog signal of Noss Head is three blasts, low, low, high, of three seconds each every two minutes).

Although Ennis assumed the one blast to be Noss Head he did not wait to verify it and endeavour to hear three blasts, but said he took a rough bearing and then left the bridge to go aft and examine the trawl warps thus leaving no one to sound his own ship's fog signals. The Court is strongly of the opinion that the fog signal Ennis heard was that of the "Sidmouth" which in all probability was the vessel which was heard at about 10.40 a.m. when the "Rose" was completing her turn to the southward. Had Ennis remained on the bridge as was his duty, sounding his own signals regularly and listening for the repetition of the fog signal which he had heard, this casualty would have been avoided.

While at the after part of his vessel, Ennis saw the loom of another vessel close on the starboard bow and when passing the engine-room skylight shouted to the engineer to stop the engines. Almost simultaneously with this order the collision occurred, the stem of the "Rose" colliding with the port side of the "Sidmouth" at the fore end of the port wing coal bunker almost at right-angles.

The stem of the "Rose" was turned to port and the shell plating of the "Sidmouth" was damaged, two plates being dented, the indentation being almost six feet long and about two feet above the water line.

Both vessels disappeared from each other in the fog for a time, the "Sidmouth" turning round in an endeavour to pick up the other vessel. After a little while the "Sidmouth" heard the "Rose" blowing two prolonged blasts indicating that she was stopped. The "Rose", after the collision, hauled the trawl and sounded the fog whistle. The "Sidmouth" manoeuvred within hailing distance of the "Rose" and both vessels reported that they were not making water and did not require assistance. The "Sidmouth" continued her voyage to Aberdeen and the "Rose" resumed her fishing until Thursday night, the 28th June, and returned to Aberdeen on the Friday morning.

Mr. M. M. Duncan, who appeared on behalf of the Board of Trade, intimated to the Court that he was instructed, in the event of the Court finding anyone in default, not to ask that the certificates of such persons should be dealt with.

The certificates of John Macintosh and Charles Ennis were not put in, and no explanation of why the Court should not deal with their certificates was tendered by Mr. Duncan.

The Court considered that the circumstances disclosed at the Inquiry pointed to such a serious breach of the Regulations for Preventing Collisions at Sea, that the matter of suspension of certificates was seriously considered. After careful and repeated consideration the Court decided that severe censures on the skipper and the second hand of the s.t. "Rose" and contributions towards the costs of the Inquiry of £20 and £15 respectively would bring home to the parties concerned and all other trawler seamen that the practice of permitting one man on watch on deck, especially in foggy weather, is contrary to good seamanship and, if permitted, would lead to the destruction of life and property at sea.

1. (Q.) When the "Sidmouth" was passing through the Pentland Firth on the 26th June, 1934, what was the state of—

- (a) the weather,
- (b) the wind, and
- (c) the visibility?

(A.) (a) Foggy weather and calm.
(b) very light,
(c) very low.

2. (Q.) Was there any alteration, and if so what, in the visibility during her voyage between the eastern end of Pentland Firth and the time of the collision with the "Rose"?

(A.) There was practically no change in the visibility from the time the "Sidmouth" passed the eastern end of Pentland Firth to the time of collision.

3. (Q.) What, if any, fog signals were heard by those on board the "Sidmouth" during this voyage?

(A.) The fog signals of Duncansby Head and Pentland Skerries were heard by those on board the "Sidmouth".

4. (Q.) Was Duncansby Head sighted by those in the "Sidmouth"? If so, when was it sighted and what were its bearing and distance?

(A.) Duncansby Head was not sighted by those in the "Sidmouth" but position was estimated by fog signal.

5. (Q.) After passing Duncansby Head was any, and if so what, alteration made in the course of the vessel?

(A.) After passing Duncansby Head the course was altered to S. by E. $\frac{3}{4}$ E. at 9.10 a.m. for Rattray Head.

6. (Q.) At what speed was the vessel travelling? Was there any, and if so what, alteration in this speed prior to the collision?

(A.) The speed of the vessel was about 3 to 4 knots through the water. There was no alteration in the speed of the vessel prior to the collision.

7. (Q.) Who was in charge of the navigation of the "Sidmouth" at the time when she passed Duncansby Head?

(A.) The skipper, William Wood, was in charge of the navigation of the "Sidmouth".

8. (Q.) Was any change made in the person in charge of the navigation after that time? If so, who took over the navigation of the vessel? When did he take it over and what orders did he receive? From whom did he receive them?

(A.) Yes, Skipper Wood left the bridge at 10.45 a.m. leaving the second hand, Thomas William Davies, in charge. Davies took over at the above time and received orders from the skipper to keep a good lookout and to keep the whistle going.

9. (Q.) Was there anyone, and if so who, in the wheelhouse in addition to the person in charge of the vessel during the period mentioned in question 8?

(A.) Walter Hall, deckhand, was in the wheelhouse with the second hand at this time.

10. (Q.) Did those in the "Sidmouth" sound any fog signals between the time when they passed Duncansby Head and the time of the collision? If fog signals were sounded were they proper and adequate?

(A.) Those on board the "Sidmouth" sounded fog signals on the steam whistle from the time of passing Duncansby Head to the time of the collision. The whistle was being sounded every two minutes in accordance with the Regulations for Preventing Collisions at Sea.

11. (Q.) At about 7 a.m. on the 26th June, 1934, what was the position of the "Rose"? How was this position ascertained?

(A.) At 7.30 a.m. on the 26th June, 1934, the "Rose" was in the position approximately ten miles off Noss Head. The position was ascertained by dead reckoning from Rattray Head, the vessel

being run some 60 miles on a N. by W. $\frac{1}{2}$ W course, and confirmed by speaking to an Aberdeen trawler.

