



# THE MERCHANT SHIPPING ACT, 1894

## REPORT OF COURT

No. S. 474

m.f.v. "BLUE CRUSADER" (O.N. 300364)

In the matter of a Formal Investigation held at the Sheriff Court House, Aberdeen, on the 29th and 30th days of November 1965 before Archibald Hamilton, Sheriff-Substitute of Aberdeen, Kincardine and Banff, assisted by Captain R. G. Freeman, Skipper W. F. Wright, and Professor J. F. C. Conn, into the circumstances attending the loss of the motor fishing vessel *Blue Crusader* of Aberdeen, official no. 300364, on a voyage to Faroe beginning at Aberdeen on 13th January 1965.

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 vessel when proceeding north on the night of 13th January 1965 was lost with all hands in the area approximately off Ronaldsay Firth in the Orkney Islands between 2200 and 2300 hours and that the probable cause of her loss and the lives of those on board was that she was suddenly overwhelmed by the sea.

Dated this third day of December 1965.

ARCH. HAMILTON, Judge.

We concur in the above report.

R. G. FREEMAN	} Assessors.
W. F. WRIGHT	
J. F. C. CONN	

### Annex to the Report

This is an inquiry by the Board of Trade into the loss with all hands of the motor trawler *Blue Crusader* of Aberdeen, on the night of 13th-14th January 1965. She was a modern diesel driven trawler built by John Lewis & Sons Ltd., in Aberdeen in 1958, was 121 feet in length, 25.65 feet in breadth, 11.4 feet in depth, 274 tons gross and 89.5 tons net. She had a full speed of about ten knots.

She sailed from Aberdeen about 0930 hours on 13th January in charge of her skipper, Fred Baker by name, and a crew of thirteen hands all told. Before sailing the skipper had spoken to the general manager of the managing owners about fishing in the North Sea on this voyage as his son was very ill. He had mentioned this as a matter of courtesy and to be nearer home if he was required. In point of

fact however she did not go to the North Sea to fish but, by information from her later that evening, he was on his way to the Faroes.

She proceeded north—no specific courses are known—without incident until between 1930 and 2000 hours when she spoke to *Scottish King* another trawler also proceeding north and managed by the same company. The skipper of *Blue Crusader* asked the skipper of *Scottish King* if he was going to the Faroes. He said he was and *Blue Crusader* said he thought he would go there too. At this time the wind was ESE. Leaving Aberdeen the wind was SE. and was backing all the time, coming up at 2200 hours to NE. with the glass falling quickly which it should not have been doing with the wind from NE. *Scottish King* was about three hours behind *Blue Crusader* and at 1930 hours *Blue Crusader* was about 70 miles north of Rattray Head. At 1930 hours the wind was ESE. with a moderate sea and very poor visibility.

In speaking to *Scottish King*, the skipper of *Blue Crusader* arranged with her skipper that he would call him after the 0200 hours weather forecast as he might be out of range of Wick and he said he would do so. Taking the time of *Blue Crusader* leaving Aberdeen at 0930 hours on 13th January and her position at 1930 hours when she spoke to *Scottish King* she should have been off North Ronaldsay some time around midnight as he, the skipper, expected to be.

The skipper of *Scottish King* having got the weather forecast at 0200 hours on 14th January called up *Blue Crusader* thereafter. He tried more than once to make contact with her but he received no reply. He was then lying off Stronsay sheltering and dodging because by 0130 hours the wind had gone to the north and was blowing force 8-9. He came down to Start Point and thought he might see *Blue Crusader* there but she was not there. He got under way to the fishing grounds at 1800 hours on 14th January and on arriving there he enquired of other vessels if they had seen *Blue Crusader* but none had seen her and she was not there. On Saturday afternoon of 16th January when speaking to the trawler *Alexander Bruce*, the skipper of *Scottish King* asked him if he had heard from 'Fred' (the skipper of *Blue Crusader*) but *Alexander Bruce* said she had not. He spoke to



Alexander Bruce again on Sunday (these calls were in the ordinary course of ship's business and not specially about *Blue Crusader*) and Alexander Bruce said again she had not heard. What caused these enquiries about *Blue Crusader* was not anxiety about the safety of the vessel, but rather because her skipper apparently spoke a good deal on the telephone and there had been no calls from him since 13th January and he was not on the fishing grounds. The skipper of *Scottish King* thought he was maybe on the west side of the Shetlands and catching a lot of fish and was keeping quiet. He did not think he would be in any difficulties and he had no anxiety about him.

