



# THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

(No. 7969)

### s.v. "Wangle III" (UNREGISTERED)

In the matter of a Formal Investigation held at 11, Carlton House Terrace, London, S.W.1, on the 19th, 20th, 21st and 22nd days of February, 1951, before Kenneth Carpmael, Esq., K.C., assisted by Captain J. P. Thomson and Higley Halliday, Esq., into the circumstances attending the loss of the sailing ship "Wangle III".

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 probable cause of the loss of the "Wangle III" was that she was overwhelmed in a confused cross sea caused by a high wind against a contrary tide.

Dated this 19th day of March, 1951.

KENNETH CARPMAEL, *Judge.*

We concur in the above Report,

J. P. THOMSON  
HIGLEY HALLIDAY } *Assessors*

#### QUESTIONS AND ANSWERS.

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

- Q. 1. By whom was the "Wangle III" owned at the time of her loss, and for how long had she been so owned?
- A. By the 1st Mortlake (Surrey) Group of Sea Scouts, since 1947.
- Q. 2. When and by whom was the "Wangle III" built?
- A. In 1942, by Messrs. McCall & Company, of St. William, Ontario, to the order of the Royal Canadian Navy under voucher J.T.36, dated 12th May, 1942.
- Q. 3. Was the "Wangle III" inspected shortly before undertaking a Channel cruise in August 1950, and a Boat Certificate issued?
- A. Yes.
- Q. 4. Did John Weeden make this inspection and was the Boat Certificate issued by the London Sea Scout Committee as a result of such inspection?
- A. Yes.
- Q. 5. Was such last inspection carried out and the Boat Certificate issued in accordance with the Rules and/or By-laws and/or Local Rules of the Boy Scouts' Association? If not, in what respects was there a departure from such Rules and/or By-laws and/or Local Rules?

- A. The inspection was carried out in essentials in accordance with the Rules and By-Laws of the Boy Scouts' Association.
- Q. 6. Did the "Wangle III" leave London in the early morning of 12th August, 1950, at the beginning of a cross-channel cruise to Calais via Margate and Dover?
- A. Yes.
- Q. 7. Who was then in charge of the "Wangle III"?
- A. Rover Sea Scout Donald Edward Amos, aged 21, was in charge until the "Wangle III" reached Margate.
- Q. 8. Did the "Wangle III" reach Margate during 13th August and did John Weeden then take command of her?
- A. Yes.
- Q. 9. Did the "Wangle III" reach Dover during the evening of 14th August, 1950?
- A. Yes.
- Q. 10. Did the "Wangle III" leave Dover in the morning of 16th August, 1950, bound for Calais?
- A. Yes. Between 11.30 a.m. and noon.
- Q. 11. How was she then manned?
- A. The "Wangle III" was manned by the under-mentioned :—  
Lt. John Weeden, D.S.C., R.N.V.R. (Supplementary Reserve), age 32, Scout Master of the 1st Mortlake Troop of Sea Scouts in charge, and accompanied by :—  
District Scout Master Kenneth Graham Black, age 34,  
Rover Sea Scout Bernard Harry Bell, age 26,  
Rover Sea Scout Donald Edward Amos, age 21,  
Senior Sea Scout William Towndrow, age 18,  
Sea Scout Brian Alan Soley Peters, age 17,  
Sea Scout Robert Edward Walford, age 17,  
Sea Scout Peter Frederick White, age 17,  
Sea Scout William Woods, age 16,  
Sea Scout Maurice Alan Percival, age 16,  
all, except Black, being members of the 1st Mortlake Sea Scouts.
- Q. 12. Was the "Wangle III" seaworthy when she left Dover?
- A. The "Wangle III" was structurally seaworthy when she left Dover except that the buoyancy tanks at each end (which had been removed when the boat was bought by the 1st Mortlake Group) had not been replaced. In place of the

tanks, 4 to 6 inflated inner tubes, 2 of which were of lorry type, were lashed under the thwarts or placed in the forward and after compartments. The evidence was far from clear on this point but in any event, for the reasons given in the Annex, the tubes did not form a satisfactory substitute for the tanks although they may theoretically have given more buoyancy.

Q. 13. Was she properly manned and equipped to meet the normal perils of a cross-channel voyage at that time of the year?

A. Apart from the criticism contained in the answer to question 12, the "Wangle III" was properly equipped to meet the normal perils of a cross-channel voyage, but it would have been better if she had had lifelines suspended each side from the underside of the rubbers. The Court is also of opinion that a crew of 10 in number was too many and that 7, or at the most 8, should be the maximum. In this connection it has to be borne in mind that sleeping gear and other personal belongings of an estimated total weight of 250 pounds were also being carried.