12. (Q.) At about 7 a.m. on the 26th June, 1934, what was the state of—

- (a) the weather,
- (b) the wind, and
- (c) the visibility

in the vicinity of the "Rose"?

(A.) At about 7 a.m. on the 26th June, 1934, the weather was calm and very foggy, the wind was practically nil and the visibility was very low.

13. (Q.) Did any, and if so what, alterations take place in the visibility between 7 a.m. on the 26th June, 1934, and the time of the collision, and if so when?

(A.) Little, if any, alteration took place in the visibility between 7 a.m. on the 26th June, 1934, and the time of the collision.

14. (Q.) On what course was the "Rose" at about 9.30 a.m.? Were any, and if so what, alterations made in her course between 9.30 a.m. on the 26th June, 1934, and the time of the collision?

(A.) At about 9.30 a.m. the trawl was hove up and at about 10 a.m. the trawl was shot again, the vessel being steered on a north course for half an hour. The course was then altered to starboard slowly round through east to south and the vessel steered south for a quarter of an hour when the course was again altered to starboard.

15. (Q.) Who was in charge of the "Rose" at 7 a.m. on the 26th June, 1934? Was there anyone in addition to the person in charge of the vessel in the wheelhouse at this time?

(A.) The skipper, John Macintosh, was in charge of the "Rose" at 7 a.m. on the 26th June, 1934. Thomas Donaldson, deckhand, was also in the wheelhouse at this time.

16. (Q.) Was the same person in charge of the "Rose" from 7 a.m. to the time of the collision? If not, who was put in charge of the navigation, and when? Was he in charge at the time of the collision?

(A.) No. At 9.30 a.m. the second hand, Charles Ennis, took over the watch from the skipper; he was in charge of the vessel at the time of the collision.

17. (Q.) What orders were given to the person who took over the navigation of the vessel when he took charge and by whom were they given? Were such orders proper and adequate?

(A.) Orders were given by the skipper, John Macintosh, to the second hand, Charles Ennis, to keep a good watch, to trawl for half an hour to the northward, then quarter of an hour to the southward, and then turn gradually to the northward again and to keep the whistle blowing every minute. Such orders were not proper and adequate in the circumstances.

18. (Q.) Who was—

- (a) at the wheel,
- (b) keeping a lookout,
- (c) attending to the whistle,
- (d) ringing the bell,

between the time when the change in the person in charge of the vessel took place and the collision?

(A.) The second hand, Charles Ennis, was the only man on deck on the "Rose" to—

- (a) attend at the wheel,
- (b) keep a lookout,
- (c) attend to blowing the whistle, and
- (d) ringing the bell, between the time the watch was changed and the collision.

19. (Q.) Were the arrangements made by the skipper for the performance of the four duties mentioned in the preceding question sufficient for the safe navigation of the vessel?

(A.) The arrangements made by the skipper for the performance of the four duties mentioned above

were not sufficient for the safe navigation of the vessel.

20. (Q.) Were those in the "Rose" sounding proper and adequate fog signals. If so, how long before the collision was the last fog signal sounded?

(A.) The "Rose" was not sounding proper and adequate fog signals.

21. (Q.) Was anyone, and if so who, in the wheelhouse at the time of the collision?

(A.) No one on board the "Rose" was in the wheelhouse at the time of the collision.

22. (Q.) If there was no one in the wheelhouse at the time of the collision when, and for what purpose, did the officer of the watch leave the wheelhouse? Was he justified in leaving the wheelhouse?

(A.) The second hand who was on watch said he left the wheelhouse to examine the warps of the trawl to see if the water was shoaling. He was not justified in leaving the wheelhouse.

23. (Q.) At what speed was the "Rose" steaming at the time of the collision? Was the trawl out at this time?

(A.) The "Rose" was proceeding at about $2\frac{1}{2}$ knots with the trawl down.

24. (Q.) At what distance apart were the vessels—

(a) when the "Rose" first sighted the "Sidmouth"?

(b) when the "Sidmouth" first sighted the "Rose"?

(A.) The vessels were less than one length apart—

(a) at the time the "Rose" first sighted the "Sidmouth",

(b) the "Sidmouth" did not sight the "Rose" before the collision.

25. (Q.) Was a good and proper lookout kept in—

(a) the "Sidmouth"?

(b) the "Rose"?

(A.) (a) A good and proper lookout was set on board the "Sidmouth" but the lookout was concentrated ahead and not sufficiently on the beam.

(b) A good and proper lookout was not kept in the "Rose".

26. (Q.) Was the "Rose" navigated with proper and seamanlike care?

(A.) The "Rose" was not navigated with proper and seamanlike care.

27. (Q.) When and where did the collision between the two vessels occur?

(A.) At 11 a.m. on 26th June, 1934, in a position approximately ten miles to the eastward of Noss Head off the coast of Caithness.

28. (Q.) What was the cause of the collision?

(A.) The cause of the collision was the failure of those in charge of the "Rose" to keep a good and proper lookout and their failure to blow the whistle and ring the bell at intervals of *not more than one minute* in accordance with the Regulations for Preventing Collisions at Sea in foggy weather.

29. (Q.) Was the collision caused or contributed to by the wrongful act and default of John Macintosh, the skipper of the s.t. "Rose", Charles Ennis, the second hand of the s.t. "Rose" and William Davies, second hand of the s.t. "Sidmouth" or any, and if so, which of them?

(A.) The collision was caused by the wrongful act and default of John Macintosh, the skipper of the s.t. "Rose" and also by the wrongful act and default of Charles Ennis, the second hand of the s.t. "Rose".

J. D. DALLAS, Judge.

We concur,

FREDERIC J. THOMPSON, } Assessors.
WILLIAM ADDY, }

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