Between 2000 and 2030 hours the skipper of *Blue Crusader* also spoke to the skipper of *Bracondene* another Aberdeen trawler. This vessel was then about ten miles east of Noss Head. They spoke about fishing and *Blue Crusader* said she had intended going to the west side of the Otter Bank but with the weather as it was he was going to the Faroes and that he would clear North Ronaldsay about midnight. When the vessels spoke to one another *Bracondene* was fishing, but the weather deteriorated thereafter, the wind going from SE. to N. and NW. with an erratic and upward swell and about 0130 hours on 14th January she took in her gear and came under Noss Head where she lay until Tuesday evening, 15th January. The skipper of *Blue Crusader* also asked *Bracondene* to keep a lookout for messages for him and to transfer them.

This conversation between 2000 and 2030 hours with *Bracondene* was the last that was heard of *Blue Crusader* and she was not seen again.

When the vessel left Aberdeen on 13th January she was on a fourteen day voyage. On Saturday morning, 23rd January, there was some talk in the office of the managing owners that there was something amiss with *Blue Crusader*. Mr. Robert Christie, the general manager, tried to find the source of this talk but could not do so, and he attached no real importance to it as the vessel was not overdue (as it was not) and the talk was only rumour. However, on the Sunday, 24th January, he went down to the harbour twice to see if she was there but she was not. He thought she might be there to discharge her catch on Monday morning. How the rumour arose when it did is not known, but it is thought it may have arisen from the arrival of other vessels and the skipper of *Blue Crusader* not having been heard on the radio telephone for some time.

On the morning of Monday, 25th January, Mr. George Christie, secretary of John Lewis & Sons Limited, and a director of the owning company, had a call from Mr. Jamieson, the District Inspector of Fisheries. He asked him if he was worried about *Blue Crusader*. Mr. Christie was rather (to use his own words) 'staggered' about this, but Mr. Jamieson said he had not been heard at sea—which again points to the reason for the rumour. Mr. Christie spoke to Mr. Robert Christie and Mr. Jamieson went to see him. Mr. Jamieson thereafter again saw Mr. George Christie and it was decided that Mr. Jamieson should notify the Department of Agriculture and Fisheries for Scotland in Edinburgh to keep a lookout for the vessel with their cruisers, one of which was in the Norwegian area and two in the Orkney and Shetland area. Mr. Christie asked Mr. Jamieson not to say anything about what was being done as they were only acting on rumour (as they were) and

he did not want to disturb the relatives unnecessarily of those on board. The court thinks it right to say that the vessel could not be regarded as overdue on Saturday, Sunday or Monday.

Later on Monday Mr. Robert Christie had a call from the press about the vessel. He indicated that he did not think anything should be said yet, but on Tuesday, 26th January, there was a report in the press about the vessel.

Mr. Jamieson again saw Mr. George Christie that morning and also Mr. Robert Christie and he was authorised to set in motion the means of making a search for the vessel. All coastguard stations were alerted to the north and the coast was searched but nothing was found. Aircraft search was also made with the aid of aircraft and radar (three searches over the whole possible area where *Blue Crusader* might have been) and this was assisted by a trawl skipper who knew the vessel. What the aircraft was searching for by this time (27th and 28th January) was for an isolated vessel but she was not to be found. The search, according to the officer in charge of coastguards for the northern division of Scotland who gave evidence, was 100 per cent effective as visibility was good. Radio calls were also made to keep a lookout for the vessel.

The court is satisfied that the search made for the vessel was a properly organised and thorough search, and was made by the owners at the time they had reason to believe the vessel was overdue and that looking to the date of the return of the vessel no time was lost.