Q. 14. In particular, how was she equipped as regards (a) sails; (b) oars and crutches; (c) anchors; (d) lifebelts; (e) painters and tow lines; (f) lamps or torches; (g) tins for baling; (h) compasses; (i) charts; (j) distress signals?

A. (a) Mainsail, foresail mizzen and trysail  
(b) 6 oars and crutches  
(c) 20 pound anchor and line  
(d) sufficient lifebelts for 10  
(e) adequate painters and tow lines  
(f) 1 hurricane and at least 2 electric torches  
(g) 2 tins for baling, properly secured  
(h) one adequate compass  
(i) proper charts  
(j) Very pistol.

Q. 15. What was her probable freeboard?

A. 20.5 inches.

Q. 16. Did the "Wangle III" berth at Calais between 1900 and 2000, 16th August, 1950?

A. Yes.

Q. 17. Did the "Wangle III" leave Calais bound for England between 0830 and 1000, 19th August, 1950?

A. The "Wangle III" left Calais about 0830 on 19th August, 1950.

Q. 18. Before leaving Calais, did John Weeden inform himself as to the probable weather conditions in the Channel for that day?

A. Yes.

Q. 19. What were the weather, wind and sea conditions in the Dover Straits during that day?

A. The weather report in the Harbour Master's office at Calais on the morning of 19th August was wind West South West, slight breeze, choppy sea.

A summary of the weather in the Straits of Dover area taken from synoptic charts for 19th August showed the following:—

Up to noon:—Wind South Westerly force 3-4, becoming gradually South South Westerly force 4 by noon. Scattered showers. Good visibility. Sea moderate.

Noon to midnight:—Wind South South West, South Westerly force 4 during the afternoon, becoming Southerly force 2 by midnight. Showers dying out during early afternoon and weather becoming wholly fine. Good visibility. Sea slight.

Wind force 5 was recorded at Dunkirk at 3 p.m.

Q. 20. Was the "Wangle III" properly manned and equipped to undertake a cross-channel voyage in the weather conditions prevailing on that day?

A. The "Wangle III" was manned and equipped as on the voyage from Dover to Calais, and the same criticisms (*see* answers to questions 12 and 13) apply. For the reasons given later and in the Annex the Court does not desire to criticise the decision to leave Calais when the return voyage was undertaken.

Q. 21. What was the probable route taken by the "Wangle III" after leaving Calais and for what part of the English Coast was she probably bound?

A. It is probable that a course was set for the Downs.

Q. 22. Is the "Wangle III" known to have been seen at any time after her departure from Calais?

A. No.

Q. 23. Were the bodies of John Weeden and 5 other members of the crew of the "Wangle III", with lifebelts attached, recovered during September, 1950, from the North Sea and the Dutch and German Coasts?

A. The bodies of six members of the crew, with lifebelts attached, were recovered during September from the Dutch and German Coasts and the North Sea, the names being —

William Woods  
William Towndrow  
Maurice Percival  
Alan Peters  
John Weeden  
Peter White.

Q. 24. Have the bodies of any other members of the crew been found?

A. No.

Q. 25. Apart from the lifebelts referred to in Question 23 hereof, has any wreckage or equipment from the "Wangle III" been found and identified?

A. No.

Q. 26. Was John Weeden the holder of a Charge Certificate issued in accordance with the Rules and/or By-laws and/or Local Rules of the Boy Scouts' Association and had it been temporarily extended to authorise him to undertake the said Channel cruise?

A. Yes.

Q. 27. Was such temporary extension granted by Eric Leslie Ebbage in a letter dated 27th July, 1950?

A. Yes.

Q. 28. Was such temporary extension granted by the said Eric Leslie Ebbage in accordance with the said Rules and/or By-Laws and/or Local Rules? If not, in what respects was there a departure from the said Rules and/or By-Laws and/or Local Rules?

A. Yes.

Q. 29. If there was any such departure, did the circumstances justify it?

A. No departure.

Q. 30. Was John Weeden a competent and efficient person to take command of the "Wangle III" for the said Channel cruise?

A. Yes.

Q. 31. Was it prudent to undertake or to permit the undertaking in August, 1950, of a Channel cruise in the "Wangle III"?

A. This question has to be considered in special connection with questions Numbers 12 and 13. The "Wangle III" was structurally seaworthy and sufficiently well equipped, but being an open unballasted boat, she was obviously not the ideal type of craft for a Channel cruise, but it could not be said that it was imprudent to undertake or to permit the undertaking of such a cruise in August, 1950.

This matter is discussed further in the Annex.