The only real evidence which has come to the surface is a lifebuoy and two hatch covers. There is a distinction between these. The lifebuoy, which was found on the north end of Auskerry at high water mark, bears her name and number. It was found on 5th February and sent to Aberdeen on 6th February with the two hatch covers found at Start Point. The lifebuoy was weighed at Aberdeen and its weight was 25 lbs. The normal weight is about 13½ lbs. It was weighed again on 10th September and then weighed 12¾ lbs—about the average. The lifebuoy had apparently been submerged for a long time and had broken adrift from the vessel.

The hatch covers, on the evidence, were made by the builders or are exactly the same. They are the size to fit the hatch: they were made for this class of vessel of which there are nine: they have upon them two letters used by the builders in the position in which they always put them to identify the position of the cover on the hatch: there is a detail of manufacture peculiar to the builders—a snapping (a small piece cut out of the corner of the cover) to allow it to fit into the coaming radius: so far as the builders know none of the other vessels have had two hatch covers replaced. A screw nail was taken out of one of the metal bands round a cover and the assistant yard manager of the builders said it was of a similar type to those used by the builders. He expressed the view that the probability of the same screw being used by other builders was very remote. When the hatch covers reached the position in which they were found is not known, but they were found sixteen miles north of the lifebuoy and what might be called the same area. The covers are in good condition and not as one would expect if they had been drifting against a hard shore.



In these circumstances the court thinks it is a reasonable inference that the hatch covers are from *Blue Crusader*.

Coming to the weather, which in the view of the court was the foundation of the loss of the vessel, synoptic charts were produced for the time in question. The chart for noon on 13th January shows a depression to the west of Scotland moving in a north easterly direction. The chart for 0600 hours the same day shows it due north of Ireland and at midnight 13th-14th January shows it actually passing over the north of Scotland and in the area in which *Blue Crusader* and other trawlers were. That evening there was a quickly falling barometer with a strengthening wind which caused *Scottish King* to go north to shelter off Stronsay; *Bracondene* which was fishing ten miles off Noss Head to go there for shelter; and *Admiral Cunningham* which was fishing to the west of Shetland to go to Sumburgh Head for shelter. With this last vessel the weather deteriorated as the day advanced. At 0600 hours the forecast was gales from NW. and the sea was also increasing. He had thirty baskets of fish on deck and he decided to swing her in proceeding. In the weather he regarded this as dangerous for the crew on deck and they were cleared off. In fact when the vessel was swinging she shipped a lump of water which swept the fish overboard. These witnesses give different accounts of the direction of the wind, but this is consistent with their positions with reference to the depression. *Admiral Cunningham* was reasonably near another trawler *Glengairn* which was fishing in the afternoon of 13th January eight miles SW. from North Ronaldsay. The wind was from SW. but at 0600 hours the forecast was that the wind was coming to NW.—at 0600 hours it was SW.—and the forecast was force 9. He also decided to take in his gear in view of the forecast with the wind backing and the rapidly falling glass, and make for shelter which he did under Dennis Head.

All these skippers were at different parts of the depression and their evidence shows the weather was severe.

Turning in these circumstances to *Blue Crusader* herself, looking to the varying direction of the wind in different parts of the depression, it is difficult to say precisely in what direction she had it but it is thought that about 2200 hours it would be between NE. and N. backing. As she proceeded north and opened out North Ronaldsay Firth, she was sailing with the tide against the wind. Up till then she would be experiencing a steep and confused sea with the tide in the opposing direction of the wind from the north. There was bound to be a swell from the Firth and when this was added to the conditions in which she was sailing, she would then be in the worst conditions. The sea would become mountainous and in the opinion of the court it would be about then she was overwhelmed.

The fact that she did not round North Ronaldsay and go some distance to the west of it is rather supported by the fact that the lifebuoy and the hatch covers were found on the east side and in the same area. Had she got to the westward it is thought they would have been found on the west shore. Apart from these items nothing has been found from the vessel. The crew must all have been under deck except those in the wheelhouse, which would account for no bodies being found, although the area is a much frequented one. She further apparently had no

opportunity to get out a distress call although the radio equipment is in the skipper's cabin behind the wheelhouse—a matter of feet away. These facts also point to the vessel having been overcome suddenly as she would be if struck by one or more heavy seas in succession.

The court has considered the possibility of the vessel having gone off course and grounded and sunk. The tenor of the evidence is that the vessel was being properly navigated all the way and that the skipper was alert and knew where his position was. Had the vessel grounded it is almost impossible to see how she should founder before a distress call could be put out, and also so effectively disappear without leaving some trace. The court is satisfied this did not happen, and this is borne out by examination of the chart.

This disposes of the facts relating to the loss of the vessel so far as wind and sea is concerned.

We now turn to the condition of the vessel herself when she sailed from Aberdeen. The builders produced hydrostatic calculations, stability conditions and the result of the inclining experiment when the vessel was built. This showed her to be satisfactory so far as stability was concerned. The Board of Trade, however, thought it proper to have further investigations made about her stability in her departure condition for the voyage in question. These were made by a ship surveyor of the Marine Survey Section of the Board of Trade and his results were produced. He stated that he had obtained all information from the owners about the vessel in her sailing condition for the voyage in question, and he produced his calculations and curves relative to her stability. These have been considered by Professor Conn who is satisfied the vessel's stability was satisfactory, as did the surveyor. The court accepts that it was and that the vessel was safe from that point of view.

For hull and machinery she was class 100 A1 at Lloyds. Lloyds' surveyor said in evidence he was satisfied with her. The marine superintendent engineer who attends to her machinery was led as a witness and he said her engines were in good condition. She had in fact been surveyed in dry dock on 21st October 1964. It was also proved by evidence that her life saving equipment was in order having been inspected on 21st October 1964. Her Marconi equipment was examined on her arrival in Aberdeen prior to the new year and the voyage in question, and on 12th January she was again boarded, all gear run up and her radio telephone D.F. Guardian 1/977 loop, her fish graph and graphette and her radio locator IV A were all in good order. Her compasses were adjusted on 14th November 1963, and her Decca Navigator was serviced and in order in November 1964. No complaint had been made by her about any of her equipment. The court is satisfied that when *Blue Crusader* sailed from Aberdeen she was seaworthy and well found in every respect in hull, machinery and equipment. They are also satisfied upon the evidence that she was manned by a competent and experienced skipper and crew. The skipper was a man of 50 years with long experience and he had commanded her for some years. He regarded her as a good seagoing vessel.

In these circumstances when the vessel sailed she did, as all vessels do, go out with the control of her owners and fall under the complete control of her



skipper or master, and it is upon him that the sole responsibility for the safety of the vessel lies and upon him that the owners depend. Having considered this case the court is satisfied that not only was the vessel seaworthy and well found when she sailed from Aberdeen, but that she ran into exceptional conditions which she could not withstand and that she was suddenly—and the word ‘suddenly’ in the view of the court is of substance—overwhelmed by a sea or seas somewhere off Ronaldsay Firth causing her to founder immediately.

The court is satisfied that no fault attaches to anyone and in particular to her skipper for her loss and the loss of the lives of all on board her.

Another question was raised during the hearing of the inquiry with which the court feels it is its duty to deal. It is right to make it clear that this question could not at the date of the loss of *Blue Crusader* have applied to her. It is the question not only of carrying wireless but of reporting the whereabouts of the vessel to the shore. So far as *Blue Crusader* is concerned, at the date of her loss it was not necessary for her by law to carry any wireless, telegraphy or telephony equipment and that what she did carry was supplied voluntarily by the owners. The reason for this was that she was a vessel under 140 feet in length. Regulations made by the Board of Trade on 26th May 1965, amended the previous regulations and would have made it necessary for *Blue Crusader* thereafter to have carried portable radio equipment for lifesaving measures only; but it is right to say that such equipment would have been inferior to what she had.