Q. 32. Would it be desirable that the Policy Organisation and Rules of the Boy Scouts' Association should contain more detailed instructions relating to sea cruises to destinations outside the United Kingdom and particularly regarding

(a) the reporting of the times of departure and arrival and of intended routes

(b) manning

(c) equipment.

A. For the reasons developed in the Annex the Court is of opinion that closer touch should be kept on intended movements and routes of cruises to destinations outside the United Kingdom, but feels that insistence on departure reports would be impracticable, although reports of arrival in a foreign country would be desirable.

With regard to (b) and (c), it is pointed out that such trips are essentially different from trips on land, and it is considered desirable that a maximum number should be laid down, as well as a minimum equipment which should include proper distress signals.

Q. 33. What was the probable cause of the loss of the "Wangle III" and her crew?

A. The probable cause of the loss of the "Wangle III" is that she was overwhelmed in a confused cross sea caused by a high wind against a contrary tide.

#### ANNEX TO THE REPORT

This Inquiry was held in London on the 19th, 20th, 21st and 22nd February, 1951.

Mr. Waldo Porges (instructed by the Treasury Solicitor) appeared for the Ministry of Transport.

Mr. Peter Bucknill and Mr. J. D. H. Rochford (instructed by Messrs. Longbourne, Stevens and Powell) appeared for the Boy Scouts' Association and for Mr. Eric Leslie Ebbage, Assistant County Commissioner for Sea Scouts.

Mr. H. E. G. Browning (instructed by Messrs. Wedlake, Letts and Birds) held a watching brief on behalf of the relatives of the late Kenneth Graham Black.

The "Wangle III" was an open, unballasted 27 foot Whaler, built in 1942 to Admiralty specification and normal service design by Messrs. McCall & Company of St. William, Ontario, to the order of the Royal Canadian Navy. She was fitted with a drop keel and was clinker built of elm planking on elm timbers. Her maximum beam was 6 feet 3 inches. When built she was fitted with internal buoyancy tanks, one forward and one aft, the combined capacity according to the specification being not less than 6 cubic feet.

The "Wangle III" was one of a batch of seven acquired in 1947 by the Boy Scouts' Association from the Admiralty and immediately thereafter sold to the 1st Mortlake Group of Sea Scouts (of Mortlake in the County of Surrey) by whom she was owned at the time of her loss.

After she was acquired by the Mortlake group she was fitted with sails as described in the answer to question 14. The buoyancy tanks were removed.

According to the specification the Whaler should have been fitted with looped life lines fastened to the underside of the rubbers but there was no evidence as to whether these lines were fitted when the whaler was delivered to the Mortlake group. There is no doubt, however, that there were no such lines fitted when she started off on her last trip.

The whaler, when delivered to the Mortlake group, was fitted with the standard yoke steering arrangement, but as difficulty was experienced in maintaining control under sail, a short straight tiller was fitted, secured to the head of the rudder and ending a few inches abaft the mizzen mast. The shorter tiller is not an ideal arrangement, but it is preferred by some owing to difficulty in "feeling" the boat with the yoke form of steering.

After she was acquired by the Mortlake group the "Wangle III" was constantly used during 1947, 1948 and 1949 for pulling and sailing trips, the furthest afield being apparently to the vicinity of the Nore. The numbers on board varied, but it is clear that some of the unfortunate young men who lost their lives in 1950 were acquiring good experience of handling such a boat during those three years.

There was evidence which the Court accepts that the whaler was kept up satisfactorily during that period.

At Whitsuntide, 1950, the "Wangle III" was lent by the Mortlake group to the 7th Bermondsey group who retained and used her until the 11th August, when the Mortlake group resumed possession for the purpose of undertaking a voyage, weather permitting, across the Channel.

The "Wangle III", when the Mortlake group resumed possession, was lying at Rotherhithe. On the following day she left for Margate, where she was joined by Mr. Weeden on the 14th August, and then went on to Dover arriving late that evening. The 15th August was spent at Dover.

Although there may have been some technical irregularities, the Court is satisfied that before she started on her voyage the regulations of the Boy Scouts' Association with regard to her fitness for the trip had in essence been complied with. The Court is also satisfied that Mr. Weeden was properly authorised to proceed in charge of the boat on such a trip.

There is no doubt that Mr. Weeden was capable and competent, well versed in handling whalers and other small sailing craft and accustomed to sizing up the weather situation.

It is impossible to be absolutely definite in the circumstances as to what equipment was in fact carried but it would appear to have been adequate—see answer to question 14.