The broader question, however, was raised of communication between the ships and the shore, and there was produced to the court a booklet issued to ship wireless stations no. 1 of the year 1960 by the Post Office, with regard to fishing vessels. It stated that fishing vessels are reminded that they should report their positions to the nearest coast station: (a) on leaving port for the fishing grounds; (b) on arrival at the fishing grounds; (c) after travelling a distance of 50 miles or more to another destination within the fishing grounds; (d) on leaving the fishing grounds; (e) on passing from the area of one coast station to another; and it is also provided that in the event of the failure of the radio equipment of a vessel with which she is in visual contact to do so.

Evidence was given upon this subject by the assistant inspector of telegraphic communications from the Post Office in London. He impressed the court as having a full knowledge of the subject. He gave his evidence at considerable length, and, while it is not thought necessary to go into it in detail, the essentials are that he explained that fishing vessels had three channels—the distress signal channel only used for emergency purposes and two other channels, one for communicating between the ships, and the other for communicating between the ships and the shore. His criticism was that channels between ship and ship, and ship to shore were being misused in respect that the channel between ships was not being confined to ships, but the channel of ship to shore was being encroached upon by skippers for speaking to one another. The distress channel he said was also being used improperly for inter-ship communication. This is to be deplored and must be stopped. He also said that the channels were being used not strictly for ships' business at all as they ought to be but were

being used for social talks, with the result that there was unnecessary interference in communications and serious delays. He also said that the Post Office facilities were lying idle for some 19 out of 24 hours, thus showing their equipment ample if reasonably used. He admitted that if all fishing vessels were to report to their nearest stations on leaving port that would cause at least great difficulty and would require some reorganisation with the ships and the owners; but he felt that the service was adequate if reasonably used by the ships, and there would not be delays which there are of something up to three or four days or in some cases hours from ship to shore. He used the words ‘discipline’ and ‘conscience’ as applying to the use of the radio; but his view was, and the court accepts his view, that if the facilities provided by the Post Office as before stated were reasonably used they were adequate to cover all circumstances for the safety of ships and lives at sea. The court was also informed that the Post Office were in process of developing a high frequency system useful for middle distance vessels, and that the Post Office hopes fishing vessel owners would co-operate in its trials. This type of system would help to reduce interference presently making so much difficulty.

In the present case the owners of *Blue Crusader* had no system of communicating with their ships at all, it being left entirely to the skipper as to whether there was anything he should report to them or not. Their position was that having supplied a sea-worthy ship and a competent skipper and crew, they relied on him to inform them if there was anything they should know about the vessel. At the same time it was noticeable to the court that they all reported, and could report, to their owners when their fishing was completed and they were ready to return to home port, and there was in fact evidence that one company had regular communication with their ships in Aberdeen. The court feels that the real difficulty of reporting is that when at sea the ship may disclose her whereabouts to other vessels if she is on a good fishing ground, and indeed there was evidence of code being used to avoid this. Two letters were produced, one from the Ministry of Transport and another from the Board of Trade (which has taken over the duties regarding ships) with regard *inter alia* to this very subject, and the Board of Trade have had fifteen replies out of sixteen letters sent by them to shipowners and employee organisations. The view of the court is that while the question of reporting in the case of *Blue Crusader* does not arise, it does arise with other vessels and that the system suggested by the Post Office should be observed, or a similar system devised whereby contact can be kept with a vessel and if anything does go wrong with her there would be a definite starting point from which to make a search. The court regards the instructions before referred to as proper, and sees no reason why they should not work with reasonable use of the radio. Such instructions, however, the court thinks would best come from the Board of Trade after consultation with owners and other parties concerned; and whatever is finally arranged should, if possible, be dealt with as the Board of Trade thinks proper, it being the body having direct control of shipping. The court, however, has no doubt that something must be done as the Ministry have already suggested in the letters to have this question settled without delay in the interests of life at sea on fishing vessels. The view of the court is that these are small vessels away for a substantial



time often meeting bad weather, and that in such circumstances it is necessary that a regular check should be kept upon them to ensure their safety or if they go missing that an immediate search can be made and made from a definite starting point which is very material.

### Questions and Answers

Q. 1. By whom was the *Blue Crusader* owned and who was her designated manager?

A. She was owned by the Crusader Fishing Co. Ltd., of 18 Bon-Accord Crescent, Aberdeen. Her designated manager was Alex. Bruce, 28 Palmerston Road, Aberdeen.

Q. 2. When, where and by whom was the *Blue Crusader* built?

A. She was built in 1958 at Aberdeen by John Lewis & Sons Limited.

Q. 3. When the *Blue Crusader* sailed from Aberdeen on her last voyage, who was her skipper and how many crew did she carry?

A. Her skipper was Fred Baker of 14 Corthan Crescent, Aberdeen, and she carried a crew of 13 hands all told.

Q. 4. Did the life saving appliances in the *Blue Crusader* on her last voyage comply with the regulations in force and had they been properly maintained?

A. Yes.

Q. 5. (a) What telecommunication equipment was the *Blue Crusader* required to carry by statute?

(b) What telecommunication equipment was carried by the *Blue Crusader* on her last voyage and when was it last serviced?

A. (a) None.

(b) She carried a radio telephone transmitter type Gannet II;

receiver type Guardian;

direction indicator—Guardian receiver with Seapilot loop;

radar—Marconi Radio-locator Mark IVa.

It was serviced on 12th January 1965.

Q. 6. When *Blue Crusader* sailed on her last voyage was she seaworthy?

A. Yes.

Q. 7. (1) With which fishing vessels did *Blue Crusader* communicate on the night of the 13th January 1965?

(2) What was approximately *Blue Crusader's* last known position and at what time was this?

(3) What were the conditions of wind, weather and sea in the area at that time?

(4) Was any message received by her owners from the *Blue Crusader* after she left Aberdeen on her last voyage?

(1) Motor trawler *Scottish King* from 1930 to 2000 hours and motor trawler *Bracondene*, both of Aberdeen, from about 2000 to 2030 hours.

(2) North of Rattray Head 70-80 miles. About 1930 hours.

(3) About easterly and backing. Moderate sea. Visibility very poor.

(4) No.

Q. 8. What was the practice of the owners with regard to keeping contact with the *Blue Crusader* whilst on fishing trips and in particular after stormy weather?

A. There was no practice. It was entirely a matter of discretion whether the skipper communicated with the owners or not. They did not communicate with him unless they considered it necessary.

Q. 9. Was any distress signal received from *Blue Crusader*?

A. No.

Q. 10. (1) When did her owners first suspect that *Blue Crusader* was missing?

(2) What action did they take?

A. (1) 26th January 1965.

(2) They agreed on 25th January with Mr. Jamieson, the inspector of sea fisheries when he called, that Mr. Jamieson should, on his own suggestion, report to the Department of Agriculture and Fisheries for Scotland in Edinburgh to advise the fishery protection vessels, one of which was returning from the Norwegian coast and two in the Shetland area, to keep a look-out for the vessel. On 26th January it was agreed with the owners and Mr. Jamieson as there was yet no word of the vessel, that the coastguard stations should be alerted and this was done. Search was also organised without delay by aircraft with radar to cover the whole area in which *Blue Crusader* might be operating. Ships were also alerted by radio regarding her and to keep a look out.

Q. 11. Were all proper steps taken to initiate a search for *Blue Crusader* and her crew?

A. Yes.

Q. 12. Approximately when and where was *Blue Crusader* lost?

A. She was lost in the area approximately off Ronaldsay Firth between 2200 and 2300 hours on 13th January, 1965.

Q. 13. What was the probable cause of the loss of *Blue Crusader* and how many lives were lost?

A. The probable cause of the loss of the vessel was that she was suddenly overwhelmed by the sea. All thirteen lives aboard were lost.

Q. 14. What wreckage from *Blue Crusader* has been found?

A. A lifebuoy was found on the north shore of Auskerry Island. Two hatch covers were also found at Start Point, adjacent to the Lighthouse. It is a fair inference on the

evidence that they also belonged to *Blue Crusader*.

Q. 15. Was the loss of *Blue Crusader* caused or contributed to by the negligence of any person or persons?

A. No.

ARCH. HAMILTON, *Judge*.

R. G. FREEMAN }  
W. F. WRIGHT } *Assessors*.  
J. F. C. CONN }

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