A point that is by no means clear, however, is as to the number and character of rubber tubes that, according to the evidence, Mr. Weeden had intended lashing under the thwarts or in the lockers at either end as a substitute for the buoyancy tanks. The Court is satisfied that some such arrangement was made and that it had been Mr. Weeden's intention to carry 5 or 6 tubes, 2 lorry type and 3 or 4 others.

According to the evidence, if 2 lorry type and 3 smaller ones had been fitted and inflated, the cubic capacity would have been about 10.9 feet as compared with 6 feet for the buoyancy tanks.

The Court is, however, not satisfied that such tubes formed a satisfactory substitute for the tanks. They must have been difficult to fit owing to the pedestal fitted amidships under each thwart and must also have been exceedingly inconvenient for the crew.

Having set out the preliminary history, it is appropriate now to consider the question of the desirability of using such a boat for a cross-Channel trip where very nasty cross seas can be experienced.

In presenting the case, Counsel for the Minister was most anxious to make it clear that there was no wish to regulate voyages of small craft or to discourage trips such as the one at present under enquiry, or to discourage a spirit of adventure. It was merely desired to stress the necessity for proper precautions.

The Court thoroughly concurs in this presentation of the case and approaches the question of the suitability of the boat in that spirit.

There can be no question of the general suitability of the whaler from the point of view of seaworthiness, whether structurally or otherwise.

The fact remains, however, that such vessels are open and unballasted and that if they do encounter a cross sea, e.g. where the wind is against the tide, that is one of their worst conditions. That would be the fact even when manned by a seasoned and experienced crew. One experienced witness, in expressing the view that a whaler was suitable for such a voyage as the one under enquiry, did so with the express reservation that it was dependent on the state of the weather. He further stated that he would have liked to have been assured that there was a steady condition of weather likely to remain so for 3 or 4 days, with a wind of not more than force 3 to 4. With this view the Court is in complete agreement.

Upon this view further questions at once arise, namely

- (1) What is the maximum number of crew that should normally be allowed for such a voyage as the one under enquiry
- (2) Whether there should be any restrictions with regard to efficiency or age of the crew.

With regard to (1) and having in mind the limitations of space, and the restriction on movement in such a vessel as a whaler under sail, the Court is of opinion that 7, or at the most 8, should be the maximum number allowed, depending on the age and experience of the persons concerned.

With regard to (2) it is difficult if not impossible to lay down any absolute standard. It is, however, quite clear that at least two of the crew should be experienced adults, and that the remainder should have had a reasonable experience of sailing in open water conditions.

Applying the standards just set out, the Court is of opinion that, but for the fact that there were rather too many on board, there was no reason why the voyage should not have been undertaken if the weather had been suitable.

With regard to the voyage from Dover to Calais, the Court is satisfied that Mr. Weeden took proper steps to inform himself of the state of the weather before leaving by enquiry from the local authorities.

The "Wangle III" left Dover at about 11.30 a.m. on the 15th August, at which time the wind was South Westerly force 4 to 5 and moderating. According to a postcard from one of the crew she arrived at Calais about 5.30 p.m. after a rough crossing. This indicates good progress.

On the 17th and 18th August, according to a postcard from Mr. Weeden, dated 18th, but postmarked p.m. 19th August, the whaler was weather-bound and her date of departure unknown.

It is clear, however, that on the morning of the 19th August, a decision was taken to start the return journey after Mr. Weeden had made proper enquiries as to the weather prospects.

The "Wangle III" appears to have left Calais at about 8.30 a.m. on the 19th August with the probable intention of making for the Downs if the weather proved suitable, and not to put into Dover unless compelled.

At the time of leaving the weather appears to have been somewhat better than when the outward voyage was undertaken from Dover.

The direction of the wind, however, was West South West across the tide which was running to the Westward until about 3.0 p.m. According to the weather reports the wind increased in the Straits during the early afternoon, and it is probable accordingly that there was a nasty cross sea running.

Although six of the bodies of the crew were recovered during September no trace of the whaler has been found.

The question of what happened must remain a matter of speculation.

In the conditions of good visibility which existed on that day in the Straits it is unlikely in the extreme that the whaler was run down. The possibility of the loss having been caused by a mine is also very remote.

On the whole the Court has come to the conclusion, as stated in the answer to question 33, that the probable cause of the loss of the "Wangle III" was that she was overwhelmed in a confused cross sea caused by a high wind against a contrary tide.

For the future the Court is of opinion that whalers, whether for use on the river or at sea, should be permanently fitted with buoyancy tanks and life lines as specified. The Court is also of opinion that approved lifebelts, such as the kapok type which do not require to be inflated, should always be provided for such a trip and that their wearing should be compulsory in open waters.

KENNETH CARPMAEL, *Judge.*

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